

# Yearbook of the United Nations

# 1996





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UNITED NATIONS  
1996**

**Volume 50**

## **Yearbook of the United Nations, 1996**

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# **YEARBOOK OF THE UNITED NATIONS 1996**

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## Foreword

**T**HE 1990s ARE WITHOUT DOUBT an era of dramatic transition and startling contrast. The end of the cold war has encouraged democratization in all parts of the world, but it has also brought increasing national and ethnic strife to many regions. The globalization of economic activity and information has generated untold prosperity and new opportunities, but a growing number of people remain marginalized, mired in chronic, debilitating poverty. The consequences of these and other trends are increasingly felt across national boundaries and require collective action by the international community. More and more in this global age, people and nations are turning to the United Nations, the world's premier global institution.

The Organization's work during 1996 was as diverse as ever, encompassing peace and security issues, human rights, economic and social development, humanitarian assistance, environmental protection and the advancement of international law. One highlight was the observance of the International Year for the Eradication of Poverty, which symbolized the commitment of Member States to address the multitude of interrelated problems that plague the majority of the world's population: hunger, disease, unemployment and illiteracy. The United Nations also convened major conferences in two priority areas: the "City Summit", or Habitat II, in Istanbul, to discuss the challenges of a rapidly urbanizing world; and the World Food Summit in Rome, to focus on food security. Civil society was prominently represented at both gatherings, with leaders from business, academia, the media and non-governmental organizations joining Governments to give strength and depth to a consensus that will need to be carried out on many fronts in the decades ahead.

These events and numerous other subjects are covered in the pages of this 1996 edition of the Yearbook of the United Nations. This authoritative record offers compelling testimony to the centrality of the United Nations in today's world. Half a century after its founding, it remains an indispensable instrument and its work continues to touch the lives of people everywhere as it strives to fulfil its Charter-driven mandate of a better life for all.

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

**KOFI A. ANNAN**

Secretary-General of the United Nations  
New York, August 1998

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## About the 1996 edition of the Yearbook

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

The Department of Public Information of the United Nations remains committed to a timely annual publication of the YEARBOOK in order to ensure that the public receives detailed and current accounts of the work of the United Nations. However, the efforts to achieve timely publication have resulted in having to rely on provisional documentation and other materials to prepare the relevant articles. Largely, Security Council resolutions, presidential statements and some other texts in the present volume are provisional.

### Structure and scope of articles

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

Activities of United Nations bodies. All resolutions, decisions and other major activities of the principal organs and, on a selective basis, those of subsidiary bodies are either reproduced or summarized in the respective articles. The texts of all resolutions and decisions of substantive nature adopted in 1996 by the General Assembly, the Security Council and the Economic and Social Council are reproduced or summarized under the relevant topic. These texts are followed by the procedural details giving date of adoption, meeting number and vote totals (in favour-against-abstaining); information on their approval by a sessional or subsidiary body prior to final adoption, approved amendments and committee reports; and information on sponsors. Also given are the document symbols of any financial implications and relevant meeting numbers. Details are also provided of any recorded or roll-call vote on the resolution/decision as a whole.

Major reports. Most reports of the Secretary-General, in 1996, along with selected reports from other UN sources, such as seminars and working groups, are summarized briefly.

Secretariat activities. The operational activities of the United Nations for development and humanitarian assistance are described under the relevant topics. For major activities financed outside the UN regular budget, selected information is given on contributions and expenditures.

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

Related organizations. The Yearbook also briefly describes the 1996 activities of the specialized agencies and other related organizations of the UN system.

### Terminology

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

### How to find information in the Yearbook

The user may locate information on the United Nations activities contained in this volume by the use of the Table of Contents, the Subject Index, the Index of Resolutions and Decisions and the Index of Security Council Presidential Statements. The volume also has five appendices: Appendix I comprises a roster of Member States; Appendix II reproduces the Charter of the United Nations, including the Statute of the International Court of Justice; Appendix III gives the structure of the principal organs of the United Nations; Appendix IV provides the agenda for each session of the principal organs in 1996; and Appendix V gives the addresses of the United Nations information centres and services worldwide.

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

<http://www.un.org>

## ABBREVIATIONS COMMONLY USED IN THE YEARBOOK

ACABQ	Advisory Committee on Administrative and Budgetary Questions	ITU	International Telecommunication Union
ACC	Administrative Committee on Coordination	JIU	Joint Inspection Unit
ASEAN	Association of South-East Asian Nations	LDC	least developed country
CDP	Committee for Development Planning	MINURSO	United Nations Mission for the Referendum in Western Sahara
CEDAW	Committee on the Elimination of Discrimination against Women	NATO	North Atlantic Treaty Organization
CERD	Committee on the Elimination of Racial Discrimination	NGO	non-governmental organization
CPC	Committee for Programme and Coordination	NPT	Treaty on the Non-Proliferation of Nuclear Weapons
CTBT	Comprehensive Nuclear-Test-Ban Treaty	NSGT	Non-Self-Governing Territory
DDSMS	Department for Development Support and Management Services	OAS	Organization of American States
DESIPA	Department for Economic and Social Information and Policy Analysis	OAU	Organization of African Unity
DHA	Department of Humanitarian Affairs	ODA	official development assistance
DPA	Department of Political Affairs	OECD	Organisation for Economic Cooperation and Development
DPI	Department of Public Information	OIOS	Office of Internal Oversight Services
DPKO	Department of Peacekeeping Operations	ONUSAL	United Nations Observer Mission in El Salvador
DPRK	Democratic People's Republic of Korea	OPEC	Organization of Petroleum Exporting Countries
EC	European Community	OSCE	Organization for Security and Cooperation in Europe
ECA	Economic Commission for Africa	PLO	Palestine Liberation Organization
ECDC	economic cooperation among developing countries	SC	Security Council
ECE	Economic Commission for Europe	SDR	special drawing right
ECLAC	Economic Commission for Latin American and the Caribbean	S-G	Secretary-General
ECOWAS	Economic Community of West African States	TCDC	technical cooperation among developing countries
ESC	Economic and Social Council	TDB	Trade and Development Board (UNCTAD)
ESCAP	Economic and Social Commission for Asia and the Pacific	TNC	transnational corporation
ESCWA	Economic and Social Commission for Western Asia	UN	United Nations
EU	European Union	UNAMIR	United Nations Assistance Mission for Rwanda
FAO	Food and Agriculture Organization of the United Nations	UNAVEM	United Nations Angola Verification Mission
FRY	Federal Republic of Yugoslavia (Serbia and Montenegro)	UNCDF	United Nations Capital Development Fund
FYROM	The former Yugoslav Republic of Macedonia	UNCED	United Nations Conference on Environment and Development
GA	General Assembly	UNCHS	United Nations Centre for Human Settlements (Habitat)
GDP	gross domestic product	UNCITRAL	United Nations Commission on International Trade Law
GNP	gross national product	UNCRO	United Nations Confidence Restoration Operation (Croatia)
IAEA	International Atomic Energy Agency	UNCTAD	United Nations Conference on Trade and Development
ICAO	International Civil Aviation Organization	UNDCP	United Nations International Drug Control Programme
ICJ	International Court of Justice	UNDOF	United Nations Disengagement Observer Force (Golan Heights)
ICRC	International Committee of the Red Cross	UNDP	United Nations Development Programme
ICSC	International Civil Service Commission	UNEP	United Nations Environment Programme
IDA	International Development Association	UNESCO	United Nations Educational, Scientific and Cultural Organization
IFAD	International Fund for Agricultural Development	UNFICYP	United Nations Peacekeeping Force in Cyprus
ILC	International Law Commission	UNFPA	United Nations Population Fund
ILO	International Labour Organization	UNHCHR	United Nations High Commissioner for Human Rights
IMF	International Monetary Fund	UNHCR	Office of the United Nations High Commissioner for Refugees
IMO	International Maritime Organization	UNIC	United Nations Information Centre
INCB	International Narcotics Control Board	UNICEF	United Nations Children's Fund
INSTRAW	International Research and Training Institute for the Advancement of Women		
IPF	indicative planning figure (UNDP)		
ITC	International Trade Centre (UNCTAD/WTO)		



UNIDIR	United Nations Institute for Disarmament Research	UNPREDEP	United Nations Preventive Deployment Force
UNIDO	United Nations Industrial Development Organization	UNPROFOR	United Nations Protection Force
UNIFIL	United Nations Interim Force in Lebanon	UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNIKOM	United Nations Iraq-Kuwait Observation Mission	UNSMIH	United Nations Support Mission in Haiti
UNITAR	United Nations Institute for Training and Research	UNTAES	United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium
UNMIBH	United Nations Mission in Bosnia and Herzegovina	UNU	United Nations University
UNMIH	United Nations Mission in Haiti	UNV	United Nations Volunteers
UNMOGIP	United Nations Military Observer Group in India and Pakistan	UPU	Universal Postal Union
UNMOP	United Nations Mission of Observers in Prevlaka	WFP	World Food Programme
UNMOT	United Nations Mission of Observers in Tajikistan	WHO	World Health Organization
UNOMIG	United Nations Observer Mission in Georgia	WIPO	World Intellectual Property Organization
UNOMIL	United Nations Observer Mission in Liberia	WMO	World Meteorological Organization
UNOSOM	United Nations Operation in Somalia	WTO	World Trade Organization
		YUN	Yearbook of the United Nations

## EXPLANATORY NOTE ON DOCUMENTS

References in square brackets in each chapter of Parts One to Five of this volume give the symbols of the main documents issued in 1996 on the topic. The following is a guide to the principal document symbols:

A/- refers to documents of the General Assembly, numbered in separate series by session. Thus, A/51/- refers to documents issued for consideration at the fifty-first session, beginning with A/51/1. Documents of special and emergency special sessions are identified as A/S- and A/ES-, followed by the session number.

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

E/- refers to documents of the Economic and Social Council, numbered in separate series by year. Thus, E/1996/- refers to documents issued for consideration by the Council at its 1996 sessions, beginning with E/1996/1.E/AC.-, E/C.- and E/CN.-, followed by identifying numbers, refer to documents of the Council's subsidiary ad hoc bodies, committees and commissions. For example, E/CN.5/- refers to documents of the Council's Commission for Social Development, E/C.7/-, to documents of its Committee on Natural Resources. E/ICEF/- documents are those of the United Nations Children's Fund (UNICEF). Symbols for the Council's resolutions and decisions, since 1978, consist of two arabic numerals: the first indicates the year of adoption and the second, the sequential number in the series. There are two series: one for resolutions, beginning with 1 (resolution 1996/1); and one for decisions, beginning with 201 (decision 1996/201).

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

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

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

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

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

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

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

United Nations sales publications each carry a sales number with the following components separated by periods: a capital letter indicating the language(s) of the publication; two arabic numerals indicating the year; a Roman numeral indicating the subject category; a capital letter indicating a subdivision of the category, if any; and an arabic numeral indicating the number of the publication within the category. Examples: E.96.II.A.2; E/F/R.96.II.E.7; E.96.X.1.

# Report of the Secretary-General

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

The following are excerpts from the annual report on the work of the Organization for 1996, prepared by then Secretary-General Boutros Boutros-Ghali. These include, in full, the Executive Summary, Introduction: Renewal and reform, and Conclusion: Peace, development, democratization. (The full report—which the General Assembly took note of on 11 October by **decision** 51/404—includes the following three additional sections, entitled: Coordinating a comprehensive strategy and strengthening administrative structures; Building the foundations of peace: development, humanitarian action, human rights; and Preventing, controlling and resolving conflict.) The 1996 report is available as UN document A/51/1 and in book form as a UN sales publication (United Nations Sales No. E.96.I.19, ISBN 92-1-100615-5).

## EXECUTIVE SUMMARY

The fiftieth session of the General Assembly was marked by the largest ever gathering of world leaders during a three-day special commemorative meeting, at which Member States and observers adopted the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations. Some 200 speakers—91 Heads of State, 8 vice-presidents, 1 crown prince, 37 prime ministers, 10 deputy prime ministers, 21 foreign ministers, 9 chairmen of delegations and 23 observers—reaffirmed their commitment to the Charter of the United Nations, expressed gratitude to those who have served the Organization, determined that the United Nations of the future would work with renewed vigour and effectiveness, and pledged to give the twenty-first century a United Nations equipped, financed and structured to serve its peoples.

The General Assembly, its General Committee and Main Committees held 393 meetings during the fiftieth session, compared with 384 during the forty-ninth; informal meetings and consultations totalled 296, versus 266 during the forty-ninth session; and the working groups of the Assembly held 292 meetings, compared with 163 during the previous session. As at 25 July 1996, the Assembly had adopted 321 resolutions during the fiftieth session, compared with 328 during the forty-ninth.

The open-ended working groups of the General Assembly—on an Agenda for Peace, an Agenda for Development, Security Council reform, the financial situation of the United Nations and the strengthening of the United Nations system—worked intensively to improve the effectiveness of the Organization and are sched-

uled to submit their reports to the Assembly before the end of its fiftieth session.

The number of formal meetings of the Security Council, compared with a similar period last year, decreased from 131 to 106. Consultations of the whole numbered 189, down from 226, resolutions decreased from 63 to 51 and presidential statements from 64 to 49.

This year, the Security Council focused its attention on African affairs, as well as on the former Yugoslavia. The Council also continued its consideration of agenda items dealing with the Americas, the question of sanctions and the various sanctions regimes.

The Economic and Social Council held its substantive session from 24 June to 26 July 1996 in New York. Its high-level segment dealt with an issue of priority on the international agenda, namely, international cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and related activities. The coordination segment focused on coordination of activities of the United Nations system for poverty eradication. The operational activities segment focused on strengthening cooperation between the United Nations development system and the Bretton Woods institutions. The Economic and Social Council also adopted a resolution on the consultative relationship between the United Nations and non-governmental organizations.

A report containing Member States' comments on the review of the role of the Trusteeship Council was submitted by the Secretary-General to the General Assembly, at its request.

The International Court of Justice had 14 contentious cases on its docket and two requests for an advisory opinion.

In the Secretariat, considerable progress was made in the implementation of the Secretary-General's comprehensive management reform plan, set out in last year's annual report. Improvement in the management of the Organization's cost structure was a major focus of the past year, during which the Secretary-General proposed and the General Assembly approved the Organization's first zero nominal growth budget.

The \$2,608 million in approved appropriations for the biennium 1996-1997 included \$154 million in cost reductions mandated by the General Assembly beyond the \$98 million already indicated in the Secretary-General's proposed budget. The Secretary-General was asked to propose reductions while ensuring the full implementation of all mandated activities; he has met these cost reductions through a combination of staff cuts and efficiency measures. He was also asked to absorb some \$35 million for new unbudgeted mandates; the means of absorption will be reported in the performance report.

Efficiency measures implemented during the past year have led to substantial savings: printing of documents and publications has been cut by 27 per cent since January 1996; by late autumn, more than 270,000 United Nations documents in all official languages will be available electronically in at least 157 countries and the majority of the New York missions; travel has been reduced by 26 per cent in the first six months of 1996; and the consolidation of purchases of foreign currencies, beginning in July, will mean savings of more than \$1 million during the biennium.

The financial situation of the United Nations was a major focus of attention throughout the year and remains a matter of urgent concern. As at 31 July 1996, unpaid assessments totalled \$3 billion, of which \$0.8 billion was due to the regular budget and \$2.2 billion to the peacekeeping budget. The recurring need to borrow cash from peacekeeping accounts means that by the end of 1996 the United Nations will owe Member States some \$675 million for troops and equipment. While the overall cash-flow situation has improved, the Organization continues to face a worsening regular budget situation, with a persistent negative cash flow already seen and forecast for many months of the year.

The work of the United Nations Conference on Trade and Development centred around the forty-second session of the Trade and Development Board, which reviewed and made recommendations on the functioning of the intergovernmental machinery of the Conference, and the

ninth session of the Conference, held at Midrand, South Africa, from 27 April to 11 May 1996.

The second United Nations Conference on Human Settlements (Habitat II) was held at Istanbul from 3 to 14 June 1996. The Conference, which was unique in its openness to representatives of civil society, produced a detailed Habitat Agenda, as well as a commitment by Governments to the progressive realization of the right to housing as provided for in international instruments.

During the period under review, some 23.3 million people have been targeted to receive assistance through United Nations inter-agency appeals, covering Angola, Afghanistan, the Caucasus region, the Russian Federation (Chechnya), the Great Lakes region, Iraq, Lebanon, Liberia, Sierra Leone, the Sudan and the former Yugoslavia. Of the \$2.5 billion requested in the 11 appeals launched since September 1995, a total of \$795 million has so far been pledged or carried over.

Between 1 September 1995 and 31 March 1996, the Department of Humanitarian Affairs of the Secretariat provided assistance to 31 Member States to help them cope with the impact of 45 natural disasters and environmental emergencies. During the same period, the Department arranged for 13 relief operations from the United Nations Pisa warehouse and dispatched five field missions of its disaster assessment and coordination teams.

Protection and resettlement of refugees remained the focus of the Office of the United Nations High Commissioner for Refugees, whose population of concern, at the end of 1995, stood at some 24 million worldwide, including 14.2 million refugees, along with returnees, internally displaced persons and others.

As part of the ongoing effort to implement the "Agenda for Peace", the Organization has strengthened its capacity for preventive action and early warning by setting up an Oversight Group of the Framework for Coordination, already established among the three departments of the Secretariat primarily concerned with the prevention, control and resolution of conflicts, the Departments of Humanitarian Affairs, Political Affairs and Peacekeeping Operations.

The Departments of Political Affairs and Peacekeeping Operations are increasing their co-operation with the Department of Humanitarian Affairs on the Humanitarian Early Warning System.

While the commitment to United Nations peace-keeping declined significantly (67,269 troops were deployed in July 1995 as compared

with 24,657 troops in July 1996), the complexity of the tasks entrusted to United Nations personnel did not diminish during the past year, as is revealed by the present report's detailed account of United Nations activities in preventive diplomacy, peacemaking and peacekeeping.

During the year under review, the United Nations was involved in 33 peace operations, 17 of which were peacekeeping operations. Progress was made in developing a rapidly deployable headquarters team, in enhancing preparedness for conflict prevention and peacekeeping in Africa and in further developing the system for standby arrangements.

Events over the course of the past year reaffirmed two key lessons: that every peace operation must be deployed with the strength necessary to achieve the tasks entrusted to it and to protect itself, and that no instrument for peace and security can bring about peace without the will of the parties to the conflict to achieve peace.

The past year also witnessed a determined effort by the international community to take action to end the scourge of terrorism. In its resolution 50/53, the General Assembly reaffirmed the 1994 Declaration on Measures to Eliminate International Terrorism, and at the Summit of Peacemakers, on 13 March 1996, the Secretary-General stressed his commitment to work

towards adopting concrete measures to end terrorism.

On disarmament, three major long-term multilateral efforts in the nuclear field have strengthened the broad consensus in favour of the global nuclear non-proliferation regime: the signing of the South-East Asia Nuclear-Weapon-Free Zone Treaty (15 December 1995), the signing of the African Nuclear-Weapon-Free Zone Treaty (the Pelindaba Treaty) (11 April 1996) and work towards the finalization of the text of a comprehensive test-ban treaty. The period under review was also marked by new and ongoing initiatives in micro-disarmament, not least of which is the effort to achieve a permanent global ban on landmines and their components.

Between August 1995 and April 1996 the United Nations received 16 new requests for electoral assistance; assistance was provided in response to 10 of those requests, as well as to 17 requests received prior to August 1995.

During the period under review, the Departments of Humanitarian Affairs and Peacekeeping Operations were together responsible for mine-clearance programmes in Afghanistan, Angola, Bosnia and Herzegovina, Croatia, Mozambique and Rwanda, with continuing input into the programmes in Cambodia and the Lao People's Democratic Republic. A one-year programme was completed in Yemen.

## Introduction: Renewal and reform

This is my fifth annual report on the work of the Organization, presented in accordance with Article 98 of the Charter of the United Nations. Like the others, it offers a comprehensive overview of improvements in the administration of the Organization and of the full range of its efforts in the service of humanity: to help the afflicted and the suffering; to oppose war, violence and intolerance; to promote the rights and dignity of every individual; and to help bring about the economic, social, political and environmental conditions for long-term human progress.

In the context of the fiftieth anniversary of the United Nations, the past year has brought a historic recommitment by Member States to the purposes and principles of their Organization. At a three-day special commemorative meeting of the General Assembly, held in October 1995, 128 Heads of State and Government, joined by other high-level representatives of Member States and Permanent Observers, adopted the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, pledging themselves to give the twenty-first century a United Nations

equipped, financed and structured effectively for the peoples of the world, in whose name it was established.

The period covered in the pages of this annual report has, however, also brought indications of a diminished willingness to engage the critical issues on the international agenda through the United Nations. Most notable among these indicators have been the ongoing financial crisis, which so dominated the first part of the year and remains a matter of urgent concern; the decline in peacekeeping activity (where 67,269 troops were deployed in July 1995 as compared with 24,657 in July 1996) without a parallel decline in the level of conflict requiring international attention; and a continuation of the dismaying downward trend in the level of resources made available for development, including through the United Nations system.

Yet over the course of the past year, further substantial progress has been made, as this report reveals, in strengthened administrative procedures, in adapting peacekeeping to new circumstances and in the effectiveness and coherence of

development operations. As the rapidly evolving world situation demands new departures in both substance and structures, the United Nations has been undergoing comprehensive change to meet new and emerging problems and to tackle persistent problems in new contexts.

During the past 12 months, reform has been high on the Secretary-General's agenda, as well as on the agenda of the intergovernmental machinery, in particular the work programme of the General Assembly. Five working groups of the Assembly have been addressing major aspects of reform.

In my statement of 11 March 1996 to the Open-ended High-level Working Group on the Strengthening of the United Nations System, I stressed that reform—indeed change in the Organization—should be perceived not as an imposition, not as compromising the objectives of the Charter, but as adapting structures and methods to the new global environment that the Organization has helped to bring about.

During the past year, this perception has gained ground at both the Secretariat and intergovernmental levels. Further concrete reform measures have been introduced. Many objectives that had been pursued without success in the past several years were finally realized. Major challenges, however, still lie ahead.

There are three main levels of institutional reform: intergovernmental, organizational and managerial. Each level differs in both the changes required and in the distribution of responsibility among the Secretary-General and the Member States for the actions necessary to effect those changes. They all must be pursued in a mutually reinforcing way, however. In this respect too, progress has been significant.

In relation to intergovernmental reform—the responsibility for which lies primarily with Member States—three interrelated objectives are, explicitly or implicitly, being pursued: improvements in the effectiveness and functioning of the principal organs; a better balance in the authority of the Security Council, the General Assembly and the Economic and Social Council, as envisioned in the Charter; and a streamlining of the subsidiary machinery—an important condition for effective overall reform, particularly in the economic and social fields.

As for the General Assembly, improvements in its functioning have been a major focus in the programme of the Open-ended High-level Working Group on the Strengthening of the United Nations System. At the same time, action has been taken by the Assembly, in its resolution 50/227, to reinforce significantly the coordinating role of the Economic and Social Council.

Equally important, the Assembly instructed the Council to undertake further reviews of its functional and regional commissions and its expert groups. The stage has thus been set not only for greater balance in the functioning of the principal organs, but also for a further streamlining and strengthening of the intergovernmental machinery in the economic and social fields.

Organizational reform concerns the simplification of Secretariat structures and the rationalization of both the multiplicity of programmes and funds and their relationships with the Secretariat. As such, it is a joint responsibility of the Secretary-General and the Member States. The reorganization I introduced soon after taking office, which involved a drastic reduction in the number of high-level posts and a significant simplification in Secretariat structures, was consolidated during the programme budget biennium 1994-1995. That reorganization has, in turn, made it possible to achieve zero nominal growth for the current biennium and has made way for a further phase of reform, involving not only the central Secretariat but also all the programmes and funds comprising the Organization, which I outlined in my statement of 11 March to the High-level Working Group of the General Assembly.

Complementing these two levels of institutional reform, managerial reform, which is primarily under the responsibility of the Secretary-General, is well under way. Progress during the year has been significant in relation to each of the strategic areas of management: human resources, cost structure, information and technology.

With respect to human resources, the system of accountability and responsibility that I presented to the General Assembly at its forty-ninth session has been further consolidated. As an integral part of that system, the Code of Conduct of the International Civil Service is being strengthened and updated. A new work planning and appraisal system has been introduced at all duty stations. A comprehensive management training programme has been instituted and has already been completed by over 300 senior managers. The number of women in posts subject to geographical distribution has reached the highest point in United Nations history, and recruitment costs have been reduced by 30 per cent.

As for the management of costs, the current approved budget represents a 10 per cent reduction in real terms and includes cost cuts mandated by the General Assembly of \$154 million, beyond the \$98 million already indicated in my budget submission. This new budget reduces the total number of staff posts to 12 per cent less than



that of 10 years ago. At the same time, the new Integrated Management Information System has enhanced the use of financial, human resource and procurement information, and has strengthened internal controls and accountability.

Progress in the management of technology has also been significant and has affected a wide range of Secretariat operations, from remote translation and text processing to high-speed electronic access to United Nations documents through the new optical disk system, which has served to reduce by thousands the number of documents to be printed and distributed.

Cutting across these three areas, managerial reform has been accelerated by the work of the Efficiency Board I established in November 1995. With guidance from the Board and support from a working group of experts contributed by Member States, every office in the Secretariat has carried out efficiency reviews, involving some 400 projects to enhance management efficiency in the Secretariat. The results achieved to date have contributed to the savings mandated by the General Assembly and to improvements in the services and operations of the Secretariat, and have served to identify a number of areas where further systemic efficiency changes are needed. These are currently being addressed by the Board.

Effective reform in a global institution such as the United Nations must be rooted in a broad consensus on the main features of the new global environment and on the role the Organization is called upon to play in such changing circumstances.

These principles have been the focus of another long-term effort given particular prominence during the past year: the series of global conferences from New York in 1990 to Istanbul in 1996. Undeniably, some of these conferences have been controversial. I believe that, equally undeniably, they have shown that a true international community is coming into being, perhaps for the first time in history, and that it can summon the will and the capacity to deal with issues that nations cannot take on separately nor, indeed, in any manner other than by agreed universal action.

The centuries-old practice of convening international conferences is being transformed into a new mechanism for international cooperation. The new conferences are revolutionary in both form and focus, and, while keeping costs to the minimum, they are producing concrete and far-reaching results.

These conferences have been democratic in form, bringing together, on a basis of equality, representatives of Governments from through-

out the world, often at the highest political level. At the same time, they have brought world leaders together with representatives of civil society, from business people to trade unionists, academics, women's groups, professional associations, local authorities and non-governmental organizations of all types.

These conferences have also been democratic in focus and linked so as to foster global consensus on specific, interlocking global issues, by considering their impact on the human person and human communities. A great many of my efforts as Secretary-General have been devoted to ensuring that each conference—on children, the environment and development, human rights, the sustainable development of small island States, natural disaster reduction, population and development, social development, the advancement of women, international trade and development, and human settlements—would build upon its predecessors and carry forward a common human thrust. Together, they are producing cumulative results, offering all development actors—North and South, governmental and non-governmental, public and private—a pragmatic, cooperative and comprehensive approach to the key challenges now faced by every nation in the world and by all nations together.

The results are considerable, starting with hard-won consensus reached on a range of important points, such as the need for a new and equitable partnership among all States, developed and developing, and among government and civil society at all levels, to achieve sustainable development; the recognition of the right to development and of the mutually reinforcing relationship between development, democracy and respect for human rights; the necessity of linking demographic change to development policies; the need to adopt new and more comprehensive policies to address problems of poverty, unemployment and social disintegration as global problems requiring global attention; the importance of a shared approach to common urban crises; and the recognition of the advancement of women as a key to progress in the search for equality, development and peace.

Through the world conferences, consensus reached on these and other fundamental issues is translated into new international norms, agreements and specific commitments, into concrete goals and objectives set by Member States for themselves and for the United Nations. These are then integrated by Member States into national priorities and supported by the United Nations and other organizations through practical programmes and operational activities. Steps are being taken to ensure that the commitments be-

ing produced are followed up effectively and efficiently, on a thematic, not simply a conference-by-conference, basis.

For all development actors, the entire conference series has provided an opportunity to forge durable and productive partnerships in the face of new challenges. For the United Nations in particular, the conferences have produced a comprehensive agenda, which gives new direction to the work of the Organization and to the reform and strengthening of its development machinery. This has been supported by new arrangements for inter-secretariat coordination, agreed to by the Administrative Committee on Coordination. It has also helped to promote the revitalization of the Economic and Social Council as the key intergovernmental body for coordination. As part of this process of reform and revitalization, the intergovernmental structure of the United Nations Conference on Trade and Development (UNCTAD) and its secretariat and work programme have been streamlined and given a sharper focus. Cooperation and coordination between the United Nations and the Bretton Woods institutions has been deepened further, as reflected in the United Nations System-wide Special Initiative for Africa. A leaner, more focused, better coordinated United Nations development system is coming into being, oriented to implementing programmes that reflect a broad political consensus on the priorities of development.

Even as the capacity of the United Nations to support development improves, the resources available to it for this purpose are decreasing. During the year the flow of voluntary resources into the United Nations funds and programmes

declined. Overall, the flow of official development assistance from countries of the Organisation for Economic Cooperation and Development (OECD) in 1995 declined in absolute terms to \$59 billion and as a percentage of gross national product to 0.27 per cent, a level far below the United Nations target of 0.7 per cent. Thus, for the economic and social sector, this was a year when the capacity to act effectively improved, but the means to do so declined.

The current cycle of global conferences came to a close with the ninth session of UNCTAD and Habitat II. The authority to convene additional world conferences lies with the General Assembly. The work of the past six-year conference series could be enhanced further should the Assembly decide to perform, on a continuing basis, the role that the new world conferences have played so far. The Assembly could decide to oversee and promote action to follow up the conferences that have already been held. It could deal with new global issues as they arise, comprehensively and at the political levels necessary, with the participation of civil society. Finally, the General Assembly would also need to take measures to ensure that the progress already made is not reversed, nor the promise spoiled by the precarious financial situation of the United Nations, which in recent years has proved to be an obstacle to the fundamental work, reform and revitalization of the Organization.

Whatever the mechanism the Member States decide upon to deal with shared global problems, the will to do so will be absolutely essential if the substantial recent achievements of the United Nations are to be consolidated and if a compelling vision for its future is to be fulfilled.

## Conclusion: Peace, development, democratization

The pages of this report depict a United Nations in the midst of a dramatic transformation.

The process began with the abrupt end of the cold war, when the bipolar system—a somewhat predictable, if not agreed system, according to which nations could order their relations—suddenly collapsed. With that collapse came a new hope that the promise of the Charter of the United Nations could be renewed, that an international system based on collective security, shared values and cooperative problem-solving could finally be achieved. It is in this context that Member States called the United Nations to action unprecedented in scale or scope.

The transformation has been neither smooth nor easy. The realities and assumptions of 50 years ago cannot simply be recreated, nor can the

full dimensions of the changes taking place and their implications be instantly understood. Expectations for the United Nations were too high at the outset of what must inevitably be a long and difficult process, for after every major conflict in history has come to a close, it has taken years, sometimes a generation or more, to put in place a workable and enduring international system. In the aftermath of the cold war, the transformation to a new international system is still under way, but the United Nations, the world's vehicle in this process, has—sometimes painfully, sometimes with success—moved definitively forward. Political realities have been transformed. New forms of international cooperation have been required and continue to take shape. New rules, concepts and procedures are emerging case by case. The

structures of the United Nations are being streamlined and opened, the Organization streamlined and deregulated, costs reduced, accountability strengthened and performance improved. In the past five years alone, the distance travelled has been great. The time has come to examine how what has been achieved so far relates to a vision of the United Nations for the period ahead.

The United Nations has worked to bring peace and security to a world in which conflicts and confrontations within States are now more prevalent than was between them. The first-ever Summit Meeting of the Security Council (January 1992) and the subsequent report to the Council on "An Agenda for Peace" launched an international debate on the role of the United Nations in maintaining international peace and security under these new circumstances and engendered an ongoing process of initiative, discovery and reflection. Preventive diplomacy has been identified as a priority, the Organization's capacity for it strengthened and a preventive deployment force authorized for the first time. While traditional United Nations peacekeeping has continued to prove effective in conflict situations between States that have the will to maintain peace, the United Nations has worked to adapt its peacekeeping instrument to deal with internal conflicts through more complex, multifaceted operations. These incorporate elements of traditional peacekeeping with political, social, economic, humanitarian and human rights aspects, an approach that has proved most successful where conflicts are being resolved through processes of negotiation, but has encountered setbacks where war situations continued. An important part of these efforts has been to advance United Nations cooperation with regional organizations in peace and security on an ad hoc basis and under Chapter VIII of the Charter. Another important dimension has been a new emphasis on post-conflict peace-building—linking conflict control and resolution with action to address the roots of conflict and strengthen the basis for reconstruction and development. And disarmament remains integral to United Nations peace efforts; the historic decision reached at the United Nations to extend indefinitely the Treaty on the Non-Proliferation of Nuclear Weapons has reaffirmed the process of macro-disarmament as vigorous and essential, while steps are being taken to explore the new idea of micro-disarmament, with a view to its integration into the wider context of preventive diplomacy and peace-building.

In human rights and humanitarian assistance, the United Nations has continued to serve as the

universal forum for advancing consensus and as a coordinating mechanism among the many organizations active in the field. While the easing of ideological tensions and the acceleration of democratization has spurred progress on one level, the new conflicts have all too often been accompanied by massive human rights violations and humanitarian emergencies, posing new challenges. The United Nations in response has moved to integrate, to the extent possible, its human rights and humanitarian efforts with its peace efforts and to link both areas of effort to its work for reconstruction and development; mechanisms to those ends have been strengthened at Headquarters to enhance substantive and logistical support for forging such linkages and cooperation in the field. The Organization has pursued closer cooperation with its key operational partners, governmental and non-governmental, in the human rights and humanitarian communities. At the request of Member States, it has deployed human rights field presences in several countries. It has expanded its advisory services and technical cooperation for building national human rights and humanitarian infrastructure, and it has strengthened its capacity for and emphasis on early warning and preventive action.

Development and democratization can themselves be the most effective forms of conflict prevention. The United Nations has therefore endeavoured to ensure that urgent efforts in peacekeeping and humanitarian assistance do not detract from long-term efforts for human progress.

Facing a sharp decline in international development assistance, the United Nations has worked to forge international agreement on a new rationale and framework for development cooperation, through the ongoing debate on the "Agenda for Development". As an integral part of this process, the continuum of global conferences has produced specific commitments and is giving shape to the comprehensive agenda and cooperative framework that are now needed. My contribution to this process, through my reports on "An Agenda for Development" and promotion of an integrated approach to the preparation of these conferences, has been followed by an unprecedented effort on the part of the United Nations system as a whole to bring about a coordinated follow-up to their outcomes around common priority themes—employment, social services, the enabling environment, the advancement of women and poverty reduction.

Meanwhile, the Secretariat has continued to work to achieve greater efficiency and effectiveness in carrying out policy analysis and opera-

tional mandates and in utilizing the development assistance provided by Member States. Working to define better the Organization's role and to strengthen its capacity in the three key areas of information-gathering and analysis, policy coordination and technical cooperation for capacity-building has not only served to sharpen its own contribution and impact, but has also greatly advanced efforts to achieve a more effective division of labour within the United Nations system as a whole. New levels of cooperation have been reached between the United Nations and the agencies of the United Nations system, including the Bretton Woods institutions, one major coordinated effort being the United Nations System-wide Special Initiative for Africa, designed to mobilize, coherently and efficiently, international support for Africa's priority development goals.

Supporting democratization is becoming a new thrust in the work of the United Nations. Electoral assistance from the United Nations continues to grow, while the full range of support for societies to prepare the institutional and cultural ground in which democratization can take shape is being expanded in the increasing number of Member States that seek it. At the same time, the United Nations is working to promote democratization internationally. One way of doing this is by opening United Nations forums to the views of non-State actors, such as regional organizations, non-governmental organizations, parliamentarians, members of the academic and business communities and the media. Another integral element of the United Nations efforts to promote democratization internationally is the ongoing effort to promote respect for the rule of law in international relations and the progressive development of international law. Major steps in this direction include the increased use by Member States of the International Court of Justice in both dispute settlement and the provision of advisory opinions, the entry into force of the United Nations Convention on the Law of the Sea, the establishment by the Security Council of international tribunals to judge war crimes and crimes against humanity in the former Yugoslavia and Rwanda, and the beginning of negotiations on the establishment of a permanent international criminal court.

This surge in new activity and substantive change across the spectrum of United Nations efforts has both demanded and enabled major institutional reform. This report details my ongoing effort at the managerial level towards a mission-driven, result-oriented Organization, showing enhanced performance, improved productivity and increased cost-effectiveness.

The simplification of Secretariat structures that I have introduced—to reflect not the structures but the key areas of work of the intergovernmental machinery—has paved the way for a further reorganization at the Secretariat level, which, as I indicated last March in my statement to the Open-ended High-level Working Group on the Strengthening of the United Nations System, must encompass not only the central Secretariat but also the secretariats of the many programmes and funds of the Organization. The aim would be to achieve a more integrated Organization—one in which the central Secretariat, the regional structures and the operational entities could plan and act as one.

Like my earlier initiatives on organizational reform, this initiative is designed to avoid the common flaw of restructuring exercises in years past, which was to create additional layers of coordination, superimposed on multiple and diverse entities. Instead, the guiding principle of my initiatives has been and will continue to be simplification and consolidation, achieved through a "bottom up" approach to eliminate duplication in support services and overlap in activities.

This further phase of reorganization would group all entities that are part of the Organization into a small number of clusters. Each cluster would undertake a set of central Secretariat responsibilities and would comprise related programmes and funds contributing to common objectives and functions. Clusters would thus serve to advance strategic objectives of the Organization as a whole—peace and security, human rights, humanitarian assistance, economic and social analysis, operational activities for development. At the same time, management support and services would be further consolidated and strengthened. Each cluster would include not only the programmes and funds that would be its main pillars but also a capacity, drawn from existing Secretariat departments, to provide integrated support to the intergovernmental body charged with imparting overall policy direction to the work of the entities constituting each cluster.

From my experience over the past five years, I am convinced that the personal and direct involvement of the Secretary-General is essential to effective management, in particular at times of mass change. For such involvement to be sustained and in fact enhanced, some form of substantial reduction in the number of lines of reporting to the Secretary-General—there are now some 30 United Nations entities reporting to him directly—is seriously needed. While preserving the distinct identity of the various programmes

and funds, reorganization along the lines suggested above would establish broader spheres of management responsibility and significantly reduce the number of lines of reporting to the Secretary-General. It would assist the Secretary-General in imparting common management directives to entities that contribute to common objectives and together represent a basic dimension of the Organization's work. It would also facilitate the crucial task of promoting effective linkages among the basic dimensions of the work of the United Nations, thereby sustaining the unitary character of its mission, as envisaged in the Charter.

The implementation of such an initiative, or other further progress in reform at the managerial and organizational levels, will require endorsement and complementary initiatives at the intergovernmental level. One major requirement in this regard will be for Member States to strengthen the capacity of the General Assembly and the Economic and Social Council to provide coherent overall guidance to the basic dimen-

sions of the work of the Organization. This is one important aspect of the major questions of intergovernmental reform now before five open-ended working groups of the General Assembly: on an Agenda for Peace, an Agenda for Development, the financial situation of the United Nations, Security Council reform, and the strengthening of the United Nations system.

Reform, both political and institutional, must be ongoing. It is a process, not an event. There is no one point where the United Nations could declare reform "done". But the current critical phase of transformation can be brought to completion, and it must be, if we are to put the United Nations firmly on the road to a future in which collective security, the equal rights of men and women and of nations large and small, and the promotion of social progress and better standards of life in larger freedom can proceed as intended by the Charter.

Reform efforts in the past year have shown us the future of the Organization. It is in essence a simple vision—a vision of a United Nations that works.

## PART ONE

# Political and security questions

## Chapter I

## International peace and security

The maintenance and promotion of international peace and security was a primary focus of United Nations activities during 1996. To achieve its objectives in that area, the Organization was involved in a wide range of peacekeeping operations, as well as preventive diplomacy and peace-making activities, post-conflict peace-building, the application of sanctions and efforts towards disarmament (see PART ONE, Chapter VII).

During the year, the Special Committee on Peacekeeping Operations recommended action to improve the planning, management and financing of UN missions, to reinforce cooperation with regional organizations, and to strengthen the rapid deployment capacity of the United Nations by enhancing standby arrangements between the Organization and Member States for resources to be used in UN operations. The General Assembly endorsed those recommendations in December.

Over the course of 1996, there were 19 United Nations peacekeeping operations deployed worldwide, with more than 25,000 military and civilian police personnel serving by mid-year under UN command—virtually no change since the end of the previous year, but a marked decline from the 67,000 peacekeepers who had been deployed in mid-1995. By the end of 1996, there were 16 UN operations, three of them new—two in Croatia, the third in Haiti. Another three UN missions—in Croatia, Rwanda and Haiti—completed their mandates during the year.

In addition to its widespread deployment of peacekeeping operations, the United Nations used other means to address conflict situations: the Secretary-General's special representatives, special envoys and other emissaries in a number of countries and territories, including Afghanistan, Burundi, Cambodia, El Salvador, Sierra Leone and Somalia; mine clearance (demining) activities; electoral assistance programmes; and missions to monitor and protect human rights, as in El Salvador, Guatemala and Haiti.

The cost of UN peacekeeping operations during the year was estimated at \$1.4 billion, compared with \$3.2 billion in 1995, while unpaid assessed contributions from Member States to the peacekeeping budget amounted to \$2.2 billion as at 31 July 1996, further exacerbating the severe fi-

nanacial situation of the Organization (see PART FIVE, Chapter II).

The General Assembly in 1996 considered various aspects of peacekeeping financing, including reimbursement for contingent-owned equipment, third-party claims against UN operations, entitlements of peacekeeping personnel, the Peacekeeping Reserve Fund, the support account for peacekeeping operations, unforeseen and extraordinary expenses, and apportionment of costs among Member States, as well as management of peacekeeping assets and procurement reform.

In March 1996, the Security Council set out new procedures for consultation and exchange of information with troop-contributing countries. In August, it made recommendations concerning mine clearance in the context of peacekeeping.

### Agenda for Peace

In his August 1996 report on the work of the Organization [A/51/1], the Secretary-General noted that the General Assembly's Informal Open-ended Working Group on an Agenda for Peace continued to discuss his recommendations for developing UN activities related to international peace and security, as set out in his 1992 report, "An Agenda for Peace" [YUN 1992, p. 35], and its 1995 Supplement [YUN 1995, p. 175]. The Working Group focused its deliberations on four key areas: preventive diplomacy and peacemaking; post-conflict peace-building; coordination; and the question of UN-imposed sanctions. Such active consideration by the Assembly of his recommendations, the Secretary-General said, was further testimony to the belief that conflict prevention through early warning, quiet diplomacy and, in some cases, preventive deployment was better than undertaking major politico-military efforts to resolve conflicts after they had broken out.

In that regard, he reaffirmed the importance of coordination among various UN elements in averting or mitigating the effects of complex crises, and pointed out that the Secretariat's Depart-



ments of Political Affairs, Humanitarian Affairs and Peacekeeping Operations—those primarily concerned with conflict prevention, control and resolution—continued to operate within the Framework for Coordination, established in 1995 [YUN 1995, p. 177] and involving routine monitoring and early-warning analysis, formulation of options for preventive action, fact-finding, planning and implementation of field operations, and conduct of evaluations or "lessons-learned" exercises. A standing Oversight Group of senior officers, set up in December 1995, held weekly meetings to review crisis situations and to ensure interdepartmental consultations on a given crisis, if such were warranted. Work also had begun to improve coordination at the country level, in pre-mission planning and in end-of-mission assessments. The Secretary-General pointed out that he continued regularly to brief troop-contributing Governments and to engage in dialogue with them about the conduct of particular operations.

**Special Committee consideration.** In its May report [A/51/130 & Corr.1] to the General Assembly, the Special Committee on Peacekeeping Operations pointed out that peacekeeping, while a key UN instrument for maintaining international peace and security, was not a preferred method of containing conflicts. It emphasized the importance of conflict prevention, in part so as to avoid the need for new peacekeeping operations, and of the pacific settlement of disputes by the parties concerned through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements or other peaceful means. In the Committee's view, the United Nations should explore ways to do more in that regard. It noted that the use of preventive deployment, in one particular case, was contributing to the maintenance of peace and security.

The Special Committee took note of the ongoing work of the Informal Open-ended Working Group on an Agenda for Peace on the issues of preventive diplomacy, peacemaking, sanctions, coordination and post-conflict peace-building.

**Working Group activities.** On 16 September, the General Assembly President informed the Assembly that sub-groups of the Informal Open-ended Working Group on an Agenda for Peace—on coordination and on the question of UN-imposed sanctions—had concluded their work and arrived at provisional texts. However, owing to time constraints and ongoing consultations, the Working Group had been unable to conclude the rest of its work dealing with preventive diplomacy and peacemaking and with post-conflict peace-building. In that regard, it was de-

cided that the Working Group should continue its work during the Assembly's fifty-first session.

### **Preventive diplomacy and peacemaking**

In his report on the work of the Organization [A/51/1], the Secretary-General noted that Member States continued to attach importance to preventive diplomacy and peacemaking as the most cost-effective ways of preventing new disputes from arising and existing ones from escalating into conflicts, as well as controlling and resolving ongoing conflicts. He was mandated by the General Assembly and the Security Council to maintain existing efforts and undertake new ones in that field, and his special representatives, special envoys and other emissaries were actively engaged in helping him implement those mandates in Afghanistan, Burundi, Cambodia, Cyprus, East Timor, El Salvador, Georgia, Guatemala, Haiti, Liberia, Myanmar, Sierra Leone, Somalia, Tajikistan and the former Yugoslav Republic of Macedonia; it was also expected that such efforts would soon commence in Rwanda. In addition, the United Nations, often in cooperation with appropriate regional organizations, maintained its involvement and followed developments regarding the situations concerning the Nagorny Karabakh region of Azerbaijan, Cameroon and Nigeria, Eritrea and Yemen, Guyana and Venezuela, the Korean peninsula, Nigeria, the Papua New Guinea island of Bougainville and the Sudan.

The Secretary-General pointed out that, in addition to diplomacy, several other forms of action had proved in recent years to have had a useful preventive effect: preventive deployment; preventive disarmament; preventive humanitarian action; and preventive peace-building, which could involve, with the consent of the Government concerned, a wide range of actions in the areas of good governance, human rights and economic and social development. He therefore concluded that the activity referred to as "preventive diplomacy" should be renamed "preventive action". He further clarified that the term "peacemaking", as employed by the United Nations, referred to the use of diplomatic means to persuade parties in conflict to cease hostilities and negotiate a peaceful settlement of their dispute, and that it thus excluded the use of force against one of the parties to enforce an end to hostilities—an activity referred to in UN parlance as "peace enforcement".

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

The Secretary-General, in his August 1996 report [A/51/1], reviewed UN efforts aimed at post-

conflict peace-building, the primary goal of which was to avert the revival of conflicts that had been brought under control. Those efforts attempted to address the causes underlying disputes and thus to consolidate peace. He noted that, judging from accumulated experience in that area, the Organization could play an important role in: identifying situations where its assistance would help to reduce the chances of a conflict recurrence; elaborating, in consultation with the Government concerned, appropriate measures to that end; mobilizing relevant UN bodies to carry out assistance programmes for reconstruction and rehabilitation; and monitoring the impact of peace-building activities on reducing the risk of a revived conflict. Recent experience, he said, also showed the importance of the contribution made to those efforts by two specific types of activity—mine clearance (see below) and electoral assistance.

In the period between August 1995 and July 1996, the United Nations had received 25 new requests for electoral assistance from 21 States and the Palestinian Authority, the Secretary-General went on. In addition, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) had been given a mandate to organize elections in Eastern Slavonia, in Croatia. From January to July 1996, the Organization had received 18 requests for such assistance, of which 11 had been accepted, compared with 22 requests received and 17 accepted for the whole of 1995. Electoral assistance was also provided in 1996 to 15 States in response to requests received before August 1995, as well as to UN missions in Guatemala and in Western Sahara; five requests remained under consideration. The type of assistance included coordination and support, short-term observation, verification, and organization and conduct of elections.

### **Standby arrangements**

In 1996, the Special Committee on Peacekeeping Operations reiterated its concern over the length of time taken to deploy operations after the establishment of mandates by the Security Council and urged the Secretariat to continue improving the Organization's rapid deployment capacity. In that regard, the Committee welcomed the Secretariat's efforts to develop further the system of standby arrangements, whereby Member States identified specific resources to be made available, within agreed response times, for UN missions. Given the lack of certain specialized units in standby arrangements, States were invited to participate in such areas as headquarters support, sea/airlift provision, communica-

tions personnel, engineers, logistics and medical staff; they were also encouraged to provide information on the period of time required for the deployment of standby forces. The Secretariat was requested to keep Member States informed with regard to the development and composition of a rapidly deployable headquarters team.

Noting that some troop contributors were not always in a position to equip their troops adequately for peacekeeping operations, the Special Committee reiterated its request that the Secretary-General consider ways of addressing the problem, and welcomed in that regard the creation of partnerships between Governments that required equipment and those willing to provide it.

**Report of Secretary-General.** In response to a 1994 Security Council request [YUN 1994, p. 119], the Secretary-General on 24 December 1996 reported [S/1996/1067] on the current status of standby arrangements. As at 30 November, 62 Member States had confirmed their willingness to provide standby resources totalling some 80,000 personnel, up from 47 States and 55,000 personnel in October 1995. Five of them—Austria, Denmark, Ghana, Jordan and Malaysia—formalized their standby contributions through a memorandum of understanding. In addition, 41 Governments provided detailed information on specific capabilities of their standby resources, which was included in the Secretariat's database and which had proved most helpful, the Secretary-General said, in the planning for and subsequent deployment to operations in Angola, Haiti and the former Yugoslavia, particularly UNTAES.

The Secretary-General noted that standby resources included elements of different sizes, varying from infantry battalions to individual military observers, and covered the whole range of components envisaged for peacekeeping operations. However, as the bulk of resources consisted of infantry, they had to be complemented with logistic support in such areas as sea/airlift, communications, multi-role logistics, transport, health services, engineering, mine clearance and transport utility aircraft; in addition, there was a need for more civilian police personnel.

Although standby arrangements were also expected to cover civilian resources, little progress had been achieved in that area; nevertheless, the Secretariat had recently observed a growing interest by Governments in contributing civilian services which, in some cases, substituted for military resources, such as the use of civilian organizations to provide medical support for peacekeeping missions.

The Secretariat continued to register response times—defined as the period between the request for resources and when resources were ready for air/sealift to a mission area—according to the declared individual capacities of Member States, which varied from 7 to more than 90 days. Although some 40 per cent of resources had a response time of 30 days or less, and 16 per cent, of 60 days, the UN capacity for rapid deployment continued to be impeded by such factors as political approval and support at the national level, availability of air/sealift, a capacity for mission management and logistic sustainment in the field, and the conclusion of necessary administrative procedures.

Noting that peacekeeping units were currently required to sustain themselves for a minimum of 60 days, to allow for the establishment of UN logistic support, the Secretary-General drew attention to the elaboration of a contribution agreement for the provision of personnel, equipment and services in support of missions, under which the level of logistic support provided by the United Nations was expected to decrease (see below, under "Financing of peacekeeping operations"). In that regard, he believed that to save time preliminary contribution agreements between the Secretariat and Member States should be drawn up in advance and finalized before deployment. Other efforts to facilitate the rapid deployment of missions included the development of a rapidly deployable mission headquarters (RDMHQ), the skeleton of which was established within the Secretariat, to enable quick deployment of essential civilian and military personnel to the mission area for the first three to six months of the operation. RDMHQ, consisting of both earmarked Secretariat personnel and personnel nominated by Governments and remaining in their home country until deployment, was expected to become functional in early 1997.

In conclusion, the Secretary-General, noting the progress in the development of the standby arrangements system, reiterated his suggestion for the establishment of bilateral partnerships between Governments that needed equipment for their peacekeeping troops and those ready to provide it, and pointed to the need to broaden the geographical base of available resources, as well as to achieve a proper mix of troops and supporting units.

**Communications.** In response to a 1995 statement [YUN 1995, p. 177] by the Security Council President, several Governments submitted in 1996 their suggestions on ways to improve the UN rapid deployment capacity.

By an 18 January letter [A/50/869-S/1996/71], France communicated an aide-memoire, exam-

ining the implementation and refinement of the standby arrangements system, establishment of rapid deployment units, development of planning capacities, and improvement of command structures of peacekeeping operations. On 29 February, Denmark transmitted a report [A/51/75-S/1996/166] by a Danish-led military working group, comprising also 10 participating Governments and two observer States, on cooperation modalities for the establishment of a multinational UN standby-forces high-readiness brigade, to enhance the UN rapid response capacity. A 31 July reply [A/51/273-S/1996/630] from the United Kingdom dealt with, inter alia, the training and planning for peacekeeping missions, their command and control, the mission plan, operational-level command arrangements, rapid response capability, public information and community relations, as well as finance, logistics, commercial contracts and "lessons learned".

### Consultations with troop contributors

On 28 March, the Security Council President made the following statement [S/PRST/1996/13] on behalf of the Council:

The Security Council has reviewed the arrangements for consultation and exchange of information with troop-contributing countries, which were established by the statement of its President made on behalf of the Council on 4 November 1994. The Council has given careful consideration to the views expressed on this question in its debate under the item "An Agenda for Peace: Peacekeeping" in its 3611th meeting on 20 December 1995, as well as to the views expressed in debates in the General Assembly.

The Security Council has noted the wish expressed in these debates that arrangements for consultation and exchange of information with troop-contributing countries should be improved. The Council shares this wish. It considers it essential for troop-contributing countries to be heard. It notes that many of the concerns expressed would be met if the arrangements set out in the statement of its President of 4 November 1994 were fully implemented. It is also of the view that those arrangements can be strengthened further as set forth below.

The Security Council will therefore follow in future the procedures here set out:

(a) Meetings will be held as a matter of course between members of the Council, troop-contributing countries and the Secretariat for the purpose of consultations and the exchange of information and views; the meetings will be chaired by the Presidency of the Council supported by a representative of the Secretariat;

(b) The meetings will be held as soon as practicable and in good time before the Council takes decisions on the extension or termination of, or signifi-

cant changes in, the mandate of a particular peacekeeping operation;

(c) When the Council considers establishing a new peacekeeping operation, meetings will, unless it proves to be impracticable, be held with any prospective troop contributors who have already been approached by the Secretariat and who have indicated that they may be willing to contribute to the operation;

(d) The President of the Council will, in the course of informal consultations of members of the Council, report the views expressed by participants at each meeting with troop-contributing or prospective troop-contributing countries;

(e) The existing practice of inviting to these meetings Member States which make special contributions to peacekeeping operations other than troops—that is, contributions to trust funds, logistics and equipment—will continue;

(f) The monthly tentative forecast of work of the Council made available to Member States will include an indication of the expected schedule of such meetings for the month;

(g) Ad hoc meetings may be convened in the event of unforeseen developments in a particular peacekeeping operation which could require action by the Council;

(h) These meetings will be in addition to those convened and chaired by the Secretariat for troop contributors to meet with special representatives of the Secretary-General or force commanders, or to discuss operational matters concerning particular peacekeeping operations, to which members of the Security Council will also be invited;

(i) Background information and an agenda will be circulated by the Secretariat to the participants well in advance of each of the various meetings referred to above; members of the Council may also circulate information as appropriate;

(j) Interpretation services in all the official languages of the Organization will continue to be available; translation of written documents will continue to be available, if possible in advance of the meetings;

(k) The time and venue of each meeting should, where possible, appear in advance in the Journal of the United Nations;

(l) The Council will append to its annual report to the General Assembly information about these meetings.

The Security Council recalls that the arrangements described above are not exhaustive. They do not preclude consultations in a variety of forms, including informal communication between the Council President or its members and troop-contributing countries and, as appropriate, with other countries especially affected, for example, countries from the region concerned.

The Security Council will continue to keep arrangements for consultations and the exchange of information and views with troop contributors and prospective contributors under review and stands ready to consider further measures and new mechanisms to enhance further the arrangements in the light of experience.

Meeting number. SC 3645.

Special Committee consideration. At its 1996 session, the Special Committee on Peacekeeping Operations welcomed the arrangements for consultation and exchange of information with troop-contributing countries, set out in the above statement by the Security Council President, and noted that they strengthened the arrangements established by a 1994 statement [YUN 1994, p. 120] on the subject. The Special Committee noted that the new procedures were not exhaustive and did not preclude consultations with other countries especially affected, such as countries from the region concerned. It encouraged the Security Council and troop contributors to make full use of the arrangements, and the Council to continue considering the matter further.

## Peacekeeping operations

### General aspects

In his report on the work of the Organization [A/51/1], issued in August 1996, the Secretary-General observed that UN peacekeeping remained a dynamic and demanding activity, responding to continuing turbulence in relations between States as well as to armed conflict within State borders. While the number of peacekeeping personnel had declined dramatically—from 67,269 in July 1995 to 25,296 in July 1996—the complexity of their tasks had not diminished. Most operations were confronted with exceedingly difficult missions, reflecting the fact that many conflicts were fought within States, not only by regular armies but also by militias and civilians with ill-defined chains of command, and were sometimes marked by the collapse of State institutions and a breakdown of law and order. Ceasefire agreements, when achieved, were often fragile, whereas humanitarian emergencies were commonplace and often exacerbated by deliberate obstruction of relief efforts by warring parties.

Negotiated settlements had to cover a wide range of military, political, humanitarian and civilian matters, and be supported by sustained peacekeeping efforts to ensure compliance with their provisions; they also required long-term programmes based on contributions from different parts of the UN system and aimed at addressing the root causes of a conflict and promoting national reconciliation.

In addition to problems encountered in implementing their mandates, UN peacekeeping operations were adversely affected by the financial crisis of the Organization, the Secretary-General

stated. As at 31 July 1996, unpaid contributions for peacekeeping budgets totalled \$2.2 billion, while the amount owed by the United Nations to Member States for troops and equipment was expected to reach \$675 million by year's end. As a result, troop contributors had to bear the additional burden of financing the shortfalls of UN missions.

Difficulties in the rapid deployment of UN missions remained a matter of great concern. Work advanced towards developing a rapidly deployable headquarters team composed of personnel skilled in military and civilian headquarters functions, as part of action to improve the UN rapid reaction capacity, and significant progress was achieved in elaborating further the standby arrangement system with Member States (see above). Member States and the UN Secretariat had also been working to devise ways to cope with lower revenues in the support account for peacekeeping operations, which funded a large majority of those needed to set up, manage and support missions (see below).

The Secretary-General observed that in the course of the year, two key lessons derived from peacekeeping operations had been reaffirmed: one, that every mission should be deployed with the strength necessary to achieve the tasks entrusted to it and to protect itself, so as to avoid jeopardizing the credibility of the Organization and the safety of its personnel; the other, that no instrument for peace and security could bring about a lasting solution without the will for peace by the parties to the conflict. In the international effort to help parties to a conflict reach an agreement, positive incentives were ultimately more effective than coercion, and a UN peacekeeping operation provided one such incentive by contributing to a climate of confidence. In the Secretary-General's view, UN capacity in that respect would be strengthened if the chief of mission were enabled to provide some direct development assistance to those affected; such assistance had proved valuable in the past and had served as an important element in the mission's overall success.

The Secretary-General further described action to implement his 1992 report, "An Agenda for Peace" [YUN 1992, p. 35], and its 1995 Supplement [YUN 1995, p. 175], and reviewed activities in the areas of preventive diplomacy, peacemaking and post-conflict peace-building, as well as cooperation with regional organizations in that respect (see below). He noted in conclusion that while traditional UN peacekeeping continued to prove effective in conflict situations between States that had the will to maintain peace, the Or-

ganization was working to adapt its peacekeeping instrument to deal with internal conflicts through more complex, multifaceted operations. These incorporated elements of traditional peacekeeping with political, social, economic, humanitarian and human rights aspects, engaged the cooperation of regional organizations under Chapter VIII of the United Nations Charter, and placed a new emphasis on post-conflict peace-building, linking conflict control and resolution with action to address the roots of conflict and strengthen the basis for reconstruction and development. Disarmament also remained integral to UN peace efforts, with steps being taken to explore the new idea of micro-disarmament and its integration into the wider context of preventive diplomacy and peace-building (see PART ONE, Chapter VII).

## **Comprehensive review of peacekeeping**

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

As requested by the General Assembly in 1995 [YUN 1995, p. 308], the Special Committee on Peacekeeping Operations continued a comprehensive review of the whole question of peacekeeping operations in all their aspects. In 1996, the Committee held five meetings in New York (1-3 April); deliberations were summarized in its report [A/51/130 & Corr.1] to the General Assembly.

The Special Committee noted a recent decrease in the establishment of new operations and a decline in the number of peacekeepers deployed. It observed that those developments provided an opportunity to enhance the efficiency of the Secretariat's Department of Peacekeeping Operations (DPKO), implement Committee recommendations and respond to relevant lessons learned from recent experiences. The Committee stressed the importance of consistent application of the principles and standards it had set forth for the establishment and conduct of peacekeeping operations, and emphasized the need to continue considering those principles, as well as peacekeeping definitions, in a systematic fashion and in the light of the lessons learned.

It was underscored that respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters that were essentially within a State's domestic jurisdiction were crucial to common efforts, including peacekeeping, to promote international peace and security, and that respect for basic principles of peacekeeping, such as the consent of the parties, impartiality and the non-use of force except in self-defence, were essential to the success of missions. The Spe-

cial Committee also emphasized the importance of providing peacekeeping operations with clearly defined mandates, objectives, command structures and secure financing, and of ensuring congruence between mandates, resources and objectives. In cases where an existing operation was given additional mandates, the resources necessary for their implementation should also be made available.

Stressing the need to ensure the unity of command and control of peacekeeping missions, the Committee reaffirmed that the overall political direction and control of UN-mandated operations devolved upon the Security Council, while the execution of UN peacekeeping was the responsibility of the Secretary-General. In that regard, the Secretary-General was encouraged to continue to improve the structure and capacity for successful planning and management of operations, both at Headquarters and in the field, giving due regard to the principles of equitable geographical and gender representation. The UN Secretariat was urged to issue guidelines for the provision of specialists for peacekeeping operations, similar to previously published guidelines for provision of military observers, civilian police and military contingents. Noting the important work undertaken by the recently established "lessons learned" unit of DPKO, the Special Committee considered it important that the unit's work be distributed to Member States and to the Committee itself for consideration, and urged the Secretariat to provide studies completed by the unit in all UN official languages; the Secretary-General was urged to seek regular, predictable financing for the unit. The Committee also made a number of recommendations dealing with the financing of DPKO and peacekeeping in general, as well as with personnel issues, inventory and control of peacekeeping assets and procurement procedures (see below, under "Financing of peacekeeping operations").

The need to enhance cooperation between peacekeeping missions and other related UN activities was stressed, and the Secretary-General was requested to ensure cooperation with other agencies of the UN system. The Special Committee also reaffirmed the importance of an effective public information capacity as an integral part of operations, appropriate to their size and targeting the local population in order to spread awareness of the operation's nature and purposes. With regard to the safety and security of missions, the Committee expressed its grave concern regarding all attacks and acts of violence against UN peacekeeping and associated personnel; welcomed the adoption by the General Assembly in 1994 of the Convention on the Safety of United

Nations and Associated Personnel [GA res. 49/59]; and emphasized that safety and security constituted integral elements of operation planning. The Secretariat was urged to intensify efforts to provide adequate protection and safety for peacekeepers and to consider measures for preventing attacks of all kinds against both UN personnel and civilians.

While reaffirming that the training of peacekeeping personnel was essentially the responsibility of Member States, the Special Committee underscored the UN role in coordinating such training activity, establishing basic guidelines and performance standards and providing advisory services and descriptive materials. It welcomed the development of peacekeeping training modules for national staff colleges and the UN staff college, as well as the increased training of both field and Headquarters personnel through the deployment of training assistance teams and instructors. The Secretary-General was encouraged to expand further the use of such teams and to continue holding regional training workshops, developing regional pools of instructors, and sharing training information among national and regional training institutions and the Secretariat.

Noting the progress made in elaborating a code of conduct for UN peacekeeping personnel, consistent with applicable international humanitarian law, the Committee urged its early completion. It further urged the Secretariat to respect the principle of multilingualism in all its training activities, and requested that the linguistic composition of operations be taken into account, where practicable, in the provision of manuals and handbooks for field personnel in languages other than UN official languages.

The Special Committee, noting the increasing use of civilian police in missions, urged the Secretary-General to strengthen further the DPKO civilian police unit, and it encouraged the Secretariat to identify particular police skill requirements for peacekeeping operations, to coordinate national civilian training programmes for such operations, and to take differences in national rank levels into account in its operational planning. Particular attention should be given in status-of-forces agreements with host countries to the safety and security of civilian police officers. The Committee also welcomed the development of educational materials to assist Member States in training civilian police, as well as the use of special teams to assist in selecting civilian police for peacekeeping operations. States were encouraged to include police elements among units identified in their standby arrangements with the United Nations. The Special Committee

made other recommendations concerning rapid deployment and standby arrangements, and consultations with troop-contributing countries (see above), as well as cooperation with regional arrangements (see below).

In addition, it was recommended that the Special Committee's membership be expanded in 1997 to include past or present peacekeeping personnel-contributing States as well as States observers at the Committee's 1996 session. It was further recommended that, in future, States which became personnel contributors be allowed to become Committee members, as well as those States having participated for three consecutive years in Committee sessions as observers.

**Note on JIU report.** By a 28 June note [A/50/576/Add.1], the Secretary-General submitted to the General Assembly his comments on a 1995 report by the Joint Inspection Unit [YUN 1995, p. 305] concerning the military component of UN peacekeeping operations.

He noted that most recommendations in the report either corresponded to the established policy and standard practice of the Secretariat, coincided with the course of action currently followed or had already been implemented. However, the Secretary-General took exception to the report's assessment that the integration of military and civilian aspects in the management of peacekeeping operations was not fully developed; that DPKO had not solved the problem of mounting a mission with troops from countries with dissimilar levels of development and differing standards; that the integration of the Field Administration and Logistics Division into DPKO was not complete; that neither the Department of Humanitarian Affairs nor the Department of Political Affairs had participated sufficiently in the planning of peacekeeping operations; and that such participation should be further institutionalized.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/136**.

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

The General Assembly,

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

Recalling in particular its resolution 50/30 of 6 December 1995,

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

Welcoming the statement of 28 March 1996 by the President of the Security Council on the arrangements for improved consultation and exchange of information with troop-contributing countries,

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

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

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

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

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

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

2. Endorses the proposals, recommendations and conclusions of the Special Committee contained in paragraphs 29 to 85 of its report;

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

4. Decides to expand the membership of the Special Committee in accordance with the provisions of its report; those Member States which are past or present personnel contributors to United Nations peacekeeping operations and those which were observers at the 1996 session of the Special Committee shall, upon request in writing to the Chairman of the Committee, become members at its 1997 session;

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

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

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

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

#### **General Assembly resolution 51/136**

13 December 1996

Meeting 83

170-0

Approved by the Fourth Committee (A/51/593) by recorded vote (132-2), 27 November (meeting 22); 6-nation draft (A/C.4/51/L.9), orally amended by China; agenda item 86.

Sponsors: Argentina, Canada, Egypt, Japan, Nigeria, Poland.

Financial implications. S-G, A/C.4/51/L.24.

Meeting numbers. GA 51st session: 4th Committee 15-18, 22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas,



Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

### Operations in 1996

As of 1 January 1996, there were 16 United Nations peacekeeping operations in place—4 in Africa, 1 in the Americas, 3 in the Middle East, 3 in Asia and 5 in Europe. During the year, with the termination of three operations (one each in Africa, the Americas and Europe) and the launching of three more (one in the Americas and two in Europe), a total of 19 UN peacekeeping operations had been deployed; by year's end, the total was again 16.

The focus in Europe was in the area of the former Yugoslavia, with the United Nations Confidence Restoration Operation in Croatia (UNCRO) terminated on 15 January 1996 as a result of positive political developments at the end of 1995. (An umbrella operation—the United Nations Peace Forces Headquarters (UNPF-HQ), located in Zagreb, Croatia—was terminated on 31 January.)

Two new operations were launched in January 1996. The United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was established on 15 January to assist the Croatian Government and local Serb representatives in Croatia in implementing the Basic Agreement for the region signed in late 1995 [YUN 1995, p. 587]; by year's end, it numbered more than 5,000 personnel. A separate United Nations Mission of Observers in Prevlaka (UNMOP), formerly part of UNCRO, was established in January 1996 to continue monitoring demilitarization activities on the peninsula. In November, the mission numbered 27 military observers.

The mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which in-

cluded the International Police Task Force (IPTF), established in December 1995, was extended until 21 December 1997. The 1,000-member United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia, created in 1995 as a result of the restructured United Nations Protection Force (UNPROFOR), became an independent mission on 1 February 1996.

In another part of Europe, the 124-member United Nations Observer Mission in Georgia (UNOMIG) monitored the implementation of the 1994 Agreement on a Ceasefire and Separation of Forces between the Government of Georgia and authorities of the Georgian region of Abkhazia [YUN 1994, p. 583]. In October, the Security Council authorized the establishment of a human rights office as part of UNOMIG. The 32-year-old United Nations Peacekeeping Force in Cyprus (UNFICYP) continued its tasks of keeping the peace on that Mediterranean island. (See PART ONE, Chapter V.)

In Africa, the United Nations Assistance Mission for Rwanda (UNAMIR) was ended on 8 March. On the same date, the Security Council encouraged the Secretary-General, in agreement with the Government, to maintain a UN office in Rwanda, headed by his Special Representative. Three other African operations continued during 1996, including the largest of the UN peacekeeping operations, the United Nations Angola Verification Mission (UNAVEM III), with more than 7,000 military and civilian police personnel deployed at year's end. In northern Africa, with the Security Council agreeing in May to a 20 per cent reduction in its military component, the United Nations Mission for the Referendum in Western Sahara (MINURSO) continued to assist in identifying and registering potential voters and in organizing other aspects of conducting voting on self-determination for that Territory; in November, its mandate was extended until 31 May 1997. In West Africa, despite setbacks during the year, the United Nations Observer Mission in Liberia (UNOMIL) continued to work for a comprehensive settlement of the conflict, its strength, however, reduced to 10 military observers by the end of July, due to the deteriorating security situation. Its mandate was extended in November until 31 March 1997, with the mission numbering about 60 by mid-December. (For operations in Africa, see PART ONE, Chapter II.)

As for peacekeeping activities in the Americas, the Security Council extended the mandate in February of the United Nations Mission in Haiti (UNMIH) for a final period ending on 30 June 1996; UNMIH was immediately succeeded on 1 July by the United Nations Support Mission in

Haiti (UNSMIH), created to assist in the professionalization of the police and in maintaining a secure and stable environment conducive to the success of those efforts. In December, the mandate of UNSMIH was extended for a final period, to end on 31 May 1997.

In Asia, the United Nations Iraq-Kuwait Observation Mission (UNIKOM) pursued its task of monitoring the demilitarized zone along the border between the two countries, and the United Nations Mission of Observers in Tajikistan (UNMOT) verified the compliance of the parties to the conflict in that country with their 1994 ceasefire agreement [YUN 1994, p. 594]. The United Nations Military Observer Group in India and Pakistan (UNMOGIP), established in 1949, remained in place to monitor the ceasefire in Jammu and Kashmir. (For operations in Asia, see PART ONE, Chapter IV.) Three long-standing operations continued in the Middle East—the United Nations Truce Supervision Organization (UNTSO), the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Disengagement Observer Force (UNDOF) (see PART ONE, Chapter VI).

In addition to these 19 peacekeeping operations, the United Nations supported a number of human rights missions, including the International Civilian Mission in Haiti (MICIVIH), conducted jointly with the Organization of American States (OAS) to monitor the human rights situation there. The Mission of the United Nations in El Salvador (MINUSAL), mandated to carry out good offices and verify compliance with the 1992 peace accords [YUN 1992, p. 222] in that country, was replaced in May by a smaller United Nations Office of Verification (ONUV), subsequently terminated on 31 December. The United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) continued to fulfil its mandate throughout 1996. In December, the MINUGUA mandate was extended until 31 March 1997 (see PART ONE, Chapter III).

Also, in 1996, the United Nations maintained the Special Mission to Afghanistan—a peacemaking operation seeking to facilitate national reconciliation in that country. The work of the United Nations Special Commission (UNSCOM) monitoring Iraq's compliance with relevant Security Council resolutions continued. The Organization also followed developments in Cambodia, through the Secretary-General's Special Representative, and events in the Korean peninsula (see PART ONE, Chapter IV).

## Roster of 1996 operations

### UNTSO

United Nations Truce Supervision Organization

Established: June 1948.

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

Strength as at July 1996: 173 military observers.

### UNMOGIP

United Nations Military Observer Group in India and Pakistan

Established: January 1949.

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

Strength as at July 1996: 44 military observers.

### UNFICYP

United Nations Peacekeeping Force in Cyprus

Established: March 1964.

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

Strength as at July 1996: 1,202 troops, 33 civilian police.

### UNDOF

United Nations Disengagement Observer Force

Established: June 1974.

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

Strength as at July 1996: 1,043 troops.

### UNIFIL

United Nations Interim Force in Lebanon

Established: March 1978.

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

Strength as at July 1996: 4,489 troops.

### UNIKOM

United Nations Iraq-Kuwait Observation Mission (UNIKOM)

Established: April 1991.

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

Strength as at July 1996: 936 troops, 238 military observers.

**MINURSO**

United Nations Mission for the Referendum in Western Sahara

Established: April 1991.

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

Strength as at July 1996: 47 troops, 212 military observers, 26 civilian police.

**UNOMIG**

United Nations Observer Mission in Georgia

Established: August 1993.

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

Strength as at July 1996: 122 military observers.

**UNOMIL**

United Nations Observer Mission in Liberia

Established: September 1993.

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

Strength as at July 1996: 10 military observers.

**UNMIH**

United Nations Mission in Haiti

Established: September 1993.

Terminated: June 1996.

Mandate: To provide non-combat military training to the armed forces and carry out engineering and medical assistance projects; revised in 1994 to include assistance to the Government of Haiti in sustaining a secure and stable environment, modernizing the armed forces, creating a separate police force and organizing legislative elections.

Strength as at June 1996: 1,193 military personnel, 291 civilian police.

**UNAMIR**

United Nations Assistance Mission for Rwanda

Established: October 1993.

Terminated: March 1996.

Mandate: To monitor observance of a ceasefire agreement between the parties to the conflict in Rwanda as well as the security situation and repatriation of refugees, and to assist with mine clearance and coordination of humanitarian activities; adjusted in 1994 to include intermediary functions in securing a ceasefire agreement, assistance in the resumption of humanitarian relief operations and monitoring of developments in the country; adjusted in 1995 to include good offices in achieving national reconciliation, assistance to the Government in facilitating the return of refugees and training a national police force, support for the provision of humanitarian aid and contribution to the security of UN activities.

Strength as at February 1996: 1,200 troops, 200 military observers and headquarters staff.

**UNMOT**

United Nations Mission of Observers in Tajikistan

Established: December 1994.

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

Strength as at July 1996: 44 military observers.

**UNAVEM III**

United Nations Angola Verification Mission

Established: February 1995.

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

Strength as at July 1996: 6,392 troops, 408 military observers, 254 civilian police.

**UNPREDEP**

United Nations Preventive Deployment Force

Established: March 1995.

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

Strength as at July 1996: 1,044 troops, 36 military observers, 26 civilian police.

**UNCRO**

United Nations Confidence Restoration Operation

Established: March 1995.

Terminated: January 1996.

Mandate: To facilitate implementation of ceasefire and economic agreements between the Government of Croatia and local Serb authorities as well as the delivery of humanitarian assistance,

monitor the demilitarization of the Prevlaka peninsula and assist in controlling the movement of military personnel, equipment, supplies and weapons across Croatian borders.

Strength as at December 1995: 1,600 troops, 48 military observers, 16 civilian police.

#### **UNMIBH**

United Nations Mission in Bosnia and Herzegovina

Established: December 1995.

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

Strength as at July 1996 (including IPTF): 3 troops, 50 military observers, 1,641 civilian police.

#### **UNTAES**

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

Established: January 1996.

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

Strength as at July 1996: 4,636 troops, 100 military observers, 441 civilian police.

#### **UNMOP**

United Nations Mission of Observers in Prevlaka

Established: January 1996.

Mandate: To monitor the demilitarization of the Prevlaka peninsula.

Strength as at July 1996: 28 military observers.

#### **UNSMIH**

United Nations Support Mission in Haiti

Established: July 1996.

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

Authorized initial strength: 600 troops, 300 civilian police.

Total strength as at November 1996 (including voluntarily funded military personnel): 1,588 all ranks.

### **Financing of peacekeeping operations**

#### **General aspects**

In 1996, the cost of peacekeeping operations totalled an estimated \$ 1.4 billion, compared with some \$3.2 billion in 1995, while requirements for activities funded from the support account for peacekeeping operations were estimated at an additional \$35.4 million. At the same time, unpaid assessed contributions from Member States to the peacekeeping budget amounted to \$2.2 billion as at 31 July; in addition, its dire financial situation had compelled the Organization to borrow from peacekeeping accounts to meet the need for regular budget cash. As a result, the United Nations had to delay reimbursements to troop-contributing countries and payments owed for contingent-owned equipment, with the debt estimated to have reached \$675 million by the end of the year.

During the year, the General Assembly considered various aspects of peacekeeping financing. In April, it endorsed new procedures for reimbursement to Member States for contingent-owned equipment, and, in November, it requested the Secretary-General to develop measures for handling third-party claims against UN operations and for limiting the Organization's financial liability. The Assembly also considered the reclassification of Member States into groups for the apportionment of peacekeeping expenses (see below, under "Apportionment of costs"). In June, it approved a new funding mechanism for the support account for peacekeeping operations, provisionally until 30 June 1997. The Assembly also continued consideration of issues related to the management of peacekeeping operations and assets, entitlements of peacekeeping personnel, the Peacekeeping Reserve Fund, and unforeseen and extraordinary expenses.

#### **GENERAL ASSEMBLY ACTION**

On 18 December, by **resolution 51/218 D**, the Assembly decided to continue its consideration of administrative and budgetary aspects of

peacekeeping financing at its resumed fifty-first session.

### Review exercise

In a May report [A/51/130 & Corr.1] to the General Assembly, the Special Committee on Peacekeeping Operations reaffirmed the obligation of Member States under the UN Charter to bear peacekeeping expenses as apportioned by the Assembly, and stressed that those contributions must be paid in full and on time so as not to undermine the effectiveness of UN peacekeeping operations. Welcoming efforts to reform the budgetary procedures and methods of managing and providing logistic support for UN missions, the Committee expressed its belief that further reforms were necessary to ensure that DPKO had a predictable and stable financial base. It encouraged competent bodies of the General Assembly to consider further steps in improving mechanisms for the start-up financing of new operations, in particular the issue of the partial assessment of commitment authority granted by the Assembly for the start-up or expansion of missions.

The Special Committee noted the growing imbalance within DPKO between posts financed from the regular budget or the support account for peacekeeping operations and the number of military officers on loan, and pointed out that the use of loaned personnel should be temporary. The Secretary-General and the General Assembly were urged to correct the imbalance by providing for UN financing of posts currently occupied by loaned officers and by recruiting staff for those posts in accordance with established procedures. The Committee made other recommendations concerning procurement and management of peacekeeping assets, entitlements of peacekeeping personnel, and reimbursement for troops and contingent-owned equipment (see below).

Procurement and the liquidation of missions were also subjects of recommendations set forth by the Board of Auditors in its July report [A/51/5, vol. II] on UN peacekeeping operations for the biennium ended 31 December 1995. In addition, the Board recommended that DPKO should identify in advance suitably qualified core field personnel who could be dispatched at short notice to set up new missions, and that adequate instruction and training should be provided for staff appointed as mission finance officers, so as to ensure more effective control over cash management.

**Note of Secretary-General.** In accordance with General Assembly resolution 49/233 A [YUN 1994, p. 1338], the Secretary-General, in May

1996, submitted to the Assembly's Fifth (Administrative and Budgetary) Committee a note [A/C.5/50/63] containing estimated budgetary requirements of all current peacekeeping operations for the period 1 July 1996 to 30 June 1997. The estimates totalled some \$1.3 billion, including \$496 million for military personnel costs and \$423 million for civilian personnel costs.

### Apportionment of costs

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

### Czech Republic

On 18 December, the Assembly adopted **resolution 51/218 B**.

The General Assembly,

Recalling its resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973, 43/232 of 1 March 1989, 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995 and 49/249 B of 14 September 1995 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, concerning the composition of groups for the apportionment of peacekeeping appropriations,

Recalling also its resolution 48/223 A of 23 December 1993, in which it set the rate of assessment for the regular budget for the Czech Republic,

1. Welcomes the readiness of the Czech Republic to be placed in the group of Member States set out in paragraph 3 (b) of General Assembly resolution 43/232 from 1 January 1997;

2. Decides, as an ad hoc arrangement, in respect of the apportionment of peacekeeping expenses, that, from 1 January 1997, the Czech Republic shall be included in the group of Member States set out in paragraph 3 (b) of resolution 43/232 and that its contributions to the financing of peacekeeping operations shall be calculated in accordance with the scale of assessments approved by the General Assembly in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995 and subsequent resolutions to be adopted by the Assembly concerning future scales of assessments;

3. Decides also, as an ad hoc arrangement, in respect of the apportionment of peacekeeping expenses, that, for the period from its admission on 19 January 1993 to 31 December 1996, the Czech Republic shall be in-

eluded in the group of Member States set out in paragraph 3 (c) of resolution 43/232 and that its contributions to the financing of peacekeeping operations for this period shall be calculated in accordance with the scales of assessments approved by the General Assembly in its resolutions 46/221 A of 20 December 1991, 48/223 A and 49/19 B and its decisions 47/456 of 23 December 1992 and 50/471 A;

4. Recalls that, in accordance with paragraph 2 of resolution 48/223 A, for the year of its admission, the Czech Republic shall contribute at the rate of one twelfth of its rate of assessment for each full month of membership; its contribution in the case of appropriations or apportionments approved by the General Assembly for the financing of peacekeeping operations shall be calculated in proportion to the calendar year;

5. Decides that, notwithstanding the provisions of resolution 48/223 A, the 1993 assessments of the Czech Republic for peacekeeping operations shall be credited to Member States included in the groups set out in paragraphs 3 (b), (c) and (d) of resolution 43/232, as adjusted by subsequent resolutions, and that the relative shares for 1993 shall be calculated on the same basis as set out in paragraph 6 below;

6. Decides also that the contributions of the Czech Republic for the financing of peacekeeping operations for the period from 1 January 1994 to 31 December 1996 shall be credited to Member States in proportion to their effective rates of assessment for the financing of peacekeeping operations during the period, subject to the following:

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

(b) The full balance of the contributions of the Czech Republic for the financing of peacekeeping operations for the period in question, after provision for crediting Member States pursuant to paragraph 6 (a) above, shall be credited to Member States included in the group set out in paragraph 3 (b) of resolution 43/232, as adjusted by subsequent resolutions.

General Assembly resolution 51/218 B

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/753) without vote, 18 December (meeting 47); draft by Chairman following informal consultations (A/C.5/51/L.34, part B); agenda item 140.

Meeting numbers. GA 51st session: 5th Committee 23, 27, 31, 33, 47; plenary 89.

## Greece and Ukraine

At its resumed fiftieth session, the General Assembly continued consideration of the request by Ukraine—originally made in 1993 and reiterated in 1995—that it be relocated from group B to group C due to economic hardship.

On 29 March 1996 [A/C.5/50/SR.51], Ukraine introduced a draft resolution in the Fifth Commit-

tee, providing for gradual reclassification of Greece from group C to group B, in accordance with that country's decision, and simultaneous gradual transition of Ukraine from group B to group C. Ukraine, indicating that it was considering ways to settle its arrears which, in its view, were a direct consequence of the fact that its request for reclassification had not yet been approved, said the adoption of the draft resolution would help it to finalize a payment schedule.

## GENERAL ASSEMBLY ACTION

On 11 April, the Assembly adopted **resolution 50/224**.

### **Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232**

The General Assembly,

Recalling its resolution 3101 (XXVIII) of 11 December 1973 and its subsequent resolutions relating to the composition of the existing groups for the apportionment of the expenses of peacekeeping operations, the latest of which are resolution 49/249 A of 20 July 1995 and resolution 49/249 B of 14 September 1995,

Having considered the request of Ukraine for reclassification from group B to group C,

1. Welcomes with great satisfaction the voluntary decision made by the Government of Greece to reclassify Greece from group C to group B;

2. Decides, as an ad hoc arrangement:

(a) To note the voluntary decision made by the Government of Greece and to place Greece among the Member States referred to in paragraph 3 (c) of resolution 43/232 of 1 March 1989 and, in accordance with that decision, to apportion its share of the costs of peacekeeping operations financed through assessed contributions on the basis of the proportions determined by the scale of assessments in the following manner: 35 per cent beginning 1 July 1996, 55 per cent in 1997, 75 per cent in 1998, 95 per cent in 1999 and 100 per cent in 2000 and subsequent years;

(b) To begin the transition of Ukraine to the group of Member States referred to in paragraph 3 (c) of resolution 43/232 on the understanding that the reduction in the United States dollar amounts to be assessed on Ukraine beginning 1 July 1996 shall be equal to the additional United States dollar amounts assessed on Greece in accordance with paragraph 2 (a) above, on the basis that this decision will be adjusted as appropriate to conform with any future relevant decisions adopted by the General Assembly;

3. Stresses that paragraph 2 above does not result in any change in the assessments for financing peacekeeping operations of other Member States;

4. Notes the intention as stated by Ukraine on 29 March 1996 in the Fifth Committee concerning the settlement of its arrears;

5. Decides to include in the provisional agenda of its fifty-first session the item entitled "Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232".

**General Assembly resolution 50/224****11 April 1996 Meeting 104 Adopted without vote**

Approved by Fifth Committee (A/50/851/Add.1) without vote, 4 April (meeting 55); draft by Rapporteur (A/C.5/50/L.41), based on informal consultations on draft by Greece and Ukraine (A/C.5/50/L.32); agenda item 138 (b).

Meeting numbers. GA 50th session: 5th Committee 51, 55; plenary 104.

**Slovakia**

On 18 December, the General Assembly adopted **resolution 51/218 C**.

The General Assembly,

Recalling its resolutions 1874(S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973, 43/232 of 1 March 1989, 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995 and 49/249 B of 14 September 1995 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, concerning the composition of groups for the apportionment of peacekeeping appropriations,

Recalling also its resolution 48/223 A of 23 December 1993, in which it set the rate of assessment for the regular budget for Slovakia,

1. Decides, as an ad hoc arrangement, in respect of the apportionment of peacekeeping expenses, that, for the period from its admission on 19 January 1993 to 31 December 1996, Slovakia shall be included in the group of Member States set out in paragraph 3 (c) of resolution 43/232 and that its contributions to the financing of peacekeeping operations for this period shall be calculated in accordance with the scales of assessments approved by the General Assembly in its resolutions 46/221 A of 20 December 1991, 48/223 A and 49/19 B of 23 December 1994 and its decisions 47/456 of 23 December 1992 and 50/471 A of 23 December 1995;

2. Recalls that, in accordance with paragraph 2 of resolution 48/223 A, for the year of its admission, Slovakia shall contribute at the rate of one twelfth of its rate of assessment for each full month of membership; its contribution in the case of appropriations or apportionments approved by the General Assembly for the financing of peacekeeping operations shall be calculated in proportion to the calendar year;

3. Decides that, notwithstanding the provisions of resolution 48/223 A, the 1993 assessments of Slovakia for peacekeeping operations shall be credited to Member States included in the groups set out in paragraphs 3 (b), (c) and (d) of resolution 43/232, as adjusted by subsequent resolutions, and that the relative shares for 1993 shall be calculated on the same basis as set out in paragraph 4 below;

4. Decides also that the contributions of Slovakia for the financing of peacekeeping operations for the period from 1 January 1994 to 31 December 1996 shall be credited to Member States in proportion to their effective rates of assessment for the financing of peacekeeping operations during the period, subject to the following:

(a) Member States included in the groups set out in paragraphs 3 (c) and (d) of resolution 43/232, as adjusted by subsequent resolutions, shall be credited with the full amount by which their aggregate contributions for the financing of peacekeeping operations during

the period in question exceeded the aggregate level that would have applied had Slovakia been included in one of the groups of Member States set out in paragraph 3 of resolution 43/232, as adjusted by subsequent resolutions;

(b) The full balance of the contributions of Slovakia for the financing of peacekeeping operations for the period in question, after provision for crediting Member States pursuant to paragraph 4 (a) above, shall be credited to Member States included in the group set out in paragraph 3 (b) of resolution 43/232, as adjusted by subsequent resolutions.

**General Assembly resolution 51/218 C****18 December 1996 Meeting 89 Adopted without vote**

Approved by Fifth Committee (A/51/753) without vote, 18 December (meeting 47); draft by Chairman following informal consultations (A/C.5/51/L.34, part C); agenda item 140.

Meeting numbers. GA 51st session: 5th Committee 23, 27, 31, 33, 47; plenary 89.

**Zambia**

On 18 December, the Assembly adopted **resolution 51/218 A**.

The General Assembly,

Recalling its resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973, 43/232 of 1 March 1989, 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995 and 49/249 B of 14 September 1995 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, concerning the composition of groups for the apportionment of peacekeeping appropriations,

Recalling also its resolution 46/206 of 20 December 1991, in particular paragraph 6 thereof, in which it endorsed the recommendations of the Committee for Development Planning regarding the inclusion of Zambia, among others, in the list of least developed countries,

Decides, as an ad hoc arrangement, in respect of the apportionment of peacekeeping expenses, that, from 1 January 1997, Zambia shall be included in the group of Member States set out in paragraph 3 (d) of resolution 43/232 and that its contributions to the financing of peacekeeping operations shall be calculated in accordance with the scale of assessments approved by the General Assembly in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995 and subsequent resolutions to be adopted by the Assembly concerning future scales of assessments.

**General Assembly resolution 51/218 A****18 December 1996 Meeting 89 Adopted without vote**

Approved by Fifth Committee (A/51/753) without vote, 18 December (meeting 47); draft by Chairman following informal consultations (A/C.5/51/L.34, part A); agenda item 140.

Meeting numbers. GA 51st session: 5th Committee 23, 27, 31, 33, 47; plenary 89.

**Peacekeeping support account**

In 1996, the General Assembly continued to examine issues relating to the support account for peacekeeping operations established in 1990.

The account was intended to meet the needs at Headquarters for the support of ongoing operations and some additional workload during pre-implementation phases of prospective missions. It was funded by including in, and setting aside from, the budgets of all operations financed outside the regular budget an amount equalling 8.5 per cent of the cost of the mission's civilian staff component (salaries, common staff costs and travel). Those moneys were to be kept in a separate account and used to fund temporary posts. In 1995, the Assembly had decided [GA dec. 50/473] to review the methodology for financing the account, noting a statement by the UN/Controller that the existing formula had not foreseen the expansion of the Secretariat's responsibilities in backstopping peacekeeping operations and the changed ratio of military to civilian personnel in UN missions.

**Auditors' recommendations.** By a February note [A/50/874 & Corr.1], the Secretary-General transmitted the Board of Auditors' report on the audit of the support account for the period ended 30 September 1995, prepared in accordance with General Assembly resolution 49/250 [YUN 1995, p. 316].

Noting that 32 per cent of the approved support account posts were encumbered by staff with permanent contracts, and 61.6 per cent by staff on fixed-term and short-term contracts, the Board recommended a review of the funding arrangement for those posts, originally conceived as temporary, taking into account the actual requirement of each peacekeeping operation and the workload associated with the ratio of military to civilian personnel, the level of the support account in relation to actual requirements, and annualized budgets of the support account. It also recommended that the value of in-kind contributions for backstopping operations be included in estimates for staff requirements of the support account; that the staff capable of providing qualitative backstopping support be retained for longer employment; that recruitment and placement procedures for support account posts be further streamlined to ensure transparency; that DPKO expedite the compilation of job descriptions for its units for subsequent classification; and that DPKO and the Office of Human Resources Management identify the overlapping backstopping functions between them to determine a fair distribution of support account posts.

**Report of Secretary-General.** Pursuant to the Assembly's 1995 decision [YUN 1995, p. 317], the Secretary-General submitted a February report [A/50/876] on the support account, providing a comprehensive review of the account and its requirements for the period from 1 January to 30

June 1996 and from 1 July 1996 to 30 June 1997, estimated at some \$16.1 million and \$31.3 million, respectively.

The Secretary-General pointed out that the effective coverage of backstopping functions at Headquarters involved three elements: permanent core capacity, financed from the regular budget, as well as variable capacity to support ongoing missions and additional capacity to support the liquidation of completed missions, both funded from the support account. He noted that if the existing funding formula remained unchanged, it would be necessary to reduce immediately and drastically the number of posts funded from the support account, currently totalling 408. However, such a reduction was not feasible given that there would not be a corresponding immediate decrease in the number of missions to be supported and the amount of backstopping work to be performed. Accordingly, to accommodate the workload for 1996/97, there should be a phased, orderly reduction in backstopping staff requirements. In the Secretary-General's view, a minimum of 355 posts were needed at Headquarters for such work, at a cost of \$31 million for a 12-month period; at the same time, the current funding formula was projected to generate only some \$17.4 million for 1996, compared with \$25 million in 1995, leaving a significant shortfall.

In that regard, the Secretary-General recommended that the General Assembly adopt, as of 1 July 1996, a new funding arrangement, under which it would appropriate, on a 12-month basis, the resources required for approved backstopping activities, to be assessed on the same scale as those for peacekeeping. He also recommended that the Assembly approve \$37.2 million gross (\$31.3 million net) from 1 July 1996 to 30 June 1997 for 355 posts, and authorize continuation of 408 posts, including 61 temporary posts, from 1 April to 30 June 1996, at a cost of \$7.2 million. The Secretary-General further recommended that financial requirements from 1 January to 30 June 1996 be met from the formula-generated income of some \$11.6 million and a transfer of some \$4.7 million from the operating reserve, less some \$145,000 to cover the 1995 operating deficit.

**ACABQ report.** In a March report [A/50/897], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) noted the recommendations of the Board of Auditors (see above) and recommended that the General Assembly authorize the establishment of 370 posts, for a total of \$7.2 million, from 1 April to 30 June 1996, to be financed by the current formula; that it approve the staffing and financial resource require-



ments for backstopping activities from 1 July 1996 to 30 June 1997, as proposed by the Secretary-General; and that he provide a more rational and justified distribution of those 355 posts. ACABQ was not convinced, however, that separate appropriation and assessment of resources for the support account was necessary, and suggested that a minimum 12-month quantum of resources be established instead to meet backstopping requirements, which would be prorated among individual peacekeeping budgets.

#### GENERAL ASSEMBLY ACTION (April)

On 11 April, the General Assembly adopted **resolution 50/221 A**.

The General Assembly,

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

Having considered the report of the Board of Auditors on the audit of the support account for peacekeeping operations for the period ended 30 September 1995, the report of the Secretary-General on the support account and the related report of the Advisory Committee on Administrative and Budgetary Questions, and the views expressed by Member States in the Fifth Committee,

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

1. Takes note with appreciation of the report submitted by the Board of Auditors on its audit of the support account for peacekeeping operations;

2. Also takes note of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

3. Decides, pending its consideration of the report of the Secretary-General at the second part of its resumed fiftieth session, in May 1996:

(a) To authorize the extension until 30 June 1996 of the sixty-one temporary posts previously authorized in paragraph 12 of its resolution 49/250;

(b) To authorize the amounts of 50,000 United States dollars for general temporary assistance, 40,000 dollars for overtime, 60,000 dollars for travel, 189,500 dollars for training and 660,100 dollars for common services, until 30 June 1996, to be financed on the basis of the current funding methodology and formula;

4. Also decides to revert to the proposals of the Secretary-General for the support account for the period from 1 July 1996 to 30 June 1997 at the second part of its resumed session, in May 1996;

5. Requests the Secretary-General in this regard to address the issues contained in the report of the Advisory Committee;

6. Also requests the Secretary-General to ensure that all submissions relating to the backstopping at Headquarters of peacekeeping operations are presented in the context of the report on the support account;

7. Recognizes the temporary nature of support account posts and decides in this regard that measures introduced by the Secretary-General in connection with the regular budget shall not be extended to those posts;

8. Requests the Board of Auditors to keep under review the issue of the role and use of extrabudgetary resources, including the use of personnel loaned by departments and offices at Headquarters supporting peacekeeping operations, and to report to the General Assembly thereon as appropriate;

9. Requests the Secretary-General to present in each report on the support account information on the use of trust funds, including the scope of activities financed by them;

10. Also requests the Secretary-General to keep Member States informed on the establishment of trust funds as well as on the possibilities for their use.

#### General Assembly resolution 50/221 A

11 April 1996 Meeting 104 Adopted without vote

Approved by Fifth Committee (A/50/850/Add.2) without vote, 4 April (meeting 55); draft by Rapporteur (A/C.5/50/L.42); agenda item 138 (a). Meeting numbers. GA 50th session: 5th Committee 49, 50, 55; plenary 104.

**Notes of Secretary-General (May).** On 6 May [A/C.5/50/62], the Secretary-General submitted to the Fifth Committee a table indicating the prorated share of peacekeeping operations in the cost of backstopping requirements, to be funded from the support account from 1 July 1996 to 30 June 1997 and totalling \$31,346,400.

In a 10 May note [A/C.5/50/65], he addressed the issues raised by ACABQ in March (see above), relating, among others, to the review of procedures for the approval of expenditures, staffing of the DPKO Mission Planning Service, potential overlap between the regional divisions of DPKO and those of the Department of Political Affairs, and the impact of technological innovations on resource requirements. The Secretary-General trusted that the information provided would allow the General Assembly to establish the minimum predictable annual level of support account resources for backstopping requirements.

#### GENERAL ASSEMBLY ACTION (June)

On 7 June, the Assembly adopted **resolution 50/221 B**.

The General Assembly,

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

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

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

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

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

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

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

3. Approves, on a provisional basis and for the period from 1 July 1996 to 30 June 1997, the proposals of the Secretary-General with regard to post and non-post resource requirements as contained in his report of 29 February 1996 and his proposals with regard to the proposed funding mechanism as amended by the Advisory Committee in paragraphs 35 to 37 and annex II to its report, subject to the provisions of the present resolution;

4. Requests the Secretary-General, in the context of his revised estimates for peacekeeping operations, which are subject to budgetary fluctuations as defined in General Assembly resolution 49/233 A of 23 December 1994, to present it with information on the impact that such fluctuations would have on the support account;

5. Also requests the Secretary-General, in this regard and on the assumption that the overall level of peacekeeping activities will remain at current levels, to submit revised resource estimates for the support account by 15 November 1996, with a view to reducing, to the extent possible, the post and non-post requirements for the backstopping of peacekeeping operations at Headquarters and, to a commensurate level, the number of officers on loan from Member States to the Department of Peacekeeping Operations, to reflect the recent notable decline in peacekeeping expenditure;

6. Further requests the Secretary-General to submit a performance report on the operation of the support account in the context of the annual consideration by the General Assembly of his proposals for the support account, including information on redeployments, if any, between units;

7. Requests the Secretary-General, in preparing his annual proposals for the support account, and taking into consideration the temporary nature of the current level of resources, to review and substantiate comprehensively the entire post and non-post requirements for the support account;

8. Also requests the Secretary-General, in preparing his report on the support account for the period from 1 July 1997 to 30 June 1998, to submit a comprehensive proposal on the total requirement for human resources from all sources of funding for the backstopping of peacekeeping operations, including posts financed from the regular budget and trust funds, officers on loan from Member States and other voluntary contributions during the period from 1 July 1996 to 30 June 1997, to enable the General Assembly to decide on the level of human resources required, including whether

such posts should continue to be financed by means other than through assessed contributions;

9. Further requests the Secretary-General, in preparing his report on the use of the support account for the period from 1 July 1997 to 30 June 1998, to submit proposals that reflect as closely as possible the overall evolution of peacekeeping budgets and any additional relevant observations and recommendations regarding the lessons learned from the previous year of operation of the support account;

10. Decides, in particular in the context of its consideration of the above-mentioned proposals, to review the operation of the funding mechanism referred to in paragraph 3 above, taking into account past experience and the decline in the level of peacekeeping activities, on the understanding that, unless otherwise decided, the funding mechanism set out in paragraphs 3 to 5 of its resolution 49/250 will be restored as from 1 July 1997;

11. Reiterates the provisions contained in paragraphs 8 and 9 of its resolution 49/250 and paragraph 7 of resolution 50/221 A;

12. Reiterates its request to the Board of Auditors to keep under review the issue of the role and use of extra-budgetary resources, including the use of personnel loaned by departments and offices at Headquarters supporting peacekeeping operations, in particular the issue of the impact on the geographic distribution of staff in the Secretariat, and to report thereon to the General Assembly as appropriate;

13. Again recalls its resolution 48/226 C, and requests the Secretary-General to submit to it, no later than 1 September 1996, a detailed report on various aspects related to the provision of personnel by Member States on loan to the Department of Peacekeeping Operations;

14. Decides to keep under review the proposed transfer of twenty-six posts from the support account to section 3 (Peacekeeping operations and special missions) and section 26B (Office of Programme Planning, Budget and Accounts) of the programme budget for the biennium 1996-1997, and to consider the issue further in the context of the first performance report on the programme budget to be submitted to the General Assembly at its fifty-first session;

15. Reiterates its request to the Secretary-General to present, in each report on the support account, information on the establishment and use of trust funds, including the scope of activities financed by them;

16. Requests the Secretary-General to ensure that the transfer of posts from the Office of Human Resources Management to the Department of Peacekeeping Operations is fully implemented no later than 30 June 1996;

17. Decides to abolish the following posts:

(a) One General Service post in the Executive Office of the Office of the Under-Secretary-General for Peacekeeping Operations;

(b) One General Service post in the Peacekeeping Financing Division of the Office of Programme Planning, Budget and Accounts;

(c) Two General Service posts in the Mail Operations Unit of the Buildings Management Service of the Office of Conference and Support Services;

(d) Two General Service posts in the Electronic Services Division of the Office of Conference and Support Services;

(e) Twelve posts in departments other than the Department of Peacekeeping Operations, to be determined by the Secretary-General, of which at least two are in the Department of Administration and Management;

18. Decides also to establish the following posts:

(a) Two Professional posts, at the P-5 and P-3 levels, in the Audit and Management Consulting Division of the Office of Internal Oversight Services;

(b) Six Professional posts at the P-4 level in the Mission Planning Service of the Department of Peacekeeping Operations, subject to post classification review and full observance of normal recruitment procedures.

**General Assembly resolution 50/221 B**

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/850/Add.4) without vote, 3 June (meeting 64, resumed); draft by Rapporteur (A/C.5/50/L.65); agenda item 138 (a).

**Note of Secretary-General (October).** By an October note [A/C.5/51/8], the Secretary-General transmitted a revised table indicating the pro-rated share of peacekeeping missions in the support account from 1 July 1996 to 30 June 1997, for a total of \$30,534,400.

**Peacekeeping Reserve Fund**

In a June report [A/50/976], ACABQ provided its observations and recommendations on the Secretary-General's 1993 and 1994 reports [YUN 1993, p. 1179, and YUN 1994, p. 1346] concerning the Peacekeeping Reserve Fund. The Fund had been established by the General Assembly in 1992 [GA res. 47/217] as a cash-flow mechanism to ensure the Organization's rapid response to the needs of peacekeeping operations; its level was set at \$150 million.

The Advisory Committee noted that the Assembly had decided [GA res. 49/233 A] in 1994 to maintain the Fund's level, but limited its utilization to the start-up phase of new missions, expansion of existing ones or unforeseen and extraordinary expenses related to peacekeeping. It also noted that, as at 31 December 1995, receipts totalled \$93,258,951, leaving \$60,893,038 still due. The outstanding amount included funds to be transferred from the UN General Fund (\$57,601,038) and from the special accounts for the United Nations Transition Assistance Group (UNTAG) in Namibia (\$2,240,000) and for the United Nations Iran-Iraq Military Observer Group (UNIIMOG) (\$903,000), as well as \$149,000 in accrued interest. ACABQ was informed that the amounts anticipated from outstanding assessments for UNTAG and UNIIMOG had been reduced to some \$700,000 and \$200,000, respec-

tively; at the same time, there were sufficient credits available to provide for the adjusted total of \$60.7 million required from the General Fund.

ACABQ noted that all outstanding loans made by the Fund to peacekeeping missions had been paid, and that in the light of the recent decrease in peacekeeping expenditures, there were no longer compelling reasons for establishing a much larger revolving fund at \$400 million as recommended earlier. It pointed out that shares of the original founding Members in the Reserve Fund should be recalculated as additional assessments apportioned among new Member States were credited to it. It invited the General Assembly to decide on the imputation of interest income earned in the Fund, which stood at \$3,651,000 as at 31 December 1995, plus \$149,000 in accrued interest still due to the Fund, and the Secretariat was asked to provide information on the Fund's status on an annual basis.

**GENERAL ASSEMBLY ACTION**

On 17 September, the General Assembly, by **decision 50/501**, took note of the reports of the Secretary-General and ACABQ and deferred their consideration until its fifty-first session.

**Unforeseen and extraordinary expenses**

On 17 September, the General Assembly, by **decision 50/480 B**, noted the Secretary-General's 1995 report [YUN 1995, p. 317] on unforeseen and extraordinary expenses, and deferred its consideration to the fifty-first session. In that report, the Secretary-General had requested that his authority to incur expenditures for the maintenance of peace and security be increased from \$5 million to \$7 million per year and that he be granted authority to enter into commitments not exceeding \$3 million in any one year, without prior concurrence of ACABQ, for the immediate requirements of the start-up phase of peacekeeping operations or for unforeseen extensions of mandates by the Security Council.

The General Assembly also considered a proposal by the Secretary-General for the absorption of new mandates in the 1996-1997 budget relating to Haiti (MICIVIH), Guatemala (MINUGUA), El Salvador (ONUV), and Rwanda (Commission of Inquiry). In **resolution 50/231** of 7 June, the Assembly took decisions on those proposals (see PART FIVE, Chapter II).

## Reimbursement issues

### Troop reimbursement

At its 1996 session [A/51/130 & Corr.1], the Special Committee on Peacekeeping Operations expressed concern over protracted delays in reimbursements to troop-contributing States, including for operations whose mandates had been completed, and urged the Secretary-General to accord high priority to the early settlement of all pending claims and to ensure that all reimbursements took place in a timely fashion.

**ACABQ report.** In an August 1996 report [A/50/1012], ACABQ provided its observations and recommendations on the Secretary-General's 1994 report [YUN 1994, p. 1342] on the rates of reimbursement to troop-contributing States. The original rates, effective since October 1973, had been revised by the General Assembly several times, most recently as of 1 July 1991 [YUN 1991, p. 862].

The Advisory Committee noted that the current rates covered pay and allowances for all ranks, supplementary payment for specialists, reimbursement for personal weaponry and a usage factor for personal clothing, gear and equipment, the last two items being reimbursed at 1975 rates. It also noted that wide variations existed in troop costs among troop contributors and that not all Governments were fully compensated for those costs; the portion absorbed by the troop-contributing country was known as the absorption factor. The overall average absorption factor for 1991 was 43.1 per cent, showing a 6.2 per cent decrease against 1989.

The Advisory Committee pointed out that the most recent survey of troop costs was completed for 1992-1993 and that the number of troop contributors had since increased from 57 to 70, making the survey's information outdated. It was of the opinion that the Secretary-General should carry out a new survey before any General Assembly action on reimbursement rates. ACABQ also requested the Secretary-General to include in his next report on the subject a complete analysis of all services provided to troops, including the rationale for their provision. At the same time, the Committee expressed concern at the low level of response to the survey by troop-contributing countries, and recommended that the matter be addressed by the Assembly.

### GENERAL ASSEMBLY ACTION

On 17 September, the General Assembly, by **decision** 50/502, took note of the reports of the Secretary-General and ACABQ and deferred their consideration until its fifty-first session.

### Equipment

In 1996, ACABQ also considered the Secretary-General's December 1995 report [YUN 1995, p. 311] on the reform of procedures for determining reimbursement to Member States for contingent-owned equipment, as well as 1995 reports of the working groups on the subject [YUN 1995, pp. 311 & 312], established in accordance with General Assembly resolution 49/233 A [YUN 1994, p. 1338], and setting out a five-phase project plan for reform and a timetable for its implementation.

The Advisory Committee pointed out that to commence implementation of the new reimbursement system, a service/contribution agreement between the United Nations and Member States had to be completed as a matter of utmost priority. It expected that the agreement's final text would be available for its review as early as possible before implementation and would be accompanied by implementation procedures, performance standards, agreed definitions and reimbursement rates. The contribution agreement should also set out a mechanism for settlement of disputes to determine responsibility for loss or damage of equipment under the lease system; in that regard, the Committee recommended acceptance of the understanding that, in the event that the Organization or the troop-contributing country did not meet its full obligations under the lease system, either party could refer the matter to that mechanism. ACABQ also recommended that lease rates include an additional risk factor to compensate Member States for potential loss of or damage to equipment with an individual value of less than \$250,000, resulting from hostile action or forced abandonment, and that the Secretary-General be requested to propose the percentage of such a risk factor. It further recommended acceptance of the Secretary-General's proposal that the General Assembly approve one environmental/operational mission-specific factor not exceeding 5 per cent of the reimbursement rates for minor equipment and of the leasing costs for major equipment.

Noting that the implementation timetable had been revised to commence on 1 July 1996, ACABQ trusted that the Secretariat would take urgent measures to create the capacity within the United Nations for a smooth transition period and effective implementation of new procedures, including the establishment of data systems and training programmes for personnel dealing with verification and inspection of equipment. The Advisory Committee held the view that as many existing operations as possible should be converted to the new procedures at the earliest date. In that regard, it was informed that the draft contribution agreement would be issued to Member

States by the end of March; that the new system would be applied to all new missions as soon as procedural arrangements were in place, with the Secretariat to finalize verification and control procedures by 1 July; that the dry lease system might be introduced for existing missions, while the wet lease system would require reconfiguration of support functions; and that appropriate staff would be trained both at Headquarters and in the field to administer the new arrangements.

The Advisory Committee also commented on the question of an evaluation and review of reimbursement rates and procedures, and requested the Secretary-General to monitor the implementation of the new system and report on its impact. Its observations and recommendations were submitted to the General Assembly in a March report [A/50/887].

#### GENERAL ASSEMBLY ACTION

On 11 April, the General Assembly adopted **resolution 50/222**.

#### **Reform of the procedures for determining reimbursement to Member States for contingent-owned equipment**

The General Assembly,

Taking note of the reports of the Working Groups on Contingent-Owned Equipment, established pursuant to its resolution 49/233 A of 23 December 1994,

Taking note also of the report of the Secretary-General,

Taking note further of the report of the Advisory Committee on Administrative and Budgetary Questions,

1. Endorses the recommendations of the Working Groups on Contingent-Owned Equipment on the reform of the procedures for determining reimbursement to Member States for contingent-owned equipment, subject to the provisions of the present resolution;

2. Decides to endorse the proposal concerning loss or damage to contingent-owned equipment, other than loss or damage to major equipment due to hostile action or forced abandonment, as presented in paragraph 13 of the report of the Advisory Committee on Administrative and Budgetary Questions;

3. Also decides that the reformed procedures for determining reimbursement to Member States for contingent-owned equipment shall be in place as from 1 July 1996 on the basis of the recommendations contained in paragraph 51 of the report of the Phase III Working Group and paragraph 20 of the report of the Advisory Committee;

4. Further decides to review the operation of the reformed procedures for determining reimbursement to Member States for contingent-owned equipment at its fifty-second session;

5. Requests the Secretary-General, in this regard, to submit for its consideration a report on the first full year of implementation of the reformed procedures;

6. Decides that the above-mentioned review and report shall pertain to all elements of the reformed procedures, in particular to those elements of the recom-

mendations of the Working Groups that were not specifically endorsed by the Secretary-General in his report, and decides to request the Secretary-General in this regard to include in the above-mentioned report comparative data on the differences between the adopted system and other proposals contained in the reports of the Secretary-General and the Advisory Committee;

7. Requests the Secretary-General to inform all Member States by 30 May 1996 of the establishment of the new procedures for determining reimbursement to Member States for contingent-owned equipment.

General Assembly resolution 50/222

11 April 1996 Meeting 104 Adopted without vote

Approved by Fifth Committee (A/50/850/Add.3) without vote, 4 April (meeting 55); draft by Rapporteur following informal consultations (A/C.5/50/L.40); agenda item 138 (a).

Meeting numbers. GA 50th session: 5th Committee 47, 48, 55; plenary 104.

#### Contribution agreements

By a July note [A/50/995], the Secretary-General transmitted to the General Assembly the draft contribution agreement between the Organization and States contributing resources to UN peacekeeping operations. The agreement covered the Government's contribution, reimbursement and support from the United Nations, general and specific conditions, claims by third parties, recovery of assets and supplementary arrangements, as well as procedures for the introduction of amendments, settlement of disputes and the agreement's entry into force and termination. Annexes to the agreement dealt with personnel, major equipment and self-sustainment provided by the Government, performance standards, definitions, and guidelines for troop-contributing countries. The Secretary-General stated his intention to submit comprehensive implementation procedures to ACABQ.

In a November report [A/51/646], ACABQ noted revisions to the draft agreement introduced subsequently to the Secretary-General's note, as well as potential legal difficulties with the term "contribution agreement", and recommended exploration of alternative terms and their legal implications for the United Nations. The Advisory Committee trusted that implementation of the new procedures for contingent-owned equipment would take place as soon as possible.

**Special Committee consideration.** The Special Committee on Peacekeeping Operations at its 1996 session welcomed the reform of reimbursement procedures and urged the Secretariat to implement in full the recommendations approved by the Assembly in April.

#### Third-party claims

In a May report [A/50/903/Add.1] on the financing of UN operations in the former Yugoslavia

(see PART ONE, Chapter V), ACABQ recommended that the current procedures for settling third-party claims associated with UN peacekeeping efforts be studied by the UN Legal Counsel and that measures be developed for a simple, efficient and prompt settlement of such claims, aimed at securing UN interests, limiting its liabilities and allowing for a coordinated inter-agency approach to the issue. The General Assembly endorsed that recommendation in **resolution 50/235** of 7 June.

**Report of Secretary-General.** In response to the above recommendation, the Secretary-General in September reported [A/51/389] on the scope of UN liability for activities of its forces, procedures for handling third-party claims and limitations of liability.

He pointed out that, according to a legal study of the issue, the Organization was liable for non-consensual use and occupancy of privately owned land and premises, but reserved the right to seek recovery from the host Government; its liability for property loss or damage in an ordinary operation of the force was subject to the principle of "operational necessity", while the liability for combat-related damage was determined by the principles and rules of international humanitarian law and was limited in cases of operations by forces not constitutionally or effectively under exclusive UN command and control.

Proposed changes in the existing settlement mechanism included the creation of multiple claims review boards, increasing their financial authority, and provision of additional staff, both at Headquarters and in the field. At the same time, the study proposed measures for limiting the Organization's financial liability where its legal liability had been engaged, including through financial and temporal limitations, counter-claims and set-offs, and recovery from troop-contributing States for damage caused by gross negligence, wilful misconduct or action entailing international criminal responsibility. The Secretary-General recommended that the General Assembly endorse those proposals.

The current requirements for settlement of third-party claims against UN forces in the former Yugoslavia were estimated at \$15.5 million.

**ACABQ report.** In an October report [A/51/491], ACABQ welcomed the development of the "operational necessity" concept as an exemption from liability, as well as the proposal to incorporate that exemption into the model status-of-forces agreement, and requested the Secretary-General to review the agreement's provisions for handling third-party claims of a private law nature, so as to devise new procedures in that re-

spect. The Advisory Committee concurred with proposals concerning financial and temporal limitations, but believed that aspects such as the ceiling of compensation, modalities of establishing the financial limitation and duration of the limitation period must be studied further. The Committee also pointed out that UN claims against host Governments for payments which the Organization was under no legal obligation to make were not counter-claims but requests for restitution as a result of the host Government's non-compliance with status-of-forces or other agreements; it asked to be provided with a compendium of all such instances.

Noting that Bosnia and Herzegovina had submitted on 11 May a list of undocumented claims totalling \$70.7 million, ACABQ underscored the need for the United Nations to elaborate effective measures to limit its liability, and recommended that the General Assembly endorse the Secretary-General's recommendations and request him to develop such measures, as well as criteria and guidelines for their implementation. The Committee also proposed that a standard format be established for the preparation of claims to be considered by the Organization.

#### GENERAL ASSEMBLY ACTION

On 4 November, the General Assembly adopted **resolution 51/13**.

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

The General Assembly,

Having considered the report of the Secretary-General entitled "Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters—Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations: financing of the United Nations peacekeeping operations" and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

2. Requests the Secretary-General to develop specific measures, including criteria and guidelines for implementing the principles outlined in his report and to report thereon to the General Assembly through the Advisory Committee.

General Assembly resolution 51/13

4 November 1996 Meeting 50 Adopted without vote

Approved by Fifth Committee (A/51/640) without vote, 31 October (meeting 17); draft by Chairman following informal consultations (A/C.5/51/L.8); agenda items 129 & 140 (a).

Meeting numbers. GA 51st session: 5th Committee 14, 17; plenary 50.

## Other matters

### Death and disability benefits

On 11 April, the General Assembly adopted **resolution 50/223**.

#### Death and disability benefits

The General Assembly,

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

Expressing deep concern at the delay in the settlement of claims in respect of death and disability,

Taking note of the views expressed by Member States in the Fifth Committee,

1. Reiterates the decision, contained in section III, paragraph 1, of its resolution 49/233 A of 23 December 1994, that underlying any system of compensation for death and disability should be the need for:

- (a) Equal treatment of Member States;
- (b) Compensation to the beneficiary that is not lower than reimbursement by the United Nations;
- (c) Simplification of administrative arrangements to the extent possible;
- (d) Speedy settlement of claims for death and disability;

2. Requests the Secretary-General to examine also the possibility of an insurance scheme to cover all troops, on the basis of a request for proposals from the global insurance market;

3. Also requests the Secretary-General to present the results of the above-mentioned action and to respond to issues raised in the report of the Advisory Committee on Administrative and Budgetary Questions by 15 July 1996 for the consideration of the General Assembly, through the Committee.

General Assembly resolution 50/223

11 April 1996 Meeting 104 Adopted without vote

Approved by Fifth Committee (A/50/850/Add.3) without vote, 4 April (meeting 55); draft by Rapporteur following informal consultations (A/C.5/50/L.44); agenda item 138 (a).

Meeting numbers. GA 50th session: 5th Committee 47, 48, 55; plenary 104.

**Special Committee consideration.** The Special Committee on Peacekeeping Operations noted in 1996 the Secretary-General's 1995 report [YUN 1995, p. 313] on arrangements for death and disability benefits of UN peacekeeping personnel, welcomed the Assembly's April resolution on the issue and requested the Secretary-General to report to the Assembly on a possible commercial insurance scheme to cover all troops.

**Report of Secretary-General.** As requested by the General Assembly in April, the Secretary-General reported [A/50/1009] in July on a proposed accidental death and disability insurance scheme for troops. He recommended that the scheme: be based on a schedule of awards set out in his 1995 report [YUN 1995, p. 313]; be costed on a per troop/per month basis and make provision for periodic variation in troop strength; include, as a second option, a service-incurred death

benefit of \$100,000; provide coverage in a fixed amount of \$5,000 for funeral and transportation (repatriation) expenses in the event of death; and provide for a five-year time-frame from the date of occurrence during which a documented claim would be receivable. The Secretary-General also noted that the United Nations sought liberal terms with respect to aggregate loss limits, preferably no aggregate limit, per occurrence or per policy period.

The report further indicated that by 28 June the Secretariat had received four proposals, three of which met its specifications, from brokerage firms for insurance coverage which ranged in cost from \$25 to \$40 per troop/per month for coverage in the base amount of \$50,000.

The Secretary-General reviewed the legal status of contingent personnel and pointed out that no direct contractual or statutory relationship existed between national contingents serving in UN peacekeeping operations and the Organization. It was therefore not legally appropriate for the United Nations to make direct payments to individual contingent personnel. Accordingly, any compensation for the death or disability of such personnel should be paid not directly to disabled troops or dependent survivors but to the national authorities, as was the current practice.

ACABQ's observations on the Secretary-General's proposal were provided in a November report [A/51/646] to the Assembly.

### Gratis personnel

In response to General Assembly resolution 48/226 C [YUN 1994, p. 1344], the Secretary-General in November 1996 submitted a report [A/51/688 & Corr.1] concerning the secondment by Member States and other entities of military and civilian personnel to DPKO at no cost to the United Nations (gratis personnel).

The report noted that the number of such personnel and the scope of functions entrusted to them had grown significantly over the past few years. It reviewed in that regard issues relating to the status and accountability of gratis personnel, financial implications and related budgetary and financial issues, as well as implications for personnel policies and practices in the Secretariat. Particular emphasis was placed on the need to establish uniform policies for the acceptance and use of such personnel, while preserving the international character of Secretariat responsibilities.

The Secretary-General pointed out that positions funded from extrabudgetary resources or personnel on loan from Governments were acceptable only on a temporary basis for specific short-term projects or pending a transition to

budgetary posts, and that guidelines to that end had already been developed. He invited the General Assembly to note that gratis personnel would be accepted, on an exceptional basis, only when the required expertise was not readily available in the Secretariat, and on the condition that acceptance of such personnel was supplementary to budgeted resources, not a substitute, and assignment was for a limited duration under the supervision of Secretariat staff. The Assembly was also invited to reaffirm that acceptance of gratis personnel could not involve any additional financial liability for the Organization.

### Management of peacekeeping assets

In response to General Assembly resolution 49/233 A [YUN 1994, p. 1338], the Secretary-General submitted a May 1996 report [A/50/965] on policy, technique and accounting issues in the management of peacekeeping assets. The report outlined the overall assets management strategy, involving a worldwide master inventory of field assets; a centralized facility for the receipt, inspection, inventory and issue of equipment and supplies to and from missions, which would also provide a broad oversight and control function; and the introduction of a common supply language within UN peacekeeping operations, based on the North Atlantic Treaty Organization (NATO) Codification System. Also described were materials management mechanisms required for the operation of a master inventory system, methodology for the accounting of peacekeeping assets, and the policy for their transfers between missions and to non-peacekeeping operations (see below). Accordingly, the Secretary-General requested that the Assembly endorse the proposed management strategy, accounting methodology and transfer policy.

In a June report [A/50/985], ACABQ shared the Secretary-General's view that an accurate master inventory was important for both control of existing assets and procurement of new ones, and should be an integral component of the procurement system; it was not convinced, however, of the need to develop a separate cataloguing and codification system and pointed out that the Secretary-General's report did not contain a comprehensive analysis of the UN Common Coding System used by organizations and agencies of the UN system. The Committee recommended that the results of the six-month trial project using the NATO Codification System together with an analysis of possible alternatives be reported to the Assembly before a decision was made to use it on a permanent basis.

**Special Committee consideration.** In 1996, the Special Committee on Peacekeeping Operations noted that the establishment of an adequate inventory and asset control system was crucial to the effective logistic support of UN missions and welcomed the Secretary-General's intention to implement such a system. It also encouraged the Secretariat to ensure cost-effective and viable handling of UN peacekeeping equipment.

### Procurement

**Report of Secretary-General (February).** In response to General Assembly resolution 49/216 C [YUN 1994, p. 1369], the Secretary-General reported [A/C.5/50/13/Rev.1] in February 1996 on the implementation of procurement reform in the UN Secretariat. The report described, inter alia, steps taken to improve procurement and logistics support for peacekeeping operations, including on-the-job training of procurement personnel of peacekeeping operations; revised delegation of procurement authority granted to UN missions worldwide and the removal of geographical procurement restrictions for missions; development of the supplier roster, currently including more than 4,000 firms; introduction of a catalogue of commonly requisitioned items; and a comprehensive review of relevant financial rules and regulations.

The Secretary-General pointed out that new procedures had been introduced to facilitate requests for use of commitment authority for peacekeeping procurement against current and future appropriations, and that considerable progress had been made in defining responsibilities and streamlining procurement procedures with regard to DPKO, the Department of Administration and Management (DAM) and the Office of Legal Affairs. Comprehensive management information statistics had been developed for workload and performance measurement and planning of staff resources, and a weekly status report on all procurement for major peacekeeping missions was prepared.

The Secretary-General further examined staff resources for procurement and reiterated his commitment to establishing an efficient and responsive procurement process.

**ACABQ report (March).** In a March report [A/50/7/Add.13], ACABQ welcomed the progress made in the implementation of procurement reform, but regretted that the Secretary-General had provided only a limited update of issues raised in his 1995 report [YUN 1995, p. 312] and had not described procurement activities in units under his authority other than DAM. The Advisory Committee recommended that the Secretary-General submit to the General Assembly at its



fifty-first session a full implementation report on procurement reform, addressing, *inter alia*, the issue of DPKO responsibility for procurement operations, including the delegation of procurement authority to peacekeeping missions. It also underscored an urgent need to improve procurement planning, particularly in peacekeeping operations, and recommended that DPKO develop a list of UN-particular specifications to be provided to missions.

The Committee noted that DPKO had issued in 1995 letters of assist totalling \$297.7 million for the acquisition of goods and services not available commercially, and that working groups on reimbursement for contingent-owned equipment (see above) had recommended an increase of commitment authority for letters of assist from \$70,000 to \$100,000, which was under review by the Secretary-General. In that regard, ACABQ pointed out that letters of assist were issued as an exception to the normal procurement process, and recommended that the Secretary-General include in his report to the Assembly the result of his review. It also made recommendations concerning the procurement activities of various other units of the Secretariat.

**Special Committee consideration.** The Special Committee on Peacekeeping Operations in 1996 underlined the importance of efficient, responsive and transparent procurement procedures for UN missions and, in particular, the need to document adequately the reasons for seeking exceptions from the rule of open, international competitive bidding.

**Auditors' recommendations.** In its 1996 report [A/51/5, vol. II] on UN peacekeeping operations for the biennium ended 31 December 1995, the Board of Auditors set forth a number of recommendations for: ensuring accurate reporting of procurement expenditures, as well as control and management of procurement made through letters of assist; extending training for procurement personnel to the military, logistics and other mission personnel involved in procurement; and preparing guidelines on the bidding process. Other recommendations dealt with contract awards and continued approval of requisitions by the DPKO Field Administration and Logistics Division before procurement action.

#### GENERAL ASSEMBLY ACTION

On 11 April, the General Assembly, by **decision 50/479**, took note of the reports of the Secretary-General and ACABQ and requested the former to submit to it at its fifty-first session a comprehensive report on the implementation of procurement reform.

**Report of Secretary-General (November).** In response to the Assembly's April request, the Secretary-General reported [A/C.5/51/9] in November on procurement reform, reviewing reform measures relating to the organization and structure of the Procurement and Transportation Division, training for procurement, delegation of procurement authority, use of systems contracts, the supplier roster and criteria for evaluating suppliers, the Headquarters Committee on Contracts and local committees on contracts, streamlining of procedures, and the development of information technology in support of procurement activities.

The Secretary-General concluded that, with the introduction of current measures, most recommendations made by UN bodies and Member States regarding procurement reform either had been addressed or were in an advanced stage of implementation (see also PART FIVE, Chapter IV).

**ACABQ report (December).** In a December report [A/51/7/Add.3], ACABQ welcomed the measures outlined by the Secretary-General, but stated that it was too soon to evaluate the results, as they had been introduced only in July.

#### Liquidation of missions

Further to General Assembly resolution 50/204 [YUN 1995, p. 318] concerning proposals for physical verification and valuation of assets and liabilities of a mission in liquidation, and procedures for their transfer to other missions and UN entities, the Secretary-General, in an annex to a May report [A/50/965], summarized priorities for disposal of such assets.

Upon the liquidation of a mission, its equipment and other property conforming to established standards or compatible with existing equipment would be redeployed to other UN operations or placed in reserve to form start-up kits for future missions, whereas equipment not required for peacekeeping missions but useful for operations of other UN agencies and international non-governmental organizations could be sold to them at depreciated rates. Any other unneeded equipment or property would be sold commercially within the country, while those surplus assets remaining after disposition as described above would be contributed free of charge to the host Government. However, the General Assembly would have to approve any disposition of mission assets providing for free-of-charge contribution to the Government. In that regard, all efforts would be made to obtain the recipient Government's agreement to compensate the United Nations in a mutually acceptable form for the residual value of surplus assets in-

stalled in a country that could not be disposed of otherwise.

**Auditors' recommendations.** By an August note [A/51/283], the Secretary-General transmitted to the Assembly a summary of findings and recommendations by the Board of Auditors concerning the financial period ended 31 December 1995. The Board pointed out, *inter alia*, that in the period under review, there were instances of property transfer from missions in liquidation to ongoing operations without a thorough assessment to determine the need for such items in receiving missions. In addition, the Board recommended that appropriate evaluation be conducted before assets were transferred from liquidating to continuing missions, to avoid the transfer of unserviceable property at additional costs to the Organization.

In its July report [A/51/5, vol. II] on UN peacekeeping operations, the Board reiterated its recommendation that standard procedures be developed for the transfer and acknowledgement of assets, and recommended that DPKO assign specific responsibility for the management and completion of a mission's liquidation within a specified period.

#### OIOS report

In accordance with General Assembly resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General, by a March note [E/AC.51/1996/3 & Corr.1], transmitted a report of the Office of Internal Oversight Services (OIOS) on an in-depth evaluation of the termination phase of peacekeeping operations.

The report contained findings and recommendations on the Organization's capacity to learn from its experience in peacekeeping. It examined lessons of successfully terminated missions relating to peace-building during the mission, a protracted termination phase, successor arrangements, planning for the termination phase, liquidation of missions and disposition of assets; some termination issues in problematic missions were also reviewed.

The OIOS report was considered by the Committee for Programme and Coordination (CPC) at its 1996 session [A/51/16]. The Committee endorsed the recommendations dealing with the establishment of a peacekeeping documentation centre at Headquarters; assessment of implementation of OIOS recommendations in the triennial review, to be submitted to CPC; reviews of experience with the planning of the termination phase in all end-of-mission and "lessons learned" assessments; modifications to provisional guidelines on the liquidation of missions, derived from end-of-mission and "lessons learned" assess-

ments; introduction of a critical path analysis for the liquidation process into the field mission planning process; and elaboration of guidelines for a cost-benefit analysis of transfer of assets.

CPC also modified and endorsed the recommendations to submit the OIOS report and related CPC conclusions to a number of General Assembly and inter-agency bodies; to review end-of-mission assessments and "lessons learned" documents with a view to modifying existing policies and procedures, and to issue the results by June 1997; to designate responsibility centres for work on demobilization, resettlement and reintegration of uprooted populations and other substantive tasks, but not necessarily within the purview of DPKO; to arrange for the provision of military personnel by troop contributors, with prior Security Council approval, to assist in securing a mission's assets, and to entrust the civilian police component with investigations of incidents involving UN personnel and thefts of UN property; and to review by the end of 1996 the existing policy on the disposition of assets during the liquidation of a mission.

The Committee concluded that action on three other recommendations, concerning the transfer of responsibility to successor arrangements, should be based on decisions of relevant intergovernmental bodies, and that the remaining six recommendations should be examined further by such bodies.

#### Transfer of assets

In his May report [A/50/965], the Secretary-General outlined the methodology for the accounting and transfer of peacekeeping assets, comprising the following main elements: upon receipt for storage at the United Nations Logistics Base (see below), assets would be transferred from the sending mission's inventory to that of the Base; upon redeployment, inventory responsibility would follow the physical movement of property, including storage for future use; inventory was included in the financial accounts at initial purchase price, until eventual disposal; inventory records for start-up kits deployed to a new mission would be transferred to that mission, while replacement equipment procured against that mission's budget would be added to the inventory of the Base; and assets would be transferred without reimbursement to the source.

The Secretary-General recommended that assets procured for operations funded by assessed contributions be transferred or redeployed to the Base or other such operations at no additional cost to Member States and without additional financial transactions; however, upon their disposal or transfer to activities not funded by as-

assessment, their residual value should be determined and reported to the General Assembly, and redeployments to and from such activities would be charged at depreciated rates.

ACABQ, in its June report [A/50/985], concurred with the methodology for the accounting and transfer of assets, and recommended that the Assembly endorse the Secretary-General's proposals in that regard.

#### UN Logistics Base

**Report of Secretary-General.** Further to his 1995 report [YUN 1995, p. 312], the Secretary-General reported [A/50/907] in April 1996 on surplus asset storage facilities and mission start-up kits at the United Nations Logistics Base in Brindisi, Italy. The report estimated that the start-up costs for the Base from 23 November 1994 to 31 December 1995 were \$3.2 million, and the cost of maintaining it from 1 January to 30 June 1996 was \$4,078,500 gross (\$3,828,600 net), which provided for 16 international and 17 local staff. Estimates also covered spare parts, contractual refurbishment services, preparation and loading of equipment for shipment, maintenance of premises, and transport, logistics and electronic support. The budget from 1 July 1996 to 30 June 1997 was estimated at \$7,875,000 gross (\$7,375,200 net).

The Secretary-General recommended that the General Assembly note the Base's financing from 23 November 1994 to 30 June 1996, approve the cost estimates until 30 June 1997, and decide to include in the budget of each peacekeeping mission its share of costs for maintaining the Base, reflecting the percentage relationship of that mission's budget to the overall peacekeeping budget.

**ACABQ report.** In its June report [A/50/985], ACABQ provided observations and recommendations on the Secretary-General's 1995 and 1996 reports on surplus asset storage facilities. It noted the Secretariat's intention to maintain in reserve five start-up kits for 100-person missions, preconfigured and stocked in ways to facilitate immediate packing and shipment, with an individual value of \$3.4 million; it pointed out that the actual cost of start-up kits could vary significantly depending on the availability of surplus assets at the Base. ACABQ agreed with the proposed mechanism for the establishment and replenishment of start-up kits, trusting that only serviceable equipment and usable supplies would be transferred from peacekeeping missions for storage at the Base. It also concurred with the proposal to establish standards for a maximum level of stocks and the quality of assets to be retained for future use, so as to enable local disposal of

substandard equipment before shipment to the Base. It was recommended that such standards be established expeditiously and that a cost-benefit analysis be carried out regarding the Base's operation.

ACABQ further recommended that the General Assembly note the extension of the Base's ad hoc financing arrangements until 30 June 1996, and approve the proposed cost estimates until 30 June 1997, to be prorated among peacekeeping budgets, and that future budget proposals for the Base reflect detailed workload indicators for various types of work to be performed by contractors.

**Special Committee consideration.** In 1996, the Special Committee on Peacekeeping Operations requested competent bodies of the General Assembly to examine further the Secretary-General's proposal to regularize financing of the UN Logistics Base.

#### GENERAL ASSEMBLY ACTION

**By decision 50/500** of 17 September, the General Assembly took note of the Secretary-General's report on policy, technique and accounting issues in the management of peacekeeping assets, his 1995 and 1996 reports on surplus asset storage facilities and mission start-up kits, and the related ACABQ report, and deferred their consideration to its fifty-first session. The Secretary-General was asked to submit follow-up information as requested by ACABQ.

#### Financial management and management review

In response to General Assembly resolution 49/233 A [YUN 1994, p. 1338], the Secretary-General submitted a June 1996 report [A/50/983] clarifying the concepts of a management review officer and a roving finance officer, as well as the accountability of programme managers in peacekeeping operations.

He noted that the shortage of experienced civilian administrative staff was one of the most crucial problems facing UN missions, particularly in the early stages. To address that shortage in the area of financial management, trained personnel from Headquarters or other missions had been temporarily assigned to new operations as roving finance officers. Their responsibilities included financial planning and management, operational support, and review and control. The report further described each of those functions, adding that roving finance officers, due to their extensive previous field experience, played an important role in the training of personnel on administrative and finance issues prior to deployment to the field. The Secretary-General suggested that a pool of at least four such officers should be established and that a roster of such individuals from DPKO and other of-

fices could be maintained to ensure their immediate availability.

The report further pointed out that management review capability in missions often proved to be insufficient and that management review officers should be assigned to each operation to carry out three broad functions: review and analysis of existing management practices; streamlining and improvement of management practices and programme coordination; and implementation of follow-up mechanisms for corrective action. Such officers would assist the mission's head of administration in expediting the implementation of approved managerial policy, recommendations issued by oversight bodies and guidance received from legislative bodies. Currently, those functions could be performed through appropriate redeployment of staff.

The Secretary-General concluded that roving finance officers and management review officers would complement and support internal control mechanisms implemented by resident auditors assigned to missions by OIOS. Those three functions would in turn support the system of accountability and responsibility of peacekeeping programme managers, ensuring the effective administration of personnel and financial resources allocated to them.

In a November report [A/51/646], ACABQ recommended that the General Assembly take note of the Secretary-General's report and that information on roving finance officers and management review officers be included in the budgets of peacekeeping operations.

## Other matters

### Demining

The Secretary-General, in his August 1996 report on the work of the Organization [A/51/1], noted that DPKO, facing the problem of mine clearance as both a mandated objective and a question of safety for peacekeeping troops, had worked closely with the Department of Humanitarian Affairs (DHA)—the Organization's focal point for mine clearance—on enhancing UN demining capacity and coordinating national demining activities. The two Departments continued to develop different aspects of the UN Central Landmine Database, designed to disseminate information on minefields and mine incidents reported around the world, some of which was placed on the Internet. Over the past year, DHA and DPKO had been responsible for

programmes in Afghanistan, Angola, Bosnia and Herzegovina, Mozambique and Rwanda, as well as for separate programmes in Eastern Slavonia and in the rest of Croatia, and continued to provide input into programmes in Cambodia and the Lao People's Democratic Republic. In addition, a one-year programme was completed in Yemen, and DPKO continued to collect information on the mine situation in Western Sahara. (See also PART ONE, Chapters II, IV, V and VII, and PART THREE, Chapter III.)

**Special Committee consideration.** At its 1996 session, the Special Committee on Peacekeeping Operations called on the Secretary-General to provide a more coordinated approach between the units within DHA and DPKO responsible for demining operations under UN auspices and involved in coordination with non-UN demining agencies, so as to avoid duplication of effort.

#### SECURITY COUNCIL ACTION

On 30 August, the Security Council President made the following statement [S/PRST/1996/37] on behalf of the Council:

The Security Council has reviewed the issue of demining in the context of United Nations peacekeeping and has given careful consideration to the views expressed in the open debate under the item "Demining in the context of United Nations peacekeeping" in its 3689th meeting on 15 August 1996.

The Security Council, bearing in mind its responsibilities with regard to United Nations peacekeeping, notes that the widespread indiscriminate use of anti-personnel mines in areas of United Nations peacekeeping operations poses serious impediments to such operations and to the safety of United Nations and other international personnel. Against this background, the Council states the following:

1. Operational demining should be, wherever appropriate, an important element and an integral part of peacekeeping mandates. This will facilitate the implementation of those mandates and better enable the Secretary-General to allocate appropriate resources towards achieving their objectives.

2. The early deployment of mine clearance units will often be important to the effectiveness of a peacekeeping operation. The Council encourages the Special Committee on Peacekeeping Operations to examine options for achieving such early deployment. It also encourages Member States to examine whether and in what form they might be able to help in this respect.

3. The tasks of, on the one hand, operational mine clearance during peacekeeping operations, which is the responsibility of the Department of Peacekeeping Operations, and, on the other hand, longer-term humanitarian mine-clearance activities, which fall under the responsibility of the Department of Humanitarian Affairs, are different. The Council is, however, aware of linkages and complementarities between different elements of conflict resolution as well as of the need to ensure a

smooth transition from demining as a peacekeeping requirement to demining as part of peace-building in a follow-up phase.

The Security Council, thus, is of the opinion that coordination and a clear delineation of responsibilities between the two Departments as well as with regard to other United Nations agencies dealing with demining could be further improved so as to avoid duplication of effort and to guarantee a coherent and integrated approach towards the whole range of short- and long-term demining needs. With particular reference to paragraph 51 of the report of the Special Committee on Peacekeeping Operations of 7 May 1996, the Council requests the Secretary-General to intensify his efforts aiming in this direction.

The Security Council emphasizes the importance of coordination by the United Nations of activities related to mine clearance in the context of United Nations peacekeeping, including those by regional organizations, in particular in the areas of information and training.

4. The primary responsibility for demining in the context of United Nations peacekeeping lies with parties responsible for the laying of mines. Parties to a conflict must desist from further mine laying once a peacekeeping operation is established. They are also obliged to facilitate humanitarian and military demining efforts by providing detailed maps and other relevant information on those mines that have already been laid by them and by contributing financially or otherwise to their removal.

5. The international community should intensify, multilaterally or bilaterally, its efforts in assisting those parties to a conflict which have shown their readiness to cooperate with mine clearance, mine awareness and training programmes in the context of United Nations peacekeeping operations. In this connection, the Council welcomes the establishment by the Secretary-General of a United Nations Voluntary Trust Fund for Demining as a necessary and timely mechanism to channel funding to humanitarian demining operations.

The Security Council appeals to all States to contribute to this Fund as well as to other voluntary funds set up by the Secretary-General for certain peacekeeping operations which contain demining elements.

6. Demining activities should, as much as possible, make use of the appropriate modern mine-clearance technologies and specialized equipment and focus on the creation and strengthening of local demining capabilities; training programmes should attach particular importance to this aspect. Where this would be of benefit to the operational effectiveness of a peacekeeping operation, consideration should also be given to including provision for the training of a local demining capability in mandates of peacekeeping operations.

The Security Council encourages the Special Committee on Peacekeeping Operations, given its responsibility for a comprehensive review of the whole question of peacekeeping operations, to continue and intensify its considerations of the operational demining aspects of peacekeeping operations. These considerations might include an analysis of mine-clearance experience in previous peacekeeping operations.

The Security Council is of the view that the elements outlined in this statement are not exhaustive. The Council will thus keep this issue under review in the context of the establishment of peacekeeping operations and the consideration of specific mandates.

Meeting number. SC 3693.

## Cooperation with regional organizations

In his report on the work of the Organization [A/51/1], the Secretary-General noted that as demands for international action to maintain peace and security increased, cooperation between the United Nations and regional organizations continued to grow and, in some cases, had reached considerably higher levels. To explore the full potential of such cooperation, a second meeting of the heads of 13 regional organizations that cooperated with UN peacemaking and peacekeeping endeavours was convened on 15 and 16 February. The report further described UN activities carried out over the past year in cooperation with the Organization of American States (OAS), the Organization of African Unity (OAU), the Caribbean Community (CARICOM), the Organization for Security and Cooperation in Europe (OSCE) (see relevant regional chapters of PART ONE), the Organization of the Islamic Conference and the League of Arab States.

**Special Committee consideration.** The Special Committee on Peacekeeping Operations in 1996 reaffirmed the important contribution to the maintenance of international peace and security that regional arrangements and agencies could make in accordance with Chapter VIII of the Charter of the United Nations, including peacekeeping. It recalled the General Assembly's 1994 Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security [GA res. 49/57] and encouraged the strengthening of such cooperation.

In that context, the Committee noted the framework for cooperation between the UN Secretariat and OSCE, as well as the Secretary-General's 1995 report on improving preparedness for conflict prevention in Africa [YUN 1995, p. 307], and encouraged him to continue efforts, in consultation with OAU, to reinforce African capacity to participate in peacekeeping, notably through technical assistance and the training of personnel, logistical support and mobilization of financial aid. The Secretary-General was also encouraged to continue his meetings on cooperation between the United Nations and regional organizations, including in the area of peacekeeping, and to report on those meetings to Member States.

**Note of Secretary-General.** In a July note [A/50/571/Add.1], the Secretary-General transmitted to the General Assembly his comments on a 1995 report of the Joint Inspection Unit on the sharing of responsibilities in peacekeeping between the United Nations and regional organizations [YUN 1995, p. 307].

While welcoming some of the recommendations, he pointed out that the thrust of conclusions that the United Nations should provide regional organizations with resources to carry out roles in the peace and security field contradicted the report's own premise that regional organizations could relieve some of the burden from the United Nations at a time when its capacity for peace operations was being overstretched. The Secretary-General noted that he and the Secretariat would be guided in developing more effi-

cient cooperation with regional organizations by the general policy directive set out in a 22 February 1995 statement of the Security Council President [YUN 1995, p. 179].

**Communication.** By a 26 January letter [A/51/62-S/1996/74], the Russian Federation transmitted to the Secretary-General the texts of decisions adopted by the Council of Heads of State of the Commonwealth of Independent States (CIS) in Moscow on 19 January. The decisions concerned, inter alia, approval of the statute on collective peacekeeping forces in CIS and of the concept for prevention and settlement of conflicts in CIS member States, which comprised such elements as conflict prevention, settlement of armed conflicts, post-conflict peace-building and interaction with the United Nations and OSCE.

## Chapter II

**Africa**

The continent of Africa continued to suffer from debilitating political and civil conflict during 1996, resulting in massive flows of refugees and displaced persons. The countries most severely affected by ethnic strife and the ensuing humanitarian problems were African nations in the Great Lakes region, particularly Zaire, Rwanda and Burundi. The situation in Burundi was further complicated by a coup d'état on 25 July, when the power-sharing Government established in 1994 was overthrown. The widespread tensions and violence in the Great Lakes region led to hundreds of thousands crossing borders between neighbouring Central African nations, particularly Zaire, Rwanda and Burundi. During the year, Kenya, Uganda and the United Republic of Tanzania were also affected by the turmoil. Beginning in mid-November, the significant return of refugees to Rwanda from eastern Zaire eased the humanitarian crisis to some degree. The mandate for a multinational force, authorized by the Security Council on 15 November, was terminated at year's end because of the changed situation. Special Envoys and Special Representatives of the Secretary-General continued their work for the entire region.

In Angola, the United Nations focused on efforts to implement the 1994 Lusaka Protocol signed by the two parties to the long-standing dispute—the Government of Angola and the National Union for the Total Independence of Angola (UNITA). However, progress in implementing the terms of the accord relating to the withdrawal and demilitarization of UNITA forces and the integration of those forces into a national military remained slow.

The civil war continued in Liberia despite the warring factions having signed an agreement in 1995. At one point, fighting between the factions erupted again, but the sides agreed to return to a ceasefire by the end of the year. Following international diplomatic intervention, the several parties agreed on a revised schedule for elections, postponing them until May 1997.

A coup d'état occurred in Sierra Leone on 16 January following years of civil unrest. Nevertheless, the new leaders of that country carried out the previously planned presidential elections and a peace agreement was signed by the two opposing sides in November.

Political chaos, civil strife and famine remained the dominant features of the situation in Somalia. UN efforts to achieve national reconciliation were stymied by a lack of cooperation from the Somali parties, and fighting resumed in December. A United Nations Political Office for Somalia was established in Nairobi, Kenya, to maintain contact with political leaders and coordinate relief assistance.

Agreements were signed by the Government of the Sudan in 1996—on 10 April, with two rebel factions, to end the ongoing civil war, and on 9 September, with Uganda, to normalize relations. The Security Council in January demanded that the Sudan extradite to Ethiopia three suspects in the June 1995 assassination attempt on the President of Egypt in Addis Ababa, and a Special Envoy was appointed by the Secretary-General. In April and again in August, travel and diplomatic sanctions were imposed by the Council against the Sudan for non-compliance with its resolution.

In Western Sahara, the United Nations continued to work towards holding a referendum on the self-determination of the territory. However, the two parties—the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO)—remained at an impasse over the issue of who would be eligible to vote. The ceasefire continued to hold throughout the year.

As part of its efforts to find solutions to the political problems facing Africa, the United Nations maintained four peacekeeping forces on the continent in 1996: the United Nations Angola Verification Mission (UNAVEM); the United Nations Observer Mission in Liberia (UNOMIL); the United Nations Mission for the Referendum in Western Sahara (MINURSO); and the United Nations Assistance Mission for Rwanda (UNAMIR). UNAMIR's mandate expired in March and the last troops left Rwanda in April, after a two-and-a-half year presence in that country. UNOMIL, in place since 1993, had been supplemented since 1994 by the Monitoring Group of the Economic Community of West African States (ECOMOG).

Two international bodies dealt with specific investigations in Africa in 1996: the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious

Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (see PART FOUR, Chapter II), and the International Commission of Inquiry established to investigate reports of the sale or supply of arms to former Rwandan government forces residing in eastern Zaire.

The Security Council in 1996 upheld sanctions imposed against the Libyan Arab Jamahiriya in 1992, despite efforts to have them lifted. The sanctions were intended to obtain the Libyan Government's cooperation in releasing two individuals suspected of involvement in a 1988 aircraft bombing over Lockerbie, Scotland.

## Great Lakes region

In 1996, the refugee situation remained a serious destabilizing factor for the entire Great Lakes region in Central Africa. Those countries most severely affected were Burundi, Rwanda and Zaire, but Kenya, Uganda and the United Republic of Tanzania also suffered. The presence of more than 1 million refugees in eastern Zaire, mostly from Rwanda, exacerbated ongoing problems of political and ethnic friction in the area, leading to intensified hostilities during the year. As a result, great flows of refugees crossed the borders of Great Lakes region nations, with large numbers returning to Rwanda and the United Republic of Tanzania by the end of the year. Rwanda and Zaire, and to a lesser degree Burundi and Uganda, accused other countries of provoking armed attacks by refugees or involvement in rebel movements in efforts to destabilize existing Governments.

As the political, humanitarian and security situation grew significantly worse, the Secretary-General appointed a Special Envoy for the Great Lakes region, Raymond Chrétien (Canada), whose tasks were threefold: to consult with all concerned to establish the facts relating to current conflicts and develop plans for defusing tension and establishing a ceasefire and a negotiating process; to explore the possibilities for convening a regional conference; and to advise on the mandate for a Special Representative who would reside in the region, and on the size and structure of a UN political presence to be established in the region. On 30 October, the Security Council welcomed the appointment [S/1996/889].

Intense fighting between Zairian troops and rebels in early November resulted in the evacuation of all international humanitarian workers and forced hundreds of thousands of refugees and displaced Zairians to flee Zaire—an unexpected, massive flow of approximately 600,000 into Rwanda from eastern Zaire by mid-November.

The Secretary-General had proposed to the Security Council on 7 November that a multinational force be dispatched to eastern Zaire. On 15 November, the Council authorized Member States cooperating with the Secretary-General to establish a temporary multinational force to facilitate delivery of humanitarian aid. Although a small force was dispatched, it was subsequently determined that the situation had changed so that the force, at its authorized level, had very little utility. (For further details regarding the Great Lakes situation, and texts of relevant resolutions, see sections below on "Zaire" (pp. 55-59), "Rwanda" (pp. 59-73) and "Burundi" (pp. 73-89).)

## Peacemaking efforts

The United Nations was involved in and supported regional efforts to find a solution to the political and humanitarian problems of Central Africa, particularly in the Great Lakes region, during 1996. The Secretary-General during the year dispatched two Special Envoys and a Special Representative to the Great Lakes region, and the Security Council in November authorized a multinational force for humanitarian purposes for eastern Zaire, which was terminated in December due to developments in that area. UN representatives also attended two summit meetings of leaders of regional States, held in Nairobi. The heads of State and Government of the countries members of the United Nations Standing Advisory Committee on Security Questions in Central Africa (see PART ONE, Chapter VII), at a meeting held in Brazzaville, Congo, on 2 and 3 December [S/1996/1006], stressed the need for an integrated and comprehensive approach to the search for a lasting peace in the Great Lakes region and decided to give priority to monitoring the situation there and to consult regularly with a view to finding peaceful solutions.

## Multinational force

Various suggestions were made during 1996 for an international or multinational force to be sent to the Great Lakes region in response to the political and humanitarian problems there. The Security Council authorized such a force on 15 November. However, with the return of the majority of refugees and the growing access of humanitarian agencies to the remainder, the man-



date for the multinational force was terminated at the end of the year.

In April, the Security Council, in **resolution 1053(1996)** (see below, under "Rwanda"), had requested the Secretary-General to consult with States neighbouring Rwanda, in particular Zaire, on measures, including the possible deployment of UN observers at airfields and other transportation points near border crossing points, for the purpose of monitoring the arms embargo against Rwandan rebel forces (see below). In response to a communication from the Secretary-General on the subject, President Mobutu Sese Seko of Zaire, in a 29 May letter, requested that UN observers be deployed to North and South Kivu for the purpose of exercising surveillance over the flow of goods through the airports of Goma (North Kivu) and Bukavu (South Kivu), and of monitoring the movement of persons along the common borders of Zaire with Rwanda and Burundi, the Secretary-General reported to the Security Council President on 4 June [S/1996/420]. He also informed the Council that he intended to dispatch a technical mission to the area to collect information and prepare a report, on the basis of which he would submit recommendations to the Council for the eventual deployment of UN observers. Rwanda, on 28 June [S/1996/496], expressed its view that sending another mission to the region might not be appropriate; instead, the Council should be urged to complete the work of the International Commission of Inquiry (see below), which was investigating reports of arms being supplied to former Rwandan government forces.

On 5 November, a summit meeting of regional leaders in Nairobi (see below) called for the deployment of an international force in eastern Zaire to support humanitarian assistance. Support for that proposal was expressed by the 17-member Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution at a meeting at ministerial level in Addis Ababa, Ethiopia, on 11 November. A statement [S/1996/922] issued after the meeting called on the Security Council to authorize the rapid deployment of a neutral force to provide humanitarian assistance to refugees, as well as to ensure their return to Rwanda, and stressed that African participation in such a force was pivotal. The ministers asked the international community to ensure that financial, logistical and material resources were available to support African participation.

The Secretary-General, in a 7 November letter [S/1996/916] to the Security Council, said that the immediate concern, in view of the increased

fighting, was to respond to the refugee crisis by securing the delivery of humanitarian assistance, and the longer-term goal was the repatriation of the refugees. In order to create the necessary conditions to achieve those objectives, he proposed that a multinational force be created under the command agreed to by the countries contributing to it. His proposal for such a force to be set up for humanitarian purposes in eastern Zaire was welcomed by the Security Council in **resolution 1078(1996)** of 9 November.

#### SECURITY COUNCIL ACTION (9 November)

On 9 November, the Security Council adopted **resolution 1078(1996)**.

The Security Council,

Gravely concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and at the effect of the continued fighting on the inhabitants of the region,

Recalling the statement of the President of the Security Council of 1 November 1996 on the situation in the Great Lakes region and the letters dated 14 and 24 October 1996 from the Secretary-General to the President of the Council,

Particularly concerned at the humanitarian situation and the large-scale movements of refugees and internally displaced persons,

Deeply concerned at the obstacles to the efforts of all international humanitarian agencies to provide relief and assistance to those in need,

Stressing the need to address, as a matter of urgency, the humanitarian situation, and in this context, underlining the necessity to adopt, in consultation with the States concerned, measures necessary in order to enable the return in the region of humanitarian agencies and to secure the prompt and safe delivery of humanitarian assistance to those in need,

Having considered the letter dated 7 November 1996 from the Secretary-General to the President of the Council,

Welcoming the regional efforts which are aimed at reducing tension in the region, in particular the contribution made by the regional leaders at their meeting in Nairobi on 5 November 1996,

Taking note of the letter dated 6 November 1996 from the Permanent Representative of Kenya to the Secretary-General, which contains the communique of the Nairobi regional summit on the crisis in eastern Zaire,

Taking note also of the request addressed to the Council by the regional leaders at their meeting in Nairobi on 5 November 1996, to take urgent measures to ensure the establishment of safe corridors and temporary sanctuaries by deploying a neutral force,

Noting that the regional leaders called for an intensification of efforts towards the voluntary repatriation of refugees to Rwanda,

Expressing its intention to respond positively on an urgent basis to those requests,

Bearing in mind the reaffirmation by the Nairobi regional summit of its commitment to the territorial integrity of Zaire, and stressing the need for all States to

respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations,

Underlining the urgent need for the orderly and voluntary repatriation and resettlement of refugees, and the return of internally displaced persons, which are crucial elements for the stability of the region,

Reiterating its support for the Special Envoy of the Secretary-General, and underlining the need for all Governments in the region and parties concerned to cooperate fully with the mission of the Special Envoy,

Welcoming the efforts of the mediators and representatives of the Organization of African Unity (OAU), the European Union and the States concerned, and encouraging them to coordinate closely their efforts with those of the Special Envoy,

Underlining the urgent need for an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the OAU to address the problems of the region in a comprehensive way,

Taking note of the letter dated 8 November 1996 from the Charge d'affaires a. i. of the Permanent Mission of Zaire to the United Nations addressed to the President of the Council,

Determining that the magnitude of the present humanitarian crisis in eastern Zaire constitutes a threat to peace and security in the region,

#### A

1. Condemns all acts of violence, and calls for an immediate ceasefire and a complete cessation of all hostilities in the region;

2. Calls upon all States in the region to create the conditions necessary for the speedy and peaceful resolution of the crisis and to desist from any act that may further exacerbate the situation, and urges all parties to engage in a process of political dialogue and negotiation without delay;

3. Reaffirms its commitment to the establishment of conditions conducive to the voluntary repatriation of refugees to their country of origin as a crucial element for the stability of the region;

4. Calls upon all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations;

5. Calls upon all those concerned in the region to create favourable and safe conditions to facilitate the delivery of international humanitarian assistance to those in need and to ensure the safety of all refugees as well as the security and freedom of movement of all international humanitarian personnel;

#### B

6. Welcomes the Secretary-General's letter dated 7 November 1996, including in particular his proposal that a multinational force be set up for humanitarian purposes in eastern Zaire;

7. Strongly urges Member States, on an urgent and temporary basis and in cooperation with the Secretary-General and with the OAU, to prepare the necessary arrangements, in consultation with the States concerned, to allow the immediate return of humanitarian organizations and the safe delivery of humanitarian aid to displaced persons, refugees and civilians at risk in eastern Zaire, and to help to create the

necessary conditions for the voluntary, orderly and secure repatriation of refugees;

8. Requests the Member States concerned to report to the Council through the Secretary-General on those arrangements as soon as possible to enable the Council to authorize the deployment of the multinational force referred to above upon receipt of the report, which will inter alia reflect the results of the consultations with the States concerned in the region, and bearing in mind the need to ensure the security and freedom of movement of the personnel of the multinational force referred to in paragraph 6 above;

9. Decides that the cost of implementing such an operation will be borne by the participating Member States and other voluntary contributions, and encourages all Member States to contribute to the operation in any way possible;

#### C

10. Requests the Secretary-General, in consultation with his Special Envoy and the coordinator of humanitarian affairs, the United Nations High Commissioner for Refugees, the OAU, the Special Envoy of the European Union and the States concerned:

(a) To draw up a concept of operations and framework for a humanitarian task force, with military assistance if necessary, drawing initially on immediately available contributions from Member States, with the objectives of:

(i) Delivering short-term humanitarian assistance and shelter to refugees and displaced persons in eastern Zaire;

(ii) Assisting the United Nations High Commissioner for Refugees with the protection and voluntary repatriation of refugees and displaced persons;

(iii) Establishing humanitarian corridors for the delivery of humanitarian assistance and to assist the voluntary repatriation of refugees after carefully ascertaining their effective will to repatriate;

(b) To seek the cooperation of the Government of Rwanda in, and to ensure international support for, further measures, including the deployment of additional international monitors, as appropriate, to build confidence and ensure a safe return of refugees;

(c) To report to the Council with recommendations no later than 20 November 1996;

11. Calls upon the OAU, the States of the region and other international organizations to examine ways in which to contribute to and to complement efforts undertaken by the United Nations to defuse tension in the region, in particular in eastern Zaire;

12. Expresses its readiness to examine without delay the recommendations that the Secretary-General might submit in this regard;

#### D

13. Invites the Secretary-General, on an urgent basis and in close consultation with the Secretary-General of the OAU, and with the States concerned, and in the light of the recommendations of his Special Envoy, to determine the modalities of the convening of an international conference for peace, security and development in the Great Lakes region and to make all necessary arrangements to convene such a conference;

14. Decides to remain actively seized of the matter.

Security Council resolution 1078(1996)  
 9 November 1996 Meeting 3710 Adopted unanimously  
 Draft prepared in consultations among Council members (S/1996/921).

Zaire, in an 8 November letter to the Security Council President [S/1996/920], agreed to the deployment of a multinational force. It agreed with the Secretary-General's proposal that the best option would be for a group of Member States to establish and contribute to a multinational force, with the Security Council's authorization, operating under the command and control agreed between the countries contributing to it; the force would exist for a limited period. If necessary, it could be supplemented by a UN peacekeeping force. Zaire called on the United Nations to order Rwanda and Burundi to withdraw their troops from occupied Zairian territory and to condemn the murderers of Zairian soldiers in the UN camps and the massacre of innocent civilians.

Having consulted with a number of Governments, including those in the region, Canada offered to work with other Governments to enable the deployment of a multinational force as a temporary humanitarian operation for eastern Zaire. In a 14 November letter [S/1996/941] to the Secretary-General, Canada said the purpose of such an operation would be to allow the immediate return of humanitarian organizations and the safe delivery of humanitarian aid to displaced persons, refugees and civilians at risk in eastern Zaire, and to help to create conditions for the voluntary repatriation of refugees. Canada was willing to take the lead in organizing and commanding such an operation, whose objectives were humanitarian and not intended to interfere with the balance of military forces in the area or to support the re-establishment of camps in which armed elements were able to operate. In Canada's view, the temporary operation should terminate on 31 March 1997 and could be succeeded by a follow-up operation, if the Security Council so decided.

Mali, in an 8 November letter [S/1996/969] to the Secretary-General, had stated that it stood ready to contribute to the establishment of any intervention force that might be set up under the auspices of OAU and the United Nations for safeguarding the lives of those in jeopardy in the Great Lakes region.

#### SECURITY COUNCIL ACTION

On 15 November 1996, the Security Council adopted **resolution 1080(1996)**, thereby authorizing a temporary multinational force for eastern Zaire.

The Security Council,  
 Reaffirming its resolution 1078(1996) of 9 November 1996,

Gravely concerned at the continuing deteriorating situation in the Great Lakes region, in particular eastern Zaire,

Taking note of the communique issued by the fourth extraordinary session of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution held at the ministerial level at Addis Ababa on 11 November 1996, as well as a communication dated 13 November 1996 from the Permanent Observer Mission of the Organization of African Unity (OAU) to the United Nations,

Stressing the need for all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations,

Underlining the obligation of all concerned strictly to respect the relevant provisions of international humanitarian law,

Having considered the letter dated 14 November 1996 from the Secretary-General to the President of the Security Council,

Reiterating its support for the Special Envoy of the Secretary-General, and underlining the need for all Governments in the region and parties concerned to cooperate fully with the mission for the Special Envoy,

Welcoming the efforts of the mediators and representatives of the OAU, the European Union and the States concerned, and encouraging them to coordinate closely their efforts with those of the Special Envoy,

Recognizing that the current situation in eastern Zaire demands an urgent response by the international community,

Reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the OAU to address the problems of the region in a comprehensive way,

Determining that the present situation in eastern Zaire constitutes a threat to international peace and security in the region,

Bearing in mind the humanitarian purposes of the multinational force as specified below,

Acting under Chapter VII of the Charter of the United Nations,

1. Reiterates its condemnation of all acts of violence, and its call for an immediate ceasefire and a complete cessation of all hostilities in the region;

2. Welcomes the letter from the Secretary-General dated 14 November 1996;

3. Welcomes also the offers made by Member States, in consultation with the States concerned in the region, concerning the establishment for humanitarian purposes of a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire, and to facilitate the voluntary, orderly repatriation of refugees by the United Nations High Commissioner for Refugees as well as the voluntary return of displaced persons, and invites other interested States to offer to participate in these efforts;

4. Welcomes further the offer by a Member State to take the lead in organizing and commanding this temporary multinational force;

5. Authorizes the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 3 above to achieve, by using all necessary means, the humanitarian objectives set out therein;

6. Calls upon all concerned in the region to cooperate fully with the multinational force and humanitarian agencies and to ensure the security and freedom of movement of their personnel;

7. Calls upon the Member States participating in the multinational force to cooperate with the Secretary-General and to coordinate closely with the United Nations Coordinator for humanitarian assistance for eastern Zaire and the relevant humanitarian relief operations;

8. Decides that the operation shall terminate on 31 March 1997, unless the Council, on the basis of a report of the Secretary-General, determines that the objectives of the operation have been fulfilled earlier;

9. Decides also that the cost of implementing this temporary operation will be borne by the participating Member States and other voluntary contributions, and welcomes the establishment by the Secretary-General of a voluntary trust fund with the purpose of supporting African participation in the multinational force;

10. Encourages Member States to contribute urgently to this fund or otherwise to give support to enable African States to participate in this force, and requests the Secretary-General to report within 21 days of the adoption of this resolution to enable the Council to consider the adequacy of these arrangements;

11. Requests the Member States participating in the multinational force to provide periodic reports at least twice monthly, through the Secretary-General, to the Council, the first such report to be made no later than 21 days after the adoption of this resolution;

12. Expresses its intention to authorize the establishment of a follow-on operation, which would succeed the multinational force, and requests the Secretary-General to submit for its consideration a report, no later than 1 January 1997, containing his recommendations regarding the possible concept, mandate, structure, size and duration of such an operation, as well as its estimated costs;

13. Requests the Secretary-General to initiate detailed planning and to determine the willingness of Member States to contribute troops for the anticipated follow-on operation;

14. Decides to remain actively seized of the matter.

Security Council resolution 1080(1996)

15 November 1996 Meeting 3713 Adopted unanimously

32-nation draft (S/1996/943).

Sponsors: Argentina, Austria, Belgium, Botswana, Cameroon, Canada, Chile, Congo, Denmark, Egypt, Finland, France, Gabon, Germany, Guinea-Bissau, Honduras, Indonesia, Ireland, Israel, Italy, Luxembourg, Mali, Netherlands, Norway, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom, United States, Zaire.

(Following adoption of the resolution, the President read out a letter [S/1996/949] from Brazil, indicating that it had been its intention to be a sponsor.)

Zaire, in a letter of 15 November [S/1996/942] to the Council President, said that it should be con-

sulted on the composition and mandate of any multinational force to be deployed in eastern Zaire. It objected to the sending of a team of planners for the multinational force to Kigali, Rwanda, and said the force should have its headquarters in Zaire since the force would be deployed there. As for the mandate of the international force, it should be not only humanitarian but also political—and must be supported militarily, if necessary—in order to cover all aspects of the problem. Humanitarian organizations operating in the country should work under the authority of the UNHCR Coordinator for humanitarian operations and should refrain from dealing with the illegal administrations established by the aggressors, Zaire added.

The Secretary-General indicated in a 5 December letter [S/1996/1013] to the Council President that several Member States had expressed their willingness to participate in the voluntary trust fund established on 25 November to support African participation in the temporary multinational force, but no contributions had been received so far since the nature and size of the force had yet to be finalized.

As an annex to his letter, the Secretary-General forwarded a report on the multinational force, submitted by Canada on the same day. Canada stated that, since the adoption of resolution 1080(1996) on 15 November, the situation on the ground in eastern Zaire had improved significantly. With the voluntary repatriation of a large number of refugees to Rwanda and the increase in access, albeit limited, of humanitarian organizations in eastern Zaire, progress had been achieved towards fulfilling both elements of the mandate. It was possible that there might be an appreciable number of refugees and displaced persons in eastern Zaire who still required assistance, and the multinational force had been undertaking aerial and ground reconnaissance missions to obtain a clearer understanding of the number and needs of those people. The Force Commander had had numerous contacts with the Governments of Zaire, Rwanda and Uganda, as well as other leaders, to solicit their support for the multinational force. Headquarters had been established in Kampala, Uganda, and current personnel numbered 345 in theatre in Uganda and Rwanda, with 32 military personnel in the planning group in Stuttgart, Germany. A Steering Group composed of key contributors of troops, equipment and funding—Belgium, Cameroon, Canada, France, Ireland (EU Presidency), Italy, Japan, the Netherlands, Senegal, South Africa, Spain, Sweden, Uganda, the United Kingdom and the United States—had held its first meeting on 29 November in Ottawa. Its mandate

was to exchange information on developments relating to the force, to decide on any major change to the concept of operations and mission tasks, and to ensure liaison on humanitarian assistance.

After consulting with the Steering Group members in December, Canada concluded that, with the return to Rwanda of the majority of refugees, the dispersal of the remaining number over large areas of eastern Zaire and the growing access of humanitarian agencies to the remaining refugees and others at risk, the multinational force at its current authorized force level had very little utility. As stated in a 13 December letter [S/1996/1046] to the Secretary-General, Canada decided to withdraw its command and forces by 31 December. It recommended that the Security Council terminate the mandate of the multinational force, effective that day.

The Security Council on 23 December, in a letter [S/1996/1064] to the Secretary-General, agreed that the functions of the force had come to an end.

The Secretary-General, in his 20 December report on the Great Lakes region [S/1996/1063], said that, under the circumstances, he was not in a position to recommend to the Council the establishment of a UN operation to follow on from the multinational force.

### Special Envoy

In a visit to the region, Special Envoy Raymond Chrétien arrived in Kinshasa, Zaire, on 8 November, having first called on Zaire President Mobutu Sese Seko in the south of France where he was undergoing medical treatment. Afterwards, Mr. Chrétien shuttled between a number of countries (Burundi, Cameroon, Ethiopia, Kenya, Rwanda, Senegal, South Africa, Uganda, United Republic of Tanzania, Zaire). He returned to United Nations Headquarters on 11 December following a further meeting with President Mobutu in Nice.

On 12 December, the Secretary-General transmitted Mr. Chrétien's report on his mission [S/1996/1036] to the Security Council. The Special Envoy noted that, at the time of his departure for the Great Lakes region, a humanitarian crisis of unprecedented proportion was unfolding in eastern Zaire. Intense fighting between Zairian troops and rebels had caused the evacuation of all international humanitarian workers and forced hundreds of thousands of refugees and displaced Zairians to flee. There were alarming accounts of intimidation and killings and accusations by Zaire that Rwanda, with the help of Uganda, was waging a war on its territory.

During his visit, the Special Envoy said, a number of events took place that helped to ease some of the tension in the region, including a 4 November declaration by the rebel forces in eastern Zaire of a unilateral ceasefire for a three-week period; a regional summit on 5 November in Nairobi, Kenya, which reaffirmed the territorial integrity of Zaire and called for the deployment of a neutral force in the region; the adoption by the Security Council on 15 November of **resolution 1080(1996)** authorizing the deployment of a multinational force in the region for humanitarian purposes; and, the most dramatic, the sudden and massive return of refugees, beginning on 15 November, from eastern Zaire to Rwanda.

It was evident, stated the Special Envoy, that with the return to Rwanda of approximately 600,000 refugees, the need for the deployment of a multinational force, as envisaged in resolution 1080(1996), had changed. As for the ceasefire, it had held for a while in most Kivu provinces of eastern Zaire, but the continued advance by rebel forces northward and westward continued to be a source of concern. Zaire had declared its readiness to use all necessary means to regain control over its territory. Also, the fighting between Zairian and Ugandan troops on 30 November did not bode well for future stability, he added.

Following his conversations with the leaders of the subregion, the Special Envoy was convinced that the desire for a political dialogue existed, in particular between Rwanda and Zaire. While the immediate humanitarian crisis might have eased somewhat, he stated, the underlying political and military causes of instability in the region had yet to be addressed. However, there was little enthusiasm for an international conference. On the other hand, a consensus seemed to be developing for convening a regional summit, similar to the one held in Nairobi in early November. The Special Envoy proposed that the Secretary-General appoint a Special Representative to facilitate political dialogue and reconciliation and provide mediation if requested.

**December report.** Special Envoy Chrétien reported on 12 December [S/1996/1036] on the results of his mission to seek a solution to the political and humanitarian crisis. He stated that the leaders of the region had expressed their belief that the appointment of a Special Representative of the Secretary-General would have a salutary effect. The Special Representative's mandate would be to facilitate political dialogue and reconciliation, at both the bilateral and regional levels; assist leaders in developing a common strategy for promoting dialogue and stability in the region across cultural and linguistic divides; sup-

port efforts to promote reconciliation in Zaire; maintain a working relationship with all regional leaders, the OAU Secretary-General, former Tanzanian President Mwalimu Julius K. Nyerere and other parties involved in mediation (Canada, United States, EU, among others), as well as the Special Representative for Burundi; provide guidance to the UN Humanitarian Coordinator and, as needed, to the force commander of whatever international military force might be present in the region; promote efforts aimed at convening an international conference and participate actively in it; and encourage national efforts towards developing democratic processes.

As for the working arrangements for a Special Representative, the Special Envoy suggested three alternatives: he could be based in Nairobi or another appropriate location not too distant from the subregion; he could serve in a roving capacity, with no fixed home base, for several months; or he (possibly a high-level Secretariat official) could visit the region when and as needed. In any case, he would need the necessary administrative and logistical means (including satellite communications and a small aircraft) to enable him to travel freely throughout the region.

Had the multinational force been established in the region, including eastern Zaire, with the original strength envisaged, the Special Envoy would have recommended the last option; however, given that the force deployed was quite modest, the other options were worthy of consideration.

Although the Special Envoy saw merit in establishing satellite offices in Rwanda and Zaire, those countries were not currently receptive to the idea. That did not preclude doing so at a later date, nor did it prevent, if warranted, the strengthening of the UN electoral office in Kinshasa, which had been providing services to the National Electoral Commission.

**Report of Secretary-General.** The Secretary-General, in a 20 December report [S/1996/1063] on the Great Lakes region, expressed his belief that future UN functions in the region would require the presence there of a Special Representative of the Secretary-General, along the lines of his Special Envoy's first suggested alternative (see above) to provide good offices to those involved in conflicts and to coordinate UN work. He added, however, that, given the fluid situation which persisted, it would be premature to take such a decision in the immediate future. Therefore, he proposed to adopt Mr. Chrétien's third option—sending a Special Envoy of senior rank to the region, to interested capitals outside the region and to OAU headquarters at regular inter-

vals. His principal function would be to confirm that the proposal to appoint a resident Special Representative was still welcomed by Governments in the region. He would also perform the functions of good offices, mobilization of international support for an integrated approach and coordination of UN work which he envisaged for a resident Special Representative, as well as advising the Secretary-General on the future of UN technical assistance to the electoral process in Zaire. It would be essential for the Special Envoy to have adequate logistic support and staff, and it would be desirable for him to make his first visit to the region as early as possible in 1997.

In a 30 December letter [S/1996/1074] to the Secretary-General, the Security Council agreed with that proposal and with the need to strengthen the capacity of the United Nations to perform the functions he had described. The Council reiterated that the current situation in the area underlined the need to organize a conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and OAU. To that end, it suggested that a Special Envoy should continue to promote the convening of such a conference.

### Regional summits

Leaders of the countries of the Great Lakes region met twice in late 1996 to discuss the ongoing crisis. On 5 November, at the invitation of President Daniel T. Arap Moi of Kenya, the Presidents of Eritrea, Rwanda, Uganda, the United Republic of Tanzania and Zambia, together with the Prime Minister of Ethiopia, the Foreign Minister of Cameroon (representing the current OAU Chairman), the Secretary-General of OAU and former President Nyerere, facilitator of the peace process, met in Nairobi. The Government of Zaire was invited but did not attend.

The participants, in a communique issued at the end of the meeting [S/1996/914], stated that the summit had agreed that an immediate ceasefire should be strictly observed; reaffirmed its commitment to the territorial integrity of Zaire and called for non-intervention and an end to cross-border incursions; reaffirmed the inalienable rights of all people as stipulated in international conventions on the rights of citizenship and nationality; called for the immediate setting up of safe corridors and temporary sanctuaries in Zaire to facilitate humanitarian assistance and the repatriation of refugees; called for implementation of the long-standing decision to separate the intimidators (i.e. the ex-Rwandese Armed Forces personnel and the extremist Hutu militias) and bona fide refugees; requested the Security Council to ensure the establishment of safe corridors

and temporary sanctuaries by deploying a neutral force; and reaffirmed the readiness of the subregion to make its own contribution to that effort.

A second regional summit was held in Nairobi on 16 and 17 December, also at the invitation of the President of Kenya, with the participation of the Presidents of Eritrea, Rwanda, South Africa, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, the Prime Minister of Ethiopia, the Foreign Minister of Cameroon, representing the OAU Chairman, the OAU Secretary-General and the facilitator of the peace process. They reviewed recent developments in the region and expressed concern that the security situation had deteriorated further since the first summit.

In a joint communique [S/1996/1068], the summit participants called on the parties to the conflict to commit themselves to a negotiated, peaceful settlement and, in that connection, directed their Foreign Ministers to establish a follow-up mechanism. Reiterating their position on the territorial integrity of Zaire, they welcomed the assurance by President Mobutu of Zaire that his Government recognized the inalienable right to citizenship and nationality of all people within its internationally recognized boundaries. The summit expressed regret that the Security Council had not deployed a neutral force in eastern Zaire. Having observed that a large number of Rwandan refugees had returned to Rwanda from eastern Zaire for resettlement, the summit expressed appreciation to the international community for its assistance in that area and urged its continued support. The participants called on the international community to provide substantial assistance to those refugees who had returned to Rwanda and to encourage the remaining bona fide refugees still in Zaire, as well as those in the United Republic of Tanzania, to return to their countries. The summit decided to entrust the Presidents of Cameroon, Kenya, South Africa and Zimbabwe, acting on behalf of all the leaders of the region, to take initiatives aimed at assisting in ending the conflict in eastern Zaire and promoting peace, stability and security in the Great Lakes region.

#### International conference proposal

The Security Council, by **resolution** 1078(1996) of 9 November, invited the Secretary-General, in consultation with OAU and the States concerned, to determine the modalities of convening an international conference for peace, security and development in the Great Lakes region and to make necessary arrangements to convene such a conference.

Having been sent by the Secretary-General to speak to regional leaders about a political solution, Special Envoy Chrétien, in his 12 December report [S/1996/1036], stated that there was little enthusiasm for an international conference at that stage, but there was a developing consensus for convening a regional summit similar to the one held in Nairobi in early November. Zaire President Mobutu had indicated that he would attend such a summit.

#### Refugee situation

The Prime Ministers of Rwanda and Zaire met in Rwanda on 21 and 22 August to discuss, among other things, the repatriation of Rwandan refugees in Zaire. In a joint communique transmitted to the Security Council President on 26 August [S/1996/694], Zaire undertook to close camps gradually and Rwanda agreed to adopt measures to ensure the safe return and settlement of refugees. They also agreed to prevent each country's territory from being used as a base for operations aimed at destabilizing the other.

When fighting intensified between Zairian troops and armed Banyamulenge in late October in eastern Zaire, an estimated 300,000 people were on the move in the regions bordering Rwanda and Burundi [S/1996/878].

By 7 November, more than 1.2 million Burundian and Rwandan refugees and tens of thousands of Zairians had been displaced by the fighting, the Secretary-General reported to the Security Council President [S/1996/916]. Most of the refugees had abandoned their camps and were moving westwards towards some of the most inhospitable and inaccessible areas in Zaire, beyond the reach of the agencies which could provide food and medical help. Others had found their way to the United Republic of Tanzania and Uganda.

Zaire affirmed that it adhered to the principle of voluntary safe return of refugees to their country of origin, unless there was a threat to the security of the host State, and, in a letter of 15 November to the Security Council President [S/1996/942], it requested the international community to become involved in the search for third countries that would take those refugees not wishing to return to their countries of origin. The exact number of refugees was difficult to ascertain as they were constantly moving from camps and in all directions. Rwanda, in a letter of 21 November [S/1996/967], stated that at a meeting with UNHCR, the United Nations Development Programme, the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF), it was agreed that the total number of Rwandan refugees in the

Bukavu area of South Kivu was about 380,000, with a 10 per cent margin of error.

In his report of 29 November [S/1996/993], the Secretary-General informed the Security Council that the situation in eastern Zaire remained volatile. A large-scale movement of refugees across the Rwandan border began on 15 November and had significantly changed the humanitarian situation, but precise information was difficult to obtain. However, UNHCR and WFP had done a food assessment in October, and based on past estimates and that information it was believed that there were 1.24 million refugees in eastern Zaire before the mid-November hostilities, 1.1 million of whom were Rwandan and the others Burundian. Between 15 and 25 November, an estimated 500,000 Rwandan refugees returned to their country, leaving between 300,000 and 700,000 in Zaire in several large new concentrations. Some 36,000 Burundian refugees had returned to their country (see below). A large number of Zairians were displaced during the latest round of fighting, and there had been considerable new flows of people from eastern Zaire into Uganda, the United Republic of Tanzania and Zambia. Those influxes involved mostly Zairian nationals, but also included Rwandan and Burundian refugees.

The return of some of the refugees was expected to alleviate the tension in the regions of North and South Kivu where refugees had lived in large numbers for two and a half years. The Secretary-General said that the current situation might offer an opportunity to address the roots of the problem. The return of the Rwandans to their country was a welcome development, but he warned that there must be no return to the status quo ante and above all no re-creation of the refugee camps in eastern Zaire. At that point, efforts were needed to assure that repatriation could be carried out voluntarily, in safety and without threat of reprisals.

Of immediate concern was the fact that hundreds of thousands of men, women and children were still facing hunger, disease and violent death and, as at 26 November, UN agencies had been unable to re-establish contact with those refugee populations. In addition, elements of the former Rwandese Armed Forces and extremist militias were still believed to be at large in Zaire. Since neither the UN system nor the NGO community had the capacity in current conditions to secure access to the refugees and displaced persons to deliver relief, the Secretary-General believed that a practical way to avoid a humanitarian disaster was the creation of some form of military presence in the region.

Special Envoy Chrétien, in his report of 12 December [S/1996/1036], said that, following the sudden return of many Rwandan refugees from

North Kivu in November, the humanitarian situation had eased somewhat. However, the reported flight of over 20,000 refugees away from the border between the United Republic of Tanzania and Rwanda and deeper inland could jeopardize the voluntary repatriation of the estimated 500,000 Rwandan refugees from Tanzania. The stabilizing effects expected from a massive presence of a multinational force were in doubt in the light of the developments on the ground and the drastic scaling down of the force from the plans as originally conceived.

Despite the sudden return of a great number of refugees, the Secretary-General, in a 20 December report on the Great Lakes region [S/1996/1063], warned that the humanitarian crisis was not over. Assistance would be required for returning refugees who faced problems associated with social, economic and political integration. The shortage of housing remained a flashpoint. It was estimated that since 1 December 560,000 refugees from eastern Zaire and 235,000 refugees from the United Republic of Tanzania had returned to Rwanda. Meanwhile, in Zaire, large numbers of Burundian and Rwandan refugees had fled the conflict and moved further west into that country, and 250,000 internally displaced persons of Zairian nationality, as well as some 500,000 other Zairians affected by the conflict, required immediate humanitarian assistance. Another pressing problem was the future of former members of the Rwandese Armed Forces and the extremist militias (Interahamwe) connected with them, as well as their families, and the bona fide refugees they might be keeping as hostages.

#### Humanitarian task force

Following a meeting in Brussels, Belgium, on 7 November, EU Development and Humanitarian Aid Ministers issued a statement [A/51/662-S/1996/924] endorsing the call by the Nairobi regional summit (see above) for a ceasefire and the establishment of safe corridors and temporary sanctuaries inside Zaire to facilitate humanitarian assistance and the repatriation of refugees. The EU called for protected humanitarian corridors in order to ensure delivery of immediate relief supplies to victims of the crisis, and reaffirmed its intention to play its part in the international response to the humanitarian crisis.

The Security Council, in **resolution** 1078(1996) of 9 November, requested the Secretary-General to draw up plans for a humanitarian task force, with military assistance if necessary, to deliver short-term humanitarian assistance to refugees and displaced persons in eastern Zaire, assist with voluntary repatriation and establish corridors for delivery of humanitarian assistance. Such plans were to be made in consultation with



his Special Envoy and the coordinator of humanitarian affairs, UNCHR, OAU, the EU Special Envoy and the States concerned.

Although President Mobutu and the Prime Minister of Zaire had also called for the establishment of secure corridors for the supply of humanitarian assistance and the return of refugees as reported by the Secretary-General on 29 November [S/1996/993], by the end of November humanitarian agencies were permitted only very limited access to areas of displacement in eastern Zaire due to hostilities there. The Secretary-General also stated that since the nature, strength, composition, mandate and modus operandi of the multinational force envisaged under **resolution 1080** (1996) were still under consideration by the Member States concerned, it would not be possible for him to present to the Council a concept of operations for the proposed follow-on humanitarian task force.

Prior to the renewed fighting in eastern Zaire in mid-November, several UN agencies, in particular UNHCR, WFP, UNICEF, the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO), had undertaken emergency preparedness measures and stockpiled food and other relief commodities in the region. UN agencies, other international aid organizations and donor Governments agreed on the need for an overall policy, programme cohesion and a coordination mechanism. On 6 November, the Secretary-General appointed Sergio Vieira de Mello, Assistant High Commissioner for Refugees, as Regional Humanitarian Coordinator for the Great Lakes Region, pending recommendations of the Special Envoy on longer-term arrangements for UN coordination. The immediate needs were to secure access to those affected by the conflict, to stabilize their condition and to ensure that relief agencies could provide emergency assistance and support repatriation programmes.

On 18 November, the Secretary-General launched a Flash Appeal to the international community to contribute \$259.4 million to address the most immediate requirements for three months in food, health, water and sanitation, agriculture, logistics and communications in eastern Zaire and Rwanda (see PART THREE, Chapter III).

## Zaire

During 1996, the conflict in the Great Lakes region continued to affect Zaire, where large numbers of refugees had fled to escape ethnic violence and genocide. By the latter part of the year, fighting between government troops and armed rebels

had exacerbated the ongoing situation, displacing tens of thousands of Zairians and forcing large numbers of Rwandan and Burundian refugees to leave established camps, placing them beyond the reach of agencies that could provide food and medical care. The failure to address the root causes of the conflicts in the region of the Great Lakes, the Secretary-General said, had once again unleashed a spiral of violence and human suffering that might spin out of control unless urgent measures were taken. In the light of the situation, the Security Council in mid-November authorized a multinational force for humanitarian purposes in eastern Zaire (see under "Great Lakes region"). By year's end, however, its mandate had been terminated because the situation had somewhat improved, and it was determined that at its authorized strength, the force would have very little utility. The United Nations continued to be involved through, among other things, the new UN Human Rights Centre in Zaire, established in December, and the electoral assistance mission in Zaire, which had been operating during the last three months of the year.

### General situation

The situation in eastern Zaire deteriorated to an alarming degree in the latter half of 1996, the Secretary-General reported in a 14 October letter [S/1996/875] to the Security Council President. He said that hostilities had broken out in South Kivu province of eastern Zaire, home to about 350,000 people known as the Banyamulenge, who spoke the language of Rwanda and included both Hutus and Tutsis, though the majority were Tutsis. In 1972, like all persons living in Zaire, they had been granted Zairian nationality, but a 1981 law withdrew that status. Their change of citizenship had not been enforced until early 1996, when pressure was put on the Banyamulenge to move to Rwanda. Their situation was similar to that of the Masisi people in North Kivu.

In early September 1996, the Zairian Armed Forces launched an offensive against armed Tutsi groups in the area inhabited by the Banyamulenge, which was declared a military zone. There were allegations of attacks on civilians by both the Zaire army and armed Tutsi groups. As a result, tension had increased at the border between Rwanda and Zaire, including exchanges of heavy weapons fire.

The Secretary-General stated that he had dispatched his Special Envoy, Assistant Secretary-General Ibrahima Fall, to Kinshasa to assess the situation and consider what action the United Nations could take to defuse tension in eastern Zaire.

On 13 September, Zaire accused the Office of the United Nations High Commissioner for Refugees (UNHCR) of supporting Banyamulenge groups infiltrating Zaire from Rwanda and Burundi. Following discussions with the Secretary-General's Special Envoy, the Government of Zaire agreed that UNHCR had not in fact been involved in the alleged activities. On 10 October, however, the Chief of Staff of the Zairian Armed Forces again accused UNHCR of involvement in aggression against Zaire. The Secretary-General urged the Zairian authorities to withdraw their allegations, which, he said, could pose a threat to the security of UN staff in the area.

The growth of violence in eastern Zaire, which included attacks on refugee camps, affected the ability of humanitarian agencies to pursue their work; international staff were temporarily withdrawn to more secure locations and the UN system undertook contingency planning for a potential humanitarian crisis. By a 24 October letter [S/1996/878] to the Security Council President, the Secretary-General reported that military activity within eastern Zaire and across borders had escalated and that the humanitarian situation had further worsened. An estimated 300,000 people were on the move in the Uvira and Bukavu regions of Zaire, bordering Rwanda and Burundi. The United Nations High Commissioner for Refugees, Sadako Ogata, on 22 October appealed to all sides to halt the violence and avoid another humanitarian disaster in the region. On the same day, the Rwandan Government urged refugees to return to Rwanda, stressing that they could return in safety. UNHCR transmitted a message through the local media that humanitarian workers would be prepared to help refugees return and that UNHCR had increased its reception and assistance capacities inside Rwanda.

In a 25 October letter [S/1996/876] to the Secretary-General, the Security Council, expressing concern over the deteriorating situation, noted recent statements by authorities in Zaire and Rwanda that they would refrain from action that would exacerbate the situation. The Council members looked to both Governments to relaunch their bilateral dialogue with the aim of finding a peaceful settlement of the crisis along their borders, which had earlier resulted in the issuing of a joint communique following a visit to Rwanda by the Prime Minister of Zaire in August.

#### **Rwanda-Zaire exchanges**

Throughout 1996, Rwanda and Zaire, in letters to the Security Council President, exchanged charges, each accusing the other of involvement in ethnic violence and of provoking efforts to destabilize the existing Government.

On 2 May [S/1996/332], Rwanda said that Zaire was engaged in acts aimed at destabilizing the Great Lakes region, such as forcibly evicting Kinyarwanda-speaking citizens of Zaire; and supporting former Rwandan army officials and Interahamwe militia who had planned and supervised genocide in Rwanda in 1994 and were now based in eastern Zaire.

Rwanda, on 24 May [S/1996/374], said that 3,000 Rwandan and Zairian families were currently under siege by former Rwandan government forces responsible for the massacre in 1994 of more than a million Tutsis and moderate Hutus. According to Rwanda, the former Rwandan forces were allowed to operate in eastern Zaire with impunity. More than 65,000 Kinyarwanda-speaking Zairian nationals and Rwandan refugees had fled their homes in Zaire's Masisi region since April to escape ethnic violence, Rwanda said, and for that reason it called for an emergency meeting of the Security Council to take action to prevent genocide in eastern Zaire.

On 3 June [S/1996/405], Zaire rejected those allegations, stating that the unrest that had been occurring for some time in the Masisi region was a completely internal situation which Zaire was taking steps to resolve. Furthermore, Rwanda was attempting to prevent the return of refugees to Rwanda.

Rwanda and Zaire continued to blame each other as the situation in eastern Zaire deteriorated in late 1996. On 14 September [S/1996/757], Zaire said that both Rwanda and Burundi were engaged in acts of deliberate provocation.

Rwanda, in a 24 September letter [S/1996/784], denied any involvement in the violence in South Kivu, which, it said, must be seen in the context of the genocidal intent of the former Government of Rwanda.

On 23 October [S/1996/869], Rwanda presented a brief history of events which, it said, had led to the current crisis, stating that the international community could not remain aloof without seeking solutions to halt the ethnic cleansing and genocide in eastern Zaire. Rwanda also appealed to Rwandan refugees to return and called on the international community to assist in the repatriation of those trapped in the Zairian crisis.

In a letter of 31 October [S/1996/895], Zaire provided its own chronological account of the arrival of different tribes in eastern Zaire and recent events, which it described as aggression against Zaire.

#### **Uganda-Zaire exchanges**

Uganda and Zaire, in an exchange of letters to the Security Council President during 1996, accused each other of carrying out border attacks.

In a letter of 8 June [S/1996/413], Zaire said that a force from Uganda had attacked the Zairian locality of Bunagana, near the Ugandan border, on 4 and 5 June. Zaire requested the Council to hold an urgent meeting to consider the complaint and to take measures to ensure that the climate of peace in the region was maintained.

On 12 June [S/1996/429], Uganda denied the allegations and said that on 6 June gunshots were heard inside Zaire in areas close to the Ugandan border. Following that incident, refugees started entering Uganda to escape the fighting and by the following day approximately 800 people had crossed the border. Uganda believed in peaceful coexistence with its neighbours to promote regional stability.

Uganda, on 24 June [S/1996/468], said that it saw no need to post UN monitors along its border with Zaire since what was happening in that country was purely an internal matter. It also opposed any suggestion to convene a regional conference under the auspices of the United Nations and OAU on the problems of the subregion. On 1 November [S/1996/904], Uganda rejected an allegation by Zaire that Uganda was involved in the fighting in that country. Uganda said it had assisted Zairians who had been displaced by the fighting by providing them with safe passage through Ugandan territory and that it was willing to have observers go to Uganda to verify that it was not involved in the internal conflict in Zaire.

Zaire on 1 December [S/1996/994] renewed its allegations of Ugandan aggression. Zaire called on the Security Council and the Secretary-General to take measures to end Uganda's armed incursions, adding that the involvement of the Ugandan army in the war which Rwanda was imposing on Zaire would disqualify Uganda from participating in organizing a multinational force for the region, and invalidated the decision of the multinational force to establish its headquarters in Entebbe or Kampala.

On 12 December [S/1996/1038], Uganda contested claims by Zaire, stating that at no time had Ugandan forces entered Zairian territory. Uganda said that the current conflict in eastern Zaire was the result of a number of historical events, and that it had become a base for dissident groups who intended to destabilize neighbouring countries. Eastern Zaire was also a home for armed internal Zairian dissident groups.

#### SECURITY COUNCIL ACTION (1 November)

On 1 November, the President of the Security Council issued the following statement [S/PRST/1996/44] on behalf of the members:

The Security Council is gravely concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and at the effect which the continued fighting is having on the inhabitants of the region, and condemns all acts of violence. It underlines the urgent need for a comprehensive and coordinated response by the international community to prevent any further escalation of the crisis there.

The Council calls for an immediate ceasefire and a complete cessation of all fighting in the region. The Council calls on all States to respect the sovereignty and territorial integrity of neighbouring States in accordance with their obligations under the Charter of the United Nations. In this connection, it urges all parties to refrain from the use of force as well as cross-border incursions and to engage in a process of negotiation.

The Council, in the light of the letters from the Secretary-General to the President of the Council and the information received from the United Nations High Commissioner for Refugees and the Assistant Secretary-General for Human Rights regarding the situation in eastern Zaire, is particularly concerned at the humanitarian situation and the resulting large-scale movements of refugees and displaced persons. It fully supports the efforts of the United Nations High Commissioner for Refugees and humanitarian agencies to alleviate the suffering. It calls on all parties in the region to allow humanitarian agencies and non-governmental organizations to deliver humanitarian assistance to those in need and to ensure the safety of all refugees, as well as the security and freedom of movement of all international humanitarian personnel. It underlines the urgent need for the orderly voluntary repatriation and resettlement of refugees and the return of displaced persons, which are crucial elements for the stability of the region.

The Council agrees with the Secretary-General that the situation in eastern Zaire constitutes a serious threat to the stability of the Great Lakes region. It is convinced that the complex problems at issue can only be resolved through early and substantive dialogue. The Council urges the Governments of the region to pursue such a dialogue without further delay in order to defuse the tension. The Council calls upon all States in the region to create the conditions necessary for the speedy and peaceful resolution of the conflict, and to desist from any acts that may further exacerbate the situation. In this context, the Council welcomes all regional efforts aimed at defusing tension in the region, in particular the announcement of the meeting of regional leaders scheduled for 5 November 1996 in Nairobi, Kenya.

The Council fully supports the initiative of the Secretary-General to dispatch to the Great Lakes region a Special Envoy to consult with all concerned in order to establish the facts relating to the present conflict; to develop as a matter of urgency a plan to defuse tension and establish a ceasefire; to promote a process of negotiation; and to submit advice on the mandate to be given to a United Nations Special Representative, including on the size and structure of a United Nations political presence, which, in consultation with the Governments and parties con-

cerned, will be established in the Great Lakes region. The Council also considers that the Special Envoy should be provided with adequate staff and logistic resources to carry out his mission. The Council also expresses the hope that the mediation efforts of the Organization of African Unity and the European Union will complement those of the Special Envoy of the Secretary-General. The Council calls upon all Governments and parties concerned to cooperate fully with the mission of the Special Envoy and to contribute to the search for a comprehensive solution to the problems facing the people of the Great Lakes region. Given the urgency of the situation, the Council expresses the hope that the Special Envoy will travel as soon as possible to the region and provide early information on the situation there.

The Council reiterates that the present situation in eastern Zaire underlines the need to organize a conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity. To this end, it calls on the Secretary-General to ask his Special Envoy to promote the convening and to encourage the adequate preparation of such a conference on an urgent basis.

**The Council will remain seized of the matter.**

Meeting number. SC 3708.

**Secretary-General's recommendations.** In a 7 November letter [S/1996/916], the Secretary-General informed the Security Council that the situation in eastern Zaire had deteriorated dramatically in early November and more than 1.2 million Burundian and Rwandan refugees and tens of thousands of Zairians had been displaced by the fighting. Those events had demonstrated that peace and security would not be restored in the Great Lakes region unless the refugee problems created by the internal conflicts in Burundi and Rwanda were resolved. Urgent humanitarian action was needed, but also action to create the necessary conditions for the orderly and secure repatriation of the refugees.

The immediate requirement was to stabilize the situation for the delivery of humanitarian assistance, which would involve, among other things, the securing of airfields and border crossing points and the protection of logistics supply bases in eastern Zaire. It would also involve finding locations for refugees to receive help. The immediate response also needed to take into account longer-term considerations, the Secretary-General affirmed. It was important not to recreate conditions in which refugees could again be intimidated by those who, for political reasons, did not want them to return to their home countries. The international community's response to the crisis needed to mark the beginning of a repatriation programme.

Given the prevailing conditions in eastern Zaire, the Secretary-General believed it was neces-

sary to deploy, at least for a short period, an international military force (see pp. 46-51) with a mandate to ensure the minimum security to stabilize the situation and enable relief supplies to reach refugees and allow preparations for repatriation.

A multinational or international force would require close consultation with OAU and countries of the region, the Secretary-General said. Special Envoy Chrétien, after consulting with President Mobutu of Zaire on 6 November, endorsed the decision of the previous day's regional summit in Nairobi supporting the deployment of an international force on Zairian territory. Given the need for urgent action, the Secretary-General suggested that the first option of a multinational force was the best choice.

In **resolution 1078(1996)**, the Security Council welcomed the proposal for a multinational force for humanitarian purposes in eastern Zaire (see text, pp. 47-48).

In **resolution 1080(1996)**, the Security Council authorized such a force (see text, pp. 49-50).

### Renewed hostilities

As a result of the situation in eastern Zaire in late 1996, particularly in the area inhabited by the Banyamulenge, which was declared a military zone, tensions increased on the border between Rwanda and Zaire and cross-border exchanges of heavy weapons fire were reported [S/1996/875]. Each of the States accused the other of attempting to destabilize its neighbour.

In a report of 29 November [S/1996/993], the Secretary-General said that the situation in eastern Zaire had undergone a sharp transformation since September, and particularly since 15 November, in which political, military and humanitarian aspects were closely linked. Fighting between the Zairian Army and the rebels intensified and resulted in the rebels' takeover, by 4 November, of the towns of Uvira, Bukavu and Goma. The fighting led to massive movements of over a million Rwandan and Burundian refugees who needed urgent humanitarian relief. The Secretary-General said he had kept in touch with the heads of State of the countries of the region and with the OAU Chairman and Secretary-General.

On 4 November, said the Secretary-General, the leader of the Zairian rebel group known as the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL), Laurent-Désiré Kabila, announced a unilateral ceasefire. Six days later, he promised to open a humanitarian corridor for refugees and relief organizations, but he warned that humanitarian organizations wishing to operate in what he called "liberated

zones" would have to deal with ADFL. He added that if an international force did not intervene quickly, his forces would attack Mugunga refugee camp, from which, he claimed, Goma had been shelled on 9 and 10 November. Reacting to the statement, the Zairian Minister of Information warned international organizations not to deal with or support the rebels, otherwise the Government would not allow them to work in Zaire. The differences between the two sides had made negotiations on humanitarian corridors and the return of aid agencies to eastern Zaire very difficult.

The Secretary-General's Special Envoy, during his first consultations with Rwandan and Zairian leaders in early November, noted the differences in their views of the situation. Rwanda said it was not in a state of war with Zaire and that Rwandan forces were not involved in the hostilities in eastern Zaire. Rwanda was willing to meet with the Zairian authorities under certain conditions. Rwandan leaders reaffirmed their Government's willingness to facilitate the return of refugees. Zairian leaders, on the other hand, considered Zaire to be at war with Rwanda and demanded an official ceasefire and the withdrawal of Rwandan forces, which, they alleged, were occupying Zairian territory. They suggested that the two countries hold a high-level meeting.

The Secretary-General stated that it might be necessary for the United Nations to increase its presence in the subregion, with the consent of the Governments concerned, in order to enhance its capacity to assist those Governments in resolving the problems threatening their internal cohesion and relations with each other.

### **Situation at year's end**

In a report of 20 December [S/1996/1063], the Secretary-General warned that, while the humanitarian crisis might have eased somewhat due to the return of many refugees to their home countries, enormous challenges remained. Little progress had been made in easing international tensions within the region, internal conflicts persisted and the humanitarian crisis was far from being resolved. Urgent attention should be devoted to the social, economic and political integration of the estimated 560,000 refugees from eastern Zaire and 235,000 from the United Republic of Tanzania who had returned to Rwanda since 1 December.

The political situation in Zaire was affected by the return on 17 December of President Mobutu. On 18 December, he appointed General Mahele as Chief of Staff of the Zairian Army, and the following day he met with political leaders to discuss

the situation in the eastern part of the country and the need to establish a crisis government.

Zaire continued to consider itself the victim of aggression on the part of Rwanda, Burundi and Uganda, charging that armies of those countries had violated its territorial integrity. The three countries denied those charges.

Summarizing the situation, the Secretary-General listed the major problems that remained to be resolved in the Great Lakes region: intermittent hostilities across Zaire's borders with its neighbours; internal conflict within Zaire; the future of the ex-Rwandese Armed Forces, the Interahamwe and their families who remained in Zaire, as well as in the United Republic of Tanzania; the unresolved conflict in Burundi; the prodigious demands made upon Rwanda by the massive return of refugees; and meeting the continuing needs of refugees and displaced persons who remained scattered in the region, particularly in Zaire.

The UN system was also devoting considerable effort to problems in the humanitarian and developmental fields (see PART THREE, Chapter III). The Secretary-General recommended strengthening the capacity of the United Nations to perform three functions: the provision of good offices to those involved in the various conflicts in the region; the mobilization of international interest in, and support for, an integrated effort to address the region's problems; and coordination of the work of the UN system as a whole. Such a strengthening of the Organization's political role would need to be undertaken in close consultation with OAU and with the agreement of the Governments concerned. The Secretary-General was of the view that such a role would require the presence in the region of a Special Representative of the Secretary-General but, given the existing fluid situation, he proposed, as an interim measure, sending a Special Envoy of senior rank to the region, to interested capitals outside the region and to OAU headquarters at regular intervals.

## **Rwanda**

In late 1996, particularly during the latter half of November, the situation in Rwanda changed significantly with the massive return of refugees from eastern Zaire. (For additional information, see sections on "Great Lakes region" and "Zaire" above.)

The International Commission of Inquiry established to investigate reports of the sale or sup-

ply of arms to former Rwandan government forces, many of whom were residing in eastern Zaire, visited the region in 1996 and found some evidence that arms might have been transferred to Zaire. The Security Council requested the Commission to continue its investigation and called on States in the region to ensure that their territory was not used as a base for armed groups to launch incursions against any other State.

With the departure of its last troops from Rwanda on 19 April 1996, the United Nations Assistance Mission for Rwanda (UNAMIR) ended its two-and-a-half year presence in that country. It was initially set up to help implement the 1993 Arusha Peace Agreement, signed by the Rwandan Government and opposition forces, by assisting in maintaining security and monitoring the ceasefire agreement.

UNAMIR also assisted the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (see PART FOUR, Chapter ID.

When the UNAMIR mandate expired on 8 March, the Security Council encouraged the Secretary-General to maintain a UN office in Rwanda to support efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure.

## **UN Assistance Mission for Rwanda**

### **Work of UNAMIR**

The mandate of UNAMIR, established by the Security Council by resolution 872(1993) in October 1993 [YUN 1993, p. 285] to assist in the implementation of the 1993 Arusha Peace Agreement signed between the Government and the Rwandese Patriotic Front, expired on 8 March 1996. The operation was phased out over the next six weeks, as called for by Security Council resolution 1029(1995) [YUN 1995, p. 392], and all its forces were repatriated.

UNAMIR's original mandate was to monitor the security situation leading up to elections, assist with mine clearance and coordinate humanitarian assistance activities in conjunction with relief operations. In April 1994, following the deaths in an aeroplane crash of the Presidents of both Rwanda and Burundi and the ensuing civil unrest, large-scale massacres of civilians, and

massive flows of refugees and displaced persons, the mandate was expanded under Council resolution 918(1994) [YUN 1994, p. 285] to include acting as intermediary between the warring Rwandan parties, assisting in the resumption of humanitarian relief operations and monitoring developments. In June 1995 [YUN 1995, p. 386], UNAMIR was called on to contribute to the security of refugees and civilians at risk and to provide security for relief operations. Its work was further expanded in 1995 [SC res. 1029(1995)], following the installation of the new Government, to include underpinning stability and security in the north-western and south-western regions, stabilizing and monitoring the situation throughout the country as a means to encourage the displaced population to return, providing security and support for humanitarian assistance operations and promoting national reconciliation. The expanded mandate also included facilitating the safe return of refugees.

The authorized troop strength of UNAMIR was reduced from approximately 5,700 at the beginning of 1995 to 1,400 by the end of the year, as the Government of Rwanda had expressed reservations about the scope and nature of its mandate.

In 1996, the situation in Rwanda was beginning to return to normal and the Security Council decided to complete the withdrawal of UNAMIR as planned. The Secretary-General reported to the Security Council on three occasions—on 30 January, 29 February, and 15 April—on the work of UNAMIR and the situation in Rwanda, covering such aspects as political developments, human rights, the military and security situation, humanitarian developments, and rehabilitation, reconstruction and development.

**Report of Secretary-General (January).** On 30 January [A/50/868-S/1996/61], the Secretary-General reported on his efforts to reduce UNAMIR forces to 1,200 and to bring down support staff numbers to 200, as decided by Security Council resolution 1029(1995) in December 1995 [YUN 1995, p. 392]. The Council had further requested the withdrawal of the civilian police component and that had been completed. Plans had been made for the withdrawal of UNAMIR within the period of six weeks following the expiry of the mandate on 8 March.

UNAMIR had two logistic bases, consisting of about 40 personnel each, located along Rwanda's borders, to assist in the return of refugees. Other troops were stationed in Kigali with the tasks of contributing to the security of the International Criminal Tribunal for Rwanda, providing humanitarian assistance, protecting UN property, and assisting in construction works and in rehabilitation and repair of infrastructure.

On 16 January [S/1996/35], Canada informed the Secretary-General that it had decided not to participate further in UNAMIR, being of the opinion that the mandate, as renewed in December 1995, was not viable. Reducing forces by one third while maintaining the same mandate created false expectations about what UNAMIR could realistically achieve. The Secretary-General noted that the withdrawal of that key logistic support unit was another factor reducing UNAMIR's operational effectiveness during the sensitive concluding phase of its mission. Since there was no time to make alternative arrangements, the remaining UNAMIR forces would be restricted to garrison mode in Kigali.

The internal situation in Rwanda had remained stable, the Secretary-General reported in December 1995 [YUN 1995, p. 391]. There were increasing signs of normalcy and a marked diminution of overt violence. Rwanda's relations with its neighbours, particularly the United Republic of Tanzania and Zaire, had improved. Two events, however, had had a negative impact on the political situation: Rwanda's request that 38 NGOs operating in Rwanda cease their activities and 18 others be suspended, their assets frozen and equipment impounded; and the defection of some senior civilian and military officials, which represented a setback to the prospects for national reconciliation.

One cause for concern with regard to relations between UNAMIR and the Government was Rwanda's insistence that contractors providing goods and services for UNAMIR should pay taxes, and that the United Nations should pay frequency management fees and obtain licences for the use of UN communications equipment. The Government had also attempted to renegotiate the status-of-mission agreement. Those issues were being discussed between government officials and UN experts.

In border regions with Zaire, infiltration and sabotage activities by elements of the former Rwandese government forces continued, although at a lower level of intensity than in late 1995. In the face of security problems posed by the former Rwandese government forces, the Rwandese Patriotic Army had increased its patrolling activities. The pre-emptive measures it had taken against the local population had been more severe in the border region than in other parts of the country.

Humanitarian operations within Rwanda continued to be coordinated by the Department of Humanitarian Affairs. An ongoing task would be to ensure the continuity of assistance to Rwanda following the departure of UNAMIR (see PART THREE, Chapter III).

As he had stated in earlier reports, the Secretary-General believed that long-term peace in Rwanda would remain elusive as long as large concentrations of Rwandan nationals remained camped in neighbouring countries. He therefore welcomed initiatives being taken at the regional level to help to resolve the problem. Genuine peace and reconciliation would also depend on progress made by the Government and the international community to put an end to the prevailing environment of impunity, by bringing to justice those accused of genocide and massacres. In that regard, he noted that the International Criminal Tribunal for Rwanda was able to hold its first plenary session in Arusha, United Republic of Tanzania, on 8 January 1996 and that proceedings would begin in March.

Despite progress towards the restoration of normal conditions in Rwanda, much more remained to be done. The international community should continue to support the Rwandan Government's efforts to achieve peace and reconciliation, which were the necessary conditions for sustainable rehabilitation and reconstruction.

Having considered the Secretary-General's January report, the Security Council, in a letter of 13 February [S/1996/103], said that it agreed with his observation that the United Nations still had a useful role to play in Rwanda. The Council encouraged consultations with Rwanda, and with relevant UN agencies, on the appropriate nature of the UN role in Rwanda after the expiration of UNAMIR's mandate. Any UN presence should assist the process of establishing a climate of normality and stability.

**Report of Secretary-General (February).** In a 29 February report [S/1996/149], the Secretary-General reported on possible options regarding the UN role after the expiration of UNAMIR's mandate. He noted that conditions were returning to normal, though a significant portion of the population were still refugees or displaced persons. When Rwanda emerged from civil war and genocide with the establishment of the Government of National Unity on 19 July 1994, conditions were disastrous; there was no administration, no functioning economy, no judicial or education system, no water or electricity supply and no transport. UNAMIR, other UN and international agencies and NGOs had assisted in Rwanda's efforts to establish a normal society.

The Secretary-General said his Special Representative had suggested options for a post-UNAMIR presence: the retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure; a

political office as described above, plus a component of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units; or the establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

Those possibilities had been explored with the Rwandan authorities, but they had not requested that any of them be recommended to the Security Council and continued to express reservations about the retention of UN troops in Rwanda after the expiry of UNAMIR's mandate. It was the Secretary-General's view, however, that, given the presence of more than 1.5 million refugees along Rwanda's borders, including numerous elements of the former Rwandan army and organized militias, the deployment of UN military personnel, particularly in those areas to which large numbers of refugees were expected to return, could speed up the return process both by building confidence and by providing logistic support. He was convinced that Rwanda could benefit greatly from further UN support to consolidate peace and security. He noted, however, that any of the three options would require the consent of the Rwandan Government, which had not been forthcoming. There was, therefore, no alternative at that time to the complete withdrawal of all UNAMIR civilian and military components after 8 March.

By early February, the UNAMIR force level had been reduced to 1,200 formed troops and 200 military observers and headquarters staff.

UNAMIR had assisted Rwanda in facilitating the safe and voluntary return of refugees to their home communes. When Burundi closed the refugee camp at Ntamba in early February, UNAMIR troops and military observers provided assistance to resettle the returnees by performing such tasks as constructing and improving transit camps and providing transportation and engineering work, including road and bridge repair.

In view of the impending withdrawal of UNAMIR, a liquidation plan had been drawn up. An adequate level of security troops would be maintained until mid-April, at which time all installations would be turned over to other UN agencies or to the Government of Rwanda.

**Communication (March).** Rwanda, in a letter to the Secretary-General of 1 March [S/1996/176], stated that it accepted his proposal to maintain the office of the Special Representative in Kigali for another six months, so that he could coordinate all UN activities, monitor political developments and use his good offices to promote peace and national reconciliation. Rwanda appealed to

the United Nations and the international community to contribute to its rehabilitation (see below).

#### SECURITY COUNCIL ACTION (March)

On 8 March, the UNAMIR mandate expired and the Security Council adopted **resolution 1050(1996)**, in which it encouraged the Secretary-General to maintain a UN office in Rwanda.

The Security Council,

Recalling its previous resolutions on the situation in Rwanda,

Having considered the report of the Secretary-General of 29 February 1996 on the United Nations Assistance Mission for Rwanda (UNAMIR),

Welcoming the letter dated 1 March 1996 from the Minister for Foreign Affairs and Cooperation of Rwanda to the Secretary-General,

Paying tribute to the work of UNAMIR and to the personnel who have served in it,

Stressing the continued importance of the voluntary and safe repatriation of Rwandan refugees and of genuine national reconciliation,

Emphasizing the importance it attaches to the role and responsibility of the Government of Rwanda in promoting a climate of confidence, security and trust and the safe return of Rwandan refugees,

Emphasizing also the importance it attaches to States acting in accordance with the recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons held at Bujumbura from 15 to 17 February 1995, the summit of heads of States of the Great Lakes region held at Cairo on 28 and 29 November 1995, and the follow-up conference of 29 February 1996 held at Addis Ababa, and the importance it attaches to the continuation of efforts to convene a regional conference for peace, security and development in the Great Lakes region,

Encouraging all States to cooperate fully with the International Commission of Inquiry established pursuant to resolution 1013(1995) of 7 September 1995,

Recognizing the importance of the human rights field operation in Rwanda in contributing to the establishment of confidence in the country, and concerned that it may not be possible to maintain its presence throughout Rwanda unless sufficient funds for that purpose are secured in the very near future,

Concerned to ensure the effective operation of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 established by resolution 955(1994) of 8 November 1994,

Commending the continuing efforts of the Government of Rwanda to maintain peace and security as well as to reconstruct and rehabilitate the country,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in promoting the return of refugees, in consolidating a climate of confidence and stability



and in promoting the rehabilitation and reconstruction of Rwanda,

Reiterating the responsibility of the Government of Rwanda for the safety and security of all United Nations personnel and other international staff serving in the country,

1. Takes note of the arrangements made by the Secretary-General for the withdrawal, starting on 9 March 1996, of UNAMIR pursuant to its resolution 1029(1995) of 12 December 1995;

2. Authorizes elements of UNAMIR remaining in Rwanda prior to their final withdrawal to contribute, with the agreement of the Government of Rwanda, to the protection of the personnel and premises of the International Tribunal for Rwanda;

3. Welcomes the intention of the Secretary-General to submit recommendations to the General Assembly regarding UNAMIR non-lethal equipment that may be released for use in Rwanda in accordance with paragraph 7 of its resolution 1029(1995), and calls upon the Government of Rwanda to take all necessary steps to ensure that UNAMIR personnel, and equipment which is not remaining in Rwanda, can be withdrawn without impediment and in an orderly and safe manner;

4. Encourages the Secretary-General, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office, to be headed by his Special Representative and to include the present United Nations communications system and radio station, for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end;

5. Commends the efforts of States, including neighbouring States, the United Nations and its agencies, the European Union and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons, and underlines the importance it attaches to continued efforts by the Government of Rwanda, neighbouring States, the international community and the United Nations High Commissioner for Refugees to facilitate the early, safe, voluntary and organized return of Rwandan refugees to their own country in accordance with the recommendations of the Bujumbura Conference;

6. Calls upon States and organizations to continue to give assistance for the reconstruction of Rwanda and the rehabilitation of the infrastructure of the country, including the Rwandan justice system, directly or through the United Nations trust funds for Rwanda, and invites the Secretary-General to consider whether there is a need to adjust the scope and purposes of those funds to bring them into line with current requirements;

7. Calls also upon States to contribute urgently to the costs of the human rights field operation in Rwanda, and encourages the Secretary-General to consider what steps might be taken to place the operation on a more secure financial basis;

8. Requests the Secretary-General to report to the Council by 5 April 1996 on what arrangements have been agreed with the Government of Rwanda for the protection of the personnel and premises of the Inter-

national Tribunal for Rwanda after the withdrawal of UNAMIR and on the arrangements he has made pursuant to paragraph 4 above, and to keep the Council closely informed thereafter of developments in the situation;

9. Decides to remain seized of the matter.

Security Council resolution 1050(1996)

8 March 1996

Meeting 3640

Adopted unanimously

Draft prepared in consultations among Council members (S/1996/177).

**Report of Secretary-General (April).** In a 15 April report [S/1996/286], the Secretary-General provided the Security Council with information on the implementation of resolution 1050(1996), stating that as at 12 April a total of 679 personnel, comprising 648 troops, 11 military observers and 20 headquarters staff, remained in Rwanda. Their departure was expected to be completed between 12 and 19 April.

### Financing of UNAMIR

The Secretary-General, in his 29 February report on UNAMIR [S/1996/149], said that as at 15 February, the total outstanding contributions to the UNAMIR special account from the inception of the Mission to 8 March 1996 amounted to \$84.5 million.

In an 8 March report [A/50/712/Add.1], the Secretary-General provided the General Assembly with the UNAMIR cost estimates for the withdrawal period from 9 March to 19 April 1996 and for the administrative closing down from 20 April to 30 September. It covered the withdrawal of 1,395 military personnel, 161 international civilian staff and 56 United Nations Volunteers, the removal of UNAMIR assets, including contingent-owned equipment, and the completion of residual administrative tasks.

On 25 March, the Secretary-General reported [A/50/712/Add.2] on the disposition of UNAMIR assets, which included items of equipment related to accommodation, air transport, communications and mine clearing, and computers, generators and vehicles. The estimated value of the assets as at 19 October 1995 was \$62.5 million. If approved by the Assembly, non-lethal equipment and assets with no remaining useful life, worth some \$15 million, would be donated to Rwanda. Much of the equipment had already been transferred to other UN offices or operations or earmarked for them.

The two March reports on disposition of UNAMIR assets were considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ), which submitted its own report to the Assembly on 17 April [A/50/936]. It proposed that the Assembly defer action on the revised requirements for the period from June to

December 1995 until a final performance report was received, and that it take note of the preliminary report on the disposition of UNAMIR assets.

#### GENERAL ASSEMBLY ACTION (June)

On 7 June, the General Assembly adopted **resolution 50/211 B**.

#### **Financing of the United Nations Assistance Mission for Rwanda**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Assistance Mission for Rwanda and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1029(1995) of 12 December 1995, by which the Council adjusted and extended the mandate of the Assistance Mission for a final period until 8 March 1996, as well as all previous Council resolutions on the Mission,

Recalling also its resolution 48/248 of 5 April 1994 on the financing of the Assistance Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/211 A of 23 December 1995,

Reaffirming that the costs of the Assistance Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling further its previous decisions regarding the fact that, in order to meet the expenditures caused by the Assistance Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Assistance Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Assistance Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Assistance Mission for Rwanda as at 21 May 1996, including the contributions outstanding in the amount of 48,946,102 United States dollars, representing 10 per cent of the total assessed contributions from the inception of the Assistance Mission to the period ending 8 March 1996, notes that some 23 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Assistance Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Assistance Mission is administered with a maximum of efficiency and economy;

7. Approves, on an exceptional basis, the special arrangements for the Assistance Mission with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support for the Mission shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

8. Decides to keep under review the amounts budgeted for the reimbursement of contingent-owned equipment, pending completion of the processing of outstanding claims for reimbursement for contingent-owned equipment with respect to the Assistance Mission;

9. Decides also to appropriate to the Special Account for the United Nations Assistance Mission for Rwanda the amount of 19,745,000 dollars gross (19,462,700 dollars net) for the withdrawal of the Assistance Mission for the period from 9 March to 19 April 1996;

10. Decides further, as an ad hoc arrangement, to apportion the amount of 19,745,000 dollars gross (19,462,700 dollars net) for the period from 9 March to 19 April 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in resolution 49/19 B of 23 December 1994 and decision 50/471 A of 23 December 1995;

11. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 282,300 dollars approved for the period from 9 March to 19 April 1996;

12. Decides also to appropriate the amount of 4,632,500 dollars gross (4,152,200 dollars net) for the administrative closing of the Assistance Mission for the period subsequent to 19 April 1996, inclusive of the

amount of 50,200 dollars for the support account for peacekeeping operations, to be apportioned among Member States in accordance with the scheme set out in the present resolution;

13. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 480,300 dollars approved for the period subsequent to 19 April 1996;

14. Takes note of the preliminary report of the Secretary-General on the disposition of the assets of the Assistance Mission, and requests him to submit to the General Assembly a full report thereon by 27 November 1996;

15. Invites voluntary contributions to the Assistance Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

16. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Assistance Mission for Rwanda".

#### ANNEX

##### **Special arrangements with regard to the application of article IV of the financial regulations of the United Nations**

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Assistance Mission for Rwanda until payment is effected;

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received, shall remain valid for an additional period of four years following the end of the twelve-month period provided for in financial regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

General Assembly resolution 50/211 B

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/848/Add.1) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.52), based on informal consultations; agenda item 135.

Meeting numbers. GA 50th session: 5th Committee 58, 64 (resumed); plenary 120.

#### GENERAL ASSEMBLY ACTION (December)

On 18 December, by **decision 51/462**, the General Assembly decided that the item on the fi-

nancing of UNAMIR remained for consideration at its resumed fifty-first session in 1997.

### UN Office in Rwanda

In resolution 1050(1996) of 8 March, the Security Council encouraged the Secretary-General to maintain a UN office in Rwanda, to be headed by his Special Representative and to include the existing UN communications system and radio station. In a 15 April report [S/1996/286] to the Council, the Secretary-General stated that Rwanda had requested a meeting with the United Nations to clarify the mandate of the UN office. The Government was insisting on a formal proposal on terms of reference, status and size of the office, to which it would respond. A draft status-of-mission agreement had been prepared for discussion.

Subject to the agreement of the Government of Rwanda and the availability of funds, the new office would be known as the United Nations Office in Rwanda (UNOR) and would be headed by a Special Representative at the Assistant Secretary-General level. Resource requirements for UNOR would be sought from the General Assembly.

The Secretary-General said he had hoped to be able to report to the Council that agreement had been reached with Rwanda on UNOR and that there could be a smooth transition from UNAMIR to the new Office when the former's funding expired on 19 April. In spite of efforts by the Special Representative, it had not been possible to obtain the Government's acceptance, nor had the Government confirmed its agreement that the United Nations should continue to operate a radio station in Rwanda. Because it appeared unlikely that agreement could be reached by 19 April, the Secretary-General sent the Under-Secretary-General for Political Affairs on an urgent mission to Kigali from 19 to 24 April to carry the negotiations forward.

In a 3 May report [S/1996/286/Add.1], the Secretary-General informed the Council that during the latest round of negotiations, President Pasteur Bizimungu of Rwanda confirmed his Government's acceptance of a UN Office but it was not willing to approve the proposed UN radio station. Rwanda objected on the grounds that it would create the impression that UNAMIR was still in Rwanda under another guise and would involve a higher profile for the UN Office than the Government wished. However, the Government was prepared to make three hours of airtime available to the United Nations daily on its radio station.

The Secretary-General recommended that the Security Council authorize the establishment of UNOR for an initial period of six months, with an

estimated budget of \$1.3 million. Meanwhile, work was continuing on a plan for broadcasting UN programmes on the government radio station and discussions would be resumed with the Government on the matter. The Secretary-General also reported that negotiation of the status-of-mission agreement for UNOR was likely to be concluded in the near future.

At the time of the Secretary-General's May report, the United Nations and the Government had not resolved the outstanding disagreement on Rwanda's claim for taxes against corporations that had entered the country as contractors to UNAMIR.

The Security Council President, by a letter of 31 May [S/1996/400], informed the Secretary-General that the Council members supported his recommendation for the establishment of an Office in Rwanda, as described in his May report.

By the end of 1996, the Office had not been established.

### Refugees

The Secretary-General, in a 30 January report on UNAMIR [A/50/868-S/1996/61], reported that the voluntary return of refugees from bordering States to Rwanda remained at a trickle, despite the efforts of UNHCR and other agencies. The main hurdles continued to be the fear of oppressive treatment on returning to their home country, intimidation and political dissuasion by former Rwandese government forces' leaders in the camps, and the perception of relatively better living conditions in the camps than those expected on returning. The number of returnees remained small despite a joint communique issued after the Rwanda/Zaire/UNHCR Tripartite Commission meeting in Geneva on 20 December 1995 in which Rwanda reaffirmed its commitment to establish the necessary conditions for the safe return of refugees and Zaire reaffirmed its commitment to rid the camps of those resorting to intimidation to block the refugees' return.

UNHCR launched an appeal for \$288 million to cover the cost of its 1996 operations for Rwandan and Burundian refugees and returnees in the Great Lakes region, with emphasis on voluntary repatriation to Rwanda and plans for a shift in UNHCR programmes from care and maintenance of refugees in countries of asylum to return and reintegration in the country of origin.

In a 29 February report [S/1996/149], the Secretary-General said that the humanitarian situation in Rwanda continued to warrant a centralized coordination structure, given the challenge to be confronted with the return and absorption of refugees and internally displaced

persons. The authority for the coordination of humanitarian assistance rested with the UN Humanitarian Coordinator/Resident Coordinator, who was supported by a small Department of Humanitarian Affairs office (see PART THREE, Chapter III).

UNHCR, Rwanda and the countries hosting some 1.7 million Rwandan refugees, namely, Zaire, Burundi and the United Republic of Tanzania, had made efforts to accelerate the voluntary return of refugees. The number of returnees rose from an average of around 5,000 a month through much of 1995 to 14,000 in January 1996 and more than 20,000 in the first three weeks of February. While the number of voluntary repatriations from Zaire remained low, refugee returns from Burundi increased dramatically in the wake of fighting in the northern part of that country and two refugee camps were closed.

The Burundi/Rwanda/UNHCR Tripartite Commission, at its fourth meeting (Bujumbura, Burundi, 29-30 January), decided to close progressively the remaining camps in Burundi, starting with those nearest the border with Rwanda. The Commission hoped that all remaining Rwandan refugees in Burundi would have repatriated by July. The number of returnees from the United Republic of Tanzania also rose in February, to more than 500. As at late February, it was estimated that 1.1 million Rwandan refugees remained in Zaire, 511,000 in the United Republic of Tanzania and 97,000 in Burundi.

Rwanda, in a 26 August letter [S/1996/694] to the Security Council, said that many Rwandan refugees had voluntarily returned to their country from Burundi. As at 26 August, 96,000 Rwandans had gone back to their rural communities in Rwanda and another 4,000 who were still in Burundi were likely to return by the end of the month.

In late 1996, the situation changed dramatically, as the Secretary-General reported on 29 November [S/1996/993]. Fighting between rebel forces in eastern Zaire and the Zairian Government forces had greatly affected the refugee population residing in eastern Zaire, causing a sudden mass return to Rwanda. In a matter of hours, refugees poured into Rwanda through the Goma-Gisenyi border crossing, stretching to the limit the capacities of the Rwandan Government and international organizations to deal with the reception and transit of the returnees. The Government had facilitated the processing and onward movement of some 500,000 returnees by the end of November.

In two letters sent to the Security Council in November, Rwanda appealed to the international community to provide humanitarian as-

sistance to the returning refugees. On 8 November [S/1996/919], Rwanda said it was ready to welcome all Rwandan refugees who were in refugee camps in Zaire and elsewhere. On 15 November [S/1996/945], Rwanda said that over the past 48 hours thousands of refugees, at the rate of 100 per minute, were crossing from Zaire into Rwanda, and that within a week the majority of Rwandan refugees would have returned. Rwanda believed that conditions for the continued orderly return of many more refugees were in place, including the preparation of reception centres. In view of the situation, Rwanda believed that the proposed multinational force was no longer relevant as far as rescuing Rwandan refugees in eastern Zaire was concerned. (See sections on "Great Lakes region" and "Zaire" above.)

### **Human Rights Field Operation**

The Human Rights Field Operation in Rwanda (HRFOR), set up after the period of mass killings in that country from April to July 1994, worked with the new Government that had taken power in mid-1994 towards national reconciliation and resettlement of refugees. Run under the authority of the United Nations High Commissioner for Human Rights, the operation, having carried out extensive investigations of genocide (see PART TWO, Chapter III), was currently involved with monitoring the human rights situation throughout the country.

As the Secretary-General reported on 29 February [S/1996/149], HRFOR had established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contributed to the prevention of human rights violations and to appropriate investigation by presenting information regarding violations to the competent ministries.

The Government of Rwanda had indicated its desire to have the Operation continue after UNAMIR left, and the Secretary-General said that it would constitute an important element of the UN presence in Rwanda beyond 8 March 1996. However, unless sufficient funds could be secured, the High Commissioner would have to close down HRFOR.

In April [S/1996/286], the Secretary-General reported that in the absence of sufficient financial resources it had not been possible to maintain the required number of staff. The presence of human rights monitors in the field was crucial, especially when the refugees were being encouraged to return and when the Rwandan justice system was not yet functioning. In the Declara-

tion adopted at the Tunis summit of the Great Lakes region on 18 March, it had been reaffirmed that Rwanda would welcome the deployment of up to 300 human rights monitors.

### **Rehabilitation and reconstruction**

The Secretary-General reported on 30 January [A/50/868-S/1996/61] that reactivating the judicial system remained a priority of UN agencies operating in Rwanda. Progress had been slow on account of the Government's lack of capacity and the complexity of trying those suspected of genocide. However, the Government had announced that it intended to establish 11 "special courts" for the treatment of genocide cases, with the assistance of six international experts.

On 29 February, the Secretary-General reported [S/1996/149] that the Ministry of Justice had submitted its revised plan for the UNDP "Rehabilitation of the justice system" project, in which it proposed the recruitment of 10 legal advisers to assist in establishing "special chambers" to handle genocide cases. Overcrowding in prisons and other places of detention remained a matter of serious concern.

Capacity-building activities were continuing. The Rwandan Communal Police Training Programme, conducted with UNDP assistance, would fund training for a third group of 750 cadets and provide for the construction of living quarters for police in 100 communes. The World Health Organization (WHO) and UNICEF were to provide equipment and supplies to hospitals, and to carry out training and education on preventive measures on disease and nutrition.

Rwanda, in a 1 March letter [S/1996/176], proposed continued UN assistance to its national recovery and rehabilitation. It stated that the 1994 genocide, in which more than 1 million people were killed, had left about 4 million people internally displaced and 2.5 million refugees. Large numbers of orphans, widows and other helpless people were struggling to survive and economic infrastructures were completely destroyed. The Government appealed for increased assistance in a number of areas, particularly through the UN system. It accepted the Secretary-General's proposal to maintain the office of the Special Representative in Kigali for six months, for the purpose of coordinating UN activities.

Following the massive return of refugees from eastern Zaire that began on 15 November, the Secretary-General, in a 29 November report [S/1996/993], stated that the Government and international organizations were working together on a repatriation plan. The overall effort, coordinated by the Government and led by the UN Resi-

dent Coordinator, involved UNDP, the World Bank, UNICEF, WFP, UNHCR, other UN agencies and NGOs. It aimed to ensure that a long-term community-based rehabilitation and development strategy was implemented. In that regard, an informal donor meeting on refugee reintegration in the Great Lakes region was held on 23 November in Geneva at the initiative of Canada (see PART THREE, Chapter III).

### **UN Trust Funds**

In 1996, two UN Trust Funds for Rwanda were in operation. Describing their status in a 15 April report [S/1996/286], the Secretary-General said that his Trust Fund for Rwanda, established under Security Council resolution 925(1994) [YUN 1994, p. 288] in response to the urgent needs that had arisen out of the humanitarian crisis in Rwanda and in order to finance relief and rehabilitation programmes, had received \$7.3 million by 31 March 1996, of which \$5 million was transferred to UNDP for implementation.

The UNDP Trust Fund for Rwanda had been established in March 1995 following a request by the Netherlands, to provide the donor community with a financial mechanism to support the programme of national reconciliation and socio-economic recovery presented by Rwanda. Activities included rehabilitation, reconstruction, reintegration and resettlement programmes, as well as direct financial support for the Government. As at 31 March, total pledges reached \$35.5 million, of which \$20.6 million had been received.

The Secretary-General's Fund responded to short-term humanitarian needs, whereas the UNDP Fund covered mid-term and long-term developmental needs in Rwanda. The Secretary-General stated that he did not see the need to change the scope and purposes of the trust funds and appealed to Member States to continue to make contributions.

### **Arms embargo**

The Security Council in May 1994 adopted resolution 918(1994) [YUN 1994, p. 285] imposing mandatory arms sanctions against Rwanda; it established a Sanctions Committee to monitor their implementation. In September 1995, the Council, under resolution 1013(1995) [YUN 1995, p. 382], established an International Commission of Inquiry to investigate reports about the sale or supply of arms and related materiel to former Rwandan government forces in violation of the arms embargo. Both the Sanctions Committee and the Commission of Inquiry reported to the Security Council on their work in 1996.

### **Sanctions Committee**

In a 14 March letter [S/1996/202], the Secretary-General, as requested under Security Council resolution 1011(1995) [YUN 1995, p. 380], reported on the export of arms and related materiel to Rwanda on the basis of reports submitted by the Sanctions Committee. During the six months since the Council's request, the Committee had received no notifications about the export of such goods to Rwanda. However, Singapore had informed the Committee on 12 February that it had exported spare parts for vehicles for use by the Ministry of Defence.

In a 26 August letter [S/1996/407/Rev.1], the Chairman of the Sanctions Committee stated that Rwanda had reported importing military clothing from Germany. Also on 26 August [S/1996/396/Rev.1], he said that Singapore had informed the Committee about another shipment of vehicle spare parts to Rwanda. The Chairman, again on 26 August [S/1996/329/Rev.1], listed notifications received—Singapore had informed the Committee of its export of spare parts for vehicles and Rwanda reported that it had imported two patrol boats from Italy, 65 cars from Dubai and 122 vehicles for military use from Singapore. A summary of those sales/imports was made by the Secretary-General in letters of 30 August [S/1996/663/Rev.1 & Add.1].

### **International Commission of Inquiry**

The International Commission of Inquiry, established by the Security Council in 1995 [YUN 1995, p. 382] to investigate reports relating to the sale or supply of arms and military equipment to former Rwandan government forces in the Great Lakes region, submitted an interim report to the Council in January and its report in March. It had begun its work by visiting the region in November 1995. The Commission was authorized to look into arms sales to the former forces in violation of Council resolutions 918(1994) [YUN 1994, p. 285], 997(1995) [YUN 1995, p. 386] and 1011(1995) [YUN 1995, p. 380].

In its interim report of 17 January 1996 [S/1996/67], the Commission described its methods of work and its activities during its initial visit to the region. Thanking the Commission for that report in a letter of 13 February [S/1996/104], the Security Council underlined the importance it attached to the work of the Commission and emphasized the need for those Governments which had not done so to respond to the Commission's inquiries, emphasizing in particular the importance of the cooperation of Zaire for the successful completion of the Commission's work.

The Secretary-General, in forwarding the Commission's report [S/1996/195] of 13 March to

the Security Council, said the Council might wish to have the Commission continue its investigations or consider whether other measures should be put in place to promote compliance with the relevant Council resolutions. Should the Council decide that the investigations should be pursued, the Secretary-General would review, in consultation with the Commission Chairman, the composition and *modus operandi* of the Commission, taking into account the need for cost-effectiveness, especially in view of the Organization's current financial crisis.

#### Interim report

The Commission reported [S/1996/67] that on 10 November 1995 it had visited Iwawa island in Lake Kivu, the scene of a battle a few days before between the Rwandese Patriotic Army (RPA) and Rwandan insurgents apparently controlled by the former Rwandan government forces. A quantity of weapons and military materiel, as well as a number of prisoners, had been captured. Although unable to conduct an extensive investigation because of landmines, time constraints and transport limitations, the Commission did inspect weapons, explosives and other military equipment and interviewed some captured soldiers, who indicated that they were Rwandans who had been living in Mugunga Camp near Goma, Zaire, and had been receiving weapons training on the island from former Rwandan government forces. On the basis of the limited information it received, the Commission was unable to reach a firm conclusion as to the truth of the allegations.

The Commission visited Kinshasa, Zaire, from 8 to 16 December 1995. In reply to written questions concerning allegations that the Government had been involved in arming and training former Rwandan government forces in violation of Security Council resolutions, the Government stated that it had no knowledge of some of the alleged incidents and considered in respect of others that evidence was insufficient to warrant any action. The Zairian authorities denied having armed or provided training to Rwandan forces in violation of the embargo.

In January 1996, a sharp disagreement arose between the Commission and the Zairian officials over the Commission's proposed activities and interpretation of its mandate. The Zairian side insisted on attending Commission meetings with potential witnesses and on reviewing the Commission's draft report on its activities in Goma before it left Zaire. Those demands were rebuffed by the Commission and, in response to a 9 January appeal from the Zairian Prime Minister, the Secretary-General confirmed that the

Commission's interpretation of its mandate was correct. On 12 January, the Zairian Minister for Foreign Affairs wrote to the Secretary-General, repeating Zaire's demands. At that point, the Commission declared that it could not pursue its investigations in Goma in the face of the attitude of the Zairian authorities and it withdrew to Nairobi.

Although unable to pursue a full investigation in Goma, the Commission stated that it had gathered enough information from a variety of sources to give rise to suspicion that clandestine activities were being carried out there, including alleged night flights and secret unloading of cargo from aircraft.

In other activities, the Commission Chairman wrote to a number of Governments whose nationals were said to have participated in delivering weapons and related materiel to the former Rwandan government forces. The allegations were made by Human Rights Watch, a Washington-based NGO.

As for allegations that arms and military equipment were being sold or supplied to the former Rwandan government forces in violation of the Security Council ban, the Commission in January 1996 could not confirm whether these were true. Nor could it establish whether specific Governments, companies or individuals had aided or abetted the sale or supply of arms and related equipment to those forces.

#### March report

In its report [S/1996/195] to the Security Council dated 13 March, the Commission described more of its activities.

Commission members visited Bujumbura, Burundi, from 26 to 29 January and met with the President, Sylvestre Ntibantunganya. They also interviewed a number of Burundian officials, including the Chiefs of Staff of the army and gendarmerie and members of the diplomatic community, none of whom had information on alleged violations of Security Council resolutions.

The Commission continued its contacts with Rwandan Government officials and others within Rwanda and had obtained information that strongly suggested that arms continued to be supplied to former Rwandan government forces, and that former Rwandan government forces were still actively raising money among sympathizers abroad.

The Commission concluded that Rwandan men were receiving military training to conduct destabilizing raids into Rwanda. They had also received arms in violation of the Security Council embargo. In reaching those conclusions, the

Commission noted, it had to investigate media reports rather than rely solely on information obtained through UN sources. It also noted the absence of an effective, proactive mechanism to monitor or implement the arms embargo.

Among its recommendations on future measures to deter attempts to supply arms to the former Rwandan government forces, the Commission proposed setting up such monitoring machinery and noted that financing would also be necessary, so as to reinforce the Organization's preventive diplomacy efforts, particularly in the fields of fact-finding and the development of early-warning systems. In the Commission's view, embargo measures would probably not be effective unless they were applied throughout the subregion.

The Commission recommended that the Governments of the region, particularly Zaire, intensify efforts to ensure that their territory was not used for the recruitment or training of refugees or as a base for armed groups to launch incursions or attacks against another country. They should also prevent military training and the sale or supply of weapons to militia groups or other groups among the refugees. In another recommendation on arms embargoes in general, the Commission suggested that neighbouring States be encouraged to participate on a voluntary basis in maintaining a register of movements and acquisitions of small arms, ammunition and materiel. Regarding the embargo against arms to Rwandan refugees, the Commission recommended that the Security Council invite Bulgaria, South Africa and Zaire to pursue investigation of the reported violations dealt with by the Commission. It suggested that Zaire should again be invited to consider the stationing of UN observers on its territory to monitor the embargo and deter shipment of arms to the former Rwandan government forces. Another proposal was that the Council extend the concept embodied in the UNHCR Zairian Camp Security Contingent, by which national troops were recruited, led and paid by the international community, and apply it to monitoring the embargo in Zaire, perhaps in cooperation with the Organization of African Unity. As an interim measure, in order to maintain an element of deterrence, the Commission suggested that the Council retain the Commission or create a similar body to maintain contacts with the Governments of the Great Lakes region, to follow up the investigations of the Commission, to respond to any other allegations and to report periodically to the Secretary-General on the situation.

**Reactions to Commission of Inquiry.** On 2 February [S/1996/84], Rwanda, noting that the

Commission was expected to conclude its work by the end of the month, said that that would be tantamount to encouraging violation of the embargo and constituted encouragement to the criminals, and the country harbouring them, to continue the infiltration across the frontiers of Rwanda and Burundi. Rwanda requested that the Security Council strengthen the authority of the Commission, extend its mandate and give it the means necessary to discharge its mandate. It suggested that appropriate measures be taken against countries that refused to cooperate with the Commission.

Zaire responded to the interim report on 22 February [S/1996/132], stating that nothing in the report proved that Zaire was training former Rwandan government forces in order to destabilize Rwanda or was supplying them with arms for that purpose. Zaire denied involvement in any attempt to destabilize.

On 27 March [S/1996/222], Rwanda welcomed the Commission's second report and said that if the Commission were provided with adequate means, mandate and strength, then an eventual conflagration could be avoided in the Great Lakes region. Rwanda endorsed the recommendations made by the Commission except that of recruiting Zairian troops to monitor the Rwandan arms embargo in Zaire. Rwanda recommended that further investigations be carried out on Zaire's role in providing shelter and protection to the former Rwandan army forces and rebel militias in eastern Zaire.

Zaire, on 3 April [S/1996/241], again denied any involvement in attempts to destabilize Rwanda and said that the March report levelled serious accusations against it without providing proof. By using innuendoes and not fully examining information provided by various sources, it sought to blame Zaire for an arms sale that allegedly took place elsewhere, and it ignored important information which the Zairian authorities had made available to the Commission.

#### SECURITY COUNCIL ACTION

On 23 April, the Security Council adopted **resolution 1053(1996)**.

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918(1994) of 17 May 1994, 997(1995) of 9 June 1995, 1011(1995) of 16 August 1995 and 1013(1995) of 7 September 1995,

Having considered the letter dated 13 March 1996 from the Secretary-General to the President of the Security Council and the report of the International Commission of Inquiry established under resolution 1013(1995) annexed to that letter, as well as the interim report of the Commission of Inquiry dated 17 January 1996,



Expressing its support for the Tunis Declaration of the heads of State of the Great Lakes region of 18 March 1996,

Expressing once again its grave concern at allegations of the sale and supply of arms and related materiel to former Rwandese Government Forces in violation of the embargo imposed under its resolutions 918(1994), 997(1995) and 1011(1995), and underlining the need for Governments to take action to ensure the effective implementation of the embargo,

Commending the members of the Commission of Inquiry for the excellent investigation they have conducted,

Welcoming the assistance given to the Commission of Inquiry by some Governments,

Noting with concern the continuing lack of full cooperation the Commission of Inquiry has received from other Governments,

Gravely concerned by the finding of the Commission of Inquiry that certain Rwandan elements are receiving military training to conduct destabilizing raids into Rwanda,

Deeply disturbed by the strong evidence presented by the Commission of Inquiry leading to the conclusion that it is highly probable that a violation of the arms embargo occurred, in particular by the sale of arms which took place in Seychelles in June 1994 and the subsequent two shipments of arms to Goma, Zaire, from Seychelles destined for former Rwandese Government Forces,

Noting that the Commission of Inquiry received strong indications from its sources that aircraft are continuing to land at Goma and Bukavu with arms for former Rwandese Government Forces, and that senior figures among those forces are still actively raising money apparently for the purpose of funding an armed struggle against Rwanda,

Further noting that the Commission of Inquiry has not yet been able to investigate thoroughly these allegations of continuing violations of the arms embargo,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States,

Reaffirming also the importance of terminating radio broadcasts which spread hate and fear in the region, and emphasizing the need for States to assist the countries of the region in terminating such broadcasts as stated by the Cairo Declaration on the Great Lakes Region of 29 November 1995,

1. Reaffirms the importance it attaches to the work of the Commission of Inquiry, to the investigations it has conducted to date, and to continued effective implementation of the relevant Council resolutions;

2. Requests the Secretary-General to maintain the Commission of Inquiry on the basis set out in paragraph 91 (c) of the report of the Commission of Inquiry to follow up its earlier investigations and to stand ready to pursue any further allegations of violations, especially of current and expected arms shipments;

3. Expresses its determination that the prohibition on the sale or supply of arms and related materiel to non-governmental forces for use in Rwanda should be implemented fully in accordance with resolution 1011(1995);

4. Calls upon States in the Great Lakes region to ensure that their territory is not used as a base for armed groups to launch incursions or attacks against any

other State in violation of principles of international law and the Charter of the United Nations;

5. Urges all States, in particular those in the region, to intensify their efforts to prevent military training and the sale or supply of weapons to militia groups or former Rwandese Government Forces, and to take the steps necessary to ensure the effective implementation of the arms embargo, including by creation of all necessary national mechanisms for implementation;

6. Encourages States of the Great Lakes region to ensure the effective implementation of the Tunis Declaration of the Heads of State of the Great Lakes region of 18 March 1996;

7. Requests the Secretary-General to consult with States neighbouring Rwanda, in particular Zaire, on appropriate measures, including the possible deployment of United Nations observers in the airfields and other transportation points in and around border crossing points, for the purpose of better implementation of the arms embargo and deterrence of the shipment of arms to former Rwandese Government Forces in violation of Council resolutions;

8. Expresses concern at the lack of response by certain States to the Commission's inquiries, and calls upon those States that have not yet done so to cooperate fully with the Commission in its inquiries and to investigate fully reports of their officials and nationals suspected of violating the relevant Council resolutions;

9. Calls upon States, in particular those whose nationals have been implicated by the report of the Commission of Inquiry, to investigate the apparent complicity of their officials or private citizens in the purchase of arms from Seychelles in June 1994, and in other suspected violations of the relevant Council resolutions;

10. Further calls upon States to make available to the Commission of Inquiry the results of their investigations, and to cooperate fully with the Commission of Inquiry, including by providing to the Commission of Inquiry at any time any access they request to airfields and to witnesses, in private and without the presence of officials or representatives of any Government;

11. Encourages States to make voluntary contributions to the Trust Fund for Rwanda, established by the Secretary-General, to support the work of the Commission of Inquiry, and to contribute through the Secretary-General equipment and services to the Commission of Inquiry;

12. Requests the Secretary-General to submit a report to the Council on the implementation of this resolution by 1 October 1996;

13. Reiterates its concern that the uncontrolled illegal flows of arms and related materiel in violation of Council resolutions would pose a threat to peace and stability in the Great Lakes region, and declares its willingness to consider further measures in this regard;

14. Decides to remain seized of the matter.

Security Council resolution 1053(1996)

23 April 1996 Meeting 3656 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/298).

#### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/229**.

### Commission of Inquiry in Rwanda

The General Assembly,

Having considered the report of the Secretary-General on the Commission of Inquiry in Rwanda and the recommendations of the Advisory Committee on Administrative and Budgetary Questions,

Recalling that, in its resolution 50/214 of 23 December 1995, it had already requested the Secretary-General to make economies in an amount of 103,991,200 United States dollars and also to implement fully all mandated programmes and activities, and reaffirming the budgetary process adopted in its resolution 41/213 of 19 December 1986 and subsequent relevant resolutions,

1. Authorizes the Secretary-General to enter into commitments in an amount of up to 931,800 dollars (net of staff assessment) under section 3 (Peacekeeping operations and special missions) of the programme budget for the biennium 1996-1997 for the maintenance of the Commission of Inquiry;

2. Requests the Secretary-General to submit to the General Assembly, no later than 15 May 1996, proposals on possible means of absorption in the programme budget for the biennium 1996-1997, including, *inter alia*, part II thereof;

3. Requests the Fifth Committee to revert to the issue of appropriations at subsequent meetings in May 1996 in the light of the Secretary-General's proposals referred to in paragraph 2 above.

General Assembly resolution 50/229

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/842/Add.3) without vote, 9 May (meeting 58); draft orally proposed by Chairman; agenda item 116. Meeting numbers. GA 50th session: 5th Committee 56-58; plenary 120.

**Further activities of Commission.** As requested by the Security Council in April, the International Commission of Inquiry continued to investigate reports of arms flows to the former Rwandan government forces and allegations that those forces were receiving military training in order to destabilize Rwanda, in violation of relevant Council resolutions. The Secretary-General, as he explained in a letter of 27 September to the Council President [S/1996/816], approached the Governments of Rwanda, Uganda, the United Republic of Tanzania and Zaire to ascertain their readiness to receive the Commission. Following those approaches, the Commission proceeded to the region and contacted several other Governments. It began inquiring into fresh allegations that the former Rwandan government forces and the Interahamwe militia were continuing to receive military training in order to destabilize Rwanda and that they were expanding and diversifying their methods of fund-raising to buy arms for use against Rwanda. While it was waiting to obtain more data, the Commission sought the Council's concurrence to submit its report a month later than originally requested. The Council agreed in a letter of 1 October [S/1996/817].

### Third report

The Secretary-General, by a letter of 1 November 1996 [S/1997/1010], forwarded to the Security Council the third report of the International Commission of Inquiry. In the forwarding letter, he noted that the situation in the region had changed dramatically since the Commission submitted its previous report.

The Commission had visited the region from 12 July to 21 October and, in accordance with Council **resolution 1053(1996)**, reduced its size from six members to four. All Commission members visited Kenya, Rwanda, the United Republic of Tanzania and Uganda; three members visited South Africa; and one member visited Belgium and the United Kingdom. Approaches were made to several Governments believed by the Commission to have information regarding its investigations (Belgium, Bulgaria, Cameroon, Cyprus, Czech Republic, Egypt, France, Italy, Kenya, Malta, Portugal, Seychelles, South Africa, Spain, Switzerland, United Kingdom, Zaire, Zambia), but many replies were awaited. In the time available to it, the Commission was unable to follow up on all aspects of the investigation; the main pending questions concerned allegations involving the transportation and origin of arms.

In Rwanda, the Commission was informed that the number and duration of cross-border incursions from Zaire were increasing and they were penetrating deeper into Rwanda.

During the Commission's visit to the United Republic of Tanzania, the Prime Minister stated that it was his Government's policy not to allow the country to be used as a base for military training or political activities by the refugees, nor were refugees permitted to have arms. Accompanied by Tanzanian officials, the Commission visited Rwandan refugee camps and found no evidence that arms and materiel were being sold or supplied to the remnants of the former Rwandan government forces and militia resident there.

In Uganda, the Commission met with senior government officials. According to information obtained there, recruitment and training of Rwandans were taking place at several locations in eastern Zaire.

During a second field tour (July to mid-October 1996), the Commission received information from a wide variety of sources, including Governments. Despite the varying degrees of reliability, the volume and consistency of the information gathered from different sources, when reviewed all together, proved highly convincing, and the Commission was confident that its conclusions were soundly based on accurate information.

It had received indications that a complex, organized multinational fund-raising and taxing

system existed under the control of prominent members of the Hutu community and was carried out in the refugee camps, among Hutu communities worldwide, organized from Nairobi, and in Rwanda itself. A major source of funding was reportedly the sale in refugee camps of relief goods donated by international humanitarian organizations. Wealthy Hutus in Kenya and Zaire were also said to have contributed to fund-raising efforts, which had yielded up to \$2 million.

Sources in Europe and Africa described a web of illicit arms deals, arms flights and arms deliveries spanning Africa and stretching as far as Europe, particularly Eastern Europe, and involving contraband drugs, firearms, diamonds and gold. As a result, arms continued to flow to the former Rwandan government forces. The Commission was told that the former Rwandan government forces had brand-new weapons that were not available to them before the embargo was imposed.

In conclusion, the Commission noted that, despite many differences, Rwanda and Burundi faced linked problems because of the similarity of their ethnic composition and the presence in the United Republic of Tanzania and Zaire of hundreds of thousands of refugees from both countries. The Commission was convinced that the problems of the Great Lakes region needed to be approached from a regional perspective because the conflict involving each country affected developments in neighbouring countries. It had little doubt that between mid-1994, when the Security Council imposed an arms embargo on Rwanda, and early 1995, arms deliveries and training had taken place. Furthermore, it concluded that the former Rwandan government forces, including the Interahamwe militia, were continuing to receive arms from a variety of sources in violation of the embargo.

**Recommendations.** The Commission recommended that consideration be given to requesting the States producing arms to take measures under their domestic law to implement provisions of the sanctions, as provided for in Security Council resolutions 918(1994) [YUN 1994, p. 285], 997(1995) [YUN 1995, p. 386] and 1011(1995) [YUN 1995, p. 380], and, in particular, to prosecute their nationals for violations of the arms embargo imposed by those resolutions.

The Commission believed that only a long-term political settlement would result in the repatriation of the refugees and the eventual resolution of the conflict, but that short-term measures would help reduce the danger of large-scale fighting on Rwanda's borders. The Commission also recommended that the Council call on Zaire

not to allow foreign armed groups to operate from its soil and to end assistance to such groups. In addition, the Commission stated that the Council should keep under review the possibility of deploying UN observers in the airfields and at border crossing points for the purpose of deterring arms shipments.

The Commission further recommended that the Council consider expanding the embargo to include a freeze on assets, including bank accounts, of individuals and organizations involved in raising funds to finance the insurgency. The Council might also wish to encourage the Tanzanian authorities to continue to liaise with UNHCR and to consult the International Criminal Tribunal for Rwanda to see if legal grounds existed to detain known "intimidators" in the refugee camps.

Although the situation in Burundi did not fall within the Commission's mandate, it could not disregard its finding that the Rwandan and Burundian insurgents in the United Republic of Tanzania and Zaire were coordinating their arms procurement, training and military operations. It suggested that, should the Council decide to impose an arms embargo on Burundi, it should extend it to include the Burundian insurgents outside the country because of their cooperation with the former Rwandan forces.

One of the major reasons for the unstable situation was the refusal of the majority of Rwandan refugees to return home because of fear of reprisals. It was therefore recommended that the Security Council urge Rwanda to take measures to create a climate conducive to the reintegration of the refugees in order to encourage their return as soon as possible.

Having concluded its visit to the area, the Commission said it intended to continue, subject to the Council's concurrence and in accordance with **resolution 1053(1996)**, to maintain contacts with Governments and others in the Great Lakes region, to follow up the investigations, to respond to further allegations of violations and to make periodic reports to the Council on the evolution of the situation. The Commission recommended that its mandate be reviewed in the light of any further Council action concerning the Great Lakes region.

## Burundi

The political, ethnic, humanitarian and security situation in Burundi deteriorated significantly in 1996, despite UN efforts to avert further

problems. It reached a new crisis point with the overthrow of the existing coalition Government on 25 July, an action condemned by the UN Security Council. That crisis was the most recent in a series beginning with a coup d'état in October 1993 [YUN 1993, p. 262], which had been followed by the assassination of the President and other political leaders and widespread massacres. The situation deteriorated further with the deaths of the Presidents of Burundi and Rwanda in a plane crash in April 1994 [YUN 1994, p. 276]. Although an agreement known as the Convention on Governance, a power-sharing mechanism for a four-year transitional period [YUN 1994, p. 278], had been signed in September 1994, and remained in effect until the 1996 coup, ethnic and political tensions had continued.

Before the overthrow of the Government in July 1996, the Security Council issued four statements and adopted two resolutions calling for, among other things, a cessation of violence, a peaceful resolution involving all parties to the conflict and the consideration of possible sanctions against Burundi. It also urged the Secretary-General to continue with contingency planning for a rapid humanitarian response in the event of widespread violence. Following the coup, the Council issued another statement and adopted another resolution, by which it condemned the overthrow of the legitimate Government, called for restraint, demanded that all parties initiate unconditional negotiations, urged the return to constitutional order and legality, called for continued contingency planning and decided to consider the imposition of sanctions.

During the year the Secretary-General's Special Representative sought ways to maintain dialogue for a peaceful resolution of the situation.

### **Tensions and deteriorating situation**

At the beginning of 1996, the situation in Burundi was marked by continued ethnic and political tensions which were manifested in killings, massacres, torture and arbitrary detentions. The Secretary-General, in a 15 February report to the Security Council on the situation in Burundi [S/1996/116], noted the seriousness of the situation, which was defined by visceral fears and brutal struggles for power. Much of the Tutsi minority, historically dominant, lived with fear of physical elimination, while the Hutu majority was seeking proper political representation. The minority's fears had been heightened by the 1994 genocide in Rwanda, leading extremist elements to take ruthless actions against Hutu populations. Hutu extremists, in turn, were reinforced and supported from outside the country by some of the perpetrators of the Rwandan genocide.

December 1995 had been characterized by widespread violence and by attempts by opposition members, with support from among the military, to remove from office the President, Sylvestre Ntibantunganya. During that month [S/1995/1068], a number of politicians and officials were assassinated and clashes between the military and insurgents occurred. Violence was also directed against members of the international humanitarian community. At the beginning of January 1996, the Secretary-General's Special Representative, Marc Faguy, confirmed that the influence of moderate political forces in Burundi continued to diminish and the Prime Minister publicly warned that the ideology of exclusion and genocide was gaining ground.

### **SECURITY COUNCIL ACTION**

At a meeting of the Security Council on 5 January to discuss the situation in Burundi, the President made the following statement [S/PRST/1996/1] on behalf of the Council:

The Security Council has considered the letter of 29 December 1995 from the Secretary-General to the President of the Council on developments in Burundi. The Council shares the Secretary-General's deep concern at the situation in Burundi, which has been characterized by daily killings, massacres, torture and arbitrary detention. It condemns in the strongest terms those persons responsible for such actions, which must cease immediately. It encourages all States to take the measures deemed necessary to prevent such persons from travelling abroad and receiving any kind of support. It reiterates its profound concern about radio stations which incite hatred and acts of genocide and encourages Member States and others concerned to cooperate in the identification and dismantling of them. The Council calls upon all concerned in Burundi to exercise maximum restraint and to refrain from all acts of violence. It reiterates that all who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for such violations and should be held accountable. In this context it stresses the importance it attaches to the work of the International Commission of Inquiry established pursuant to its resolution 1012(1995) of 28 August 1995, and undertakes to study carefully the letter from the Secretary-General dated 3 January 1996 containing an interim report on that work.

The Council is gravely concerned at recent attacks on personnel of international humanitarian organizations, which have led to the suspension of essential assistance to refugees and displaced persons and to the temporary withdrawal of international personnel. The Council welcomes the Secretary-General's decision to ask the United Nations High Commissioner for Refugees to visit Burundi to discuss with the Burundi authorities steps that might be taken to defuse the situation. It underlines that the authorities in Burundi are responsible for the security of

personnel of international humanitarian organizations and of the refugees and displaced persons there and calls upon the Government of Burundi to provide adequate security to food convoys and humanitarian personnel.

The Council welcomes the assumption of his functions by the new Special Representative of the Secretary-General for Burundi and calls on all concerned to support his efforts. It commends the work of the Office of the Special Representative of the Secretary-General in seeking to promote dialogue and national reconciliation in Burundi, as well as the role played there by the Organization of African Unity (OAU). It welcomes the decision of the OAU in Addis Ababa on 19 December 1995 to extend the mandate of its mission in Burundi for another three months and to strengthen the civilian component of the mission. The Council also welcomes the outcome of the Cairo Conference of Heads of State of the Great Lakes Region on 29 November 1995, supports the work of the facilitators appointed by it, and emphasizes once again the importance it attaches to all States acting in accordance with the recommendations contained in the Cairo Declaration as well as those adopted at the Regional Conference held in Bujumbura in February 1995. It stresses the importance of continued attention by the international community as a whole to the situation in Burundi and encourages Member States to intensify contacts and visits.

The Council notes the proposals referred to in the Secretary-General's letter of 29 December 1995. It will consider these and other proposals he may submit in the light of the reports on the mission of the United Nations High Commissioner for Refugees and from his Special Representative in Burundi. It also requests the Secretary-General to consider what role United Nations personnel in the region and other support personnel might play in Burundi.

The Council reaffirms its support for the Convention on Governance of 10 September 1994, which constitutes the institutional framework for national reconciliation in Burundi and for the institutions of Government established in line with it. It calls once again upon all political parties, military forces and elements of civil society in Burundi fully to respect and implement the Convention on Governance and to give their continued support to the institutions of Government established in line with it.

The Security Council will remain seized of this matter.

Meeting number. SC 3616.

**Communications (January).** In a 16 January letter [S/1996/36] to the Security Council President, the Secretary-General said that he had sent the United Nations High Commissioner for Refugees, Sadako Ogata, to Burundi as his personal envoy to discuss with government authorities steps to defuse the situation and enable international organizations to function effectively. The High Commissioner visited Burundi on 7 and 8 January. Her visit had been preceded by a number of attacks against staff of UN agencies and NGOs working in Burundi, at a time when the security situation as a whole was deteriorating. In

the prevailing climate of growing radicalization, extremists from the two main ethnic groups were engaged in violence including selective killings, massacres of civilians and destruction of national economic assets and infrastructure. The governing coalition was under threat and the polarization of State institutions, particularly the security forces, was growing. Burundian officials described their country as in a state of civil war and accused other parties of engaging in ethnic cleansing. There were two conflicting views among the Burundian leadership about the best method to reverse the situation: some called for a military offensive against the armed factions but opposed international military intervention or preventive deployment; others advocated a wider political dialogue, including negotiations with the extremist movements, and welcomed the idea of an external military presence.

Mrs. Ogata reported that continuation of humanitarian aid was essential to address the needs of Burundians and foreign refugees affected by more than two years of uninterrupted regional turmoil. Should humanitarian activities have to be suspended due to security concerns, the consequences in terms of human lives, health, sanitation and general welfare could lead to a massive emergency situation that would further destabilize the region. Mrs. Ogata recommended three steps to improve the security of humanitarian personnel: sending a technical security mission to find ways of improving security arrangements, including limited deployment of UN guards to protect UN personnel and premises; expanding application of the 1994 Convention on the Safety of United Nations and Associated Personnel [GA res. 49/59] to cover UN activities in Burundi; and cooperating more closely with OAU military observers, who might be able to perform liaison functions between the humanitarian community and the Burundian security forces. During the visit, the Prime Minister publicly announced his agreement with Mrs. Ogata's proposal for a standing mechanism of consultation on security issues between the Government, the United Nations and NGOs.

The Secretary-General believed the proposed measures could be helpful but were not likely to have any real impact on the fundamental problems of the country. In his view, it was imperative that the international community take action to prevent another tragedy in the subregion and to promote a dialogue embracing all the elements of the Burundian political spectrum. His Special Representative would explore with Burundian leaders how such a dialogue might be established.

Burundi, responding to the Secretary-General's letters of 29 December 1995 [YUN 1995, p. 3501 and 16 January 1996, rejected the idea of stationing military forces in Zaire or any other neighbouring country with a view to deploying those forces in Burundi. In an 18 January letter [S/1996/40] to the Security Council, Burundi said the threat of a deployment of external troops was provoking a climate of uneasiness in Burundi, but was welcomed by opposition forces which were terrorizing the population. Furthermore, Burundi security forces had protected international personnel from danger during the two-year crisis, with a few exceptions when the opposition forces had ambushed such workers. Therefore, Burundi rejected the Secretary-General's proposal for a limited deployment of UN guards to protect UN personnel and premises. It listed its own priorities for international assistance, including: dismantling a radio station which was transmitting programmes inciting ethnic hatred and genocide; enhancement of the judicial system; increased contributions in technical, financial and material resources; increased humanitarian assistance for displaced persons, victims and refugees; efforts for national reconstruction and economic recovery; development of a free and responsible national press; and eradication of networks for training, equipping and use of armed political groups. (See also "Great Lakes region", "Rwanda" and "Zaire" above.)

#### SECURITY COUNCIL ACTION (January)

On 29 January, the Security Council adopted **resolution 1040(1996)**.

The Security Council,

Recalling the statement by its President of 5 January 1996,

Having considered the letters of the Secretary-General to the President of the Council dated 29 December 1995 and 16 January 1996,

Deeply concerned at the continued deterioration in the situation in Burundi, and at the threat this poses to the stability of the region as a whole,

Condemning in the strongest terms those responsible for the increasing violence, including against refugees and international humanitarian personnel,

Underlining the importance it attaches to the continuation of humanitarian assistance to refugees and displaced persons in Burundi,

Underlining also the responsibility of the authorities in Burundi for the security of international personnel and of refugees and displaced persons there,

Welcoming in this context the recent visit of the United Nations High Commissioner for Refugees to Burundi, at the request of the Secretary-General, and plans for the establishment of a standing mechanism of consultation on security issues between the Government of Burundi, the United Nations and non-governmental organizations,

Stressing the paramount importance of, and imperative need for, all concerned in Burundi to pursue dialogue and national reconciliation,

Stressing the importance it attaches to the continuation and intensification of efforts by the international community to avert a further worsening of the situation in Burundi, and to promote dialogue and national reconciliation there,

Noting with appreciation the ongoing efforts of the Secretary-General and his staff, the Organization of African Unity and its military observers in Burundi, the European Union, and the facilitators appointed by the Cairo Conference of Heads of State of the Great Lakes Region held on 29 November 1995,

Reaffirming its support for the Convention on Governance of 10 September 1994, and for the institutions of Government established in line with it,

1. Demands that all concerned in Burundi exercise restraint and refrain from acts of violence;

2. Expresses its fullest support for the efforts of the Secretary-General and others, in support of the Convention on Governance, to facilitate a comprehensive political dialogue with the objective of promoting national reconciliation, democracy, security and the rule of law in Burundi;

3. Calls upon all concerned in Burundi to participate in a positive spirit and without delay in such dialogue, and to support the efforts of the Special Representative of the Secretary-General and others seeking to facilitate such dialogue;

4. Invites Member States and others concerned to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

5. Requests the Secretary-General, in consultation as appropriate with the Organization of African Unity and with Member States concerned, to consider what further steps of a preventive nature may be necessary in order to avoid the situation deteriorating further, and to develop contingency plans as appropriate;

6. Welcomes the sending by the Secretary-General of a technical security mission to Burundi to examine ways to improve existing security arrangements for United Nations personnel and premises and the protection of humanitarian operations;

7. Requests the Secretary-General to keep the Council closely informed, including on the technical security mission he has sent to Burundi, and to submit a full report to the Council by 20 February 1996 on the situation, covering the progress of his efforts to facilitate a comprehensive political dialogue and the actions undertaken pursuant to paragraph 5 above including contingency planning;

8. Declares its readiness in the light of that report and of developments in the situation:

(a) To consider the imposition of measures under the Charter of the United Nations, including a ban on the supply of all arms and related materiel to Burundi and travel restrictions and other measures against those leaders in Burundi who continue to encourage violence;

(b) To consider what other steps may need to be taken;

9. Decides to remain seized of the matter.

Security Council resolution 1040(1996)  
 29 January 1996 Meeting 3623 Adopted unanimously  
 Draft prepared in consultations among Council members (S/1996/56).

**Report of Secretary-General (February).** In a 15 February report [S/1996/116], the Secretary-General described the situation in Burundi as desperately serious and called on the international community to plan for contingency measures to avoid a catastrophe. He said that a broad-based dialogue of the parties was the only path towards mutual accommodation and national reconciliation, but that had not been possible despite many efforts by the United Nations, OAU and others, particularly Julius K. Nyerere, former President of the United Republic of Tanzania.

In one attempt to depose Burundi's President, Mr. Ntibantunganya, Tutsi extremists, in mid-January, had called on the general population in Bujumbura to stop working. That effort did not come to fruition, but intimidation continued despite the fact that some of the extremist leaders were arrested. On 16 January, the military introduced countermeasures to contain the demonstrations and the situation in Bujumbura returned to a state of uneasy peace. Armed Hutu groups concentrated their actions against strategic targets. Heavy fighting was reported in northern Burundi, uprooting tens of thousands of people. In the few days before his report was completed, however, the Secretary-General noted that the situation had been somewhat calmer and there was more coordination between the President and the Prime Minister.

The Secretary-General believed the best approach to prevent another humanitarian tragedy in the subregion was to launch an initiative to promote a dialogue embracing all the elements of the Burundian political spectrum. He sent his Special Representative to explore with Burundian leaders how such a dialogue might be established, possibly under UN auspices, but there had not been any substantial progress. The Secretary-General had met with Mr. Nyerere on 19 January in an effort to pursue a negotiated solution. Having visited Burundi at the end of 1995, Mr. Nyerere feared that the Government could collapse and agreed that a major initiative was needed. He favoured a broad-based dialogue including all elements of the political spectrum, even extremists, but had not been able to get the leaders to agree.

In the light of the political and security situation, the humanitarian situation also suffered. Agriculture, which accounted for nearly 90 per cent of economic activity, had been disrupted by population displacement and insecurity. Foreign aid fell sharply after the events of 1993—to

roughly one third of the 1992 level—and decline was likely to continue in 1996, despite the increasing needs of the displaced population, Rwandan refugees, and the few returnees repatriating from Zaire and the United Republic of Tanzania.

Following attacks on representatives of humanitarian organizations, the Secretary-General sent a technical team to Burundi from 27 January to 3 February to review the possible role UN guards could play in providing enhanced security to the humanitarian community. The team concluded that, in the current context of violence and instability, UN guards would not be able to guarantee the security of humanitarian personnel and could themselves be potential targets. Should real progress be made towards political dialogue, UN guards could play a significant role in helping to monitor the implementation of agreements reached by the opposing groups. They could also complement the operations of the OAU military observers. While it was possible to envisage a role for UN guards, the Government was still opposed to the idea and the international humanitarian community in Burundi was sceptical. The Secretary-General therefore saw little point in pursuing the option of UN guards for the time being.

The objective of the international community had to be to prevent the escalation of tensions in Burundi into full-scale civil war, ethnic violence and genocide, which would lead to massive flows of refugees into neighbouring countries and further regional destabilization. Preventive diplomacy was the preferred mode of conflict management and resolution, but it was not always sufficient when the parties were not willing to engage in a constructive dialogue. The Secretary-General said that the Security Council should consider other options in the event the situation deteriorated, including the possibility of establishing a standby multinational force for humanitarian intervention. Donor countries would earmark contingents for participation in the multinational force that would remain in their home countries, ready for deployment at short notice. The force would be established under Chapter VII of the UN Charter and led by one Member State. That approach would be necessary, as Burundi had indicated that it would not consent to any kind of foreign humanitarian operation with a military component on its territory. The lessons drawn from the UN experience in the former Yugoslavia, Somalia, Haiti and Rwanda suggested that, in situations where there was no consent and/or no peace to keep, better results were likely through a multinational operation that could create conditions for the subse-

quent deployment of a UN peacekeeping operation.

Should such a humanitarian military intervention in Burundi be necessary, the mission's mandate would be to deter massacres, to provide security to refugees, displaced persons and civilians at risk, and to protect key economic installations. Under a worst-case scenario, the force would require a maximum of 25,000 troops initially, with staging areas in neighbouring countries.

The duration of such a humanitarian operation, designed to forestall possible genocide and a massive exodus of refugees, would depend on when the situation in the country could be stabilized. Once that had been achieved, the responsibility could be transferred to a UN peacekeeping mission, which would work towards reactivating the political reconciliation process.

In conclusion, the Secretary-General stated that it was evident that the Burundian people, and particularly their leaders, paid attention to the words and actions of the Security Council. Pressure had to be maintained on the political leaders. In that regard, the international community—including the Council, donor countries and Burundi's neighbours—had to act in a coherent and concerted way.

The Secretary-General noted that it was some of the Burundian military and their extremist allies who were most opposed to international intervention or preventive deployment. The challenge to the international community was whether to take an initiative that was welcomed by those who wanted peace or to allow the extremists to retain their veto over effective international action.

**Communications (February).** Burundi, in a 13 February letter [S/1996/110] to the Security Council President, said that it had been engaged for three months in establishing a policy of dialogue so as to counter all the extremist and factional elements which were undermining attempts to restore peace. The United Nations and the rest of the international community should focus their assistance in more concrete terms so that the people could pursue peace and national reconciliation, through such steps as: supporting the Convention on Governance so as to counter extremists who were undermining peace and security; encouraging diplomatic initiatives intended to promote peace and development in the Great Lakes region; assisting the displaced, repatriated and dispersed groups and supporting national reconciliation; helping the rehabilitation of the socio-economic infrastructure; and supporting law and order, the judicial system, reconstruction and stimulation of the economy. Burundi

called on the international community to continue to support the people of Burundi, in strict respect for its sovereignty and to the exclusion of any use of force.

On 18 February [S/1996/121], Burundi informed the Security Council that the gravity of the crisis was steadily diminishing. There was greater cohesion within the executive branch and trust was being restored between the forces of law and order and the population.

Zaire, however, in a position paper of 22 February [S/1996/146], said that the situation in Burundi was precarious, and characterized by confusion; a weakening of authority and power; inter-ethnic hatred; a struggle for power in which all means were acceptable; and cleansing of Hutu elements from Bujumbura, the capital city, by a Tutsi army, whereas the rest of the country was controlled by Hutu militias. The situation could take a dangerous turn at any moment with unforeseeable consequences for neighbouring countries, particularly Zaire. In Zaire's view, the Secretary-General's report of 15 February (see above) reflected the true situation. The Security Council needed to impose peace and reconciliation in Burundi by all means available and create the conditions for a democratic Government there.

#### SECURITY COUNCIL ACTION (March)

On 5 March, the Security Council adopted **resolution 1049(1996)**.

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Burundi, in particular the statement of its President of 5 January 1996 and resolution 1040(1996) of 29 January 1996,

Noting the views expressed by the Government of Burundi set out in the letter to the President of the Security Council dated 13 February 1996,

Welcoming the efforts of the President and the Prime Minister of Burundi and other members of the Government to calm the situation in the country,

Deeply concerned at the support extended to certain groups in Burundi by some of the perpetrators of the genocide in Rwanda and the threat this poses to the stability of the region,

Deeply concerned also at all acts of violence in Burundi and at the continued incitement to ethnic hatred and violence by radio stations and the growth of calls for exclusion and genocide,

Deeply disturbed that the persistence of the conflict has had a negative impact on the humanitarian situation and on the capacity of the international community to continue to assist the people of Burundi,

Supporting the work of the Commission of Inquiry established by resolution 1012(1995),

Taking note of the letter from the Secretary-General to the President of the Council dated 3 January 1996, in which he reports that the Commission of Inquiry be-



lieves the United Nations security personnel currently provided for its protection are inadequate,

Reiterating the urgent need for all concerned in Burundi, including extremists inside and outside the country, to make concerted efforts to defuse the present crisis and to commit themselves to a dialogue aimed at establishing a permanent political settlement and the creation of conditions conducive to national reconciliation,

Reaffirming its commitment to assist the people of Burundi to achieve a lasting political solution,

Recognizing the urgent need for preparations aimed at anticipating and preventing the escalation of the present crisis in Burundi,

Reaffirming its support for the Convention on Governance of 10 September 1994, and for the institutions of Government established in line with it,

1. Welcomes the report of the Secretary-General of 15 February 1996;

2. Condemns in the strongest terms all acts of violence perpetrated against civilians, refugees and international humanitarian personnel and the assassination of government officials;

3. Demands that all concerned in Burundi refrain from all acts of violence and incitement to violence and from seeking to destabilize the security situation or depose the Government by force or by other unconstitutional means;

4. Calls upon all concerned in Burundi to engage, as a matter of urgency, in serious negotiations and mutual accommodation within the framework of the National Debate agreed upon by the signatories to the Convention and to increase efforts towards national reconciliation;

5. Reiterates its invitation to Member States and others to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

6. Requests the Secretary-General, in consultation with interested States and organizations, to report to the Council on the possibility of establishing a United Nations radio station in Burundi, including through voluntary contributions, to promote reconciliation and dialogue and to relay constructive information as well as supporting the activities undertaken by other United Nations agencies, particularly in the fields of refugees and returnees;

7. Calls upon all parties to cooperate fully with the Commission of Inquiry, reminds the Government of Burundi of its responsibility to ensure security and protection for members and personnel of the Commission, requests the Secretary-General to continue his consultations with the Government of Burundi and the Organization of African Unity Observer Mission in Burundi with a view to ensuring that adequate security is provided for the Commission, and invites Member States to provide adequate voluntary financing to the Commission;

8. Expresses strong support for the efforts of the Secretary-General of the United Nations and his Special Representative, the Organization of African Unity, the European Union, former Presidents Nyerere and Carter and the other facilitators appointed by the Cairo Conference, and others seeking to facilitate political dialogue in Burundi, and encourages the international

community to extend political and financial support to the National Debate;

9. Invites Member States and regional, international and non-governmental organizations to stand ready to provide assistance in support of progress achieved by the parties towards political dialogue, and to cooperate with the Government of Burundi in initiatives for comprehensive rehabilitation in Burundi, including in military and police reform, judicial assistance, development programmes and support at international financial institutions;

10. Encourages the Organization of African Unity to increase the size of its Observer Mission in Burundi, as formally requested by the Government of Burundi, and stresses the need for the military observers to operate without any restrictions on their movement to any part of the country;

11. Declares its commitment and readiness to assist the parties in their implementation of agreements reached through political dialogue;

12. Requests the Secretary-General, in consultation as appropriate with the Government of Burundi, the heads of State of the Great Lakes region, Member States concerned, the Organization of African Unity and the European Union, to intensify the preparations for convening a Regional Conference for Peace, Security and Development in the Great Lakes Region to address the issues of political and economic stability, as well as peace and security, in the Great Lakes States;

13. Encourages the Secretary-General to continue his consultations with Member States concerned and the Organization of African Unity, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

14. Decides to keep the situation under constant review and to consider further the Secretary-General's recommendations in the light of the developments in Burundi, and declares its readiness to respond as appropriate, considering all relevant options including those contained in resolution 1040(1996);

15. Requests the Secretary-General to keep the Council closely informed on the situation in Burundi, including on his efforts to facilitate a comprehensive political dialogue, to report to the Council in the event of a serious deterioration in the situation, and to submit a full report on the implementation of this resolution by 1 May 1996;

16. Decides to remain seized of the matter.

Security Council resolution 1049(1996)

5 March 1996 Meeting 3639 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/162).

**Communication (April).** By a 12 April letter [S/1996/313], the Secretary-General informed the Security Council that the security situation in Burundi had taken a turn for the worse during the month of March, when there was a sharp increase in the number of attacks by Hutu rebels. Serious differences were reported between the President and the Prime Minister, on the issue of negotiations with the armed opposition.

The Secretary-General's Special Representative continued to appeal to all concerned for an end to violence and for a constructive dialogue among the main protagonists.

#### SECURITY COUNCIL ACTION (April)

On 25 April, the Security Council President, on behalf of the Council members, issued the following statement [S/PRST/1996/21]:

The Security Council has taken note of the letter dated 12 April 1996 from the Secretary-General to the President of the Council on the present situation in Burundi, in response to the request to the Secretary-General in resolution 1049(1996) to keep the Council informed on the situation.

The Council is deeply concerned at the recent degeneration of security conditions and political cooperation in Burundi. The Council condemns all acts of violence. The Council is equally concerned at reported statements calling for the arming of civilians, which could lead to grave consequences. The dramatic increase in violence throughout the country already severely inhibits humanitarian aid and could have a negative effect on the donors' capacity to implement development assistance in support of the search by the people of Burundi for reconciliation and rehabilitation.

The Council urges the authorities and all parties in Burundi to set aside their differences and demonstrate the necessary cohesion, unity and political will for settlement of the conflict by peaceful means. The Council calls upon all Burundians to renounce the use of violence and to engage in a comprehensive dialogue to ensure a peaceful future for the people of Burundi.

The Council is deeply concerned at the widespread purchase and use of weapons by Burundians, in particular the laying of landmines.

The Council looks forward to the recommendations of the Secretary-General in the report which it requested by 1 May 1996 on the progress towards commencement of the National Debate and other initiatives for comprehensive political dialogue and national reconciliation. The Council extends its full support for and confidence in the efforts of the Special Representative of the Secretary-General, and those of former President Nyerere and other envoys to facilitate negotiations to resolve the present crisis.

The Council requests the Secretary-General, in accordance with paragraph 13 of resolution 1049(1996), to expedite consultations with Member States concerned and the Organization of African Unity, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or serious deterioration in the humanitarian situation in Burundi.

The Council underlines its commitment to follow events in Burundi closely and resolves to consider further all relevant options for an appropriate response by the international community upon receipt of the impending report of the Secretary-General.

Meeting number. SC 3659.

**Report of Secretary-General (May).** In a report of 3 May [S/1996/335], the Secretary-General said the security situation in Burundi continued to deteriorate. Since February, over 100,000 people had been displaced as a result of the fighting. New flows of Burundian refugees were moving into Zaire.

Given the political and security situation, the Secretary-General believed that negotiations should be initiated for a restoration of peace.

The leaders of the 12 political parties that had signed the Convention on Governance, together with two other parties, accepted the invitation of Mr. Nyerere to meet with him in Mwanza, United Republic of Tanzania, on 20 and 21 April. Those talks and further consultations ended inconclusively on 26 April. OAU extended by three months, until 13 July, the mandate for its observer mission in Burundi.

As requested by the Security Council in **resolution** 1049(1996), the Secretary-General continued his consultations with interested Member States and with OAU on contingency planning in relation to Burundi. Continued violence resulted in increased numbers of displaced persons and refugees requiring relief both inside Burundi and in neighbouring countries. It was estimated that displaced persons numbered more than 300,000 and the number of Burundian refugees in eastern Zaire exceeded 140,000.

The Secretary-General concluded that setting up a UN radio station was not a viable option and recommended that the United Nations contribute programmes to existing radio stations.

The Secretary-General remained convinced that the international community had to proceed with contingency planning for a possible military intervention to save lives. Member States, after consultation, had expressed readiness in principle to consider providing troops, insisting on certain conditions: broad-based participation; leadership by one or more Member States which could handle rapid deployment in such circumstances; and financial and logistical assistance.

#### SECURITY COUNCIL ACTION (May)

On 15 May, the President of the Security Council made the following statement on behalf of the Council [S/PRST/1996/24]:

The Security Council has considered the report of the Secretary-General on the situation in Burundi, dated 3 May 1996, submitted pursuant to resolution 1049(1996).

The Council is gravely concerned at the continued deterioration of the security situation in Burundi, in particular at reports of a downward spiral of violence which has resulted in further large-scale killings in Buhoro and Kivvyuka, and at the increasing flow of refugees from Burundi. The Council is

deeply concerned that relief organizations have been prevented from delivering vital humanitarian and development assistance in Burundi, and at the suffering which this imposes on the people of Burundi. It calls on the parties and all concerned to refrain from any action that could aggravate the problem of refugees.

The Council strongly condemns any use of violence and emphasizes its conviction that a lasting settlement of the situation in Burundi can only be found through peaceful means. The Council calls on the parties to engage in a comprehensive political dialogue aimed at achieving national reconciliation in Burundi. The Council urges once again the authorities and all parties concerned in Burundi to set aside their differences, renounce the use of force and demonstrate a firm political will for a prompt settlement of the conflict.

The Council stresses the importance of the commencement of the National Debate provided for in the Convention on Governance, as an appropriate mechanism for a wide-ranging political dialogue in which all parties to the conflict should participate without any preconditions. The Council reaffirms its support for the convening of the Regional Conference on Peace, Security and Development in the Great Lakes Region and calls upon all the States concerned to render their cooperation for the convening of the conference.

The Council reiterates its full support for the ongoing efforts of former President Nyerere to facilitate negotiations and political dialogue to resolve the crisis in Burundi and looks forward to a successful outcome of the upcoming meeting in Mwanza, United Republic of Tanzania, on 22 May 1996. The Council calls upon the parties to make full use of the meeting to achieve progress towards national reconciliation. It also supports the efforts of the Secretary-General and his Special Representative to that end.

The Council emphasizes the importance of the continued cooperation of the United Nations with the Organization of African Unity, the European Union and other interested countries and organizations in coordination with former President Nyerere aimed at achieving the objective of a comprehensive political dialogue between the parties in Burundi. In this regard, the Council expresses its support for the efforts of the Organization of African Unity (OAU) and its observer mission and calls upon all States to contribute generously to the OAU Peace Fund in order to enable the OAU to increase the size of the mission and to extend its mandate beyond July 1996.

The Council welcomes the endorsement by the Secretary-General of the conclusions of the technical mission providing for United Nations radio broadcasts in Burundi and looks forward to being kept informed by him of progress made in the implementation of their recommendations.

The Council reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049(1996), and notes the consultations which have already taken place. In the light of recent developments, it requests the Secretary-General and Member States concerned to continue to facilitate, as a matter of urgency, contingency

planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi. It also encourages the Secretary-General further to pursue planning for steps that might be taken to support a possible political agreement.

The Council reminds all parties of their responsibilities for restoring peace and stability in Burundi, and recalls its readiness, as set out in resolution 1040(1996), to consider the adoption of further measures should the parties fail to demonstrate the necessary political will for a peaceful solution to the crisis. The Council will remain seized of the matter.

Meeting number. SC 3664.

**Communications (May/June).** By an 8 May letter [S/1996/341] to the Security Council President, Burundi transmitted a 5 May statement by its Foreign Minister concerning attacks against civilians. He stated that terrorists had assassinated a member of Parliament and his family and had attacked a hospital, killing one person and wounding others. The attackers had looted, damaged and destroyed public buildings and private homes. The Foreign Minister denied allegations that had been made against the Burundian army regarding recent deaths in Cibitoke province, adding that the Burundian forces had rescued many citizens threatened by armed terrorist groups that had infiltrated into Burundi from abroad.

The EU Presidency, in a 20 June declaration [A/51/173-S/1996/469], expressed concern over the deteriorating political and human rights situation in Burundi and pointed out that it had taken initiatives aimed at resolving the crisis, including having appointed a Special Envoy for the Great Lakes region, Aldo Ajello, who would assist efforts of the United Nations, OAU and others to support a regional conference under the aegis of the United Nations and OAU to resolve the causes of the crisis.

**First Arusha regional summit.** At the regional summit of heads of State and Government in Arusha, United Republic of Tanzania, on 25 June [S/1996/557], the participating States (Burundi, Kenya, Rwanda, Uganda, United Republic of Tanzania, Zaire) reaffirmed their commitment to a negotiated peace in Burundi and stated that the national debate should involve all parties. They welcomed a request by the Burundi Government for security assistance to restore peace and stability and established a technical committee to determine the type and level of assistance needed. Burundi made clear that it was not seeking outside military intervention but rather assistance to ensure the people's safety.

In a declaration of 5 July [A/51/190-S/1996/528], the EU welcomed the Arusha proposals and stated that it expected the President and the

Prime Minister of Burundi to fulfil the undertakings they had given at the summit to overcome the crisis. It affirmed that it would not recognize a Government that had taken power by force of arms and reiterated the need to convene a conference on the Great Lakes region under the joint aegis of the United Nations and OAU.

On 16 July [A/51/217-S/1996/564], the EU welcomed a resolution on Burundi adopted by the OAU Assembly of Heads of State and Government (Yaounde, Cameroon, 8-10 July) [A/51/229]. The EU particularly welcomed OAU's affirmation of support for the peace talks under the facilitation of Mr. Nyerere, known as the Mwanza peace talks, and its acceptance of Burundi's request for security assistance in order to create conducive conditions for all parties to participate in the talks.

### July coup d'etat

The situation in Burundi continued to deteriorate in mid-1996 leading to a coup d'etat in late July.

In a letter of 22 July to the Security Council [S/1996/591], the Secretary-General reported that another massacre of civilians had occurred and rumours of an impending coup d'etat were widespread, while demonstrations in Bujumbura had become increasingly militant. The Burundi authorities claimed that the dead were Tutsis killed by Hutu rebels of the armed wing of the National Council for the Defence of Democracy (CNDD), while CNDD denied any role in the massacre, claiming that the victims were Hutus killed by Burundian army soldiers. The United Nations had no independent information on the events. Through his Spokesman, the Secretary-General had condemned the killings and had called on the parties to cease acts of violence. Former President Jean-Baptiste Bagaza, president of the Parti pour le redressement national, had called for a two-day general strike in protest against the killings and the Arusha security assistance plan; life in Bujumbura had ground to a halt. Mr. Bagaza had also reportedly called for the overthrow of the Government and for the formation of a patriotic front to defend Burundi's sovereignty.

Also of concern, said the Secretary-General, were the ongoing security operations to close down the Kibenzi and Ruvumu camps for Rwandan refugees. There were reports that more than 3,000 refugees had been expelled to Rwanda, 4,000 had fled into the hills, and more than 12,000 were under guard and awaiting expulsion.

The Secretary-General said that those reports only underlined the pressing need for the international community to take concrete and immediate action to halt the violence and prevent an-

other catastrophe in the Great Lakes region. For that reason, he urged the Council to press forward with contingency planning for a multinational force.

In the days before the coup d'etat, the coalition Government under the President and Prime Minister collapsed. One of the two major political parties, the Union pour le progrès national, denounced the Convention on Governance and announced that it was formally withdrawing confidence in the President and that it had entered into a dialogue with other political partners. The President took refuge in the United States Embassy and the Prime Minister announced his intention to resign to a "competent authority". The armed forces then claimed that there was a "constitutional vacuum" that necessitated their seizing power. On 25 July, they replaced the President with the Tutsi former head of State, Major Pierre Buyoya.

Major Buyoya pledged to relaunch the democratic process but, in the meantime, immediate measures were announced by the armed forces: the suspension of the National Assembly and of political parties; a ban on strikes and demonstrations; and the closure of the country's borders and of Bujumbura airport. Major Buyoya urged the international community to refrain from military intervention in Burundi. He appointed Pascal Firmin Ndimira, a Hutu, as the new Prime Minister. On 2 August, a new Government of 23 members was introduced.

On 25 July [S/1996/594], the Secretary-General of OAU informed the UN Secretary-General that OAU was holding an urgent meeting of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution to consider the situation in Burundi. In a communique issued that day, the Central Organ said that any attempt to overthrow the legitimate Government of President Ntibantunganya through illegal means would not be accepted by Africa and would be opposed by OAU. The Central Organ called on the international community to isolate any regime taking over leadership in Burundi through the use of force and to impose sanctions against it.

The EU Presidency issued a statement on 23 July [A/51/258-S/1996/598] expressing concern over the new stage in the vortex of violence, putting Burundi at risk of a civil war. The EU believed that only compliance with the undertakings given at the Arusha regional summit on 25 June in favour of dialogue open to all sectors of Burundi's population could restore a climate of confidence and prevent Burundi from becoming embroiled in a generalized conflict. The statement expressed support for the efforts of former Presi-

dent Nyerere and the countries of the region to achieve the restoration of peace and security in Burundi. The EU Presidency issued a similar statement on 26 July [A/51/259-S/1996/608].

#### SECURITY COUNCIL ACTION (July)

The Security Council, on 24 July, issued the following statement [S/PRST/1996/31] through its President:

The Security Council is gravely concerned at recent information on political developments in Burundi. It strongly condemns any attempt to overthrow the present legitimate Government by force or coup d'état.

The Council takes note of the letter dated 22 July 1996 from the Secretary-General to the President of the Council. The Council condemns the massacres of civilians including that of more than 300 women, children and elderly men in Bugendana commune in Gitega province. The Council calls upon all parties to the conflict in Burundi to cease immediately any acts of violence and to cooperate fully with all those who are seeking to bring an end to the vicious cycle of violence. The Council urges all parties to exercise restraint and requests the Burundi authorities to conduct a proper investigation of the massacre.

The Council once again urges the authorities and all parties concerned in Burundi to set aside their differences, renounce the use of force and demonstrate a firm political will for the prompt settlement of the conflict.

The Council deplores the recent forced repatriation of Rwandan refugees from refugee camps in Kibenzi and Ruvumu and calls upon the Government of Burundi to honour its obligations under the Convention relating to the Status of Refugees of 28 July 1951, and to desist from further refoulement of refugees. The Council is also concerned at reports of Rwandan cooperation in the forced repatriation process.

The Council supports the efforts of the United Nations High Commissioner for Refugees and urges all parties to work with the Office of the United Nations High Commissioner for Refugees to ensure that the rights of refugees are respected. The Council calls upon the international community to respond favourably to the recent appeal to fund their activities in the region.

The Council stresses its full support for the efforts of former President Nyerere, including the agreements of the Arusha Regional Summit of 25 June 1996, and welcomes the full support of the Organization of African Unity (OAU) for these agreements. The Council supports also the acceptance by the Arusha Regional Summit of the request by the Government of Burundi for security assistance in order to complement and reinforce the Mwanza peace talks as well as for creating conducive security conditions for all parties to participate freely in the Mwanza process. The Council encourages all parties to work in a constructive manner with former President Nyerere. It urges the Government of Burundi to grant permission to the International Technical Committee, established at the Arusha Summit, to

enter the country in order to work out the logistics of the regional peace plan.

The Council emphasizes the importance of the continued cooperation of the United Nations with the OAU, the European Union, the United States of America and other interested countries and organizations in coordination with former President Nyerere, aimed at achieving a comprehensive political dialogue between the parties in Burundi. In this regard, the Council expresses its support for the efforts of the OAU and its observer mission and welcomes the extension of the mandate of the observer mission.

The Council reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049(1996), and notes the consultations which have already taken place. In the light of recent developments, it requests the Secretary-General and Member States concerned to continue to facilitate contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi.

The Council reminds all Burundian parties of their responsibilities for restoring peace and stability in Burundi, underlines its commitment to follow events in Burundi closely and recalls its readiness, as set out in resolution 1040(1996), to consider the adoption of further measures should the parties fail to demonstrate the necessary political will for a peaceful solution to the crisis.

The Council will remain seized of the matter.

Meeting number. SC 3682.

Following the Burundi coup, the Security Council issued a statement [S/PRST/1996/32] on 29 July:

The Security Council regrets that both civilian and military leaders of Burundi did not resolve their differences through established constitutional mechanisms, and condemns the actions that led to the overthrow of constitutional order in Burundi.

The Council calls upon all Burundian leaders to respect the Burundi constitution and the will of the people of the country. The Council urges the military leaders of Burundi to restore constitutional government and processes, including the continuation of the elected National Assembly and civil institutions and respect for human rights. The Council stresses that the present situation in Burundi requires utmost restraint, and calls upon all concerned to refrain from any actions and statements that could provoke further escalation of the crisis.

The Council calls upon all Burundian parties and leaders to halt all violence and engage immediately in concerted efforts to achieve a lasting national settlement and reconciliation. The Council stresses their responsibility to protect the lives of all persons, including President Ntibantunganya, Prime Minister Nduwayo and members of their Government, and expects them to maintain democratic institutions and to enter into negotiations for a peaceful resolution of the crisis.

The Council reiterates its full support for regional mediation efforts, including those of former

President Nyerere and the Organization of African Unity.

The Council will remain actively seized of the matter.

Meeting number. SC 3684.

### Sanctions imposed

At their second summit in Arusha on 31 July, the regional leaders of Ethiopia, Kenya, Rwanda, Uganda, the United Republic of Tanzania and Zaire issued a statement [A/51/264-S/1996/620] on the military takeover of Burundi, condemning it as illegal. They called on the new regime to restore constitutional order by returning responsibilities to the National Assembly and allowing political parties to operate.

Furthermore, they decided to impose economic sanctions against Burundi. The summit set up a technical committee to determine the scope and period for sanctions, but some States acted immediately and severed economic ties with Burundi.

Burundi, in a letter [S/1996/690] of 25 August, protested the sanctions, calling on the Security Council President to convene an urgent meeting to discuss the illegal economic blockade. In a letter dated 25 September [A/51/409-S/1996/788], Burundi stated that it was prepared and determined to embark on negotiations with the armed factions, a development negating any justification for not lifting sanctions. Burundi subsequently reiterated that position to the General Assembly and Security Council President, stating that it had met the requirements laid down by its neighbouring countries, i.e., restoring the National Assembly and political parties' activities, and opening dialogue with armed groups.

The leaders held a third regional summit on Burundi, in Arusha on 12 October, at which they issued a communique [A/51/513-S/1996/857]. The States participating in the July summit were joined by Cameroon as current Chairman of OAU and OAU representatives. The summit took note of the report of the Ministerial Technical Committee on the implementation of the economic sanctions imposed on 31 July in an effort to obtain a peaceful settlement of the Burundi crisis and expressed satisfaction with their implementation. Taking note of the exemptions granted in respect of fertilizers and seeds in recognition of the steps taken by the Buyoya regime towards meeting the conditions set by the second summit, the third summit decided to maintain the economic sanctions against Burundi until the negotiating process was well under way. It would respond positively should the regime enter into negotiations with all parties to the conflict and emphasized that the central requirement was un-

conditional negotiation of all parties to the conflict and armed factions inside and outside the country. The summit was briefed on contacts and efforts made towards promoting negotiations by the Facilitator, Mr. Nyerere, who said a letter had been received from Major Buyoya confirming his commitment to enter into negotiations. In view of that development, the summit decided to send a ministerial delegation to Bujumbura to follow up.

By 10 December letters [A/51/728-S/1996/1040] to the Secretary-General and the Council President, Burundi cited a statement made by the UN Standing Advisory Committee on Security Questions in Central Africa (Brazzaville, Congo, 2-3 December) calling on States to lift the embargo against Burundi.

On 5 August [S/1996/628], the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution appealed to the international community to support the decisions of the second Arusha regional summit and announced the decision to withdraw the military component of its mission from Burundi. However, it requested the OAU Secretary-General to consider strengthening the civilian and political components.

The EU Presidency, in a declaration on Burundi issued on 19 August [A/51/298-S/1996/673], urged all sides to refrain from violence and work towards a peaceful resolution of the crisis. It reiterated its conviction that national reconciliation could be restored only through the participation of all sectors of society in the principal institutions and bodies of the State. It reaffirmed its willingness to support Burundi's recovery efforts once national reconciliation was embarked upon.

### SECURITY COUNCIL ACTION (August)

The Security Council met on 28 and 30 August and adopted **resolution 1072(1996)**.

The Security Council,

Reaffirming all its previous resolutions and statements by its President on the situation in Burundi,

Recalling the statement by its President of 24 July 1996, in which the Council strongly condemned any attempt to overthrow the legitimate Government of Burundi by force or coup d'état, and recalling also the statement by its President of 29 July 1996, in which the Council condemned the actions that led to the overthrow of constitutional order in Burundi,

Deeply concerned at the continued deterioration in the security and humanitarian situation in Burundi that has been characterized in the last years by killings, massacres, torture and arbitrary detention, and at the threat that this poses to the peace and security of the Great Lakes region as a whole,

Reiterating its appeal to all parties in Burundi to defuse the present crisis and to demonstrate the neces-

sary cohesion, unity and political will to restore constitutional order and processes without delay,

Reiterating the urgent need for all parties in Burundi to commit themselves to a dialogue aimed at establishing a comprehensive political settlement and the creation of conditions conducive to national reconciliation,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for such violations and should be held accountable, and reaffirming the need to put an end to impunity for such acts and the climate that fosters them,

Strongly condemning those responsible for the attacks on personnel of international humanitarian organizations, and underlining that all parties in Burundi are responsible for the security of such personnel,

Emphasizing the urgent need to establish humanitarian corridors to ensure the unimpeded flow of humanitarian goods to all people in Burundi,

Taking note of the letter from the Permanent Representative of the United Republic of Tanzania of 2 August 1996,

Taking note also of the note from the Secretary-General transmitting a letter from the Secretary-General of the Organization of African Unity of 5 August 1996,

Reiterating its support for the immediate resumption of dialogue and negotiations under the auspices of the Mwanza peace process facilitated by former President Nyerere and the joint communique of the Second Arusha Regional Summit on Burundi of 31 July 1996, which seeks to guarantee democracy and security for all people in Burundi,

Determined to support the efforts and initiatives of the countries in the region, which were also supported by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity (OAU), aimed at returning Burundi to a democratic path and contributing to stability in the region,

Underlining the importance it attaches to the continuation of the efforts of the OAU and its observer mission,

Welcoming the efforts made by interested Member States and by the European Union to contribute to a peaceful solution of the political crisis in Burundi,

Underlining that only a comprehensive political settlement can open the way for international cooperation for the reconstruction, development and stability of Burundi, and expressing its readiness to support the convening, when appropriate, of an international conference involving the United Nations system, regional organizations, international financial institutions, donor countries and non-governmental organizations aimed at mobilizing international support for the implementation of a comprehensive political settlement,

Recalling its resolution 1040(1996) of 29 January 1996, in particular paragraph 8 thereof, in which the Council declared its readiness to consider the imposition of measures under the Charter of the United Nations,

Taking note of the report of the Secretary-General of 15 August 1996,

## A

1. Condemns the overthrow of the legitimate Government and constitutional order in Burundi, and condemns also all those parties and factions which resort to force and violence to advance their political objectives;

2. Expresses its strong support for the efforts of regional leaders, including at their meeting at Arusha on 31 July 1996, of the OAU and of former President Nyerere, to assist Burundi to overcome peacefully the grave crisis which it is undergoing, and encourages them to continue to facilitate the search for a political solution;

3. Calls upon the regime to ensure a return to constitutional order and legality, to restore the National Assembly and to lift the ban on all political parties;

4. Demands that all sides in Burundi declare a unilateral cessation of hostilities, call an immediate halt to violence and assume their individual and collective responsibilities to bring peace, security and tranquillity to the people of Burundi;

5. Demands also that the leaders of all parties in Burundi ensure basic conditions of security for all in Burundi by a commitment to abstain from attacking civilians, to ensure the security of humanitarian personnel operating in the territory they control, and to guarantee the protection within Burundi and safe passage out of the country for the members of President Ntibanunganya's government and the members of Parliament;

6. Demands further that all of Burundi's political parties and factions without exception, whether inside or outside the country and including representatives of civil society, initiate unconditional negotiations immediately, with a view to reaching a comprehensive political settlement;

7. Declares its readiness to assist the people of Burundi with appropriate international cooperation to support a comprehensive political settlement resulting from these negotiations and, in this context, requests the Secretary-General in consultation with the international community to undertake preparations when appropriate for the convening of a pledging conference to assist in the reconstruction and development of Burundi following the achievement of a comprehensive political settlement;

8. Encourages the Secretary-General in consultation with all those concerned, including the neighbouring States, other Member States, the OAU and international humanitarian organizations, to establish mechanisms to ensure the safe and timely delivery of humanitarian relief throughout Burundi;

9. Acknowledges the implication of the situation in Burundi for the region and underlines the importance of convening at an appropriate time a regional conference of the Great Lakes region, under the auspices of the United Nations and the OAU;

## B

10. Decides to re-examine the matter on 31 October 1996, and requests that the Secretary-General report to the Council by that time on the situation in Burundi, including on the status of the negotiations referred to in paragraph 6 above;

11. Decides also, in the event that the Secretary-General reports that the negotiations referred to in

paragraph 6 above have not been initiated, to consider the imposition of measures under the Charter of the United Nations to further compliance with the demand set out in paragraph 6 above; these may include, among others, a ban on the sale or supply of arms and related materiel of all types to the regime in Burundi and to all factions inside or outside Burundi, and measures targeted against the leaders of the regime and all factions who continue to encourage violence and obstruct a peaceful resolution of the political crisis in Burundi;

12. Reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049(1996) of 5 March 1996, and encourages the Secretary-General and Member States to continue to facilitate contingency planning for an international presence and other initiatives to support and help consolidate a cessation of hostilities, as well as to make a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

13. Decides to remain actively seized of the matter.

Security Council resolution 1072(1996)

30 August 1996 Meeting 3695 Adopted unanimously

11-nation draft (S/1996/708).

Sponsors: Botswana, Chile, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, Republic of Korea, Russian Federation, United Kingdom, United States.

Meeting numbers. SC 3692, 3695.

### Contingency planning

The Security Council, in a Presidential statement of 15 May [S/PRST/1996/24], had requested the Secretary-General and Member States concerned to continue to facilitate contingency planning for a rapid response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi. The Secretary-General, in a 15 August report on the Burundi situation [S/1996/660], said that the conditions necessary for the successful deployment of a peacekeeping operation did not appear to exist at that time. After querying nearly 50 Member States regarding participation in a multinational force for humanitarian intervention, only three countries and the United Republic of Tanzania had offered troops, and seven others expressed willingness to offer logistical support, transportation, medical units or financial assistance.

In a 29 October report [S/1996/887 & Corr.1], the Secretary-General said that he remained convinced that the worst might yet occur in Burundi. He continued to encourage countries with military and logistical capacity to stand ready to take the necessary measures to prevent a disaster similar to the 1994 genocide in Rwanda [YUN 1994, pp. 281-317]. In the circumstances, he supported strengthening the capacity of the African countries to contribute to peacekeeping activities. Although there was not sufficient political will for

resolute preventive action at that time, that did not rule out the possibility of a decision by the international community to act if a large-scale ethnic conflict broke out. He believed contingency planning should go on.

### Situation after coup

Burundi, in a letter [S/1996/719] to the Security Council President of 5 September, outlined the programme of the new regime installed on 25 July. The programme, which would be undertaken during a transitional period of three years, had four main objectives: restoration of the Burundian State; dialogue with the armed factions; organization of a national debate; and establishment of a National Assembly composed of all its former members as well as other members. The programme also envisaged the return of political parties to the national arena; they would be required to abide by national law and by the code of conduct for political parties. Burundi said that the programme showed its determination to uphold the priorities outlined in Security Council **resolution** 1072(1996) of 30 August. Among other things, the new regime said it intended to collaborate with the United Nations, OAU, countries of the subregion and the designated mediator, Mr. Nyerere. It confirmed its readiness to initiate a dialogue with all armed factions, on condition that they ceased killing innocent people and renounced genocide. The regime also said that those involved in the 1993 coup d'etat and subsequent ethnic massacres would be tried in court, that a national debate bringing together Burundians of all ethnic groups and political tendencies would take place, culminating in a new constitution and new institutions, and that the current National Assembly would resume in an enlarged form. By a further letter [S/1996/750] of 13 September, Burundi announced the re-establishment the day before of the National Assembly within the framework of the transitional institutional system and the resumption of activities by political parties.

Despite the apparent lull following the July coup, violence quickly reasserted itself, the Secretary-General stated in his report of 29 October [S/1996/887]. It was estimated that there had been over 10,000 casualties of the civil war since the coup d'etat. However, at the Arusha regional summit on 12 October, the regional heads of State received a solemn pledge from the two main leaders who were parties to the conflict, Major Buyoya and Mr. Nyangoma, to start negotiations immediately and without conditions. Taking note of those pledges, the summit adopted a timetable for launching negotiations by 12 November. Thus, at the end of October, Burundi



was again at a crossroads, the Secretary-General reported, and the following few weeks could be crucial. The key question was whether the parties to the conflict would succeed in embarking on a serious process of negotiation.

The Security Council's request to prepare for a pledging conference for the reconstruction of Burundi following a political settlement would have to wait in view of the absence of a settlement, he said.

In conclusion, the Secretary-General remarked on the deteriorating situation in eastern Zaire, with recent incidents close to the Burundi border and possible consequences for the region as a whole. He noted charges and countercharges between Burundi, Rwanda and Zaire, which went so far as to implicate UNHCR and certain NGOs. In addition, movements of Hutu refugees were becoming difficult to control. Those conditions could lead to a regionalization of the conflict that would engulf the entire Great Lakes region, he warned, adding that it was more necessary than ever to convene a regional conference on peace, security and development of the Great Lakes region, which had been under discussion for several years.

The Secretary-General, in his 29 October report [S/1996/887 & Corr.1], stated that the new regime had taken a number of measures to comply with the requirements of the international community, including the removal from their posts of the Chiefs of the General Staff of the Army and the Gendarmerie. The National Assembly, while restored under President Buyoya, had not retained all its powers and responsibilities, and the freedom of action of political parties was severely restricted. As for the possibility of negotiations involving the parties to the dispute, contradictory statements suggested that there was no genuine determination to begin serious political discussions soon and each side was seeking to consolidate its position. The Burundi armed forces, which comprised primarily one ethnic group, had recruited an estimated 5,000 to 7,000 additional men, doubling in size, while CNDD was also bolstering its military capability.

The Secretary-General, on 2 November [S/1996/887/Add.1], warned that the recent ethnic conflict in eastern Zaire had considerably changed the political situation in the Great Lakes region. The resulting crisis had focused international attention on eastern Zaire. He urged, however, that that not permit the serious situation in neighbouring Burundi, where civil war and ethnic conflict continued, to become a secondary issue.

### **Humanitarian situation**

The Secretary-General, in a 15 August report [S/1996/660] to the Security Council, said that the climate of extreme insecurity had severely ham-

pered humanitarian relief work. Furthermore, the politicization of the inter-ethnic conflict had made it more difficult for humanitarian organizations to be perceived by the population as neutral, as their assistance was judged to favour one side or the other. Exacerbating the situation was the closure of refugee camps in the north of the country, forcing thousands of Rwandans to return to their country and others to flee. After the July coup, President Buyoya stopped the refolement and declared that Burundi would respect international law, including the protection of refugees on its soil. Since then, over 3,000 Rwandan refugees out of 65,000 remaining in Burundi had been repatriated voluntarily to Rwanda under UNHCR auspices.

Sanctions had complicated the task of humanitarian aid activities, said the Secretary-General on 29 October.

In an 18 November letter [A/51/685-S/1996/964] to the Secretary-General and the Security Council President, Burundi renewed its invitation to all Burundian refugees, especially those who had sought asylum in eastern Zaire, to return to their homeland in complete safety. It said that it had already repatriated more than 33,000 refugees.

The UN High Commissioner for Human Rights had deployed a team of human rights observers in Burundi on 19 April. The team, which had to limit its activities somewhat owing to the political and security disturbances, received allegations of massacres, killings, infringements of personal freedom and security, forced disappearances and arbitrary detentions in the interior of Burundi. The alleged violations, which were difficult to verify, were largely attributable to the armed forces, while a number were attributable to the rebels.

The Special Rapporteur of the Commission on Human Rights, during his mission to Burundi from 1 to 17 July, observed numerous defects in the system of administration of justice and noted that justice was dispensed very rapidly without the defendants' having been properly informed of the charges (see PART TWO, Chapter III). The Secretary-General's Special Representative in Burundi and the High Commissioner for Human Rights had launched, at the request of the Burundi authorities, an international judicial assistance project to assist both defendants and civil parties. Training was being organized for magistrates, judicial police, clerks and registrars.

### **Commission of Inquiry**

By a 3 January letter [S/1996/8], the Secretary-General submitted to the Security Council President a preliminary report on the work of the Commission of Inquiry in Burundi. The Com-

mission was established under Council resolution 1012(1995)[YUN 1995,p.346] to investigate the assassination of the President of Burundi in 1993 and the massacres which followed. The Commission was requested to recommend legal, political or administrative measures with regard to bringing to justice persons responsible for those acts, to prevent any repetition of such acts and to eradicate impunity and promote national reconciliation in Burundi.

The Commission had first arrived in Bujumbura on 29 October 1995 and held meetings with representatives of political parties, NGOs and the religious community, met with diplomatic representatives and gathered relevant documents. It initiated a study of the judicial system. The Commission said its work was hampered by the length of time that had elapsed since the events under investigation; the intensifying ethnic polarization in the country, which made it difficult to obtain objective testimony; the deterioration of the security situation and lack of protection for the Commission; and the inadequacy of resources provided to it.

The Security Council on 12 January 1996 [S/1996/27] welcomed an OAU agreement to allow its observers in Burundi to accompany Commission officers in their work in the light of the security situation.

The Commission submitted its final report to the Secretary-General, who transmitted it to the Council on 25 July 1996 [S/1996/682]. The Commission, after a thorough investigation, concluded that it had sufficient evidence to establish that acts of genocide against the Tutsi minority took place in Burundi on 21 October 1993, the day of the death of President Melchior Ndadaye, and the days following, at the instigation and with the participation of certain Hutu members of the *Front pour la démocratie au Burundi* (FRODEBU); they were functionaries and leaders up to commune level. The Commission decided the evidence was insufficient to determine whether or not the acts of genocide were planned or ordered by leaders at a higher level. In its view, there was sufficient circumstantial evidence to conclude that some highly placed FRODEBU members had planned a response to the eventuality of a coup by the Army, including blocking roads, arming Hutus and taking male Tutsi adults and youths as hostages, and that that plan had been communicated to certain local FRODEBU members in leadership positions. The Commission considered that the evidence showed that indiscriminate killing of Hutu men, women and children was carried out by members of the Burundian Army and Gendarmerie, and

by Tutsi civilians. Although it had no evidence of a central plan, no effort was made by the military to halt, prevent, investigate or punish such acts. With the evidence it had at hand, the Commission was not in a position to name the persons that should be brought to justice. Furthermore, it stated that it was not able to make recommendations as to how to effect national reconciliation in Burundi and re-establish peace and security, particularly in the face of such problems as resettling the tens of thousands of internally displaced Tutsis and exiled Hutus, restraining population growth, creating opportunities for work outside of agriculture and increasing agricultural yields, all of which required considerable outside assistance.

Impunity had been an important factor in the aggravation of the ongoing crisis. It could be reversed only through a fair and effective administration of justice. However, the Commission could find no way in which such administration of justice could be established when the situation in the country had not been brought under control.

The Commission reported that the Burundi judiciary and police were overwhelmingly unbalanced in favour of Tutsis, as was the entire legal profession, and that Burundian criminal law needed to be reformed; however, the main problem was the overriding ethnic confrontation and total insecurity throughout the country. No reforms could have any effect as long as every citizen faced the danger of death at the hands of members of either ethnic group. The Commission believed that the most important reform would be to establish a reasonable ethnic balance at all levels of the judiciary, which should be independent, impartial and non-political. That would require considerable international assistance in the form of training and financial support during a transitional period. The practice of indefinite detention without formal accusation or prosecution had to be abolished.

Having concluded that acts of genocide against the Tutsi minority were committed in Burundi in October 1993, the Commission believed that international jurisdiction should be asserted with respect to those acts, but that it was not possible to carry out an adequate international investigation under the conditions existing in Burundi. In the Commission's view, if it was decided to assert international jurisdiction regarding genocide in Burundi once order and ethnic harmony were established, the investigation should not be limited to acts committed in October 1993, but should be extended to determine whether other events also constituted acts of genocide and, if so, to bring those responsible to justice. Particular attention should be given to the events in 1972

when, according to all reports, a systematic effort was made to exterminate all educated Hutus. No one was ever prosecuted for those acts. The Commission concluded that any international body that was given the responsibility of investigating genocide in Burundi must be given sufficient resources and powers to inspect records, to make witnesses appear before it, to ensure the safety of witnesses and to guarantee immunity or reduced sentences to those willing to cooperate.

Regarding the assassination of President Ndaye, the taking of hostages and the repression of civilians, all of which fell within the jurisdiction of Burundi, the Commission believed that there was no hope of fair and effective investigation or prosecution by the current Burundian judiciary. Such an investigation would require an independent body with all necessary powers, in conditions of reasonable order and security.

The Security Council President, in a 24 September letter [S/1996/780] to the Secretary-General, commented on the Commission's report and expressed grave concern at its conclusions. Stressing the importance they attached to bringing to justice those responsible for the serious crimes that had occurred in and after October 1993, the Council members noted that the Commission was not in a position to identify those persons. They expressed the view that, once conditions in Burundi permitted, the recommendations of the Commission should be given further consideration and that the problem of impunity should be addressed in the context of a negotiated political settlement, as called for in Council **resolution** 1072(1996).

Burundi also commented on the Commission's report, in a 23 October letter [S/1996/910] to the Secretary-General, proposing that the Security Council set up an international criminal tribunal to punish the crimes of genocide perpetrated in Burundi. It requested any proof and evidence that the Commission had obtained concerning the assassination of President Ndaye, which the Commission said was planned beforehand, and concerning acts of genocide against the Tutsi minority, as well as assistance from the United Nations to strengthen the Ministry of Justice.

## Angola

During 1996, the implementation of the 1994 Lusaka Protocol [YUN 1994, p. 348], for which the third United Nations Angola Verification Mission (UNAVEM III) had been established, pro-

ceeded slowly. Signed by the Government of Angola and the National Union for the Total Independence of Angola (UNITA), the Protocol aimed to achieve reconciliation between the two parties and to re-establish peace and stability in the country. It dealt with, among other things, the withdrawal, quartering and demilitarization of all UNITA forces; disarming of civilians; integration of forces into a national military; police functions; the electoral process; and national reconciliation. At the beginning of 1996, it appeared that the peace process had all but stalled; by year's end, however, the situation appeared somewhat more optimistic.

During the year, the Joint Commission, the principal body charged with overseeing the implementation of the Lusaka Protocol, held regular and extraordinary sessions to review various aspects of the peace process. The Joint Commission comprised the two parties and three observer countries (Portugal, the Russian Federation and the United States). The Secretary-General's Special Representative, Alioune Blondin Beye (Mali), in cooperation with the representatives of the three observer States, continued to interact closely with both the Government and UNITA.

The peacekeeping forces of UNAVEM III, established under Security Council resolution 976 (1995) in February 1995 [YUN 1995, p. 321], remained in Angola throughout 1996 at a strength of approximately 7,000 military personnel. The Secretary-General reported to the Security Council eight times during the year, describing political, military, human rights, humanitarian, and economic and social aspects of the country's situation, as well as the financial requirements of the Mission. On five occasions in 1996, the Council took action on Angola, renewing UNAVEM III's mandate, calling on the parties to implement the Lusaka Protocol and expressing concern over the delays and lack of progress towards lasting peace.

In December, the Secretary-General recommended that UNAVEM III be almost completely withdrawn by August 1997. Such a move would substantially reduce the Mission, leaving in place a rapid reaction force comprising six company-sized infantry groups to help maintain much-needed confidence between the Angolan parties and support other UN components so that they could function effectively. UNAVEM III, which in 1996 was the largest active UN peacekeeping mission, had been preceded by two UN missions in Angola—UNAVEM I, established in December 1988 [YUN 1988, p. 160] to verify the withdrawal of Cuban troops from the country, and UNAVEM II, established in May 1991 [YUN 1991, p. 127] to verify a ceasefire and maintain a presence until after the

election period. The results of the elections of September 1992 were disputed and fighting ensued, lasting until November 1994 when the two sides reached agreement on the terms of the Lusaka Protocol.

### **Implementation of Lusaka Protocol and UNAVEM III**

**Report of Secretary-General (January).** In a 31 January report [S/1996/75] to the Security Council, the Secretary-General covered developments in Angola since December 1995 [YUN 1995, p. 334]. He observed that the implementation of the Lusaka Protocol was woefully behind schedule, although the United Nations had spared no effort to create the environment necessary for its implementation. As agreed in the 1995 status-of-forces agreement [YUN 1995, p. 327], UNAVEM III had made arrangements for the establishment of an independent UN radio station in Angola. The Government had not granted the requisite facilities, although it had granted some time on national radio and television for UNAVEM information programmes.

The military situation during the latter part of the reporting period had remained relatively quiet after an offensive in early December by government troops around the oil-producing region of Soyo, followed by their withdrawal from those positions by the end of the month. Subsequently, UNITA escalated hostility towards UNAVEM III, preventing UN teams from leaving their camp on two occasions and threatening to shoot down UNAVEM III aircraft if they flew without prior clearance from UNITA. During the second half of January, however, the Government and UNITA agreed to establish a "conflict prevention group" which included high-ranking military representatives of the two parties. The group was expected to maintain direct communications with the respective military authorities and field commanders to prevent or rapidly de-escalate ceasefire violations.

In mid-January, progress was made in the talks on military integration, with UNITA agreeing to provide 26,300 personnel to the national forces, in addition to the 2,500 which had been integrated into the Angolan Armed Forces (FAA) in 1992. However, crucial details regarding the structure of the joint armed forces, the allocation of posts and, in particular, the creation of a fourth branch of FAA to perform tasks associated with national reconstruction still needed to be finalized.

More than a year after the signing of the Lusaka Protocol, the Secretary-General said, the quartering of UNITA troops—a central element of

the peace process—had not significantly advanced. Shortly after cantonment began in November 1995, it ground to a halt and was later declared officially suspended. Four quartering areas, with a capacity for 20,000 soldiers, had been ready for some time. On 19 January, the UNITA President, Jonas M. Savimbi, pledged that 16,500 troops of the declared 62,500 UNITA military personnel would report to quartering areas by 8 February, but as of 25 January only 693 UNITA troops had registered. There were reports that some soldiers were under age, and that they were without uniforms and carrying old weapons.

As a result of recent understandings, the Government started the quartering of the rapid reaction police on 10 January, and by 25 January 1,762 personnel were quartered. Other matters to be resolved were for the two parties to agree on a comprehensive security plan for UNITA leaders and the disarmament of the civilian population throughout the country.

As at 25 January, UNAVEM III strength stood at 6,384 military personnel, deployed at 54 sites, and the civilian police observer component (CIVPOL) comprised 225 officers at 33 sites. CIVPOL was monitoring the neutrality of the Angolan National Police, security arrangements for UNITA leaders in Luanda, quartering of the rapid reaction police, free circulation of people and goods, and the general law and order situation in the country. It also assisted the Human Rights Unit of UNAVEM III.

Since the beginning of December 1995, security for humanitarian assistance activities had deteriorated in many parts of the country, especially those controlled by UNITA, resulting in cancellation of relief flights and road convoys, as well as confiscation of relief goods, vehicles and radios. Nevertheless, deliveries of food, seeds and medical supplies had taken place.

The Secretary-General said that promising steps had been taken by the Government of Angola. He urged UNITA to respond positively, first of all by a large-scale and verifiable movement of its troops to quartering areas, and to release or provide information on all prisoners. The Angolan Government and UNITA should conclude talks on military matters as a matter of urgency, with workable and fair agreements concerning the incorporation of UNITA into FAA and the gradual demobilization of its other forces. Joint demining and opening of roads, as well as the free circulation of people throughout the country, were imperative to foster national reconciliation.

The Secretary-General stated that the humanitarian situation in the country had improved

somewhat during 1995 but large segments of the population still required massive emergency assistance.

The Secretary-General recommended that the mandate of UNAVEM III be extended until 8 August 1996.

**Communications (January).** In an 11 January letter [S/1996/28], Angola apprised the Secretary-General of its concern over the lack of action by UNITA in implementing the Lusaka Protocol. Angola said it had taken specific steps to ensure that the peace process remained on track, including withdrawal of FAA from the Soyo area and from demobilization areas; termination of contracts with expatriate personnel; preparation of a plan for quartering the rapid intervention police; release of all remaining opposition prisoners; renewal of its invitation to the President of UNITA to meet with Angolan President Jose Eduardo dos Santos in January; and extension of an invitation to UNITA to identify teams to work on revising the Constitution, with the goal of including the position of Vice-President, an office not currently mentioned in the Constitution. Despite those steps, Angola said, the peace process remained stagnant. UNITA had not responded to its proposals for a meeting. Particularly disappointing was UNITA's failure to provide UNAVEM with information on military matters as called for in the Lusaka Protocol. Angola also claimed that UNITA had raised the level of rhetoric in recent broadcasts, saying that the Government was preparing a massive military campaign. Angola urged the Secretary-General's Special Representative to impress upon UNITA the importance of a meeting with President dos Santos.

In identical letters of 15 January to the Presidents of Angola [S/1996/31] and UNITA [S/1996/32], the President of the Security Council, on behalf of the Council members, noted the parties' recent agreement on a revised timetable for the peace process, as well as movement towards agreement on the modalities of UNITA participation in an integrated FAA. However, the Council regretted that questions such as appointment of UNITA officers and specific issues for integration had not been acted on. Further, the Council expressed serious concern about reports of continued violations of the ceasefire, at the slow progress on practical implementation of obligations assumed under the Lusaka Protocol, and at the failure to stick to previous timetables. It appreciated recent steps by the Government of Angola and expected that UNITA would take the necessary steps in response, by resuming the large-scale and verifiable process of quartering its troops in line with the revised timetable, releasing all prisoners and extending its cooperation to

UNAVEM III. The Council urged both parties to refrain from military activities, to speed up the process of demining, to stop disseminating hostile propaganda and to implement the disengagement plan prepared by UNAVEM III. The two leaders were encouraged to meet without conditions.

#### SECURITY COUNCIL ACTION (February)

Following consideration of the Secretary-General's report at meetings held on 6 and 8 February, the Security Council adopted **resolution 1045(1996)**.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 31 January 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) of the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions,

Deeply concerned at delays in the implementation of the Lusaka Protocol and the lack of steady progress towards lasting peace,

Concerned also at the deteriorating humanitarian situation in many parts of Angola and, in particular, at the lack of security guarantees and freedom of movement for the personnel of humanitarian organizations,

Emphasizing the importance of reconstruction and rehabilitation of the Angolan national economy and its vital contribution to durable peace,

Recalling its resolution 976(1995) of 8 February 1995 which stated, inter alia, the expectation that UNAVEM III would complete its mission by February 1997,

Noting that one half of the duration of UNAVEM III's mission, as envisaged in Council resolution 976(1995), has already elapsed, while implementation of the Lusaka Protocol is seriously behind schedule,

Noting also the agreement between the Government of Angola and UNITA of 21 December 1995, and welcoming the efforts of the Secretary-General, his Special Representative and the three observer States to the Angolan peace process to facilitate the establishment of a revised timetable for implementing the tasks in the agreement between the two parties at Bailundo of 9 January 1996,

Welcoming the efforts by Member States, the Organization of African Unity and the international community as a whole to promote peace and security in Angola,

1. Welcomes the report of the Secretary-General dated 31 January 1996;

2. Decides to extend the mandate of UNAVEM III until 8 May 1996;

3. Expresses deep concern at the numerous delays in the implementation of the Lusaka Protocol, reminds the Government of Angola and UNITA of their obligations to consolidate the peace process and, in this regard, urges them to maintain an effective ceasefire, conclude their military talks on integration of the armed forces, undertake active engagement in the

demining process and commence the integration of UNITA personnel into administrative and governmental institutions in furtherance of the objective of national reconciliation;

4. Welcomes the positive steps taken by the Government of Angola in implementing its commitments, in particular the cessation of offensive operations, the withdrawal of its troops from offensive positions in the vicinity of UNITA quartering areas, the release of all prisoners registered by the International Committee of the Red Cross, the beginning of the quartering of the rapid reaction police and the termination of contracts of expatriate personnel as agreed;

5. Expresses the expectation that the Government of Angola will continue its progress with the goal of fully implementing its obligations under the Lusaka Protocol, including quartering of the rapid reaction police, deployment to barracks of the Angolan Armed Forces, the repatriation of expatriate personnel as agreed and the drawing up of a programme for disarming the civilian population;

6. Expresses deep concern at the slow pace of quartering and disarming the UNITA troops, notes the public commitment by UNITA to quarter its troops in an expeditious and comprehensive fashion, and reiterates its conviction that the quartering of the UNITA forces, as the first step in its transformation to a legitimate political party, is a crucial component of the peace process;

7. Urges UNITA to proceed immediately with the orderly, large-scale and verifiable movement of its troops to the quartering areas at Vila Nova, Lunduimbali, Negage and Quibaxe, without further interruption, in strict adherence to the new timetable agreed by the parties on 9 January 1996, and in full cooperation with UNAVEM III;

8. Calls upon UNITA, following completion of this initial quartering, to proceed immediately with the orderly movement of all of its troops to the other quartering areas and to conclude all quartering within the time of this mandate renewal;

9. Also calls upon UNITA to extend full cooperation to UNAVEM III and the Joint Commission at all levels, including the exchange of military information as required by the Lusaka Protocol;

10. Further calls upon UNITA to release all remaining prisoners;

11. Calls upon the two parties, in particular UNITA, to ensure the freedom of movement of people and goods throughout the country;

12. Also calls upon the two parties, in particular UNITA, to cooperate fully with humanitarian organizations by granting them all the necessary security guarantees and freedom of movement to facilitate their work;

13. Reminds the Government of Angola and UNITA of their obligation to cease the dissemination of hostile propaganda;

14. Notes the importance attached to the dissemination of impartial information by radio UNAVEM, and calls upon the Government of Angola to provide all the facilities necessary for the independent functioning of that radio;

15. Encourages both the President of Angola and the President of UNITA to meet, as soon as possible and thereafter on a regular basis, to promote mutual confidence and achieve the full, fair and speedy implemen-

tation of the Lusaka Protocol, including its provisions on national reconciliation and other outstanding issues;

16. Commends the Joint Commission for the positive role it continues to play in support of the implementation of the Lusaka Protocol;

17. Commends also the efforts of the Secretary-General, his Special Representative and the personnel of UNAVEM III to facilitate the implementation of the Lusaka Protocol;

18. Urges the international community to continue to provide the assistance necessary to facilitate the rehabilitation and reconstruction of the Angolan national economy, provided that the two parties meet their obligations under the Lusaka Protocol;

19. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of Council resolution 864(1993);

20. Urges all States, in particular those neighbouring Angola, to facilitate the process of national reconciliation in Angola and to take steps in their territory to facilitate full implementation of the provisions of the Lusaka Protocol;

21. Requests the Secretary-General to report by 7 March, 4 April and 1 May 1996 on the progress made by the Government of Angola and UNITA in taking concrete steps towards meeting the goals and timetable agreed between them, and to keep the Council fully informed on developments in the situation on the ground, so that the Council may respond accordingly;

22. Expresses its readiness, in the light of recommendations by the Secretary-General and developments in Angola, to consider any further measures;

23. Decides to remain actively seized of the matter.

#### **Security Council resolution 1045(1996)**

**8 February 1996 Meeting 3629 Adopted unanimously**

*Draft prepared in consultations among Council members (S/1996/86).*

**Meeting numbers. SC 3628, 3629.**

On 1 March, the Presidents of Angola and UNITA met in Libreville under the auspices of President El Hadj Omar Bongo of Gabon. In a press communique transmitted to the Security Council [S/1996/175], they stated that they had decided to adopt measures to accelerate implementation of the Lusaka Protocol, in particular by concluding the process of forming FAA by June 1996, and by forming a Government of National Unity and Reconciliation between June and July 1996. To that effect, UNITA submitted a list of names of its officials.

**Report of Secretary-General (March).** In a report of 6 March [S/1996/171 & Corr.1] covering events in Angola since his 31 January report, the Secretary-General said that since the adoption of resolution 1045(1996), the Government of Angola and UNITA had taken some positive steps towards implementing the Lusaka Protocol. Of particular importance was the 1 March meeting in Libreville between President dos Santos and Mr. Savimbi, their fourth such meeting. The Government should be commended for imple-

menting several of its commitments, and UNITA's quartering of more than 16,000 troops was, despite its significant shortcomings, a step forward, the Secretary-General said. However, UNAVEM III's mandate was past its mid-point, and numerous outstanding tasks foreseen in the Lusaka Protocol remained to be fulfilled.

There had also been a decrease in the number of ceasefire violations, a further reduction in hostile propaganda, the release of additional prisoners, the disengagement of government forces from some forward positions, and continued quartering of the rapid reaction police. Several measures were behind schedule, particularly the crucial quartering of UNITA troops, and that had delayed other elements of the Lusaka Protocol, including the extension of State administration throughout the country.

At the Libreville meeting, Mr. Savimbi promised to complete the quartering of UNITA troops by June 1996. Both sides agreed to start the process of selecting UNITA troops for incorporation into FAA and to complete the formation of the unified armed forces, also by June. They further agreed to form, by June or July, the Government of National Unity and Reconciliation, in which Mr. Savimbi would be a Vice-President. At the meeting, Mr. Savimbi submitted to President dos Santos a list of officials proposed for the various posts reserved for UNITA in the Government. It was agreed that the mandate of the current National Assembly would be extended, and that Mr. dos Santos would soon declare an amnesty for offences resulting from the Angolan conflict. There had been no progress with regard to the establishment of an independent UN radio.

Despite progress made, the quartering of UNITA troops had begun to slow down. Instances of forced recruitment and the substandard quality and quantity of weapons, equipment and ammunition brought to the quartering areas had only raised doubts about the good faith of UNITA, the Secretary-General stated. UNITA could dispel those doubts only by completing the quartering in accordance with the new timetable. Equally important were a withdrawal of FAA to barracks and the completion of the quartering of the rapid reaction police. Rapid conclusion of the talks on all outstanding military matters was critical for the continuation of the peace process.

**Communication (March).** Angola, in a 25 March letter [S/1996/219] to the Security Council President, said that it did not have any mercenaries in its armed forces. However, UNITA had quartered only 17,000 of its 60,000 soldiers, and those troops had not brought all their heavy weapons with them. Angola requested UNITA to

release all prisoners of war remaining in its custody, since the Government had already done so.

**Report of Secretary-General (4 April).** On 4 April, the Secretary-General [S/1996/248 & Add.1] reported an improvement in the political atmosphere since the 1 March meeting, with some progress achieved in implementing the revised timetable approved by the two parties.

Meetings had taken place in Luanda between government and UNITA delegations to the Joint Commission, and the Armed Conflict Prevention Group continued to operate regularly. Prisoners on both sides had been released. The key element required was complete and verifiable quartering of UNITA troops, followed by the formation of the new armed forces and the establishment of a Government of National Unity and Reconciliation. Since the last report, fewer than 2,000 more UNITA troops had registered in the quartering process, and 1,163 soldiers had subsequently deserted those areas. The United Nations, its agencies and other assistance organizations were providing supplies and services to quartering areas, including food, health facilities and civic education.

The Government had begun quartering the rapid reaction police in three locations during March, bringing to six the number of such quartering sites. By the end of the month, 3,386 personnel had been quartered of 3,504 declared to be present in the forward areas.

The total strength of the military and police personnel of the Mission grew to 7,071 in March.

Although scheduled to begin in March 1996, the programme for disarmament of the civilian population had been delayed. UNAVEM III continued to monitor the human rights situation and to investigate persistent violations.

Humanitarian activities proceeded normally during the reporting period, with the World Food Programme (WFP) providing more than 60 per cent of relief items by road, despite mines and security and logistic constraints. The United Nations Development Programme (UNDP) and the Humanitarian Assistance Coordination Unit had formulated a contingency plan to start referral services in the expectation of imminent demobilization of disabled and under-age soldiers, and the World Bank had sent a mission to Angola in February to identify projects to address social aspects during a transition period.

#### SECURITY COUNCIL ACTION (April)

At a 24 April meeting, the President of the Security Council made the following statement [S/PRST/1996/19] on behalf of the Council:

The Security Council has considered the report of the Secretary-General of 4 April 1996 on the United

Nations Angola Verification Mission (UNAVEM III) submitted pursuant to paragraph 21 of Security Council resolution 1045(1996) of 8 February 1996.

The Security Council notes that some progress has been achieved during the past two months in the implementation of the Lusaka Protocol, although it has been limited and has not fulfilled the hopes generated by the meeting between President dos Santos and Mr. Savimbi in Libreville on 1 March 1996. The Council stresses the importance it attaches to the full implementation of the Protocol. The Council reminds President dos Santos and Mr. Savimbi of their commitments and urges them to take the necessary actions to move the peace process forward.

The Security Council notes that the União Nacional para a Independência Total de Angola (UNITA) has quartered more than 20,000 of its forces, but expresses concern over delays in the quartering of the UNITA troops and urges it to move expeditiously to achieve full quartering of its troops. The Council expresses concern about the quality of weapons surrendered by UNITA and urges it to fulfil its commitment to turn over all of its arms, ammunition and military equipment as the quartering process continues. The Council reiterates that the quartering process is a crucial component of the peace process and stresses the need for quartering to be credible and fully verifiable. The Council expresses its concern at the statements made by Mr. Savimbi on 13 and 27 March 1996. In this context, the Council urges all Angolan leaders to consider carefully the effect of public statements on the climate of confidence necessary to nurture the peace process. It also urges UNITA to release all remaining prisoners.

The Security Council recognizes with satisfaction the progress by the Government of Angola in the implementation of its commitments under the Lusaka Protocol and the current timetable and encourages the Government to continue this progress. The Council emphasizes the importance of completion of the calendar of actions for April, including, *inter alia*, the continuation of the pull-back of government forces from areas near the UNITA quartering sites, the return of the rapid reaction police to barracks, the resolution of the question of amnesty for UNITA officials, and the adoption of a plan to disarm the civilian population, as well as the quartering of the UNITA troops. The Council encourages the two parties to complete the integration of UNITA into the Angolan armed forces.

The Security Council also encourages the Government to grant UNAVEM III the requisite facilities for the establishment of an independent United Nations radio.

The Security Council stresses its concern at the extensive presence of landmines throughout Angola and expresses support for the efforts of the United Nations, the Government and non-governmental organizations to address this problem. The Council urges the Government and UNITA to destroy their stockpiles of anti-personnel landmines. It encourages them to make a meaningful public gesture towards destruction of landmines, which could have a positive effect on public confidence and the free circulation of people and goods.

The Security Council notes with concern credible reports of continuing purchases and delivery of weapons to Angola and considers that such actions are contrary to paragraph 12 of its resolution 976(1995) of 8 February 1995 and undermine confidence in the peace process. The Council reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of its resolution 864(1993) of 15 September 1993.

The Security Council emphasizes that the ultimate responsibility for restoring peace rests with the Angolans themselves. The Council reminds the parties that extension of the mandate of UNAVEM III will be based, to a large part, on progress by the two parties towards meeting the goals set by the Lusaka Protocol.

The Security Council condemns the incident on 3 April 1996 which resulted in the death of two UNAVEM III personnel, the wounding of a third and the death of a humanitarian assistance official and reiterates the importance it attaches to the safety and security of UNAVEM III and humanitarian assistance personnel. The Council notes the cooperation offered by the Angolan Government and UNITA with the investigation by UNAVEM III of this deplorable incident.

The Security Council reiterates its gratitude to the Special Representative of the Secretary-General, the staff of UNAVEM III and the three observer countries, whose unflagging service to the cause of peace has been outstanding. The Council will continue to monitor the situation in Angola closely and requests the Secretary-General to continue to keep it informed of progress in the Angolan peace process.

Meeting number. SC 3657.

**Report of Secretary-General (30 April).** In a report covering the period 4 to 30 April [S/1996/328], the Secretary-General said that progress in implementing the Lusaka Protocol remained disappointingly slow. Overall achievements fell well short of what the Security Council had been led to expect. In particular, the quartering of UNITA troops had virtually stalled, with a total of 23,376 UNITA troops of the declared 62,500 having been registered as of 25 April. The repeated failure of UNITA to honour its commitments had reinforced the doubts about its good faith, and further procrastination could not be justified; if continued, it could bring about the collapse of the whole peace process with consequent interruption of international aid for Angola.

Another source of concern was the delay in incorporating UNITA personnel into the joint armed forces, negotiations on which were continuing at a sluggish pace. Progress was also needed in forming the Government of National Unity and Reconciliation, which was supposed to take place by mid-July.

Because of the unsatisfactory state of affairs, the Secretary-General recommended that the



mandate of UNAVEM III be extended for a period of two months only, until 8 July 1996.

Meanwhile, UN agencies and other humanitarian organizations continued their efforts in Angola in areas such as road rehabilitation, demining, assistance to displaced people, medical care and food aid.

#### SECURITY COUNCIL ACTION (May)

On 8 May, the Security Council adopted **resolution 1055(1996)**.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 30 April 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full and timely implementation by the Government of Angola and União Nacional para a Independência Total de Angola (UNITA) of the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions,

Recognizing that although some progress has been made towards consolidating the peace process, the overall pace has been disappointingly slow,

Noting with concern the repeated delays in the implementation of successive timetables agreed to by the two parties, in particular the quartering of the UNITA troops and the completion of talks on military issues regarding the integration of the armed forces,

Taking note that five months have elapsed since the first UNITA troops arrived in quartering areas, and expressing concern that prolonging the stay of troops in quartering areas puts strains on United Nations resources and on discipline within the UNITA ranks,

Noting the agreement reached between the President of Angola and the President of UNITA in Libreville on 1 March 1996 on the formation of the unified armed forces by June 1996 as well as the establishment of the Government of National Unity and Reconciliation between June and July 1996,

Recalling its resolution 976(1995) of 8 February 1995 which stated, inter alia, the expectation that the United Nations Angola Verification Mission (UNAVEM III) would complete its mission by February 1997,

Emphasizing the need for adequate security for all United Nations and other international personnel, and awaiting the results of the investigation of the deaths on 3 April 1996 of two UNAVEM III military observers and a humanitarian assistance official,

Underlining the need for respect for human rights and urging the Angolan parties to give greater attention to preventing and investigating incidents of human rights abuse,

Expressing concern at the extensive presence of landmines throughout Angola, and emphasizing the need for the political will to speed up demining efforts to enable the free circulation of people and goods and to restore public confidence,

Stressing the importance of the demilitarization of Angolan society, including the disarmament of the civilian population and the demobilization and social reintegration of ex-combatants,

Reiterating the importance of reconstruction and rehabilitation of the Angolan national economy and its vital contribution to a durable peace,

Welcoming the efforts by Member States, in particular the three observer States to the Angolan peace process, the Organization of African Unity and the international community as a whole to promote peace and security in Angola,

1. Welcomes the report of the Secretary-General dated 30 April 1996;

2. Decides to extend the mandate of UNAVEM III until 11 July 1996;

3. Expresses profound regret at the overall slow pace of implementation of the peace process, which is far behind schedule;

4. Notes with deep concern the failure of UNITA to complete the quartering of all its troops by 8 May 1996 in accordance with Council resolution 1045(1996) of 8 February 1996;

5. Reiterates that quartering and disarming of the UNITA troops are crucial components of the peace process that are fundamental to its success, and stresses that further procrastination cannot be justified and, if continued, could bring about the collapse of the whole peace process;

6. Notes the recent progress in the quartering of the UNITA troops and calls upon it to fulfil by June 1996 its obligation to complete the credible, uninterrupted and fully verifiable quartering of its troops and to turn over to UNAVEM III all arms, ammunition and military equipment;

7. Calls upon UNITA to release unconditionally and without further delay all remaining prisoners in accordance with its obligations under the Lusaka Protocol;

8. Underlines the importance of completion of the talks on military issues regarding the integration of the UNITA troops into the Angolan Armed Forces and the formation of a joint military command, and urges the two parties to resolve the remaining issues by 15 May 1996, as agreed in the Joint Commission calendar of actions for May;

9. Welcomes the proclamation by the National Assembly of Angola of amnesty arrangements, as agreed in Libreville, for offences resulting from the Angolan conflict, in order to facilitate the formation of a joint military command;

10. Urges the Government of Angola and UNITA to abide strictly by their obligations under the Lusaka Protocol as well as the commitments entered into in Libreville, Gabon, on 1 March 1996, including the selection of the UNITA troops for incorporation into the Angolan Armed Forces and the completion of the formation of the unified armed forces by June 1996;

11. Urges also the Government of Angola and UNITA to take all necessary steps for the UNITA deputies to take their places in the National Assembly, for the beginning of the controlled movement of the UNITA troops out of quartering areas in accordance with the provisions of the Lusaka Protocol, for the incorporation of UNITA personnel into the State administration, the Angolan Armed Forces and the national police, for the orderly transition of demobilized troops to civilian life, for moving constitutional issues forward in a spirit of national reconciliation, and for the formation of the

Government of National Unity and Reconciliation by July 1996;

12. Encourages the President of Angola and the President of UNITA to meet at the earliest opportunity within Angola to resolve all remaining issues;

13. Welcomes the progress made by the Government of Angola in quartering the rapid reaction police;

14. Urges the Government of Angola to continue to pull back its forces from areas near UNITA quartering sites and to complete the return of the rapid reaction police to barracks under UNAVEM III monitoring in accordance with the provisions of the Lusaka Protocol;

15. Notes the intention of the Joint Commission to study the plan for the disarmament of the civilian population and urges the parties to begin its implementation without delay;

16. Reminds the Government of Angola and UNITA of their obligation to cease the dissemination of hostile propaganda;

17. Calls upon the Government of Angola to provide the requisite facilities for the establishment of an independent United Nations radio;

18. Also calls upon the Government of Angola and UNITA to signal their commitment to peace by destroying their stockpiles of landmines and to begin this process through joint public action;

19. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993) of 15 September 1993, and reiterates that continuing acquisition of weapons would be contrary to paragraph 12 of resolution 976(1995) of 8 February 1995 and undermine confidence in the peace process;

20. Notes with concern reports that UNITA has impeded, on occasion, the work of UNAVEM III, and reminds the parties, in particular UNITA, to extend full cooperation to UNAVEM III and the Joint Commission at all levels;

21. Demands that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and international personnel and premises and guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

22. Commends the Joint Commission and the Armed Conflict Prevention Group for the positive role they continue to play in support of the implementation of the Lusaka Protocol;

23. Commends also the efforts of the Secretary-General, his Special Representative and the personnel of UNAVEM III to facilitate the implementation of the Lusaka Protocol;

24. Urges Member States to provide the assistance necessary to facilitate the demobilization and social reintegration of ex-combatants;

25. Also urges the international community to continue to provide the assistance necessary to facilitate the rehabilitation and reconstruction of the Angolan national economy, provided that the two parties meet their obligations under the Lusaka Protocol;

26. Requests the Secretary-General to report by 1 July 1996 on the progress made towards meeting the goals and timetable agreed between the two parties, and to keep the Council fully informed on a regular basis on developments in the situation on the ground, in particular by providing a comprehensive briefing by 17 May 1996 on whether the two parties have fulfilled the tasks

they have specified in the Joint Commission calendar of actions for May to be carried out by 15 May 1996;

27. Declares that it will place special emphasis, during its future discussion of the mandate of UNAVEM III, on the progress demonstrated by the parties;

28. Reiterates its readiness, in the light of recommendations by the Secretary-General and the state of affairs in Angola, to consider any further measures;

29. Decides to remain actively seized of the matter.

Security Council resolution 1055(1996)

8 May 1996

Meeting 3662

Adopted unanimously

Draft prepared in consultations among Council members (S/1996/336).

**Communications (May).** By a letter of 8 May [S/1996/340], Angola informed the Security Council that the Government had promulgated a law granting amnesty for all crimes against the internal security of the State and related crimes committed by citizens in the framework of the armed conflict, beginning on 31 May 1991.

On 22 May, the President of the Security Council wrote to the Presidents of Angola and UNITA on behalf of the Council members, expressing concern at the slow pace of the peace process. He told Angola [S/1996/378] that Council members were also concerned that the military talks on integrating UNITA troops into FAA were not concluded on 15 May in accordance with the timetable agreed earlier that month, and that the steps for complete integration might not be sufficient to achieve that goal by June 1996.

He told UNITA [S/1996/379] that, since about half of the declared number of UNITA troops were yet to be quartered nine months before the expected completion of the UNAVEM III mission, it expected the quartering to resume and continue until completed by June 1996.

**Report of Secretary-General (June).** The Secretary-General, reporting on 27 June [S/1996/503], said that the pace of implementation of the Lusaka Protocol had improved somewhat. Positive developments included the adoption of the framework agreement on military matters; the promulgation of the Amnesty Law on 8 May; the start of the process of incorporating UNITA military personnel into FAA; the quartering of the rapid reaction police; and the second phase of the withdrawal of FAA from forward positions. In addition, as called for in the Lusaka Protocol, UNITA had submitted proposals to change the status of its radio station Vorgan.

Other aspects of the Lusaka Protocol, such as the disarmament of the civilian population and the extension of State administration throughout the country, had not yet been implemented. Political measures towards the formation of the Government of National Unity and Reconciliation had not advanced. In the Secretary-General's view, if the peace process was to succeed, the par-

ties, especially UNITA, would have to show greater readiness to implement the commitments they had entered into.

The demobilization and socio-economic reintegration of former combatants was another essential precondition for lasting peace, but so far the donor community had been cautious in committing resources to that process. Of the \$42 million required for the first year of demobilization, only \$10 million had been received.

The quartering of UNITA troops had continued at an uneven pace in April and May. On 14 May, Mr. Savimbi promised to quarter 50,000 troops (of the declared 62,500) by 15 June; that level was achieved on 17 June. But in the second half of June, the pace of quartering decreased significantly. As at 25 June, 51,597 UNITA troops had been registered, and only 26,150 personal weapons and 3,368 crew-served weapons had been handed over. No heavy weapons had been brought in. The presence of more than 55,000 family members and other dependants in satellite camps around the quartering areas had added to the daunting tasks facing UN agencies, which continued to provide food aid, medical treatment, civic education and sanitation training.

The first two groups of UNITA officers had been incorporated into FAA and additional integration was scheduled for mid-July. Those not selected for service with FAA or the national police would be demobilized, a process that would require assistance from the international community.

UNAVEM III and other organizations continued active mine clearance, having cleared a total of 7,216 kilometres of roads and repaired and opened 24 bridges. The UN demining school in Viana, Angola, had trained a total of 188 personnel. UN police observers continued to monitor Angolan police activities, including the barracking of the rapid reaction police. On 11 June, the Government concluded the quartering of its rapid reaction police, with a total of 5,222 of the declared strength of 5,385 having been quartered.

On 8 May, the Joint Commission adopted UNAVEM's plan of action on human rights. The Government and UNITA agreed to cooperate in UNAVEM human rights investigations.

The Secretary-General recommended that the mandate of UNAVEM III be extended for three months, until 11 October. Contingency plans had been drawn up for the phased downsizing of the Mission's military component as soon as the quartering process had been concluded and the incorporation of UNITA troops into FAA and the

formation of the unified armed forces had reached an advanced stage.

The general humanitarian situation in Angola was improving gradually, but more food aid would be necessary. The Angolan economy remained in deep crisis, with the inflation rate rising to 3,780 per cent in 1995 while real wages were falling and civil servants were not paid on time. Unemployment was in the range of 40 to 55 per cent.

**Communications (June-August).** President dos Santos of Angola expressed doubts about UNITA's commitment to the peace process in a letter of 17 June to the Secretary-General [S/1996/494]. While UNITA had bowed to pressure to quarter some of its troops, the task would not be concluded within the June deadline established by the Security Council in resolution 1055(1996), he said. The international community needed to exert pressure on UNITA in order for it to fulfil its commitment. He requested the Secretary-General to send a mission to Angola by the end of June to evaluate the Angolan peace process and to advise UNITA against taking any actions that might delay the implementation of the Lusaka Protocol.

On 11 July and 16 August, Angola, in letters to the President of the Security Council [S/1996/553, 672], reiterated concern about UNITA's intentions, stating that it had not vacated areas it was occupying and had not completed quartering of its true military forces, nor had it laid down its quality weapons and materiel. It had failed to induct its general officers into FAA, had hampered the transit of goods and persons, and had not cooperated with the Government in submitting opinions on the constitutional configuration of political arrangements. The Council should urge UNITA to fulfil its commitments so that the Protocol could be implemented by 15 September and the new Government could be established.

#### SECURITY COUNCIL ACTION (July)

On 11 July, the Security Council adopted **resolution 1064(1996)**.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 27 June 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full and timely implementation by the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) of the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions,

Noting with approval the recent progress made towards consolidating the peace process, but reiterating that the overall pace has been slow,

Reminding the parties that if the peace process is to succeed they must show greater readiness to implement in good time their commitments, and to act in the spirit of flexibility and compromise,

Welcoming the successful conclusion of military talks between the two parties which paves the way for the formation of the unified armed forces,

Noting the agreement reached between the President of Angola and the leader of UNITA on the establishment of the Government of National Unity and Reconciliation,

Emphasizing the necessity for adequate security for all United Nations and other international personnel,

Underlining the need for respect for human rights, and urging the Angolan parties to give greater attention to preventing and investigating incidents of human rights abuse,

Noting with approval the progress made towards free circulation of people and goods, and emphasizing the importance of continuation of demining efforts to make that free circulation possible and to restore public confidence,

Stressing the importance of the demilitarization of Angolan society, including disarmament of the civilian population and the demobilization and social reintegration of ex-combatants,

Reiterating the importance of reconstruction and rehabilitation of the Angolan national economy and its vital contribution to a durable peace,

Welcoming the efforts by Member States, in particular the three observer States to the Angolan peace process, the Organization of African Unity and the international community as a whole to promote peace and security in Angola,

1. Welcomes the report of the Secretary-General of 27 June 1996;

2. Decides to extend the mandate of the United Nations Angola Verification Mission (UNAVEM III) until 11 October 1996;

3. Acknowledges the recent progress in consolidation of the peace process, but expresses regret that its implementation is still behind schedule;

4. Commends both parties for the adoption of the framework agreement on military matters, and for beginning the incorporation of UNITA military personnel into the Angolan Armed Forces, and expresses its satisfaction with the positive role of the Joint Commission and the armed conflict prevention group in support of the implementation of the Lusaka Protocol;

5. Welcomes the efforts of both parties in lifting checkpoints and opening major routes, emphasizes the importance of full completion of such efforts to ensure the free circulation of people and goods, stresses the importance of extending State administration throughout the country, and encourages the Government of Angola to use units of the newly integrated military forces to improve the security situation;

6. Welcomes also the progress made so far by the registration of over 52,000 UNITA troops in quartering areas, and calls upon UNITA to complete the credible and fully verifiable quartering of all its troops in accordance with the Joint Commission timetable, and hand over to UNAVEM III all arms, in particular heavy

weapons, ammunition and military equipment, without which the quartering process will not be complete;

7. Reiterates that quartering and disarming of UNITA troops are crucial components of the peace process which are fundamental to its success;

8. Urges UNITA to make available for duty, as agreed by the Joint Commission, the generals and other high-ranking military officers designated to enter the Angolan Armed Forces, as well as the UNITA officials designated to take up posts in the State administration at the national, provincial and local levels;

9. Commends the Government of Angola for the promulgation of the Amnesty Law, for the quartering of the rapid reaction police and for the continuing withdrawal of the Angolan Armed Forces to barracks, and urges the Government to take the required corrective measures regarding the withdrawal movements, as agreed with UNAVEM, and to reach agreement with UNAVEM on remaining withdrawal operations;

10. Welcomes the launching of the programme for the disarmament of the civilian population by the Government of Angola, and stresses the need for its full and effective implementation;

11. Notes the closing of eight out of fifteen UNITA quartering areas for the induction of additional troops, requests the Government of Angola to prepare a programme for phased demobilization and social reintegration of ex-combatants, and calls upon both parties and the international community to extend their full cooperation and support to that end;

12. Urges the Government of Angola and UNITA to take all necessary steps for completion of the formation of the national armed forces, in particular the establishment of integrated headquarters, for the planned movement of UNITA troops out of quartering areas in accordance with the provisions of the Lusaka Protocol, and for the orderly transition of demobilized troops to civilian life;

13. Urges also the Government of Angola and UNITA to take all necessary steps for all elected members of Parliament to take their seats in the National Assembly, for moving constitutional issues forward in a spirit of national reconciliation, and for the formation of the Government of Unity and National Reconciliation and for the incorporation of UNITA personnel into the State administration, the Angolan Armed Forces and the national police;

14. Encourages the President of Angola and the leader of UNITA to meet at the earliest opportunity within Angola to resolve all remaining issues;

15. Notes the progress made in the area of demining, encourages both parties to intensify their demining efforts, and stresses the need for continued commitment to peace by destroying stockpiles of landmines;

16. Notes the reduction in the intensity and frequency of hostile propaganda, and reminds the parties of their obligation to cease the dissemination of all hostile propaganda with a view to promoting a spirit of tolerance, coexistence and mutual trust;

17. Urges the Government of Angola to provide the requisite facilities for the establishment of the independent United Nations radio, and also urges UNITA to finalize the transformation of its radio station Vorgan into a non-partisan station;

18. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993) of 15 September 1993, and notes with concern that the failure by States, in particular those neighbouring Angola, to do so is inconsistent with the peace process and undermines economic recovery;

19. Reiterates that continuing acquisition of weapons would be contrary to paragraph 12 of resolution 976(1995) of 8 February 1995 and would undermine confidence in the peace process;

20. Condemns the use of mercenaries;

21. Demands that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and other international personnel and premises, and to guarantee the safety and freedom of movement of humanitarian supplies throughout the country, and reminds the parties to extend full cooperation to UNAVEM III at all levels;

22. Strongly urges Member States to provide promptly the financial resources necessary to facilitate the demobilization and social reintegration of ex-combatants through the United Nations consolidated inter-agency appeal for Angola;

23. Urges the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, stresses the importance of such assistance at this time in order to consolidate the gains in the peace process, and calls upon the two parties to meet their obligations under the Lusaka Protocol in order to create the necessary stability for economic recovery;

24. Commends the efforts of the Secretary-General, his Special Representative and the personnel of UNAVEM III, and expresses confidence in their abilities to continue to facilitate the implementation of the Lusaka Protocol;

25. Requests the Secretary-General to report by 1 October 1996 on the progress made towards meeting the goals and timetable agreed between the two parties, and to keep the Council fully informed on a regular basis on developments in the situation on the ground, in particular by providing a comprehensive briefing by the third week of August on whether the two parties have fulfilled the task of forming the Government of National Unity and Reconciliation;

26. Declares that it will place special emphasis, during its future discussion of the mandate of UNAVEM III, on the progress demonstrated by the parties;

27. Reminds the Government of Angola and UNITA of its resolution 976(1995) of 8 February 1995, in which it stated, *inter alia*, the expectation that UNAVEM III would complete its mission by February 1997;

28. Reiterates its readiness, in the light of recommendations by the Secretary-General and the state of affairs in Angola, to consider any further measures;

29. Decides to remain actively seized of the matter.

**Security Council resolution 1064(1996)**

**11 July 1996 Meeting 3679 Adopted unanimously**

**Draft prepared in consultations among Council members (S/1996/536).**

**Observer group report.** The three observer States of the Angolan peace process (Portugal, Russian Federation, United States), reporting to

the Security Council on 22 August [S/1996/681], said that the process of quartering and disarmament, including collection of heavy weapons, should be concluded shortly. They called on President dos Santos and Mr. Savimbi to settle any outstanding issues, including that of Mr. Savimbi's status, at their upcoming meeting, and to begin the formation of a unified government within 14 days of that meeting. Conditions had to be created for the unobstructed delivery of humanitarian assistance throughout Angola, and the free movement of persons and goods throughout the country; the observers condemned the continuing obstruction of such work. The observer States encouraged Angola to intensify its efforts to collect weapons from the population so that conditions could exist for a civil society. In general, they noted that the peace process was at a crucial moment and called on the two parties to work towards the terms of the Lusaka Protocol.

**Communication (September).** Angola reiterated its complaint about UNITA's political will in a message of 5 September [S/1996/822] addressed to the Secretary-General and the President of the Security Council. Mr. Savimbi had publicly rejected the position of Vice-President of the Republic, further increasing mistrust and doubts about the real intentions of UNITA. Although Angola remained willing to solve the problems of reconciliation, UNITA refused to cooperate. The Security Council should withdraw support for UNITA, freeze UNITA bank accounts, cut communication with UNITA, and prohibit travel and other documents for UNITA members.

**Report of Secretary-General (October).** In a 4 October report [S/1996/827], the Secretary-General said that the lack of significant progress in the peace process over the reporting period reflected the trend over the past two years, since the Lusaka Protocol had been signed, of grudging compliance, protracted delays and last-minute concessions.

The date envisaged, at the time the Mission was established, for the completion of the UNAVEM III mandate—8 February 1997—was fast approaching, and it should still be possible for UNAVEM III to finish most of its mandated tasks by that date. He intended to initiate the downsizing of the Mission by withdrawing some infantry and support units by the end of December 1996. The response of the international community to Angola's continuing need for support would depend on concrete actions the Angolan parties might take in the coming weeks. Unless serious progress was made in several areas before the expiration of the Mission's current mandate on 11 October, the Secretary-General would recommend that the

Council consider only a short extension of the mandate, perhaps until 11 December. If certain pressing commitments were honoured in the next few days, in particular the arrival of all UNITA generals in Luanda and acceleration of the selection of UNITA soldiers and their incorporation into the national army, the Council might wish to consider a longer extension of the mandate.

The Secretary-General noted that the failure of Mr. Savimbi to attend the Southern African Development Community (SADC) summit in Luanda on 2 October was unfortunate, because it would have provided a much-needed impetus to the peace process.

The demobilization and reintegration process was at a critical juncture. To support the demobilization of approximately 100,000 ex-combatants, humanitarian organizations would have to increase their activities and additional resources would have to be found. Rehabilitation of rural communities was another important aspect.

The Joint Commission continued to meet regularly to review implementation of agreed tasks, but little progress could be reported. UNITA, at its Third Extraordinary Congress (20-27 August), had reaffirmed the transformation of UNITA from an armed opposition to a political party but had rejected the Government's offer to Mr. Savimbi of one of two vice-presidential posts. The Joint Commission then requested UNITA to present counter-proposals regarding special status for Mr. Savimbi, as stipulated in the Lusaka Protocol. On 1 October, UNITA submitted proposals for the special status of Mr. Savimbi as the President of the largest opposition party.

Throughout the period, the ceasefire continued to hold, with the exception of tensions in the diamond-producing provinces of Lunda Norte and Lunda Sul. Angolan forces completed 61 withdrawal movements from forward positions to barracks, and an agreement was concluded on the withdrawal of troops from the Lunda provinces. As at 27 September, the number of UNITA personnel registered in the 15 quartering areas was 63,189, which exceeded the figure of 62,500 initially declared by UNITA to be the strength of its military forces. The continued presence of "UNITA police" in areas vacated by their troops was a matter of serious concern. Unless they were quartered, it would be impossible to extend State administration throughout the country as foreseen under the Lusaka Protocol.

Only about 4,000 of the 26,300 UNITA personnel to be incorporated into FAA had been selected, largely due to UNITA's continued procrastination. Five of the 10 UNITA commanding officers expected to join FAA arrived in Luanda

on 9 September but, despite assurances, the remaining five had not materialized by 3 October.

**Communications (October).** Zimbabwe, in a letter of 7 October to the President of the Security Council [S/1996/832], said that a summit meeting of SADC, held on 2 October in Luanda, had selected a five-member team, composed of the Foreign Ministers of Angola, Botswana, Mozambique, South Africa and Zimbabwe, to participate in the Council debate on the peace process in Angola. On behalf of those five States, Zimbabwe requested the Council to meet on 10 October to consider the critical situation in Angola. The meeting would be separate from that scheduled for 11 October for the purpose of renewing the UNAVEM III mandate.

By a 10 October letter [S/1996/841], Zimbabwe transmitted the communique adopted by the SADC summit, in which the 11 participating States expressed concern over the slow progress and apparent stalemate in the implementation of the Lusaka Protocol. They regretted the absence of Mr. Savimbi and called for an early meeting between the Government of Angola and UNITA in order to pave the way for the resolution of all outstanding issues. Appealing to UNITA to fulfil its commitments within the deadlines established by the Lusaka Protocol and Security Council resolution 864(1993) [YUN 1993, p. 256], the summit noted that the situation in Angola was the remaining major obstacle to stability within the SADC region. It called on the Security Council to adopt measures that would oblige UNITA to respect the Council's deadlines.

#### SECURITY COUNCIL ACTION (October)

As requested by Zimbabwe and in order to consider the Secretary-General's October report, the Security Council met on 10 and 11 October. On 11 October, it adopted **resolution 1075(1996)**.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 4 October 1996,

Welcoming the Summit of the Southern African Development Community (SADC) Organ on Politics, Defence and Security, which took place at Luanda on 2 October 1996, and noting the communique issued at that time,

Welcoming also the Ministerial delegation of the SADC Organ on Politics, Defence and Security to the Security Council to participate in its consideration of the situation in Angola,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola

(UNITA) of the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions,

Underlining the need for respect for human rights, and stressing the need for the Angolan parties to give greater attention to preventing incidents of human rights abuse and investigating alleged human rights violations,

Emphasizing the importance of a continued and effective United Nations presence in Angola with a view to fostering the peace process and advancing the full implementation of the Acordos de Paz and the Lusaka Protocol,

Welcoming the efforts of the Secretary-General, his Special Representative and personnel of the United Nations Angola Verification Mission (UNAVEM III), the three observer States to the Angolan peace process, the Organization of African Unity, the SADC and the international community as a whole, and encouraging them to continue their efforts to promote peace and security in Angola,

1. Welcomes the report of the Secretary-General of 4 October 1996;

2. Expresses deep concern at the lack of significant progress in the peace process over the past three months;

3. Expresses concern that the protracted delay in the beginning of the demobilization of UNITA personnel from the quartering areas has set the process behind schedule so that progress will be made more difficult by the onset of the rainy season;

4. Stresses that it is imperative that UNITA personnel be moved rapidly from the quartering areas, in the light of the strains which the prolonged presence of UNITA personnel in quartering areas is placing on the political process, on morale in the camps and on United Nations finances, and in the light of the need to reintegrate expeditiously into the civilian community those not selected for incorporation into the Angolan Armed Forces (FAA);

5. Emphasizes that continuing delays and unfulfilled promises, in particular on the part of UNITA, in implementing the successive timetables for the completion of key military and political issues are no longer acceptable;

6. Welcomes the efforts of the Government of Angola to implement the provisions of the Lusaka Protocol, and encourages the Government of Angola to continue making progress in that direction;

7. Acknowledges as positive steps the arrival in Luanda of UNITA generals for duty in the FAA, the registration of over 63,000 UNITA troops in quartering areas, the surrender of additional heavy weapons in September, the selection of approximately 10,000 UNITA troops for incorporation into the FAA, the beginning of the demobilization of under-age personnel on 24 September 1996 and the submission by UNITA of its proposal regarding the special status of the leader of UNITA;

8. Decides to extend the mandate of UNAVEM III until 11 December 1996;

9. Welcomes the Summit of the SADC Organ on Politics, Defence and Security, which took place at Luanda on 2 October 1996, regrets the failure of the leader of UNITA to attend the Summit and seize the opportunity for a more rapid advancement of the process, and expresses support for the continuing efforts of the heads

of State and Government of the SADC to accelerate the peace process in Angola;

10. Urges the President of Angola and the leader of UNITA to meet at the earliest opportunity in Angola to resolve all outstanding issues;

11. Expresses the expectation that the Government of Angola and UNITA will, without delay, and in a spirit of mutual cooperation, uphold strictly their obligations under the Lusaka Protocol and the commitments they entered into at the meeting between the President of Angola and the leader of UNITA at Libreville on 1 March 1996;

12. Expresses deep disappointment with UNITA for delaying the full implementation of the Lusaka Protocol, underlines the importance it attaches to UNITA fulfilling its commitments, reaffirmed at its Third Extraordinary Congress held at Bailundo from 20 to 27 August 1996, to complete its transformation from an armed opposition to a political party, and, to this end, calls upon UNITA immediately to fulfil the following tasks enumerated in the mediation document formulated by the Secretary-General's Special Representative in consultation with the representatives of the observer States and called for by the Lusaka Protocol:

(a) To complete substantially the selection of 26,300 UNITA soldiers for incorporation into the FAA;

(b) To stem the flow of deserters from quartering areas and to continue to return those soldiers who have deserted;

(c) To register in the quartering areas UNITA policemen who have remained in the areas vacated by UNITA military forces;

(d) To dismantle all command posts of UNITA military forces;

(e) To issue a formal, written declaration that all UNITA soldiers have been quartered and that UNITA has no more weapons and military equipment in its possession, in order to remove any obstacles to the extension of State administration throughout Angola;

(f) To cooperate fully with UNAVEM III and the Joint Commission in the extension of State administration throughout Angola;

(g) To make available other generals and high-ranking military officers for duty in the FAA, as well as the UNITA officials designated to take up posts in the State administration at the national, provincial and local levels;

(h) To return all elected deputies to the National Assembly;

(i) To cease interference with United Nations aircraft flights and with mine-clearing activities;

(j) To cooperate in good faith with the Government of Angola to finalize the transformation of its radio station into a non-partisan station;

(k) To complete the training of UNITA personnel for the protection of UNITA leaders;

(7) To establish the free circulation of people and goods;

13. Expresses its readiness to consider the imposition of measures, including, inter alia, those specifically mentioned in paragraph 26 of resolution 864(1993) of 15 September 1993, unless, by 20 November 1996, the Secretary-General has reported that UNITA has made substantial and genuine progress in fulfilling its tasks in the mediation document and its commitments under the Lusaka Protocol;

14. Welcomes the continuation of the programme for the disarmament of the civilian population by the Government of Angola, and stresses the need for its full and effective implementation, including disarmament of the Civilian Defence Corps;

15. Urges the Government of Angola and UNITA to take all necessary steps for completion of the formation of the FAA, in particular the establishment of integrated headquarters, for the planned and orderly movement of UNITA personnel from the quartering areas in accordance with the Lusaka Protocol, for the orderly transition of demobilized troops to civilian life, for all elected members of Parliament to take their seats in the National Assembly, for constitutional issues to move forward in the spirit of national reconciliation, for the formation of a Government of National Unity and Reconciliation, and for the incorporation of UNITA personnel into the Government, the military, and Angolan National Police, without the imposition of undue qualifications;

16. Reiterates its concern over the acquisition of weapons contrary to paragraph 12 of resolution 976(1995) of 8 February 1995, which undermines confidence in the peace process;

17. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993) of 15 September 1993, calls upon all States to take the necessary actions to implement the provisions of paragraphs 19 to 25 of resolution 864(1993) vigorously and strictly, and expresses deep concern that the failure by States, especially those neighbouring Angola, to do so is inconsistent with the peace process and undermines economic recovery;

18. Demands that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and other international personnel and premises and to guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

19. Condemns the actions by UNITA with regard to United Nations aircraft flights on 8, 15 and 21 September 1996, and reminds the parties to extend full co-operation to UNAVEM III at all levels;

20. Expresses regret for the casualties caused to UNAVEM troops by landmines, expresses serious concern about interference by UNITA with mine-clearing activities, calls upon both parties to intensify their demining efforts, and stresses the need for continued commitment to peace by destruction of stockpiles of landmines;

21. Strongly urges Member States to provide promptly the financial resources necessary to facilitate the demobilization and social reintegration of ex-combatants through the United Nations consolidated inter-agency appeal for Angola;

22. Urges the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, and stresses the importance of such assistance at this time in order to consolidate the gains in the peace process;

23. Takes note of the Secretary-General's intention to initiate the downsizing of UNAVEM military forces by the end of December 1996 pursuant to resolution 976(1995)

of 8 February 1995 in which the Security Council stated, inter alia, its expectation that UNAVEM III would complete its mission by February 1997, and to submit recommendations regarding the role the United Nations should continue to play in Angola to consolidate the peace process, including his plans for further draw-down of formed military units of UNAVEM III;

24. Requests the Secretary-General to report by 20 November 1996 and by 1 December 1996 on the progress made towards consolidating the peace process in Angola;

25. Decides to remain actively seized of the matter.

Security Council resolution 1075(1996)

11 October 1996 Meeting 3703 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/844).

Meeting numbers. SC 3702, 3703.

### **Report of Secretary-General (November).**

The Secretary-General, on 19 November, reported [S/1996/960] that some progress had been made towards implementing the Lusaka Protocol, but again the international community had been disappointed that a long-lasting settlement had not been achieved.

Immediately following the adoption of Security Council resolution 1075(1996) on 11 October, the Secretary-General's Special Representative had undertaken intensive consultations with the Government of Angola and UNITA; both parties committed themselves to the implementation of the resolution. UNITA submitted a list of tasks which it intended to fulfil by 15 November. A comprehensive implementation timetable, covering all pending military, police and political tasks to be completed by both parties, was subsequently prepared by UNAVEM III in consultation with the Government, UNITA and the three observer States and adopted by the Joint Commission on 31 October.

On 28 October, UNITA submitted the list of officials it wished to nominate to the Government of National Unity and Reconciliation and an updated list of deputies to fill the 70 seats won by UNITA in the legislative elections in 1992 [YUN 1992, p. 178]. It also completed legal and administrative formalities for the transformation of its Vorgan radio station into a non-partisan station. It further proposed that the National Assembly, whose tenure was to expire on 26 November 1996, be transformed into a Constituent Assembly which would revise the country's Constitution.

For its part, the Government had indicated that it would discuss major political issues only after completion of the military tasks listed in the consolidated implementation timetable.

Implementation of the timetable was still behind schedule, particularly due to UNITA's lack of action, the Secretary-General said. The completion in good faith by UNITA of the quartering of



its forces still remained the paramount task to be achieved. Related issues were the handover of all its military equipment and the formation of the unified armed forces. The Government was expected to complete all logistic preparations for the incorporation of UNITA troops and police into FAA and the Angolan National Police.

By 18 November, the number of UNITA troops registered in the 15 quartering areas totalled 65,362—about 3,000 more than the declared number—including personnel from the command and control post which UNITA had started to dismantle, as well as the "UNITA police". However, the number of UNITA personnel who had left quartering areas without authorization was 12,494 on 18 November. Thousands of personal weapons had been handed over by UNITA, but their quantity and quality continued to be a matter of concern.

As at 18 November, 16,152 UNITA personnel had been selected for incorporation into FAA, but all those troops remained in quartering areas and their incorporation had not yet begun. The implementation timetable adopted by the Joint Commission called for the selection of all 26,300 UNITA troops by 15 November and for their total incorporation by 11 December.

As part of his plan to downsize UNAVEM III's formed military units, the Secretary-General announced his decision to withdraw from Angola four UN infantry and support units, with a total strength of between 600 and 700 personnel, by the end of December 1996.

**Report of Secretary-General (December).** On 2 December, the Secretary-General reported [S/1996/1000] on the future UN role in Angola and set forth plans for downsizing the UNAVEM III military units.

Regarding the military situation, the Secretary-General said that, although considerable progress had recently been achieved, some tasks enumerated in resolution 1075(1996) and in the consolidated timetable approved by the Joint Commission had not been fulfilled by the 15 November deadline. Ceasefire violations had recently declined, due in part to the withdrawal of government forces from several locations.

As at 28 November, 69,093 UNITA troops had been registered in 15 quartering areas; 13,115 of them had subsequently deserted and a total of 29,698 personal weapons and 4,521 crew-served weapons had been handed over by the quartered soldiers. Some 18,738 of the expected 26,300 UNITA troops had been selected for incorporation into FAA and the pace of that exercise had accelerated since the Government lifted strict age and education criteria for selection. Despite some demobilization of UNITA troops, most of

them still remained in the quartering areas, thereby placing an additional financial burden on the international community.

The United Nations was still awaiting a declaration by UNITA that it had assembled all its troops and handed over all weapons. In the meantime, the dismantling of illegal checkpoints had proceeded, contributing to the free circulation of people.

As at 28 November, 3,860 out of the expected 4,962 "UNITA police" personnel had been moved to quartering areas.

UN humanitarian activities concentrated on expanding programmes to newly accessible areas and on the return of internally displaced persons to their areas of origin. However, military road-blocks, banditry and other impediments to the free circulation of people and goods continued to hamper humanitarian efforts and discourage the movement of displaced persons. Over 1 million displaced persons, concentrated mainly in urban or peri-urban areas, were relying on humanitarian assistance.

An international effort coordinated by the UN Central Mine Action Office continued mine-clearing activities. UN agencies and NGOs continued to provide humanitarian assistance to some 54,000 UNITA troops still remaining in quartering areas and to more than 100,000 of their dependants in satellite camps.

Due to delays in the demobilization of troops and their reintegration into civilian society, humanitarian assistance to quartered personnel would have to be provided for a much longer period than was initially expected. The Secretary-General appealed to donors to provide additional resources to support those tasks as well as the programmes for demobilization and rural rehabilitation.

As at 28 November, UNAVEM III had 7,003 military personnel deployed at over 70 locations. Their presence, together with CIVPOL and other UN components, had had a positive effect on the military and political situation, but it had placed a financial burden on Member States. For that reason, the Secretary-General had begun to withdraw four UNAVEM units and intended to plan for the progressive withdrawal of the Mission. He recommended that the withdrawal of UNAVEM III military units resume in February 1997, with a view to a complete drawdown in six to seven months, or by August 1997. At the same time, he recommended that a rapid reaction force should be retained, comprising six company-sized infantry groups, to provide a basic safety net to allow other UN components to function and to help maintain confidence between the Angolan parties.

In order to conclude the implementation of the tasks contained in the Lusaka Protocol and to consolidate the gains made so far in the peace process, a continued but substantially scaled-down presence of the United Nations in Angola would be required after February 1997; the activities of the Mission would be increasingly concentrated on political, police and human rights monitoring, humanitarian activities including demining, and public information programmes and logistic support.

The Secretary-General intended to elaborate on those tasks in his next report and to make recommendations on the mandate, structure and size of a follow-up UN presence after the withdrawal of the bulk of UNAVEM III's military units. In the meantime, he recommended that the mandate be extended until 28 February 1997.

Reviewing the financial aspects of the Mission, the Secretary-General said that the revised budget for the maintenance of UNAVEM III for the period after 1 July 1996, which took into account the withdrawal of four infantry and support units by the end of December 1996, estimated costs to be \$25.5 million gross per month beginning 1 January 1997. Should the Security Council decide to extend the mandate of UNAVEM III, the cost of maintaining the Mission during the extension period would be within the monthly rate, subject to approval of the budget by the General Assembly.

**Communication.** Angola, in identical letters to the Secretary-General and the Security Council President, said on 11 December [S/1996/1029] that the President of Angola had nominated nine UNITA generals to various posts in FAA in accordance with a declaration issued the same day by the UNITA leadership. The attached communique listed the nine generals and their new positions and said that the Chief of the Armed Forces General Staff had ordered the incorporation and appointment of the other UNITA high-ranking officers to FAA.

#### SECURITY COUNCIL ACTION (December)

On 11 December, the Security Council adopted **resolution 1087** (1996).

The Security Council,  
Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 2 December 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) of the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions,

Reminding the Government of Angola and UNITA to uphold strictly, without delay, their obligations under the Lusaka Protocol and the commitments they entered into in Libreville and Franceville,

Underlining the need for respect for human rights, and stressing the need for the Angolan parties to give greater attention to preventing incidents of human rights abuse, investigating alleged human rights violations and punishing those found guilty by due process of law,

Welcoming the efforts of the Secretary-General, his Special Representative and personnel of the United Nations Angola Verification Mission (UNAVEM III), the three observer States to the Angolan peace process, the Organization of African Unity, the Southern African Development Community, and the international community as a whole, and encouraging them to continue their efforts to promote peace and security in Angola,

1. Welcomes the report of the Secretary-General dated 2 December 1996;

2. Expresses concern at the overall slow pace of the peace process, but notes some positive steps in its implementation;

3. Decides to extend the mandate of UNAVEM III until 28 February 1997;

4. Approves the Secretary-General's recommendation to resume withdrawal of UNAVEM III formed military units during February 1997 as set forth in paragraphs 30 to 32 of his report of 2 December 1996, with the understanding that the pace of withdrawal will be commensurate with progress achieved in the quartering areas, in demobilization and in the extension of State administration, and that the first phase of withdrawal will begin on schedule in February 1997;

5. Authorizes the Secretary-General to commence the gradual and progressive withdrawal of UNAVEM III formed military units from individual quartering areas prior to February 1997, and to accelerate the withdrawal schedule subsequently, if former combatants vacate the quartering areas in accordance with the Lusaka Protocol and other factors are conducive to withdrawal, without putting at risk the successful completion of the peace process;

6. Stresses that both parties must immediately begin to cooperate on integrating selected UNITA officers and troops into the Angolan Armed Forces (FAA) and on demobilizing those remaining in the quartering areas, and underlines the need for the Government of Angola to make available all necessary funds it has pledged and to speed up the processing of demobilization certificates and other administrative matters;

7. Reminds Member States that the need has now become urgent for the financial resources necessary to facilitate the demobilization and social reintegration of ex-combatants through the United Nations consolidated inter-agency appeal for Angola;

8. Calls upon UNITA to cooperate with the Government of Angola in its immediate task of creating integrated FAA and police units which would begin, in the spirit of the Lusaka Protocol and monitored by UNAVEM III, the gradual, orderly and peaceful extension of State administration into areas formerly occupied by UNITA;

9. Urges the Government of Angola to avoid offensive military operations which go beyond those strictly

necessary for the restoration and maintenance of law and order in the areas formerly occupied by UNITA;

10. Recalls the need for the President of Angola and the President of UNITA to meet inside Angola at the earliest opportunity, and calls on both parties to move rapidly on the political steps towards national reconciliation, including the assumption by UNITA deputies and officials of their posts, followed by establishment of a Government of National Unity and Reconciliation prior to 31 December 1996;

11. Urges the two parties to reach agreement on the special status of the President of UNITA as the President of the largest opposition party before 31 December 1996, without linkage of that issue to the formation of a Government of National Unity and Reconciliation;

12. Calls upon the President of UNITA to travel to Luanda for the creation of the Government of National Unity and Reconciliation, and thereafter to maximize the amount of time spent in Luanda in order to enhance confidence in the country's democratic institutions and the irreversibility of the peace process;

13. Welcomes the continuation of the programme for the disarmament of the civilian population by the Government of Angola, and stresses the need for its full and more effective implementation, including disarmament of the Civilian Defence Corps;

14. Reiterates its concern over the acquisition of weapons contrary to paragraph 12 of resolution 976(1995) of 8 February 1995, while the peace process is under way;

15. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864(1993) of 15 September 1993, calls upon all States to take the necessary actions to implement the provisions of paragraphs 19 to 25 of resolution 864(1993) vigorously and strictly, and expresses deep concern that the failure by States, especially those neighbouring Angola, to do so is inconsistent with the peace process and undermines economic recovery;

16. Demands that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and other international personnel and premises, including that of non-governmental organizations, and to guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

17. Calls upon both parties to intensify their demining efforts, and reiterates the need for continued commitment to peace by destruction of stockpiles of landmines monitored and verified by UNAVEM III, and expresses support for various United Nations demining activities in Angola, including plans aimed at enhancing national demining capacity;

18. Urges the Government of Angola and UNITA to remove all illegal checkpoints that constitute obstacles to the free circulation of people and goods throughout the country;

19. Urges the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, and stresses the importance of such assistance at this time in order to consolidate the gains in the peace process;

20. Requests the Secretary-General to continue planning for a follow-on United Nations presence along the

lines described in paragraph 33 of his report of 2 December 1996 which would include military observers, police observers, a political component, human rights monitors and a Special Representative, with the aim of maintaining a limited United Nations presence in Angola, and to report thereon no later than 10 February 1997;

21. Expresses its readiness to consider, in that context, the possibility of sending a Security Council mission to Angola before the expiry of the mandate of UNAVEM III;

22. Decides to remain actively seized of the matter.

Security Council resolution 1087(1996)

11 December 1996 Meeting 3722 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/1026), based on draft by Portugal, Russian Federation and United States.

### UNAVEM financing and composition

In March 1996 [A/50/651/Add.3], the Secretary-General presented a proposed budget for the financing of UNAVEM III for the period from 1 July 1996 to 30 June 1997, which amounted to \$335,140,000 gross (\$328,230,000 net). The budget provided for the maintenance of UNAVEM III at its authorized strength of 7,000 contingent personnel from 36 nations, 350 military observers and 260 civilian police observers, supported by a civilian component of 714 personnel (417 international and 297 local) and 75 United Nations Volunteers.

That report was considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ), which issued its own report in April [A/50/814/Add.1 & Corr.1].

ACABQ recommended that the General Assembly approve the amounts suggested by the Secretary-General.

#### GENERAL ASSEMBLY ACTION

By **resolution 50/209 B** of 7 June, the General Assembly approved financing for UNAVEM III.

#### Financing of the United Nations Angola Verification Mission

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Angola Verification Mission and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 626(1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, 696(1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), 976(1995) of 8 February 1995, by which the Council authorized the establishment of a peacekeeping operation in Angola (thenceforth called the United Nations Angola Verification Mission III), and its subsequent resolutions, the latest of which was resolution

1055(1996) of 8 May 1996, by which the Council extended the mandate of the Verification Mission until 11 July 1996,

Recalling its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/209 A of 23 December 1995,

Reaffirming that the costs of the Verification Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling also its previous decisions regarding the fact that, in order to meet the expenditures caused by the Verification Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Verification Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Verification Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Angola Verification Mission as at 21 May 1996, including the contributions outstanding in the amount of 52,802,286 United States dollars, representing 10 per cent of the total assessed contributions from the inception of the Verification Mission to the period ending 30 April 1996, notes that some 16 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Verification Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Decides that, when election activities resume, eleven posts that have been transferred from election-related activities to administrative and support functions will be returned to election-related activities;

7. Requests the Secretary-General to take all necessary action to ensure that the Verification Mission is ad-

ministered with a maximum of efficiency and economy;

8. Decides to appropriate to the Special Account for the United Nations Angola Verification Mission the amount of 65,912,903 dollars gross (63,067,742 dollars net) already authorized and assessed under the terms of General Assembly resolution 49/227 B of 20 July 1995 for the period from 9 August to 31 December 1995;

9. Decides also to appropriate the amount of 84,687,300 dollars gross (83,190,300 dollars net) already authorized under the terms of General Assembly resolution 50/209 A for the period from 9 February to 8 May 1996;

10. Decides further, as an ad hoc arrangement, and taking into account the amount of 76,218,600 dollars gross (74,871,300 dollars net) already apportioned under the terms of resolution 50/209 A, to apportion an additional amount of 8,468,700 dollars gross (8,319,000 dollars net) for the period from 9 February to 8 May 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

11. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 149,700 dollars approved for the period from 9 February to 8 May 1996;

12. Decides also to appropriate the amount of 47,988,900 dollars gross (47,140,600 dollars net) for the maintenance of the Verification Mission for the period from 9 May to 30 June 1996 already authorized under the terms of General Assembly resolution 50/209 A;

13. Decides further, as an ad hoc arrangement, to apportion the amount of 47,988,900 dollars gross (47,140,600 dollars net) for the period from 9 May to 30 June 1996 among Member States in accordance with the scheme set out in the present resolution;

14. Decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 848,300 dollars approved for the period from 9 May to 30 June 1996;

15. Takes note of the Secretary-General's cost estimate in the amount of 335,140,000 dollars gross (328,230,000 dollars net) for the maintenance of the Verification Mission for the period from 1 July 1996 to 30 June 1997;

16. Decides to appropriate the amount of 169,118,500 dollars gross (165,984,100 dollars net) for

the maintenance of the Verification Mission for the period from 1 July to 31 December 1996, inclusive of the amount of 4,048,500 dollars for the support account for peacekeeping operations and, subject to the concurrence of the Advisory Committee on Administrative and Budgetary Questions, an additional amount of 1 million dollars for administrative and logistic support services, including contract supervision, to be assessed on Member States at a monthly rate of 28,186,410 dollars gross (27,664,010 dollars net), in accordance with the scheme set out in the present resolution, subject to the decision by the Security Council to extend the mandate of the Verification Mission beyond 11 July 1996;

17. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3,134,400 dollars approved for the period from 1 July to 31 December 1996;

18. Requests the Secretary-General to submit the performance reports for the Verification Mission and to provide updated cost estimates for the period from 1 January to 30 June 1997, as appropriate, no later than 1 November 1996, including information on administrative and logistic support services as well as contract supervision;

19. Invites voluntary contributions to the Verification Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

20. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Angola Verification Mission".

General Assembly resolution 50/209 B

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/845/Add.1) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.56), based on informal consultations; agenda item 123.

Meeting numbers. GA 50th session: 5th Committee 56, 64 (resumed); plenary 120.

In an October 1996 report [A/51/494], the Secretary-General described the financial performance of UNAVEM III for the period from 9 February to 31 December 1995. Updated cost estimates for that period totalled \$314,738,000 gross (\$308,606,000 net). Also in November [A/51/700 & Corr.1], ACABQ commented on the Secretary-General's latest estimates.

#### GENERAL ASSEMBLY ACTION (December)

On 18 December, the General Assembly adopted **resolution 51/213**, approving UNAVEM III financing for 1 July 1996 to 30 June 1997.

#### Financing of the United Nations Angola Verification Mission

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations An-

gola Verification Mission, the related report of the Advisory Committee on Administrative and Budgetary Questions and the related comments and observations in the reports of the Office of Internal Oversight Services and the Board of Auditors,

Bearing in mind Security Council resolutions 626(1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, 696(1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), 976(1995) of 8 February 1995, by which the Council authorized the establishment of a peacekeeping operation (thenceforth called the United Nations Angola Verification Mission III) and its subsequent resolutions, the latest of which was resolution 1087(1996) of 11 December 1996, in which the Council extended the mandate of the Verification Mission until 28 February 1997,

Recalling its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/209 B of 7 June 1996,

Reaffirming that the costs of the Verification Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Verification Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Verification Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Verification Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Angola Verification Mission as at 10 December 1996, including the contributions outstanding in the amount of 127,520,046 United States dollars, representing 23 per cent of the total assessed contributions from the inception of the Verification Mission to the period ending 11 December 1996, notes that some 19 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors,

which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Verification Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Verification Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General to take all necessary action to address relevant findings and to implement the relevant recommendations of the Advisory Committee, the Office of Internal Oversight Services and the Board of Auditors in respect of the Verification Mission;

8. Decides to appropriate the amount of 137,978,400 dollars gross (134,980,800 dollars net) for the maintenance of the Verification Mission for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 4,048,400 dollars for the support account for peace-keeping operations, in addition to the amount of 170,118,500 dollars gross (166,984,100 dollars net) already appropriated for the period from 1 July to 31 December 1996 under the provisions of General Assembly resolution 50/209 B;

9. Decides also, as an ad hoc arrangement, to apportion the amount of 137,978,400 dollars gross (134,980,800 dollars net) for the period from 1 July 1996 to 30 June 1997 among Member States at a monthly rate of 22,996,400 dollars gross (22,496,800 dollars net) beginning 1 January 1997, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the decision of the Security Council to extend the mandate of the Verification Mission beyond 28 February 1997;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 2,997,600 dollars approved for the period from 1 July 1996 to 30 June 1997;

11. Decides that, for Member States that have fulfilled their financial obligations to the Verification Mission, there shall be set off against their apportionment, as provided for in paragraph 9 above, their respective share in the unencumbered balance of

20,790,900 dollars gross (20,639,700 dollars net) for the period from 9 February to 31 December 1995;

12. Decides also that, for Member States that have not fulfilled their financial obligations to the Verification Mission, their share of the unencumbered balance of 20,790,900 dollars gross (20,639,700 dollars net) for the period from 9 February to 31 December 1995 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Verification Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

14. Decides to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Angola Verification Mission".

General Assembly resolution 51/213

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/740) without vote, 15 December (meeting 44); draft by Chairman following informal consultations (A/C.5/51/L.20), orally revised; agenda item 124.

Meeting numbers. GA 51st session: 5th Committee 40, 44; plenary 89.

### Sanctions Committee

By a 16 January letter [S/1996/37], the Chairman of the Committee set up by the Security Council in 1993 [YUN 1993, p. 2561 to monitor sanctions against UNITA reported on the Committee's activities from its establishment until 31 December 1995, during which time eight meetings were held.

Formally known as the Security Council Committee established pursuant to resolution 864(1993) concerning the situation in Angola, it described its work regarding the mandatory sanctions against UNITA relating to the sale or supply of arms and military supplies, including weapons and ammunition, military vehicles and equipment and spare parts, as well as petroleum and petroleum products.

The Committee had considered replies from countries of the region received in response to a request for information. Angola had written to the Committee on alleged violations of the arms embargo regarding materiel and logistical support to UNITA. The countries cited by Angola were Namibia, South Africa, Zaire and Zambia.

The Committee observed that it had, since its establishment, experienced difficulty in obtaining information on alleged violations of the sanctions with respect to UNITA. As was the case with similar arms embargoes imposed by the Security Council, the effectiveness of the Committee would continue to depend on the cooperation of Member States in a position to provide information on possible violations.

In 1996 [S/1997/33], the Committee held two meetings and considered a case of an alleged vio-

lation of the embargo against UNITA. It reiterated its readiness to act towards enhancing implementation of the mandatory measures, thereby contributing to the peace process.

## Liberia

In 1996, the Liberian civil conflict continued, despite international efforts to encourage the warring parties to fulfil the terms of the Abuja Agreement they had signed in August 1995 [YUN 1995, p. 358]. Intended as a supplement to the 1993 Cotonou [YUN 1993, p. 268] and 1994 Akosombo [YUN 1994, p. 380] Agreements, the Abuja Agreement provided for a ceasefire, a Council of State, which was to remain in power until elections were held, and disarmament and demobilization of the factions. By the Agreement, the fifth ceasefire accord since 1991, the signatories—the National Patriotic Front of Liberia (NPFL); the two wings of the United Liberation Movement of Liberia for Democracy, General Roosevelt Johnson's wing (ULIMO-J) and Alhaji Kromah's wing (ULIMO-K); the Liberia Peace Council (LPC); the Armed Forces of Liberia (AFL); the Lofa Defence Force (LDF); the National Patriotic Front of Liberia Central Revolutionary Council (NPFL-CRC); and the Liberia National Conference (LNC)—established the Liberian National Transitional Government (LNTG). The new Government was led by a Council of State as the ruling body, in which the factions were represented. The Council of State experienced difficulties in functioning in 1996 due to mistrust between the various factions.

Throughout 1996, both the United Nations Observer Mission in Liberia (UNOMIL), in place since late 1993, and the Monitoring Group (ECOMOG), set up in January 1994 by the Economic Community of West African States (ECOWAS), remained in the country as peacekeeping forces. Despite the Abuja Agreement and the presence of international forces, a low point was reached during April and May, with renewed fighting and a breakdown of law and order, following which some peacekeeping forces were withdrawn. Diplomatic efforts by ECOWAS members, the Secretary-General's Special Representative and his Special Envoy for Liberia intensified and, by the end of the year, the situation had improved. A revised timetable for the implementation of the Abuja Agreement was formulated, UN and ECOWAS peacekeeping forces were restored to previous strengths, and the ceasefire was generally holding. However, under the time-

table, elections were postponed until May 1997. Further efforts with regard to implementing the Abuja Agreement focused on a new phase—disarming and demobilizing the factions and developing modalities for elections—and initial steps were taken in those areas in late 1996.

### UN operations in Liberia

The Secretary-General submitted six progress reports to the Security Council during 1996 on UNOMIL activities and on developments in Liberia. During the year, the Council acted four times, on his recommendation, to extend the UNOMIL mandate.

**Report of Secretary-General (January).** In a report of 23 January (the fifteenth) [S/1996/47 & Add.1], the Secretary-General provided an update of the situation in Liberia since his last report of 18 December 1995 [YUN 1995, p. 366], a period dominated by the question of the disarmament and demobilization of combatants. ECOMOG in mid-December deployed troops to several regions of Liberia for that purpose, and UNOMIL began to revise its own deployment plans accordingly. Consultations were held between the Council of State, the Secretary-General's Special Representative, Anthony Nyakyi, and the ECOMOG Field Commander, Major-General John Inienger. However, the peace process suffered a serious setback when ULIMO-J attacked ECOMOG in Tubmanburg on 28 December 1995. The Tubmanburg incident was rooted in the deep suspicions between the two wings of ULIMO, the Secretary-General said. ULIMO-J alleged that ECOMOG had sided with the forces of ULIMO-K. However, ECOMOG had reported that, before the incident, ULIMO-J forces had repeatedly violated the terms of the ceasefire, entering Tubmanburg with arms and harassing civilians. ECOMOG suffered 94 casualties, including 16 dead, in the attack.

The fighting in Tubmanburg, the most serious ceasefire violation since the signing of the Abuja Agreement, ended on 4 January 1996 after consultations between the Council of State, ECOMOG, UNOMIL and ULIMO-J. However, the situation remained tense and the peace process was at a critical juncture, according to the Secretary-General. Faction leaders had to ensure that their forces observed the ceasefire, disengaged and allowed ECOMOG and UNOMIL to launch disarmament and demobilization efforts; LNTG needed to support those efforts, with the international community providing the necessary resources.

The total military strength of UNOMIL in January was 82 observers, of the 160 authorized under Security Council resolution 1020(1995) [YUN 1995, p. 362]. UNOMIL, during the reporting

period, completed reconnaissance of most of the designated deployment areas, patrolled in some of those areas, and sent a disarmament team to Tubmanburg. That team was forced to withdraw on 30 December because of increased insecurity in the area. Eight mobile disarmament teams were ready for deployment as soon as conditions permitted, but further deployment of UNOMIL, as well as any increase in its military strength, would depend on the presence of ECOMOG troops and progress in the peace process. Despite the recent setbacks, the Secretary-General recommended that the Security Council extend the UNOMIL mandate for four months, until 31 May 1996.

With regard to human rights, UNOMIL continued to monitor the situation in Liberia and to carry out investigations of major violations. In addition to the attack on Tubmanburg, ULIMO-J troops assaulted ECOMOG positions in the town of Kle on 2 January, reportedly leaving thousands of civilians displaced, trapped between ECOMOG and ULIMO-J forces outside the town. UNOMIL facilitated discussions on the evacuation of the wounded, exchange of prisoners and release of the bodies of soldiers killed in the fighting. In addition to coordination functions, the United Nations Humanitarian Assistance Coordination Office operating in Liberia was responsible for the reintegration aspects of demobilization and humanitarian efforts. As at 12 January, 17,500 displaced people had registered for assistance. The Office of the United Nations High Commissioner for Refugees (UNHCR) concluded an agreement with LNTG on 3 January, establishing the framework for the repatriation and reintegration of an estimated 750,000 Liberian refugees; some 7,000 Liberian refugees had returned from Guinea since mid-1995 and the influx continued.

#### SECURITY COUNCIL ACTION (January)

On 29 January, the Security Council adopted **resolution 1041(1996)**.

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1020(1995) of 10 November 1995,

Having considered the report of the Secretary-General of 23 January 1996 on the United Nations Observer Mission in Liberia (UNOMIL),

Commending the positive role of the Economic Community of West African States (ECOWAS), in its continuing efforts to restore peace, security and stability in Liberia,

Expressing its grave concern about the recent incidence of ceasefire violations and attacks on ECOWAS Monitoring Group (ECOMOG) troops as well as continuing

delays in the process of disengagement and disarmament of forces,

Stressing the need for all parties to the Abuja Agreement to adhere strictly to its terms and expedite its implementation,

Emphasizing once again that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Expressing its appreciation to those African States which have contributed and are contributing troops to ECOMOG,

Commending those Member States which have provided assistance in support of the peace process and to ECOMOG, including contributions to the United Nations Trust Fund for Liberia,

1. Welcomes the report of the Secretary-General of 23 January 1996;

2. Decides to extend the mandate of UNOMIL until 31 May 1996;

3. Calls upon all the Liberian parties to respect and implement fully and expeditiously all the agreements and commitments they have already entered into, in particular the provisions of the Abuja Agreement with regard to the maintenance of the ceasefire, disarmament and demobilization of combatants, and national reconciliation;

4. Condemns the recent armed attacks against personnel of ECOMOG and against civilians, and demands that such hostile acts cease forthwith;

5. Expresses the Council's condolences to the Governments and peoples of the ECOMOG countries and the families of the ECOMOG personnel who have lost their lives;

6. Demands once more that all factions in Liberia strictly respect the status of ECOMOG and UNOMIL personnel, as well as of organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by the relevant rules of international humanitarian law;

7. Urges all Member States to provide financial, logistical and other assistance in support of ECOMOG to enable it to carry out its mandate, particularly with respect to disarmament of the Liberian factions;

8. Stresses that continued support by the international community for the peace process in Liberia, including the participation of UNOMIL, is contingent on the demonstrated enduring commitment by the Liberian parties to resolve their differences peacefully and to achieve national reconciliation in line with the peace process;

9. Requests the Secretary-General to submit by 31 March 1996 a progress report on the situation in Liberia, in particular the progress in disarmament and demobilization, and in planning for elections;

10. Calls upon ECOMOG, in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement and the UNOMIL concept of operations, to intensify the necessary action to provide security for UNOMIL observers and civilian staff;

11. Stresses the need for close contacts and enhanced coordination between UNOMIL and ECOMOG in their operational activities at all levels;



12. Urges Member States to continue to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia;

13. Stresses also the importance of respect for human rights in Liberia as well as the need to rehabilitate promptly the penitentiary system in this country;

14. Reminds all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) of 19 November 1992 and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985(1995);

15. Expresses its appreciation to the Secretary-General, his Special Representative and all UNOMIL personnel for their tireless efforts to bring peace and reconciliation to Liberia;

16. Decides to remain seized of the matter.

Security Council resolution 1041(1996)

29 January 1996 Meeting 3624 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/57).

Meeting numbers. SC 3621, 3624.

**Report of Secretary-General (April).** The Secretary-General, in his 1 April progress report (the sixteenth) [S/1996/232], said that, since 23 January, the peace process had continued to encounter severe difficulties, with setbacks on the military front and signs of discord between members of the Council of State. Unless the peace process was put back on track, the consequences could be disastrous. He called on the Council of State to approve the disarmament and demobilization plan so that the factions could disarm by 30 April.

Urgent action was needed from the international community, the Secretary-General affirmed, to enable ECOMOG to discharge its mandate. So far, the failure to provide the necessary resources had given an opportunity to the factions to procrastinate and renege on their commitments.

Since the December 1995 attack in Tubmanburg by ULIMO-J, that faction had not withdrawn from the area or returned to ECOMOG the heavy weapons it seized during the fighting. On 1 March, ECOMOG withdrew from Tubmanburg, indicating that it would return only when the weapons had been returned.

The transitional Government's Council of State condemned the ULIMO-J attack and called on all factions to remove their checkpoints and on ECOMOG to deploy troops throughout the coun-

Against a backdrop of renewed skirmishes, ECOMOG was deployed in seven locations as at 1 April. It had received an additional infantry battalion from Nigeria, increasing its total strength from 7,000 to 7,500. UNOMIL had a total strength

of 93 military observers, and was deployed in three locations. Regular patrols, investigations of ceasefire violations and monitoring of the overall military and security situation remained the main tasks of observers. Further UNOMIL deployment was contingent on ECOMOG deployment as well as on the security situation. Reconnaissance of most disarmament and demobilization sites had been completed.

The Liberian Ad Hoc Elections Commission had begun the process of certifying political parties in preparation for legislative and presidential elections scheduled for 20 August. Certificates of authorization had been issued to three political parties—the Labour Party, the National Patriotic Party and the Unity Party. Seven other political parties had agreed to form an alliance during the elections. Because of delays in preparations and lack of logistic assistance, some Council of State members expressed apprehension about holding elections on schedule.

Humanitarian assistance efforts suffered due to increased insecurity. Humanitarian workers in all parts of the country had been harassed by fighters, their convoys held up and supplies looted.

#### SECURITY COUNCIL ACTION (April)

Concerned over the deteriorating situation, the Security Council, at a meeting on 9 April, issued the following statement [S/PRST/1996/16] through its President:

The Security Council expresses its grave concern at the outbreak of fighting in Monrovia and the rapidly deteriorating situation throughout Liberia. This new outbreak of factional fighting, the harassment and abuse of the civilian population and humanitarian and relief workers, threatens the peace process and raises serious doubts about the commitment of the factions to its implementation.

The Council reminds all parties of their responsibility fully to respect international humanitarian law with regard to the civilian population and to ensure the safety of United Nations and other international personnel, and calls upon them to take immediate steps to this end. The Council calls on all parties to fulfil their obligation to respect the inviolability of diplomatic personnel and property.

The Council expresses its deep concern at the failure of the Council of State and the faction leaders to demonstrate the political will and determination required for implementation of the Abuja Agreement. Unless Liberia's political leaders immediately show by concrete positive actions a reaffirmation of their commitment to the Abuja Agreement and fully honour their obligation to re-establish and maintain the ceasefire, they risk losing the support of the international community. The Council underscores the personal responsibility of Liberia's leaders in this regard.

The Council reaffirms its support for the Abuja Agreement as the only existing framework for resolving Liberia's political crisis and the crucial role of the Economic Community of West African States in bringing the conflict to an end.

The Council calls on the Liberian National Transitional Government and the Liberian parties to work with the Economic Community of West African States Monitoring Group (ECOMOG) immediately to disengage all forces, re-establish peace and law and order in Monrovia and an effective and comprehensive ceasefire throughout the country. The Council calls on the parties, in particular ULIMO-J, to release all hostages without harm. It further calls upon the parties to return all captured weapons and equipment to ECOMOG.

The Council reminds all States of their obligation to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) and to bring all instances of violations of the arms embargo before the Security Council Committee established pursuant to resolution 985(1995).

The Council declares its intention, based on the progress made by the Liberian parties in implementing the steps set out above, and after consideration of the report of the Secretary-General on developments in Liberia, to determine what further measures may be appropriate regarding the future United Nations presence in Liberia.

Meeting number. SC 3649.

**Secretary-General's letter (April).** A new round of hostilities erupted in Monrovia on 6 April and widespread looting and a complete breakdown of law and order engulfed the capital city, the Secretary-General reported on 19 April [S/1996/312]; UNOMIL, UN agencies and non-governmental organizations (NGOs) had to be relocated to neighbouring countries because of the security situation. Offices and equipment of international organizations, including computers, vehicles and communication equipment, had been looted. The Secretary-General's Special Representative and some UN personnel remained in the country to assist in bringing the crisis to a peaceful resolution and to facilitate the delivery of humanitarian assistance. The Secretary-General's Special Envoy for Liberia, James Jonah, arrived in Monrovia on 18 April.

Widespread looting continued. Thousands of people were displaced, living in desperate conditions. Hundreds of innocent civilians (including women and children) remained confined to the Barclay Training Centre, where forces of ULIMO-J, AFL and LPC were concentrated. Food and water were in short supply. Humanitarian organizations provided emergency food aid and attempted to reactivate water and sanitation services.

The international community had worked together to promote a peaceful resolution of the crisis, the Secretary-General said. UNOMIL and ECOWAS, with the Ambassadors of Guinea, Nigeria, Sierra Leone and the United States, had undertaken intensive mediation efforts to end the fighting.

The Secretary-General urged faction leaders to cooperate fully to secure a peaceful resolution to the crisis, as well as to ensure that the international agencies were allowed to operate in conditions of peace and security. The first step in that regard should be the return of seized vehicles and equipment.

The Secretary-General hoped that ECOMOG would be able to establish the confidence required for the factions to withdraw from Monrovia and for displaced people to return to their homes.

#### SECURITY COUNCIL ACTION (6 May)

Again alarmed at the situation in Liberia, the Security Council, through its President, issued a statement on 6 May [S/PRST/1996/22]:

The Security Council expresses once again its grave concern at the deteriorating situation in Liberia. The Council strongly deplores the wanton killing and atrocities committed against innocent civilians by the forces of the warring factions. The escalating violence among the factions in violation of the Abuja Agreement puts the peace process at grave risk.

The Council calls upon the parties immediately to cease fighting, to observe the ceasefire and to return Monrovia to a safe haven under the protection of the Economic Community of West African States Monitoring Group (ECOMOG). It expresses its support for the efforts of the Economic Community of West African States (ECOWAS), including the role of ECOMOG, to bring this conflict to an end.

The Council regrets that the deterioration of the situation in Liberia has forced the evacuation of significant numbers of personnel of the United Nations Observer Mission in Liberia. The Council reminds all States of their obligation to comply with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992).

The Council stresses the importance it attaches to the ECOWAS summit meeting to be held in Accra on 8 May 1996, and urges the leaders of the Liberian factions to reaffirm by concrete positive actions their commitment to the Abuja Agreement.

Meeting number. SC 3661.

**Communication (May).** The ECOWAS Committee of Nine on Liberia (Benin, Burkina Faso, Cote d'Ivoire, Gambia, Ghana, Guinea, Nigeria, Senegal, Togo) met at ministerial level in Accra, Ghana, on 7 and 8 May. Discussions centred on the breached Abuja Agreement. A statement

transmitted to the Secretary-General on 17 May [S/1996/377] said that talks focused on a mechanism to put the Liberian peace process back on track, to stop the mayhem in Monrovia and to restore that city to its safe haven status. The Committee decided on a number of conditions that could test the sincerity of the Liberian factions in bringing durable peace to their country, including: strict observance of the ceasefire; withdrawal of fighters from Monrovia with simultaneous deployment of ECOMOG throughout the city; removal of arms from Monrovia and the city's return to the status of a safe haven; return of ECOMOG arms seized during the Tubmanburg attack and return of vehicles and equipment seized; re-establishment of the authority of the Council of State of Liberia; a statement by ULIMO-J's General Johnson on his preparedness to work within the framework for peace in Liberia; safe conduct out of the Barclay Training Centre of armed elements of ULIMO-J and LPC to areas outside Monrovia and the disarming of AFL soldiers at the Centre; revitalization of plans for disarmament, demobilization and reintegration; creation of the necessary atmosphere for restoration of democracy; and ensuring preparations for free and fair elections.

With regard to the recent events in Monrovia, the ministers concluded that they revolved around General Johnson, leader of ULIMO-J, and they welcomed the invitation by Ghana and Nigeria to provide temporary residence to him in order to lessen the tension in Monrovia. They appealed to the Council of State to grant him amnesty from arrest and prosecution. They recognized that, as currently constituted, ECOMOG could not adequately discharge its political and military duties in the Liberian peace process. They welcomed efforts by the international community to support and assist.

**Report of Secretary-General (May).** On 21 May [S/1996/362], the Secretary-General submitted his seventeenth report, stating that renewed hostilities continued to jeopardize the Abuja peace process. Over the previous six weeks, faction leaders had shown wanton disrespect for the United Nations, ECOWAS and the international community, as well as disregard for the Liberian people's desire for peace. The Liberian civil war had engaged ECOWAS for over six years. West African States had spent millions of dollars, negotiated numerous peace agreements and sacrificed the lives of their young men in trying to bring peace to Liberia. On occasion, hostilities had spilt over borders, affecting the stability of Liberia's neighbours. In addition, States, having already hosted thousands of refugees, faced the prospect of thousands more seeking safety.

The Secretary-General's Special Envoy said that the restoration of peace and stability in Liberia would be a difficult process, given the deep mistrust between the factions. Monrovia had to be restored as a safe haven and the Council of State must work within the spirit envisaged under the Abuja Agreement. The factions were allied in two groups—the NPFL/ULIMO-K forces, which controlled many areas of the city, and the ULIMO-J/LPC/AFL alliance, which had retreated to the AFL Barclay Training Centre barracks in city centre.

During the peak of the fighting, UN property and equipment had been systematically looted. UNOMIL relocated 88 of its 93 military observers outside the country, with the assistance of the United States Government. With continued fighting, the security situation in Monrovia remained dangerous and unpredictable. Over the six-week reporting period, more than half of Monrovia's 1.3 million population had been displaced and many thousands had fled the country. The provision of humanitarian aid was severely constrained due to the continued insecurity.

The ECOWAS ministers had agreed on steps to resume the Abuja process, but had warned faction leaders that if those steps were not implemented, ECOWAS would reconsider its involvement in Liberia. The Secretary-General noted that the withdrawal of ECOMOG could be catastrophic, not only for Liberia but also for the subregion. Should ECOMOG be compelled to withdraw, UNOMIL would have to do the same.

The Secretary-General said that for the peace process to resume, all Council of State members, who represented various sectors of Liberian society, should have a voice in the decision-making process. Ways must be found to enable civil society to assume its rightful place in the peace process, particularly the media; in that connection, he had requested his Special Representative to encourage greater input into the political process from a broad spectrum of civilian leaders.

In the absence of functioning institutions to organize the electoral process and given the continued instability, it was unlikely that elections could be held in August 1996, as provided for under the Abuja Agreement. It was also increasingly difficult for UNOMIL to carry out its mandate to assist in implementing the Agreement, especially the disarmament and demobilization process. However, UNOMIL played an important role in supporting ECOWAS and could also seek, in consultation with ECOMOG, confidence-building measures.

The Secretary-General recommended that the Security Council extend the mandate of UNOMIL for three months, until 31 August. During that

time, UNOMIL's strength would remain roughly the same—25 civilian and military personnel. The willingness of faction leaders to engage in genuine negotiations would be an important factor in determining further involvement of the international community in Liberia, he concluded.

**SECURITY COUNCIL ACTION (31 May)**

The Security Council, on 31 May, adopted **resolution 1059(1996)**.

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1041(1996) of 29 January 1996,

Having considered the report of the Secretary-General of 21 May 1996 on the United Nations Observer Mission in Liberia (UNOMIL),

Stressing that the escalating violence is in violation of the Abuja Agreement and puts the peace process at grave risk,

Firmly convinced of the importance of Monrovia as a safe haven, and noting especially the recent broader deployment of the Economic Community of West African States Monitoring Group (ECOMOG) in the city,

Emphasizing once again that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Commending the positive role of the Economic Community of West African States (ECOWAS) in its continuing efforts to restore peace, security and stability in Liberia,

Noting the adoption of a Mechanism for Returning Liberia to the Abuja Agreement by the ECOWAS Foreign Ministers on 7 May 1996,

Expressing its appreciation to those African States which have contributed and are contributing troops to ECOMOG,

Commending those Member States which have supported the peace process and ECOMOG, including through contributions to the United Nations Trust Fund for Liberia,

Stressing also that the presence of UNOMIL in Liberia is predicated on the presence of ECOMOG and its commitment to ensure the safety of UNOMIL military observers and civilian staff,

1. Welcomes the report of the Secretary-General of 21 May 1996;

2. Decides to extend the mandate of UNOMIL until 31 August 1996;

3. Recognizes that the deterioration of the security situation on the ground warranted the Secretary-General's decision to temporarily reduce the strength of UNOMIL;

4. Notes the Secretary-General's intention to maintain UNOMIL deployments at their present level, and requests that he advise the Security Council of any significant planned increase in the number of personnel deployed depending on the evolution of the security situation on the ground;

5. Expresses its grave concern at the collapse of the ceasefire, the resumption of hostilities and the spread of fighting into the previously safe area of Monrovia and its environs;

6. Condemns all attacks against personnel of ECOMOG, UNOMIL and international organizations and agencies delivering humanitarian assistance, as well as the looting of their equipment, supplies and personal property, and calls for the immediate return of looted property;

7. Demands once more that the factions in Liberia strictly respect the status of ECOMOG and UNOMIL personnel, as well as of international organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by the relevant rules of international humanitarian law;

8. Calls upon the Liberian parties to implement fully and expeditiously all the agreements and commitments they have already entered into, in particular the Abuja Agreement, and in this regard demands that they restore an effective and comprehensive ceasefire, withdraw all fighters and arms from Monrovia, allow the deployment of ECOMOG, and restore Monrovia as a safe haven;

9. Stresses that continued support by the international community for the peace process in Liberia, including the participation of UNOMIL, is contingent on the Liberian parties' demonstrating their commitment to resolve their differences peacefully and on the fulfilment of the conditions set out in paragraph 8;

10. Stresses the importance of respect for human rights in Liberia;

11. Recalls the obligation of all States to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) of 19 November 1992 and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985(1995);

12. Encourages the members of ECOWAS, in preparation for their summit, to consider ways and means to strengthen ECOMOG and to persuade the faction leaders to resume the peace process;

13. Urges all Member States to provide financial, logistical and other assistance in support of ECOMOG to enable it to carry out its mandate;

14. Calls upon ECOMOG, in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement and with the UNOMIL concept of operations, to provide for the security of UNOMIL observers and civilian staff;

15. Expresses support for the resolve of the ECOWAS ministers not to recognize any Government in Liberia that comes to office through the use of force;

16. Urges Member States to continue to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia;

17. Requests the Secretary-General to continue to keep the Security Council closely informed of the situation in Liberia, and expresses its readiness, if the situation further deteriorates, to consider possible measures against those who do not cooperate with the resumption of the peace process;

18. Decides to remain seized of the matter.

**Security Council resolution 1059(1996)**

**31 May 1996**

**Meeting 3671**

**Adopted unanimously**

*Draft prepared in consultations among Council members (S/1996/394).*

**Communication** (August). The ECOWAS Committee of Nine on Liberia met in Abuja on 17 August at the level of heads of State and Government, under the chairmanship of Nigeria, to consider further the Liberian peace process. In a final communique submitted to the Security Council President by a 21 August letter [S/1996/679 & Corr.1], the leaders reaffirmed that the Abuja Agreement remained the most appropriate legal framework for finding a peaceful settlement to the Liberian crisis, despite the fact that little progress had been made in its application. They agreed that the Agreement should be extended for another nine months, from 21 August 1996 to 15 June 1997, and they decided on a new schedule for implementation of its terms, culminating with the holding of free, fair and democratic elections on or about 31 May 1997, with a new Government to be installed on 15 June. The timetable also provided for the dissolution of all factions by 31 January 1997. As part of the revised peace plan, the heads of State adopted measures that might be invoked against any persons obstructing the peace plan.

Regarding the current Council of State, the heads of State expressed concern about its performance and said that a change in leadership would improve its effectiveness. Consequently, they agreed to the appointment by the signatories to the Abuja Agreement of Ruth Perry as the new Chairman of the Council of State. They stressed that if in future any Council member was found wanting, that member would be replaced. On the status of Monrovia, the Heads of State expressed satisfaction at ECOMOG measures to restore relative calm, but they were concerned at recent incidents of harassment, abduction and assassination of civilian members of rival factions or other ethnic groups. They condemned the growing tendency to partition the city along factional lines, and called on ECOMOG to restore Monrovia to its original safe haven status.

Successful implementation of the extended peace plan, the communique said, would require the deployment of 18,000 troops to Liberia and adequate assistance. The heads of State commended the efforts of those ECOWAS States that had promised to contribute troops once adequate logistic support was provided, and thanked the United States, which had provided logistics and communications equipment.

Noting that the Liberian security agencies had deep affiliations with the factions, the heads of State endorsed the proposal to restructure the armed forces, the police and other security forces to reflect geographical and ethnic balance. They directed Liberian faction leaders to return the

arms and ammunition seized from ECOMOG and to release to the United Nations and other organizations the vehicles and other property looted from them. They condemned acts committed by the Liberian fighters that violated the rules of armed warfare and called on the faction leaders to guarantee the safety of relief personnel in Liberia.

**Report of Secretary-General (August).** On 22 August, the Secretary-General submitted his eighteenth report [S/1996/684], covering the period since 21 May. The Secretary-General said that, after nearly two months of hostilities in Monrovia, with the exception of the withdrawal of armed fighters, the factions had failed to take the further steps necessary to reconcile their differences. They had issued a statement on 30 July indicating their agreement to end immediately and unconditionally all hostilities throughout Liberia, to disengage their forces, to dismantle all checkpoints and to disarm by the end of September. However, faction leaders failed to meet those commitments and also failed to convene a meeting of the Council of State, which had not met since the outbreak of hostilities on 6 April.

The situation appeared to take a new direction when the heads of State and Government of ECOWAS on 17 August extended the Abuja Agreement and adopted a new programme of implementation.

UNOMIL, reduced to 10 military observers, continued to send patrols around the country, except where conditions were too insecure. Even though UNOMIL would soon be expanded by an additional 24 observers, its activities remained constrained as a result of the loss of \$ 18 million in equipment and vehicles due to the April and May looting.

Liberia had suffered tremendously since April, with thousands killed, hundreds of families displaced and the economy largely destroyed, the Secretary-General said. Yet the outcome of the ECOWAS summit offered some hope, and in Monrovia the ceasefire, re-established on 26 May, was generally holding. Further assistance was urgently required, however, so that ECOMOG could continue its peacekeeping activities and the implementation schedule be maintained. Expressing support for the efforts of ECOWAS, the Secretary-General recommended that the Security Council extend the mandate of UNOMIL for three months. During that time, should the factions demonstrate full commitment to the peace process, he would make further recommendations on any enhanced UN role that might be needed to support ECOWAS and create conditions conducive to peace, stability and national reconciliation in Liberia. In the meantime, he would

deploy an additional 24 military observers, as well as additional essential civilian personnel, to assist UNOMIL (which had an authorized strength of 160).

**SECURITY COUNCIL ACTION (August)**

On 30 August, the Security Council adopted **resolution 1071(1996)**.

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1059(1996) of 31 May 1996,

Having considered the report of the Secretary-General dated 22 August 1996 on the United Nations Observer Mission in Liberia (UNOMIL),

Noting the letter of 21 August 1996 to the President of the Security Council containing the final communique of the heads of State and Government of the Committee of Nine on Liberia of the Economic Community of West African States (ECOWAS), held at Abuja on 17 August 1996,

Welcoming the increasing restoration of Monrovia as a safe haven,

Emphasizing once again that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Recognizing the positive role of ECOWAS in its efforts to restore peace, security and stability in Liberia,

Expressing its appreciation to those African States contributing troops to the ECOWAS Monitoring Group (ECOMOG),

Commending also those Member States that have supported the peace process, UNOMIL and ECOMOG, including through contributions to the United Nations Trust Fund for Liberia,

Stressing also that the continued presence of UNOMIL in Liberia is predicated on the presence of ECOMOG and its commitment to ensure the safety of UNOMIL, and emphasizing the need for enhanced coordination between UNOMIL and ECOMOG,

1. Welcomes the report of the Secretary-General dated 22 August 1996;

2. Decides to extend the mandate of UNOMIL until 30 November 1996;

3. Welcomes the agreement of ECOWAS in Abuja on 17 August 1996, which extended the 1995 Abuja Agreement until 15 June 1997, established a timetable for implementation of the Agreement, adopted a mechanism to verify compliance by the faction leaders with the Agreement, and proposed possible measures against the factions in the event of non-compliance;

4. Calls upon the Liberian factions to implement fully and expeditiously all the agreements and commitments they have entered into;

5. Requests the Secretary-General to report to the Security Council by 15 October 1996 with proposals for assistance which UNOMIL or other United Nations agencies could provide in support of the Liberian peace process, including support for the election process, disarmament, demobilization, and verification of compliance by the factions;

6. Further decides to maintain UNOMIL deployments at an appropriate level as recommended in the report of the Secretary-General, and requests that the

Secretary-General take into account the need to ensure the security of UNOMIL personnel and advise the Council of any planned further deployments;

7. Stresses that the continued support of the international community for the peace process in Liberia, including the participation of UNOMIL, is contingent on the Liberian factions' demonstrating their commitment to resolve their differences peacefully and to achieve national reconciliation in accordance with the agreement reached in Abuja on 17 August 1996;

8. Condemns all attacks against and intimidation of personnel of ECOMOG, UNOMIL and the international organizations and agencies delivering humanitarian assistance as well as the looting of their equipment, supplies and personal property, calls upon the leaders of the factions to ensure the immediate return of looted property, and requests the Secretary-General to include in the report referred to in paragraph 5 above information on how much of the stolen property has been returned;

9. Condemns the practice of some factions of recruiting, training and deploying children for combat, and requests the Secretary-General to include in the report referred to in paragraph 5 above details on this inhumane and abhorrent practice;

10. Demands once more that the factions and their leaders strictly respect the status of the personnel of ECOMOG, UNOMIL and international organizations and agencies, including humanitarian assistance workers, and further demands that these factions facilitate the freedom of movement of UNOMIL and the delivery of humanitarian assistance and that they strictly abide by the relevant principles and rules of international humanitarian law;

11. Stresses the importance of respect for human rights in Liberia and also the human rights aspect of UNOMIL's mandate;

12. Stresses the obligation of all States to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985(1995);

13. Urges all States to provide financial, logistical and other assistance in support of ECOMOG to assist it to carry out its mandate;

14. Urges all States to contribute to the United Nations Trust Fund for Liberia;

15. Stresses the importance of close contacts and enhanced coordination between UNOMIL and ECOMOG in their operational activities at all levels and calls on ECOMOG, in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement and with the UNOMIL concept of operations, to provide security for UNOMIL;

16. Requests the Secretary-General to continue to keep the Security Council closely informed of the situation in Liberia;

17. Decides to remain seized of the matter.

Security Council resolution 1071(1996)

30 August 1996 Meeting 3694 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/701).

**Report of Secretary-General (October).** In his nineteenth report to the Security Council, issued on 17 October [S/1996/858 & Add.1], the Secretary-General stated that, despite affirmations of their readiness to cease hostilities, Liberian factions were again engaged in hostilities outside Monrovia, particularly to the south-east and west. The factions also continued to impede efforts at providing assistance to suffering people and to abuse international personnel. Nevertheless, the Secretary-General expressed hope that the assessment meeting of ECOWAS, UNOMIL, ECOMOG, LNTG and representatives of the donor community, which began on 16 October, would address those problems and that the peace process could move forward. He made recommendations on assistance UNOMIL could provide, in the fields of disarmament, demobilization and human rights, but those proposals could not be undertaken unless the factions implemented the revised timetable.

The new Chairman of the Council of State, Ruth Perry, was inducted into office on 3 September, becoming the first woman head of State in Africa. On 10 September, the Council of State met for the first time since the outbreak of hostilities in April. Factional leaders on the Council remained deeply mistrustful of one another and their factions continued to engage in hostilities in the interior of the country. That raised a concern as to the ability of the Council to carry out its functions effectively, in accordance with the Abuja Agreement.

The military situation outside Monrovia had not changed significantly during the reporting period. Checkpoints remained in place in many areas, and hostilities continued.

In preparation for disarmament, ECOMOG requested the factions to provide an indication of potential sites for the collection of arms. There were an estimated 60,000 fighters in Liberia. The factions would be responsible for delivering their fighters to five or six centres, where disarmament and demobilization could be completed within a period of about three months. To investigate reports of ceasefire violations, monitor, disarm and disengage forces, observe the arms embargo, assist in maintenance of assembly sites and implement demobilization, UNOMIL would require more personnel, but not to exceed 92 military observers, the Secretary-General reported.

The Secretary-General estimated that the expansion cost of UNOMIL for a six-month period was \$26.4 million, including \$7 million in non-recurrent costs, most of which related to replacement of lost equipment. The expansion provided for the current budgeted strength to be increased by 58 military observers, 54 international staff, 613 local staff and 28 UN Volunteers. Of the ad-

ditional civilian staff, 494 local staff and 15 UN Volunteers would be for the three-month disarmament and demobilization programme.

Although UNOMIL had been mandated to report on violations of human rights, it had not been able to do so due to the security situation. However, the United Nations Children's Fund (UNICEF) had addressed the issue of child soldiers in Liberia, reporting that all factions had recruited and deployed children for direct combat and related military tasks, often under duress and sometimes through peer pressure or manipulation. It was estimated that 15,000 to 20,000 child soldiers were under the control of the six major warring factions. The children, under the age of 17, both male and female, were compelled to witness, and sometimes commit, human rights atrocities. They were also subject to sexual abuse and drug abuse. UNICEF's programme for war-affected children was slowly being re-established, providing support for establishing community centres for vocational and literacy training, and providing shelters, transit-homes and trauma counselling for children. UNICEF was leading a special technical committee to address the issue of child soldiers in the context of the overall demobilization programme.

The humanitarian situation during the reporting period remained essentially unchanged, with a large number of persons in the interior cut off from relief assistance. The humanitarian community had been successful in negotiating access to suffering populations in previously inaccessible areas. UNICEF, the United Nations Development Programme (UNDP) and the Food and Agriculture Organization of the United Nations (FAO) had launched programmes to assist Liberia in the rehabilitation and reconstruction of its society and economy.

**Security Council letter (November).** By a letter of 8 November to the Secretary-General [S/1996/917], the President of the Security Council, on behalf of the Council members, said they remained concerned that conditions in Liberia might not be right for implementation of his October proposals, given the continued insecurity. The Council understood that the Secretary-General would not deploy additional personnel and logistic resources to implement the proposals unless the factions took concrete steps to fulfil the commitments they had entered into under the revised timetable of the Abuja Agreement.

**Report of Secretary-General (November).** In his last 1996 progress report (the twentieth), dated 19 November [S/1996/962], the Secretary-General made recommendations on the future role of the Mission.

Under the revised timetable for implementation of the Abuja Agreement, provision was made for periodic assessments by ECOWAS, UNOMIL, representatives of the donor community and LNTG. The first meeting took place in Monrovia on 16 and 17 October and their assessment was considered by the ECOWAS Committee of Nine on Liberia, which met in Monrovia on 8 and 9 November. The Committee considered that the situation in Liberia had improved markedly since the events of April and May. It noted, however, that the restoration of the peace process continued to be hindered by violations of the ceasefire and other serious incidents. Concern was also expressed about continuing divisions within the Council of State, which had not met since the attempted assassination.

The Committee noted that strict adherence to the Abuja Agreement, especially with regard to disarmament, would be necessary in order to establish conditions necessary for holding elections. It established a subcommittee, under the chairmanship of the Minister for Foreign Affairs of Nigeria and in consultation with the United Nations and LNTG, to review the question of elections and develop the modalities of the electoral process. For its part, the Council of State established a committee to seek the views of Liberian groups and factions on election issues. LNTG requested the United Nations to send a technical survey team to Liberia to make recommendations on the conduct of the electoral process and the role that the United Nations could play in it.

With regard to the military situation, the ceasefire continued to hold in Monrovia and most other parts of Liberia. On 27 October, the two ULIMO factions agreed to cease hostilities in the west, to create a buffer zone between their forces there and to establish a joint committee of their ground commanders to oversee the cessation of hostilities and the disengagement of forces.

ECOMOG strength remained at 7,500 and its priority continued to be to ensure security in Monrovia, where the majority of its troops were stationed. As at 15 November, the military strength of UNOMIL stood at 23 observers and was expected to expand to 34 in the coming weeks.

As to demobilization, the Secretary-General presented a plan that had been developed by the United Nations Humanitarian Assistance Coordination Office (HACO) and UNOMIL, in consultation with ECOMOG, LNTG and the factions. During the first stage, which would begin as combatants were disarmed, they would be registered and interviewed and would receive counselling and a medical examination. A second stage

would begin for those without means of livelihood and would involve "bridging activities", or work and training projects to ensure that they were productively engaged. Longer-term reintegration programmes, the third stage, were being planned by donors but were not likely to be operational for months. The shortage of resources for the bridging activities posed a serious threat to the peace process.

The Secretary-General recommended that the Security Council extend the UNOMIL mandate for a further four months, until 31 March 1997.

#### SECURITY COUNCIL ACTION

On 27 November, the Security Council adopted **resolution 1083(1996)**.

The Security Council,

Recalling its previous resolutions concerning the situation in Liberia, in particular resolution 1071(1996) of 30 August 1996,

Welcoming the report of the Secretary-General dated 19 November 1996,

Noting with grave concern the continued violations by the factions of the ceasefire as agreed to in the 19 August 1995 Abuja Agreement and in the timetable for implementation established on 17 August 1996 when the Abuja Agreement was extended, which threaten the prospects for peace in Liberia,

Welcoming the beginning of the disarmament process on 22 November in accordance with the amended implementation schedule of the Abuja Agreement, and urging all factions to participate as they have agreed,

Reiterating that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Noting with appreciation the active efforts of the Economic Community of the West African States (ECOWAS) to restore peace, security and stability to Liberia, and commending the African States which have contributed to the ECOWAS Monitoring Group (ECOMOG),

Expressing its appreciation to those States which have supported the United Nations Military Observer Mission in Liberia (UNOMIL) and those which have contributed to the United Nations Trust Fund for Liberia,

Emphasizing that the continued presence of UNOMIL is predicated on the presence of ECOMOG and its commitment to ensure the safety of UNOMIL,

1. Calls upon the Liberian factions to cease hostilities immediately and to implement the commitments they have entered into, especially the agreement of ECOWAS in Abuja on 17 August 1996, which established a timetable for implementation of the agreement, adopted a mechanism to verify compliance by the faction leaders with the agreement, and proposed possible measures against the factions in the event of non-compliance;

2. Urges the factions to complete on time the disarmament process, which is one of the key steps leading up to the forthcoming elections in 1997;

3. Stresses the urgent need for the international community to support the work and training projects to help ensure the social and economic rehabilitation of demobilized combatants;



4. Decides to extend the mandate of UNOMIL until 31 March 1997;

5. Decides further to maintain UNOMIL deployments at an appropriate level as recommended in paragraph 37 of the report of the Secretary-General, and requests that the Secretary-General, taking into account the need to ensure the security of UNOMIL personnel, advise the Council of any planned further deployments;

6. Condemns in the strongest possible terms the practice of recruiting, training and deploying children for combat, and demands that the warring parties immediately cease this inhumane and abhorrent activity and release all child soldiers for demobilization;

7. Condemns all attacks against and intimidation of personnel of ECOMOG, UNOMIL and the international organizations and agencies delivering humanitarian assistance, as well as the looting of their equipment, supplies and personal property, and calls upon the leaders of the factions to return stolen property;

8. Demands that the factions facilitate the freedom of movement of UNOMIL, ECOMOG and international organizations and agencies and the safe delivery of humanitarian assistance and that they strictly abide by the principles and rules of international humanitarian law;

9. Stresses the importance of respect for human rights in Liberia, and emphasizes the human rights aspect of UNOMIL's mandate;

10. Stresses also the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985(1995);

11. Reiterates strongly its appeal to all States to provide financial, logistical and other assistance in support of ECOMOG to assist it in carrying out its mission and to contribute to the United Nations Trust Fund for Liberia in order to help implement the peace process, including demobilization and reintegration;

12. Stresses the importance of close contacts and enhanced coordination between UNOMIL and ECOMOG at all levels, and calls upon ECOMOG, in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement and with the UNOMIL concept of operations, to provide security for UNOMIL;

13. Requests the Secretary-General to keep the Council informed of the situation in Liberia, especially on the progress of demobilization and disarmament, and to submit by 31 January 1997 a progress report and recommendations on possible United Nations support for the holding of free and fair elections;

14. Decides to remain seized of the matter.

Security Council resolution 1083(1996)

27 November 1996 Meeting 3717 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/984).

**Further developments (November/December).** The disarmament and demobilization process began on schedule on 22 November, but was

hindered by logistic, financial and manpower constraints. Nevertheless, in accordance with the revised schedule of the implementation of the Abuja Agreement, UNOMIL deployed military observer teams to 11 disarmament sites. ECOMOG deployed troops in the interior of Liberia in support of the disarmament process, which was proceeding slowly, with a smaller quantity and poorer quality of weapons returned than expected.

In October 1996, the Council of State submitted a formal request to the United Nations for assistance in developing a framework for holding elections in Liberia by the end of May 1997. In response, and following discussions with ECOWAS, a UN technical survey team arrived in Monrovia on 8 December 1996 and held consultations with interested parties. It focused on what steps would be needed to create a framework for free and fair elections—a fair and credible political framework; an efficient electoral operation; and adequate support from the international community.

### Composition of UNOMIL

At the beginning of 1996, the military strength of UNOMIL stood at 82 observers out of an authorized strength of 160. Following the outbreak of violence in April, most were relocated to neighbouring countries. As at 15 November, the military strength was 23 observers from eight countries, and 11 more were expected to be deployed before the end of the year.

On 23 October [S/1996/881], the Secretary-General proposed to the Security Council that Nepal and Zimbabwe be added to the list of States providing military observers to UNOMIL. The Council agreed on 28 October [S/1996/882].

On 25 November [S/1996/972], the Council welcomed the Secretary-General's proposal of 20 November [S/1996/971] that Major-General Sri-kander Shami of Pakistan succeed Major-General Mahmoud Talha of Egypt as Chief Military Observer of UNOMIL.

### Financing of UNOMIL

In two March reports to the General Assembly, the Secretary-General submitted estimates for financing UNOMIL for the periods from 1 January to 30 June 1996 [A/50/650/Add.2] and from 1 July 1996 to 30 June 1997 [A/50/650/Add.3]. The latter report contained the proposed budget for the 12-month period, amounting to \$27,615,100 gross (\$25,852,600 net).

**By decision 50/482 A** of 7 June, the General Assembly authorized the Secretary-General to utilize the resources available to UNOMIL for the period up to 30 September 1996, subject to the

Security Council extending its mandate beyond 31 May, and requested the Secretary-General to submit revised estimates for 1 July 1996 to 30 June 1997.

In September, the Secretary-General submitted a revised budget [A/50/650/Add.4]. The reduced figure of \$14,512,800 gross (\$13,630,800 net) was due to lower staffing requirements.

The General Assembly, by **decision 50/482 B** of 17 September, authorized the Secretary-General to utilize the resources available to UNOMIL for the period up to 31 October 1996, and, if necessary, to enter into an additional commitment of \$1.1 million gross (\$1 million net) for that period.

The Secretary-General, in December [A/51/756], presented the financial performance report of UNOMIL for the period from 1 July 1995 to 30 June 1996, during which expenditures amounted to \$17,004,100 gross (\$15,946,400 net), leaving an unencumbered balance of \$13,466,400 gross (\$13,443,900 net) to be applied to the next budget.

#### GENERAL ASSEMBLY ACTION

On 17 October, the General Assembly adopted **resolution 51/3 A**.

#### Financing of the United Nations Observer Mission in Liberia

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Liberia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 866(1993) of 22 September 1993, by which the Council established the United Nations Observer Mission in Liberia, and subsequent resolutions by which the Council extended the mandate of the Observer Mission, the latest of which was resolution 1071(1996) of 30 August 1996, and resolution 1020(1995) of 10 November 1995, by which the Council adjusted the mandate of the Observer Mission,

Recalling also its decision 48/478 of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was decision 50/482 B of 17 September 1996,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission in Liberia as at 30 September 1996, including the contributions outstanding in the amount of 10,511,972 United States dollars, representing 13 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 31 March 1996, notes that some 30 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the Liberian peace process are administered in a coordinated fashion with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Observer Mission in Liberia the amount of 14,016,000 dollars gross (13,186,800 dollars net) for the maintenance of the Observer Mission for the twelve-month period from 1 July 1996 to 30 June 1997, inclusive of the amount of 791,800 dollars for the support account for peacekeeping operations, equivalent to a monthly rate of 1,168,000 dollars gross (1,098,900 dollars net), subject to the decision of the Security Council to extend the mandate of the Observer Mission;

8. Decides also that the apportionment for the period from 1 July to 30 November 1996 in the amount of 5,840,000 dollars gross (5,494,500 dollars net) will be made at a later date following the review of the performance report of the Observer Mission for the period from 1 July 1995 to 30 June 1996;

9. Decides further to apportion among Member States the amount of 8,176,000 dollars gross (7,692,300 dollars net) for the period from 1 December 1996 to 30 June 1997 at the rate of 1,168,000 dollars gross (1,098,900 dollars net) per month, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 30 November 1996, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July

1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

10. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 69,100 dollars per month approved for the Observer Mission for the period from 1 December 1996 to 30 June 1997;

11. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

12. Decides to keep the item entitled "Financing of the United Nations Observer Mission in Liberia" under review during the fifty-first session.

General Assembly resolution 51/3 A

17 October 1996 Meeting 38 Adopted without vote

Approved by Fifth Committee (A/51/504) without vote, 11 October (meeting 6); draft by Chairman (A/C.5/51/L.3), based on informal consultations; agenda item 135.

Meeting numbers. GA 51st session: 5th Committee 3, 6; plenary 38.

### Sanctions Committee

The Security Council Committee established pursuant to resolution 985(1995) [YUN 1995, p. 355] to monitor sanctions against Liberia reported to the Council twice in 1996. The Council, in its resolution 788(1992), had imposed an embargo on all deliveries of weapons and military equipment to Liberia [YUN 1992, p. 192]. The Sanctions Committee presented its first report on 26 January [S/1996/72], covering activities from the Committee's inception until 31 December 1995. Having issued an appeal to all States and international organizations, as well as to governmental organizations and NGOs, for any information on violations or suspected violations of the embargo, the Committee reported that it had not received any allegations of violations. On 31 December 1996 [S/1996/1077], the Committee drew the attention of States to the fact that it relied solely on the cooperation of States and organizations to provide it with pertinent information.

### Sierra Leone

In early 1996, the civil unrest in Sierra Leone that had begun in 1991 continued. On 16 January,

a coup d'état took place. The new Government carried out the previously planned presidential elections in February and March 1996, as it had pledged. By the end of the year, the situation appeared calmer, after a Peace Agreement was signed on 30 November between the Government and the Revolutionary United Front (RUF) and the launching of a demobilization process. In response to a request of the country's new leaders, the Secretary-General decided in December to send an assessment team to Sierra Leone to determine if and how international observers could monitor the newly established peace.

The 1991 conflict resulted in the deaths of thousands of civilians and forced almost half of the population to become internally displaced or to flee to Guinea or Liberia. RUF forces had launched attacks against the Government of the All People's Congress (APC), which in 1992 was overthrown by a military coup. A National Provisional Ruling Council (NPRC) was established, with Captain Valentine Strasser as Chairman and Head of State. RUF attacks against the NPRC Government continued and, in November 1994, NPRC requested UN assistance to bring the two sides to the negotiating table. From 1991 until early 1996, NPRC and RUF, which controlled areas in the southern and eastern parts of the country, respectively, continued the hostilities.

### Coup d'etat

On 16 January 1996, a coup d'état took place in Sierra Leone. The Secretary-General, in a statement issued that day, said he was disturbed by the reports from Sierra Leone and he continued to believe that the political future of the country should be determined by free and fair elections. The United Nations remained committed to supporting the holding of such elections, he added. The Secretary-General's good offices would also remain available, through his Special Envoy for Sierra Leone, to facilitate a process of negotiation between the Government and RUF.

The National Consultative Conference, on 12 February, overwhelmingly supported the commitment by Brigadier-General Julius Maada Bio, Chairman of NPRC, to hold elections on 26 February.

The European Union (EU), in a statement forwarded by Italy on 6 February to the Secretary-General [S/1996/91], expressed concern about the 16 January coup, which, it said, ran counter to the expectations of the international community. The EU hoped that recent events would not compromise the holding of democratic elections. It would continue to monitor the situation and expected that all necessary measures would be

taken to enable the democratization process to go ahead.

#### SECURITY COUNCIL ACTION

On 15 February, the Security Council President issued a statement [S/PRST/1996/7] on behalf of the Council.

The Security Council welcomes the results of the meeting of the National Consultative Conference on 12 February 1996 that overwhelmingly supported the decision to maintain 26 February 1996 as the date of the elections. The Council also welcomes the renewed promise of the Government of Sierra Leone, through the Chairman of the National Provisional Ruling Council, to abide by the will of the people expressed through the Conference to hold the elections as scheduled. The Council notes that the Chairman of the Interim National Electoral Commission has confirmed that all the necessary technical arrangements are in place for elections to proceed.

The Council reiterates its belief that the holding of free and fair elections as scheduled is of critical importance to Sierra Leone's transition to democratic constitutional rule. Any delay in the elections or interruption in this process is likely to erode international donor support for Sierra Leone. It is also likely to greatly increase the potential for further instability and violence, with devastating consequences for the people of Sierra Leone.

The Council cautions all groups and individuals in Sierra Leone not to attempt to disrupt through violence or intimidation the electoral process which the great majority of the people of Sierra Leone support. The Council calls upon the Government to fulfil its undertaking to ensure a safe and free environment for the elections.

The Council urges all parties to end the violence in Sierra Leone. The Council welcomes the initial contacts between the Government and the Revolutionary United Front and calls upon the Revolutionary United Front to renew its ceasefire and to enter into a full dialogue for peace without any conditions.

The Council expresses its continued concern about the humanitarian situation and suffering of the people resulting from the conflict in Sierra Leone. The Council calls on Member States to continue to provide humanitarian assistance to address this problem.

The Council commends the efforts of the Secretary-General to assist the conduct of the elections, and in particular the establishment of the Joint International Observer Group. It also commends the work of the Special Envoy of the Secretary-General to support the democratic transition and to facilitate peace negotiations between the Government of Sierra Leone and the Revolutionary United Front. The Council appreciates the important role of the Organization of African Unity and others, including States neighbouring Sierra Leone, in attempting to bring peace to that country.

The Council requests the Secretary-General to continue to monitor the situation in Sierra Leone

and to keep the Council informed of all significant developments.

Meeting number. SC 3632.

#### Elections

Parliamentary and Presidential elections were held in Sierra Leone on 26 and 27 February, followed by a second round of Presidential elections on 15 March. In an 18 March statement, the Secretary-General, noting with satisfaction that the electoral process had been completed successfully, congratulated President-elect Ahmad Tejan Kabbah. The Secretary-General commended NPRC and its Chairman, Brigadier-General Bio, for their commitment to the processes of democratization and peace in Sierra Leone.

#### SECURITY COUNCIL ACTION

On 19 March, the Security Council President issued a statement [S/PRST/1996/12] on behalf of the Council.

The Security Council welcomes the Parliamentary and Presidential elections held in Sierra Leone on 26 and 27 February 1996 and the second round of Presidential elections held on 15 March. It congratulates the people of Sierra Leone on the courage and determination they have shown in proceeding with the elections despite difficulties and disruptions, and pays tribute to all those involved in the success of the elections, in particular the Interim National Electoral Commission and its Chairman. The Council stresses the importance it attaches to a peaceful transition to civilian rule. It welcomes the commitment by the Chairman of the National Provisional Ruling Council to hand over authority by 31 March 1996 and calls upon all concerned to cooperate fully with the newly elected President and Parliament.

The Council notes that the Joint International Observer Group, which monitored the first round of elections, was impressed by the "overwhelming desire on the part of the people of Sierra Leone to exercise their democratic right in casting a ballot for the parties and candidates of their choice". They have now done so, and it is incumbent on all concerned to help them to consolidate the gains that have been made. The Council is of the view that the circumstances created by the successful conclusion of the elections in Sierra Leone require redoubled efforts to end the fighting in that country. It commends the efforts of the Special Envoy of the Secretary-General and others, in particular the Government of Cote d'Ivoire, to that end. It reiterates its call to all parties to end the violence. It calls upon the Revolutionary United Front to accept the outcome of the election, maintain the ceasefire and enter into a full dialogue for peace, without any conditions.

The Council calls upon the international community to provide generous assistance to help in resolving the humanitarian problems caused by the conflict in Sierra Leone, and to assist the Government and people of that country in the task of reconstruction that now faces them.

The Council requests the Secretary-General to continue to monitor the situation in Sierra Leone and to keep the Council informed of significant developments.

Meeting number. SC 3643.

### Peace agreement

After two days of talks under the auspices of the United Nations and the Government of Cote d'Ivoire, Sierra Leone and RUF reached an agreement on 23 April to cease hostilities, with a view to creating a climate of confidence conducive to the conclusion of a peace accord. In a joint communique, signed in Yamoussoukro, Cote d'Ivoire, the two sides reaffirmed their commitment to a just and lasting peace in Sierra Leone and to a peaceful resolution of the conflict. They agreed to establish three joint working parties to deal with the following matters: a final peace accord; encampment and disarmament of combatants; and demobilization and resettlement of combatants. The joint working parties were scheduled to begin work in Abidjan, Cote d'Ivoire, on 28 April.

The Secretary-General, in a 23 April statement, expressed pleasure that the Yamoussoukro Communique had been signed. He further expressed his gratitude to Cote d'Ivoire and its President, Henri Konan Bedie, for supporting the mediation efforts of his Special Envoy, Berhanu Dinka, which had contributed to the successful conclusion of the talks.

On 30 November, the Government of Sierra Leone and RUF signed the Peace Agreement in Abidjan. The text, submitted to the Secretary-General by Sierra Leone on 11 December [S/1996/1034], dealt with the disarmament, demobilization and resettlement of combatants; restructuring of the military; monitoring the ceasefire; promotion of national reconciliation, including immunity for RUF members from judicial or official action for political acts committed prior to the signing of the Agreement; reform of the electoral process; civil and political liberties; strengthening the judiciary and the police force; and national socio-economic goals to improve the quality of life of the people.

#### SECURITY COUNCIL ACTION

On 4 December, the Security Council President made the following statement [S/PRST/1996/46] on behalf of Council members:

The Security Council warmly welcomes the Peace Agreement signed by the Government of Sierra Leone and the Revolutionary United Front in Abidjan on 30 November 1996. The Agreement brings to an end a bitter conflict which has caused appalling suffering to the people of Sierra Leone. The Council pays tribute to the courage and determination of all those who have worked tirelessly towards this end.

The Council hopes that the Agreement will provide encouragement to those working for peace in other parts of Africa.

The Council commends in particular the role played by the Government of Cote d'Ivoire, whose commitment and determination in the chairmanship of the negotiations between the parties have been crucial to this successful outcome. The Council also pays tribute to the support provided to the negotiations by the Special Envoy of the Secretary-General in close coordination with the Organization of African Unity, the Commonwealth, the Economic Community of West African States and other organizations and neighbouring countries.

The Council continues to follow developments in Sierra Leone with close interest. The Peace Agreement is an essential first step towards national reconciliation and reconstruction. The Council will continue to support the development of peace and democracy in Sierra Leone. It notes in particular the need for a successful process of demobilization and reintegration of former combatants and stands ready to assist in this process. It stresses the importance of a coordinated international effort to alleviate the humanitarian situation in the country.

The Council requests the Secretary-General to continue to monitor the situation in Sierra Leone and to keep the Council informed of further significant developments.

Meeting number. SC 3720.

### Proposed assessment mission

Referring to the Security Council statement of 4 December in which the Council expressed the intention to support the development of peace and democracy in Sierra Leone, the Secretary-General, in a 13 December letter to the Council [S/1996/1049], forwarded letters from the President of Sierra Leone and the RUF leader requesting the United Nations to provide, in accordance with the Peace Agreement, international observers to monitor the peace. The Secretary-General sought the Council's concurrence with his plan to send an assessment mission to Sierra Leone to develop recommendations on ways in which the United Nations could assist in that regard.

In a 17 December response [S/1996/1050], the President affirmed the Council's agreement with the Secretary-General's proposal and mentioned, in particular, the need for demobilizing and reintegrating former combatants.

## Somalia

Despite efforts in 1996 to address the problems of famine, civil strife and political chaos in Somalia, the United Nations remained faced with a

lack of progress in the peace process and in national reconciliation efforts, and was particularly hampered by a lack of sufficient cooperation from the Somali parties over security issues. As the Security Council viewed the situation, the people of Somalia bore the ultimate responsibility for achieving national reconciliation and restoring peace to Somalia, and the international community could only facilitate the process. Nevertheless, work continued in both the political and humanitarian areas, and the United Nations Political Office for Somalia (UNPOS) was established, with headquarters in Nairobi, Kenya, to maintain contact with political leaders and coordinate relief assistance. The Organization's involvement in Somalia had been reduced in 1995 after the withdrawal of the second United Nations Operation in Somalia (UNOSOM II) in late March of that year [YUN 1995, p.400].

During 1996, the United Nations continued to encourage Somali leaders to seek a negotiated settlement. In January, the Security Council, noting the absence of any credible progress towards national reconciliation, called on all Somali political leaders and parties to return to an inclusive process of negotiation on national reconciliation, to lead to the establishment of a broad-based national Government. However, there was little change in the political situation during the year. In December, the Council expressed grave concern at the resumption of fighting in Mogadishu and the increasing toll in human lives, and called for a ceasefire.

Despite the strife, UN efforts to restore peace and ensure the basic needs of the population continued in the form of the good offices of the Secretary-General, UNPOS facilitation of mediation efforts, cooperation with regional organizations and neighbouring States, humanitarian relief and efforts to improve human rights.

### **Political and security developments**

In a 19 January report [S/1996/42], the Secretary-General provided an update of developments in Somalia since his previous report of 28 March 1995 [YUN 1995, p.403]. He described the security situation in Somalia since the withdrawal of UNOSOM II in March 1995 [YUN 1995, p.400] as being characterized by political instability, inter-clan conflict, banditry and general lawlessness, although conditions varied greatly from region to region. International staff had been relocated from Mogadishu in March 1995 in conjunction with the withdrawal of UNOSOM II, and their permanent return had not been possible because of continued inter-clan fighting in the city and the closure of the airport and seaport.

UN agencies continued to operate in Kismayo and the Juba valley following the departure of UNOSOM II, although the security situation had deteriorated in the second half of 1995. There were incidents of international staff being threatened, beaten and held for ransom; warehouses were looted, and UN compounds in Kismayo were fired on. In south-western Somalia, international staff were relocated from Baidoa following its capture in September by forces loyal to General Mohamed Farah Aidid. UN staff were illegally detained and mistreated, and UN equipment was looted.

In other areas, relative peace existed and many of the regional and district administrations that had come into being with the assistance of UNOSOM II continued to operate. The Secretary-General reported a growing trend towards a general acceptance of the Shariah—Islamic code of religious law—court as an instrument for stamping out lawlessness in some regions; religious leaders in north Mogadishu, which was the headquarters of the Islamic Shariah Implementation Forum and where the Shariah court was said to have been effective in reducing banditry and lawlessness, had launched a campaign to establish Shariah courts throughout the country.

The Secretary-General observed that the political situation had been dominated by a debilitating stalemate for almost two years after the Somali faction leaders had failed to honour their commitments under the Nairobi declaration of 24 March 1994 [YUN 1994, p.320]. That agreement called for restoration of peace throughout Somalia and a National Reconciliation Conference to elect a President and Vice-Presidents, appoint a Prime Minister and establish local authorities and an independent judiciary. The resulting frustration over the lack of progress had been a factor contributing to the split in May 1995 between General Aidid and his former collaborators in the United Somali Congress/Somali National Alliance (USC/SNA), led by Osman Atto. Mr. Atto had declared that General Aidid was no longer leader of the SNA, an action that General Aidid claimed had been manipulated by foreigners. On 15 June 1995, a conference held by General Aidid declared him "Interim President" of Somalia for three years, and General Aidid sought recognition for his "Government" from the Organization of African Unity (OAU). The request was rejected by OAU, and no State recognized it.

The Secretary-General remarked that, while there had been no major progress towards national reconciliation, the worst scenario, an all-out civil war, had been averted. In that situation, regional administrations had emerged as a result

of initiatives by factional and community leaders. The Secretary-General hoped that further progress in establishing regional authorities, begun under UNOSOM II, would have a beneficial impact in the near future on efforts to establish a central authority. He noted that many Somali leaders had requested the United Nations, through UNPOS, to support some of their peace initiatives financially and logistically, but UNPOS had no resources for such support. In any case, past actions had raised doubts about the leaders' sincerity regarding peace.

The Secretary-General intended to maintain UNPOS in Nairobi for the time being, and to continue efforts to maintain contacts with all Somali parties concerned, while coordinating activities with interested Governments and regional organizations. The low level of food production and continued political instability made international assistance to Somalia essential. UN agencies believed that, even in the worst-case scenario, their continued operations could play an important role in preventing another major humanitarian crisis from taking place. The Secretary-General predicted that the humanitarian needs of the Somalis would be at least as great in 1996 as during the previous two years, particularly for food and essential health programmes.

#### SECURITY COUNCIL ACTION

On 24 January, the Security Council issued the following statement [S/PRST/1996/4] through its President:

The Security Council has considered the report of the Secretary-General on the situation in Somalia dated 19 January 1996 and is deeply concerned about the absence of any credible progress towards national reconciliation. It calls upon all Somali political leaders and parties to return to an inclusive process of consultation and negotiation aimed at national reconciliation leading to the establishment of a broad-based national Government.

The Council welcomes with appreciation the efforts of the Organization of African Unity, the Organization of the Islamic Conference, the League of Arab States, the European Union and neighbouring States in promoting national dialogue in the search for a solution to the Somali crisis. These efforts demonstrate the commitment of the international community not to abandon the people of Somalia. It reaffirms that the people of Somalia bear ultimate responsibility for achieving national reconciliation and restoring peace. In this respect, the Council urges the leaders of Somali factions to reject violence and place the interests of the country and people above their personal differences and political ambitions.

The Council also welcomes and supports the Secretary-General's intention to maintain the United Nations Political Office for Somalia (UNPOS). It stresses the importance of its maintain-

ing close cooperation with the regional organizations, monitoring developments in Somalia and continuing contacts with Somali factions. It looks forward to the return of UNPOS to Somalia as soon as circumstances permit.

The Council expresses deep concern at the continuing conflict. The resulting insecurity, banditry and general lawlessness increase the suffering of the civilian population. The Council condemns the harassment, beatings, abduction and killings of personnel of international humanitarian organizations, and underlines the responsibility of all parties in Somalia for ensuring the safety and security of humanitarian and other international personnel. This atmosphere of insecurity has regrettably forced the United Nations agencies to relocate international personnel, thus hindering the smooth delivery of much-needed humanitarian assistance.

The Council commends the valiant efforts of United Nations and international humanitarian agencies and their Somali personnel for the courage and determination to render assistance to the people of Somalia. The Council encourages Member States to continue to provide humanitarian assistance in order to avoid a further deterioration of the current situation.

The Council considers the uninterrupted delivery of humanitarian assistance to be a crucial factor in the overall security and stability of Somalia. In this respect, the closure of Mogadishu main seaport and other transportation facilities severely aggravates the present situation and poses a potential major impediment to future emergency deliveries. The Council calls upon the Somali parties and factions to open those facilities unconditionally.

The Council reminds all States of their obligation to implement fully the general and complete embargo imposed by paragraph 5 of resolution 733(1992) on all deliveries of weapons and military equipment to Somalia. In this respect it calls on all States to refrain from any actions which might exacerbate the situation in Somalia.

The Council requests the Secretary-General to continue to keep it informed about developments in Somalia. The Council remains seized of the matter.

Meeting number. SC 3620.

The Security Council held a debate on the situation in Somalia on 15 March 1996, just short of a year after the UN peacekeeping operation in that country had been withdrawn. Speakers made some common points, including that despite UN efforts, progress towards the goal of national reconciliation had still not been achieved; that the humanitarian situation in the country was deteriorating against a background of continued violence and lawlessness; and that it was the people and leaders of Somalia who bore the ultimate responsibility for restoring peace to the country. Many States expressed support for a small, continued UN presence in the country, favouring the move to Mogadishu of the political office established in Nairobi following the UNOSOM II withdrawal in 1995. Regional organi-

zations, as well as the United Nations, should continue efforts to improve the situation in Somalia, it was felt.

Following the debate, the Secretary-General noted that the idea of a joint UN/OAU fact-finding mission had gained support, and the OAU Secretary-General was agreeable to it. However, the two Secretaries-General concluded that conditions in Somalia were not conducive to a successful mission at that time. Other international organizations were active in supporting national reconciliation in Somalia, including the European Union (EU) and the League of Arab States (LAS).

**Further developments.** In a later report [S/1997/135], the Secretary-General said that throughout 1996 UNPOS had continued to follow political developments in Somalia. Conflicts within the sub-clans (especially Modulod, Habr Gedir, Hawadle and Murosade) of the Hawiye clan, to which Ali Mahdi Mohamed, Hussein Aidid and Osman Atto (leaders of the main factions) all belonged, constituted a major obstacle to national reconciliation and settlement of the conflict in Mogadishu. If reconciliation between the Hawiye leaders were achieved, prospects would improve for reopening the Mogadishu seaport and airport and for national reconciliation and establishment of a broad-based Government.

As requested by some Somali leaders, the Secretary-General met with them in Nairobi on 30 April. The group led by General Aidid was absent. The Secretary-General said he would continue to seek a peaceful settlement of the crisis, in cooperation with the regional efforts of OAU, the Intergovernmental Authority on Development (IGAD) and others, and he urged the Somali leaders to come up with new ideas on how to solve their problems.

UNPOS staff had met during the year with all Somali political leaders. Relations had improved between the United Nations and the group formerly led by General Aidid, and, after his death later in 1996, by his son and successor, Hussein Aidid. On 1 August, General Aidid had died from injuries sustained in fighting in Medina and his son was selected to succeed his father as "President" of Somalia.

On 10 August, against a backdrop of ongoing factional struggles, a major conflict erupted and continued until President Daniel arap Moi of Kenya succeeded in arranging a meeting in October between the principal leaders based in Mogadishu. The situation remained calm until 13 December, when a major conflict resumed in the Medina area. It was estimated that about 300 people were killed and over 1,000 wounded in the fol-

lowing week. Intermittent fighting continued afterwards.

From 9 to 16 October, President Moi of Kenya succeeded in bringing together Hussein Aidid, Osman Atto and Ali Mahdi Mohamed in Nairobi. In a joint statement released after the meeting, the leaders asked President Moi to continue his mediation efforts, declared a cessation of hostilities, agreed to allow free movement of people in Mogadishu, pledged to continue dialogue on a peace process, and called on the international community to assist Somalia. The Nairobi meeting was the first participation by the Aidid faction in a meeting with the Ali Mahdi Mohamed faction since the UN-brokered Nairobi declaration of March 1994 [YUN 1994, p. 320], in which they agreed to restore peace and hold a reconciliation conference to elect national and local authorities.

Implementation of the October statement was adversely affected by the reluctance of Hussein Aidid to settle his differences with Osman Atto, whom he reportedly held responsible for the death of his father and from whom he had sought to regain an enclave in south Mogadishu.

In late October, Ethiopia, which had a mandate from both OAU and IGAD to assist in a peace effort for Somalia, brought together 27 Somali leaders, representing 26 political factions, in Addis Ababa and later in Sodere, a nearby resort. Participating faction leaders were expected to meet again in early January 1997 to set up a National Salvation Council. Hussein Aidid, however, rejected the outcome of the Sodere meeting on the grounds that Ethiopia was not fit to broker peace among Somalis. He cited Ethiopia's incursion into Somalia and the alleged supply of arms by Ethiopia to some of the factions, charges rejected by Ethiopia.

#### SECURITY COUNCIL ACTION

On 20 December, the President of the Security Council, on behalf of the members, made the following statement [S/PRST/1996/47]:

The Security Council is gravely concerned at the resumption of fighting in Mogadishu, where the latest clashes are taking an increasingly heavy toll in human lives. It is deeply concerned, in particular, at the plight of the civilian population, whose suffering is increased even further by the fighting.

The Council calls on all Somali factions to cease immediately all hostilities and to restore an effective ceasefire.

The Council fully supports the efforts of the countries of the region as well as of international and regional organizations, in particular the Organization of African Unity and the League of Arab States, to facilitate a political settlement of the crisis in Somalia. It appeals to all Somali factions to join in such efforts and to start a process of national recon-



ciliation aimed at the establishment of a broad-based national Government.

The Council reaffirms its commitment to a lasting solution to the crisis in Somalia and encourages the Secretary-General to continue to monitor closely the situation and to report to the Council on any further development.

The Council reminds all States once again of their obligations to implement fully the general and complete embargo imposed by resolution 733(1992) on all deliveries of weapons and military equipment to Somalia.

The Council reaffirms its appreciation to all the organizations and individuals who carry out humanitarian activities in Somalia and calls upon all Somali factions to ensure the safety of all the personnel involved.

Meeting number. SC 3726.

### Sanctions against Somalia

By a 15 January 1996 letter [S/1996/17] to the Security Council President, the Chairman of the Security Council Committee established pursuant to resolution 751(1992) concerning Somalia [YUN 1992, p. 202] reported on the Committee's activities since its establishment until 31 December 1995. The Committee, consisting of all Council members, was responsible for reporting on the arms embargo against Somalia. It noted that during its existence, it had experienced difficulties in obtaining information on embargo violations. Its effectiveness in monitoring the arms embargo would continue to depend on the cooperation of all States and organizations in a position to provide pertinent information.

The Secretary-General had reported in April 1992 that the flow of arms into Somalia continued, and he requested the Security Council to consider appropriate arrangements for monitoring the embargo. The report indicated that, despite replies from States that they were strictly observing the arms embargo, both Somali factions had claimed that the other side was receiving arms from some countries in the region. On several occasions after establishing the embargo, the Security Council expressed concern about the availability of arms to Somalia and reiterated the need for observance of the embargo.

The Committee appealed in 1993 and 1994 for information on violations or suspected violations of the arms embargo. No replies were received from neighbouring States. States responding during the reporting period did not report violations of the arms embargo.

From the time of its establishment in April 1992 until 31 December 1995, the Committee had considered two cases of suspected violations of the arms embargo against Somalia.

### Humanitarian relief and rehabilitation

UN agencies continued to deliver assistance to Somalia in 1996, adapting programmes to the needs and operating environments of each region [S/1997/135]. The country essentially comprised zones experiencing collapsed and disputed political authority, sporadic conflict, an economy of plunder and population displacement; zones of recovery, where economic activity was reviving under a return to local governance; and zones in transition, where there was some level of governance, security, stability and economic activity, but which remained highly susceptible to setbacks.

There was no major humanitarian crisis in 1996 in Somalia, but daily life for the average Somali continued to be very difficult, especially in the southern half of the country. Crop failures and poverty were the main problems, combined with the difficulty of access for humanitarian agencies in southern Somalia. There were some areas in northern Somalia where gains were made in local governance, enabling UN agencies and NGOs to work with local bodies.

During the year, there were a number of cases where UN and NGO personnel were killed, wounded, threatened or subjected to kidnapping and extortion. A lack of security for relief operations remained a major impediment to the delivery of assistance. The continued absence of a settlement led to violations of humanitarian law and human rights, the indiscriminate use of force and the killing of civilians, mainly in Mogadishu.

Joint international and Somali action in the Juba valley during June 1996 helped to halt a movement of population towards the Kenyan border. UN agencies assisted the voluntary return of 920 internally displaced families and facilitated the repatriation of some 1,200 persons.

The UN strategy for rehabilitation and reconstruction in Somalia focused on the implementation of sustainable community-based activities to bolster self-sufficiency. Assistance was provided to strengthen good governance and to improve agricultural production through such projects as rehabilitating irrigation canals, improving rice production, and increasing local production of agricultural tools. Support was also provided for rehabilitation of Somalia's airports and seaports.

The response from the international community to UN appeals for assistance to Somalia was well below what was needed. In December 1996, the 1996-1997 United Nations Consolidated Inter-Agency Appeal for Somalia was launched, which requested \$46.5 million for joint UN system programmes. A further \$54 million was requested by individual UN agencies to implement

their own programmes. (See PART THREE, Chapter III.)

### UNPOS location

In an 11 April letter [S/1996/325] to the Security Council President, the Secretary-General referred to the 15 March Council meeting during which ideas were put forward on how the international community might address the situation in Somalia. Regarding the suggestion to relocate the United Nations Political Office for Somalia (UNPOS) from Nairobi to a location in Somalia, the Secretary-General remarked that Mogadishu would not currently be a practical option for two reasons: first, it would force the United Nations to choose between the north and the south of the divided city, thereby inviting refusal from one or the other main faction to deal with UNPOS; and second, the increased tension brought about by recent fighting between the forces of Osman Atto and those of General Aidid had heightened security concerns in Mogadishu. One future possibility might be for UNPOS to establish a sub-office in a city such as Bossaso in the north-east.

### UNOSOM II financing

The General Assembly, by **decision** 50/498 of 16 September 1996, decided to include in the draft agenda of its fifty-first session an item on financing the United Nations Operation in Somalia (UNOSOM II). UNOSOM II had been withdrawn from Somalia in March 1995 [YUN 1995, p. 400].

By **decision** 51/460 of 18 December, the Assembly decided to consider the question of UNOSOM II financing at its resumed fifty-first session in 1997.

## The Sudan

### Political developments

The Sudan in 1996 continued to suffer the effects of a civil war and a critical humanitarian situation.

In a 1 March statement, the Secretary-General expressed concern over bombings in February by Sudanese government aircraft of airfields in southern Sudan used by relief agencies. Those incidents, he stated, constituted serious violations of international humanitarian law, endangering the lives of civilians in need of assistance provided by Operation Lifeline Sudan (OLS) (see PART THREE, Chapter III), as well as the lives of international relief workers and flight crews. The Secretary-General was seeking assurances

from the Government that such actions would not be repeated.

On 10 April, the Government of the Sudan and two of the rebel factions, the South Sudan Independence Movement and the Sudan People's Liberation Movement, signed a peace agreement in Khartoum, which was transmitted to the Secretary-General by a letter of 11 April [A/50/932-S/1996/271]. By that agreement, the parties agreed to end the ongoing civil war and resolve the conflict through peaceful and political means. The parties agreed that after establishment of peace, stability and a reasonable level of social development in the south, and at the end of an interim period, a referendum would be conducted by the people of southern Sudan to determine their political aspirations. They agreed that Shariah and custom would be the sources of legislation, but that states could enact legislation complementary to federal law in matters peculiar to those states. Cultural diversity and freedom of religion and belief would be observed. A coordinating council would be formed between the southern states for better implementation of a subsequent peace agreement.

On 15 July, the Secretary-General expressed concern about the recent serious deterioration in the humanitarian situation in the Sudan as a result of the unilateral and unjustified obstruction by the Government of humanitarian assistance to the affected population in southern Sudan. He added, however, that the Government of the Sudan was currently permitting OLS relief flights to resume delivery of humanitarian assistance to southern Sudan during the month of July. The Secretary-General noted that continued authorization by the Government for the delivery of relief supplies in the forthcoming months was critical.

### Sudan-Ethiopia

In 1996, the Security Council sought the Sudan's assistance in extraditing to Ethiopia three suspects wanted in connection with the assassination attempt on President Hosni Mubarak of Egypt, in Addis Ababa, Ethiopia, on 26 June 1995 [YUN 1995, p. 412]. On three occasions during the year, in January, April and August, the Council called for the suspects' extradition and demanded that the Sudan desist from assisting or sheltering terrorists. In April, the Council imposed sanctions against the Sudan, calling on States to reduce the number, level and movement of Sudanese diplomatic staff in their countries. In August, it widened its sanctions, calling for restrictions on the movement of Sudanese aircraft.

The failure of the Sudan to meet those requests strained its relations with Ethiopia, and the two countries exchanged accusations through letters to the Security Council President.

#### SECURITY COUNCIL ACTION (January)

On 31 January, the Security Council adopted **resolution 1044(1996)**.

The Security Council,

Deeply disturbed by the worldwide persistence of acts of international terrorism in all its forms which endanger or take innocent lives, have a deleterious effect on international relations and jeopardize the security of States,

Recalling the statement made by the President of the Security Council on 31 January 1992 when the Council met at the level of heads of State and Government, in which the members of the Council expressed their deep concern over acts of international terrorism and emphasized the need for the international community to deal effectively with all such acts,

Recalling also the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, opened for signature at New York on 14 December 1973,

Stressing the imperative need to strengthen international cooperation between States in order to make and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Convinced that the suppression of acts of international terrorism, including those in which States are involved, is an essential element for the maintenance of international peace and security,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Taking note that the third extraordinary session of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, of 11 September 1995, considered that attack as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Taking note also of the statements of the Central Organ of the OAU Mechanism of 11 September 1995 and of 19 December 1995 and supporting the implementation of the requests contained therein,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the OAU set out in those statements,

Noting the letter from the Permanent Representative of Ethiopia of 9 January 1996 to the President of the Security Council,

Noting also the letters from the Permanent Representative of the Sudan of 11 January 1996 and 12 January 1996 to the President of the Council,

1. Condemns the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa on 26 June 1995;

2. Strongly deplores the flagrant violation of the sovereignty and integrity of Ethiopia and the attempt to

disturb the peace and security of Ethiopia and the region as a whole;

3. Commends the efforts of the Government of Ethiopia to resolve this issue through bilateral and regional arrangements;

4. Calls upon the Government of the Sudan to comply with the requests of the Organization of African Unity without further delay to:

(a) Undertake immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the assassination attempt on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan;

(b) Desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuaries to terrorist elements, and act in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the Charter of the Organization of African Unity;

5. Urges the international community to encourage the Government of the Sudan to respond fully and effectively to the OAU requests;

6. Welcomes the efforts of the Secretary-General of the OAU aimed at the implementation of the relevant provisions of the statements of the Central Organ of the OAU Mechanism of 11 September 1995 and of 19 December 1995, and supports the OAU in its continued efforts to implement its decisions;

7. Requests the Secretary-General in consultation with the OAU to seek the cooperation of the Government of the Sudan in the implementation of this resolution and to report to the Council within 60 days;

8. Decides to remain seized of the matter.

Security Council resolution 1044(1996)

31 January 1996 Meeting 3627 Adopted unanimously

6-nation draft (S/1996/69).

Sponsors: Botswana, Chile, Egypt, Guinea-Bissau, Honduras, Indonesia.

**Report of Secretary-General (March).** Having been requested by the Security Council to seek the cooperation of the Sudan in the implementation of resolution 1044(1996), the Secretary-General proposed on 6 February [S/1996/92] to send a Special Envoy to the area to conduct consultations and gather information. For that task, he had chosen Under-Secretary-General Chinmaya R. Gharekhan. The Security Council, in a letter of 8 February [S/1996/93], welcomed the decision.

During his mission, from 18 February to 2 March, the Special Envoy held consultations with the OAU Secretary-General in Addis Ababa and met with authorities in Egypt, Eritrea, Ethiopia, the Sudan, Tunisia and Uganda. The mission's findings were reported to the Security Council on 11 March [S/1996/179]. It was evident that there were basic differences between Ethiopia and the Sudan on the matter, the Secretary-General declared. Having conducted extensive investigations and having interviewed three of the criminals involved in the assassination attempt,

Ethiopia remained convinced that the Sudan was sheltering the three other suspects. The Sudan maintained that Ethiopia had not provided it with adequate information on which to base its search for the suspects, and that it was continuing to look for the suspects and, if they were found, would extradite them to Ethiopia.

Regarding the demand contained in resolution 1044(1996) that the Sudan desist from engaging in activities of assisting terrorist activities, similar differences prevailed. All the neighbouring countries visited by the Special Envoy—Egypt, Eritrea, Ethiopia and Uganda—believed that the Sudan was actively engaged in supporting terrorist elements who operated from Sudanese territory, carrying out destabilizing activities in their countries, the Secretary-General said.

The Sudan claimed that it was the victim of destabilizing activities encouraged and supported by its neighbours, citing heavy equipment, including tanks and anti-aircraft guns, observed recently in the south and which, they said, could have come only through Uganda. They also mentioned Sudanese rebels alleged operating from Eritrean territory, alleged border attacks launched by Ethiopian forces, and illegal occupation of Sudanese territory.

It was obvious that the Sudan had not complied with the Security Council's demands, the Secretary-General said. He intended to keep in contact with all parties concerned as well as with the OAU Secretary-General on all aspects of resolution 1044(1996).

The Sudan, in a 15 March letter [S/1996/201] commenting on the Secretary-General's report, declared that it had cooperated with Ethiopia by searching for the suspects, whereas Ethiopia had refused to provide the Sudan with relevant information. The Sudan also refuted claims of its involvement in terrorist or rebel movements in other countries, and invited the Secretary-General to send a Special Envoy and a military fact-finding mission to investigate such allegations. By a letter of 14 March [S/1996/197], the Sudan transmitted a report on actions taken by the Sudanese authorities in response to Security Council resolution 1044(1996).

By a 27 March letter [S/1996/226], the Sudan informed OAU that its President would attend the meeting of heads of State and Government of the members of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, scheduled to be convened in Addis Ababa on 15 and 16 April. He would address the meeting on Sudan's commitment to cooperate with the resolutions of OAU and the Security Council on the assassination attempt and on the outcome of its efforts.

By a 24 April letter [S/1996/317], Ethiopia submitted to the Security Council transcripts of interviews by its authorities with three suspects in the assassination attempt and with the wife of one of the suspects. According to Ethiopia, there were 11 persons involved in the plot, of whom 5 had been killed, 3 were in the Sudan and 3 were in the custody of Ethiopia. The interviews showed clearly, said Ethiopia, that the three terrorists whose extradition was demanded in resolution 1044(1996) resided in the Sudan and said the Sudan was deeply involved in the assassination attempt.

#### SECURITY COUNCIL ACTION (April)

On 26 April, following consideration of the Secretary-General's March report, the Security Council adopted **resolution 1054(1996)**.

The Security Council,

Reaffirming its resolution 1044(1996) of 31 January 1996,

Taking note of the report of the Secretary-General of 11 March 1996 submitted pursuant to paragraph 7 of resolution 1044(1996) and the conclusions contained therein,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Taking note that the statements of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution of 11 September 1995 and of 19 December 1995 considered the attempt on the life of President Mubarak as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the OAU set out in those statements,

Taking note of the continued effort of the OAU Secretary-General to ensure the Sudan's compliance with the requests of the Central Organ of the OAU,

Taking note also, with regret, that the Government of the Sudan has not responded adequately to the efforts of the OAU,

Deeply alarmed that the Government of the Sudan has failed to comply with the requests set out in paragraph 4 of resolution 1044(1996),

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is essential for the maintenance of international peace and security,

Determining that the non-compliance by the Government of the Sudan with the requests set out in paragraph 4 of resolution 1044(1996) constitutes a threat to international peace and security,

Determined to eliminate international terrorism and to ensure effective implementation of resolution 1044(1996) and to that end acting under Chapter VII of the Charter of the United Nations,

1. Demands that the Government of the Sudan comply without further delay with the requests set out in paragraph 4 of resolution 1044(1996) by:

(a) Taking immediate action to ensure extradition to Ethiopia for prosecution of the three suspects sheltered in the Sudan and wanted in connection with the assassination attempt of 26 June 1995 on the life of the President of the Arab Republic of Egypt in Addis Ababa;

(b) Desisting from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements; and henceforth acting in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the Charter of the OAU;

2. Decides that the provisions set out in paragraph 3 below shall come into force at 00.01 Eastern Standard Time on 10 May 1996, and shall remain in force until the Council determines that the Government of the Sudan has complied with paragraph 1 above;

3. Decides that all States shall:

(a) Significantly reduce the number and the level of the staff at Sudanese diplomatic missions and consular posts and restrict or control the movement within their territory of all such staff who remain;

(b) Take steps to restrict the entry into or transit through their territory of members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces;

4. Calls upon all international and regional organizations not to convene any conference in the Sudan;

5. Calls upon all States, including States not members of the United Nations and the United Nations specialized agencies, to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any licence or permit granted prior to the entry into force of the provisions set out in paragraph 3 above;

6. Requests States to report to the Secretary-General of the United Nations within 60 days from the adoption of this resolution on the steps they have taken to give effect to the provisions set out in paragraph 3 above;

7. Requests the Secretary-General to submit an initial report to the Council within 60 days of the date specified in paragraph 2 above on the implementation of this resolution;

8. Decides to re-examine the matter 60 days after the date specified in paragraph 2 above and to consider, on the basis of the facts established by the Secretary-General, whether the Sudan has complied with the demands in paragraph 1 above and, if not, whether to adopt further measures to ensure its compliance;

9. Decides to remain seized of the matter.

Security Council resolution 1054(1996)

26 April 1996

Meeting 3660

13-O-2

5-nation draft (S/1996/293).

Sponsors: Botswana, Chile, Egypt, Guinea-Bissau, Honduras.

Vote in Council as follows:

In favour: Botswana, Chile, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, United Kingdom, United States.

Against: None.

Abstaining: China, Russian Federation.

By a 31 May letter [S/1996/402], the Sudan stated that it was in full compliance with Security Council resolutions 1044(1996) and 1054(1996). In a 24 June letter [S/1996/464], it described its efforts to implement resolution 1054(1996), which included a search for the three suspects, measures to ensure the departure of members of certain groups of nationals of foreign countries, and actions taken to enhance its relations with neighbouring States. It had been unable to locate two suspects and had no information on the third.

In a 2 July letter [S/1996/513], the Sudan stated that the Presidents of the Sudan and Egypt had met in Cairo on 23 June during the meeting of the heads of State and Government of the League of Arab States. They had agreed to open a new era in the Sudanese-Egyptian relationship and to establish mechanisms to tackle pending issues. In addition, the Sudan, noting that a peace process in the country had begun with the signing of a Peace Charter on 30 March by two rebel factions, joined later by two others, called on Eritrea, Ethiopia and Uganda to desist from fuelling the civil war in the Sudan so that peace could prevail in the region.

In a 10 July letter [S/1996/538], Ethiopia said that the Sudan had not taken any steps to comply with resolutions 1044(1996) and 1054(1996), despite its claims to the contrary.

**Report of Secretary-General (July).** In a 10 July report [S/1996/541], the Secretary-General provided the Security Council with information he had received from States regarding implementation of the provisions set out in resolution 1054(1996) on reducing the number and level of Sudanese diplomats in Member States and limiting their movement, and on restricting entry of Sudanese officials. By 15 August [S/1996/541/Add.1-3] 60 replies were received and published as Security Council documents.

With regard to the Sudan's compliance with the demands in paragraph 1 of resolution 1054(1996), the Secretary-General said that the Council had determined that the three suspects involved in the assassination attempt were sheltered in the Sudan. It had called on the Sudan to ensure their extradition, but the Sudan claimed that its investigations in respect of two of the suspects had produced no trace of their presence and that the identity of the third was unknown.

#### SECURITY COUNCIL ACTION (August)

On 16 August, the Security Council adopted **resolution 1070(1996)**.

The Security Council,

Recalling its resolutions 1044(1996) of 31 January 1996 and 1054(1996) of 26 April 1996,

Having considered the report of the Secretary-General of 10 July 1996,

Taking note of the letters dated 31 May 1996, 24 June 1996 and 2 July 1996 from the Permanent Representative of the Sudan to the United Nations,

Taking note also of the letter dated 10 July 1996 from the Permanent Representative of Ethiopia to the United Nations,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa, Ethiopia, on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Taking note that the statements of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution of 11 September 1995 and of 19 December 1995 considered the attempt on the life of President Mubarak as aimed not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the OAU set out in those statements,

Taking note of the continued efforts of the OAU to ensure the Sudan's compliance with the requests of the Central Organ of the OAU, and regretting that the Government of the Sudan has not responded adequately to the efforts of the OAU,

Deeply alarmed that the Government of the Sudan has failed to comply with the requests set out in paragraph 4 of resolution 1044(1996) as reaffirmed in paragraph 1 of resolution 1054(1996),

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is essential for the maintenance of international peace and security,

Determining that the non-compliance by the Government of the Sudan with the requests set out in paragraph 4 of resolution 1044(1996) as reaffirmed in paragraph 1 of resolution 1054(1996) constitutes a threat to international peace and security,

Determined to eliminate international terrorism and to ensure the effective implementation of resolutions 1044(1996) and 1054(1996), and, to that end, acting under Chapter VII of the Charter of the United Nations,

1. Demands once again that the Government of the Sudan comply fully and without further delay with the requests set out in paragraph 4 of resolution 1044(1996) as reaffirmed in paragraph 1 of resolution 1054(1996);

2. Notes the steps taken by some Member States to give effect to the provisions set out in paragraph 3 of resolution 1054(1996), and requests those States that have not yet done so to report to the Secretary-General as soon as possible on the steps they have taken to that end;

3. Decides that all States shall deny aircraft permission to take off from, land in or overfly their territories if the aircraft is registered in the Sudan, or owned, leased or operated by or on behalf of Sudan Airways or by any undertaking, wherever located or organized, which is substantially owned or controlled by Sudan Airways, or owned, leased or operated by the Govern-

ment or public authorities of the Sudan, or by an undertaking, wherever located or organized, which is substantially owned or controlled by the Government or public authorities of the Sudan;

4. Further decides that it shall, 90 days after the date of adoption of the present resolution, determine the date of entry into force of the provisions set out in paragraph 3 above and all aspects of the modalities of its implementation, unless the Council decides before then, on the basis of a report presented by the Secretary-General, on the compliance of the Sudan with the demand in paragraph 1 above;

5. Requests the Secretary-General, by 15 November 1996, to submit a report on the compliance of the Sudan with the provisions of paragraph 1 above;

6. Decides to remain actively seized of the matter.

Security Council resolution 1070(1996)

16 August 1996 Meeting 3690

13-0-2

3-nation draft (S/1996/664).

Sponsors: Botswana, Egypt, Guinea-Bissau.

Vote in Council as follows:

In favour: Botswana, Chile, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, United Kingdom, United States.

Against: None.

Abstaining: China, Russian Federation.

**Report of Secretary-General (November/December).** On 14 November and 24 December [S/1996/940 & Add.1], the Secretary-General reported to the Security Council, as requested in resolution 1070(1996), on the Sudan's compliance with the provisions of that resolution and with its earlier demands in resolutions 1044(1996) and 1054(1996).

Another five States had replied to his request concerning diplomatic restrictions taken against the Sudan, bringing to 65 the number of replies received.

The Secretary-General stated that in October he had met with the Foreign Minister of the Sudan, who briefed him on the status of the Sudan's relations with four of its neighbours—Egypt, Eritrea, Ethiopia and Uganda. In late October, the Secretary-General sent his Special Envoy, Lakhdar Brahimi, to consult with the Sudanese Government and collect information on its compliance with the Security Council's demands. The Sudan told the Special Envoy it wanted more than ever to pursue its long-standing policy of fighting terrorism. It had adopted new measures to that end, such as reinstating the regulation requiring all foreigners to have entry visas, reviewing the status of all foreigners who had entered the country at a time when no entry visas were required, requesting a number of Egyptians, Palestinians and "Arab Afghans" to leave the country, and scrutinizing visa applications. Government officials also reiterated their readiness to welcome a Security Council mission to investigate any location in the country suspected of provid-

ing training for terrorists and to provide the mission freedom of movement and of contacts.

The Secretary-General stated that, while the Council demanded compliance with its requests by the Sudan, the latter maintained that it could not extradite suspects who were not in the country and that it condemned terrorism and was working to improve its relations with all its neighbours.

### **Sudan-Eritrea**

The Sudan, in a 13 May letter [S/1996/358] to the Security Council President, complained that Eritrea was sponsoring and hosting elements of the Sudanese armed resistance and the rebel movement in southern Sudan, with a view to overthrowing the Sudanese Government by force. Eritrea continued to support those outlaw elements, according to the Sudan, which had complained in 1995 [YUN 1995, p. 412] of similar action on the part of Eritrea. The international community must enjoin Eritrea to adhere to responsible conduct in its international relations and to abide by the UN Charter and resolutions. The Sudan reaffirmed that it desired good relations with all States and considered aggressive action directed against it to be incompatible with international standards.

Making a similar complaint on 4 December [S/1996/1007], the Sudan listed and gave details of aggressions reportedly perpetrated against Sudanese territory between February and October 1996 by Eritrean forces and opposition terrorist groups.

### **Sudan-Uganda**

In a 15 April letter [S/1996/288] to the Security Council President, Uganda, noting the March report [S/1996/179] of the Secretary-General, denied allegations that it was supplying arms, men, logistics, and military and political support to forces and parties supporting the insurgency in southern Sudan. Uganda's view was that the war in southern Sudan was purely an internal conflict. A Sudanese monitoring team, invited in 1990 by Uganda to observe the joint border on the Ugandan side, was asked to leave in 1995 because the team was involved in activities compromising the security of Uganda. Furthermore, Uganda maintained that the Sudan had not stopped its activities of assisting, supporting and giving shelter to rebel groups operating from bases inside the Sudan against Uganda. Uganda called on the Security Council and the international community to condemn the Sudan and to dissuade it from committing further acts of aggression against Uganda.

The Sudan on 20 May [S/1996/359] asserted that Uganda was fighting civil wars against rebel movements in north, central and eastern Uganda and continued to support rebel movement in southern Sudan. Because of that support, the borders between the two countries were no longer under the control of the Sudan. Despite having signed the Tripoli Declaration for Normalization of Relations between the two countries on 5 April 1995, Uganda had unilaterally severed diplomatic relations with the Sudan 18 days later. Subsequently, it had been agreed that a multilateral monitoring team, composed of representatives of the Sudan, Uganda and Malawi, should verify claims impeding the normalization of relations. However, Uganda had failed to show up at scheduled meetings. The Sudan concluded that Uganda continued to play the role assigned to it by external forces in destabilizing the region without consideration for regional efforts towards peace, security and development.

On 28 August [S/1996/710], Uganda said that the Sudan continued its policy of aggression and provocation. The Sudan had reneged on mediation efforts, whereas Uganda had affirmed its readiness to re-establish normal ties with the Sudan, provided that it demonstrated commitment to maintaining good relations by: disarming the rebels based in the Sudan; confining rebels to a place that could be monitored and verified; and confining or expelling rebel leaders.

The Sudan and Uganda, meeting in Khartoum on 9 September, with Iran as an observer, signed an agreement on the settlement of disputes and the normalization of relations. That agreement was forwarded to the Secretary-General [A/51/346-S/1996/740, S/1996/738]. The Sudan and Uganda agreed to: cease campaigns of negative propaganda against each other; cease to provide territory to rebel forces; refrain from supporting rebel forces; disarm and dismantle bases of rebel forces; move belligerent groups and refugees at least 100 kilometres away from common borders; facilitate the voluntary repatriation of refugees; and set up joint verification teams, to be joined by Iran, Malawi and the Libyan Arab Jamahiriya, to ensure implementation of the agreement. The Foreign Ministers of Iran, the Sudan and Uganda would meet once every six months to discuss implementation of the agreement.

### **Western Sahara**

In 1996, the United Nations continued to work towards holding a UN-sponsored referendum for the self-determination of the people of West-

ern Sahara, in accordance with the settlement plan set out by the Security Council in resolution 690(1991) [YUN 1991, p. 794]. Throughout the year, implementation of the plan was stalled, with the two parties—the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO)—disagreeing particularly over the issue of which tribal groups, known as subfractions, would be eligible to vote. Despite the stalemate, the ceasefire held throughout the year.

The Security Council acted three times on Western Sahara in 1996. In January, it expressed concern over delays in establishing the electorate. It called on the Secretary-General, in the absence of meaningful progress towards completion of the settlement plan, to consider a phased withdrawal of the United Nations Mission for the Referendum in Western Sahara (MINURSO). The Council in May agreed with the Secretary-General's recommendation that the identification process should be suspended until both parties provided evidence that they were committed to completing it. The Council also agreed with the Secretary-General's proposal to reduce the strength of the MINURSO military component by 20 per cent, and urged the two parties to demonstrate the political will necessary to resume the identification process and implementation of the settlement plan. While it again extended the mandate of MINURSO in May, the Council reminded the parties that if significant progress was not achieved by the end of November, other measures, including further reductions in MINURSO, would be considered. In November, the Council renewed MINURSO's mandate until 31 May 1997. It requested the Secretary-General to continue his efforts to break the impasse blocking the implementation of the settlement plan and to propose alternative steps should there be no progress.

### Implementation of settlement plan

**Report of Secretary-General (January).** As requested by the Security Council in 1995 [YUN 1995, p. 257], the Secretary-General reported [S/1996/43 & Corr.1] on 19 January 1996 on the situation concerning Western Sahara, particularly UN consultations with the two parties on resolving differences that were hindering the identification process. In January, the Secretary-General sent his Special Envoy, Under-Secretary-General Chinmaya R. Gharekhan, to Rabat (Morocco), Tindouf (Algeria), Nouakchott (Mauritania) and Algiers (Algeria), where he met with leaders of Governments and of POLISARIO, and visited the Smara refugee camp in Western Sahara. The

Special Envoy brought to the attention of both Morocco and POLISARIO that, if there was no progress towards a meaningful resumption of the work of the Identification Commission, the Secretary-General would inform the Council and provide it with options, including a programme for the withdrawal of MINURSO. Both sides had confirmed their commitment to hold a free and fair referendum on the future status of Western Sahara in conformity with the settlement plan. At the same time, they said that there was no room left for additional concessions, and that progress was contingent on the other party's willingness to adjust its position.

Morocco maintained its position on the identification of applicants remaining to be processed by the Identification Commission, underlining that it was the Commission's duty to process every application submitted before the expiry of the deadline established for that purpose, irrespective of the current place of residence of the applicant. Furthermore, the same procedures should be applied to all applications. Morocco also insisted that the Commission give equal weight to all forms of evidence offered by applicants in support of their claims to eligibility, be it documentary or oral testimony. POLISARIO agreed to participate in the identification of all applicants members of subfractions that were represented in the 1974 census held by Spain, being those for which a list of sheikhs or alternates had already been drawn up. The 1974 census classified the 10 tribes on an alphabetical-order basis. The first seven tribes (A-G) were subdivided into 256 subfractions, but the last three (H-J) were not subdivided. The Secretary-General said that POLISARIO would not participate in the processing of applicants from certain tribal groups that were not represented by subfraction in the 1974 census, since it believed that, under the established criteria, applications from persons other than those belonging to subfractions specifically represented in the census were not admissible. Moreover, POLISARIO was not able to present sheikhs or alternates for such groups and it would oppose any attempt to identify such applicants with the participation of a sheikh from one side only; in such an event, it would be compelled to withdraw from the entire process. POLISARIO was willing to resume the identification operation on that basis and it called for more transparency in the work of the Identification Commission.

As to the possibility of talks between the two parties, whether direct or indirect, to resolve differences, the Secretary-General reported that Morocco believed, based on past experience, that a dialogue would not serve much purpose. POLISARIO indicated its willingness to enter into talks in any format agreeable to both parties, whether



direct or indirect, under UN auspices or through a contact group, which could consist of regional and non-regional States. The Secretary-General remained ready to assist in any way possible to bring about constructive contacts between the two parties.

During meetings with the Special Envoy in Nouakchott and Algiers, leaders of the two observer countries, Mauritania and Algeria, confirmed their interest in a speedy settlement of the Western Saharan conflict as a prerequisite for the stability of the region. Both Algeria and Mauritania were concerned that retrenchment or withdrawal of MINURSO would have dangerous consequences for regional stability. It had acceded to the Special Envoy's request to establish a second identification centre in Zouerate in north-eastern Mauritania, in addition to a centre at Atar, to help expedite the identification of applicants living in Mauritania. Algeria reiterated its view that direct talks between the parties were necessary to instil confidence in the process and should address such issues as the post-referendum period.

Due to the standstill in the identification process, only 7,935 persons were identified between 1 September 1995 and mid-January 1996, bringing the total number of persons identified to 60,257, of 76,992 convoked. During the period, identification took place at centres at Laayoune in Western Sahara and El-Aaiun camp near Tindouf. With some 174,000 applicants remaining to be convoked for identification by January 1996, the Secretary-General said that, even if identification were to be resumed immediately and accelerated, the call for a referendum to be held in May 1996 was no longer realistic.

If both parties were to cooperate with the Identification Commission, it would be possible to complete the identification process within 6 to 12 months. The parties must also respect the programme of work set out by the Commission. In each instance, the appointed sheikhs, the party representatives and the Organization of African Unity (OAU) observers would have to be present at the hours stated and remain until identification was completed.

In the circumstances, the Secretary-General suggested that the Security Council might wish to consider extending the MINURSO mandate for six months, ending on 31 May 1996, which would give enough time for resumption of the identification process and an opportunity to test the political will of the parties.

The Secretary-General suggested that the Council might also consider deciding that it could not justify a further extension without imposing conditions in terms of solutions to outstanding problems, and, if solutions were not

found by specified dates, plans would be made for MINURSO's withdrawal. He too feared that closing down MINURSO could have destabilizing consequences for the region.

#### SECURITY COUNCIL ACTION

On 31 January, the Security Council adopted **resolution 1042(1996)**, extending the mandate of MINURSO.

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 19 January 1996,

Welcoming in this context the visit to the region by the Special Envoy of the Secretary-General from 2 to 9 January 1996,

Noting the views expressed by the Government of Morocco set out in the report of the Secretary-General,

Noting also the views expressed by the Polisario Front set out in the report of the Secretary-General,

Reconfirming its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating the fact that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. Reiterates its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties referred to above;

2. Welcomes the report of the Secretary-General of 19 January 1996;

3. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 May 1996;

4. Expresses deep concern about the stalemate which has been hindering the identification process and the consequent lack of progress towards completion of the settlement plan;

5. Calls upon the two parties to cooperate with the Secretary-General and MINURSO in resuming the identification process, overcoming obstacles hindering completion of that process, and implementing all other aspects of the settlement plan, in accordance with the relevant resolutions;

6. Encourages the two parties to consider additional ways to create confidence between themselves and to facilitate the implementation of the settlement plan;

7. Supports the intention of the Secretary-General, in the absence of meaningful progress towards completion of the settlement plan, to bring the situation to the immediate attention of the Council, and invites the Secretary-General in this eventuality to submit for consideration a detailed programme for a phased withdrawal of MINURSO, in accordance with the second option contained in his report of 19 January 1996;

8. Requests the Secretary-General to submit a report by 15 May 1996 on the implementation of the present resolution;

9. Decides to remain seized of the matter.

Security Council resolution 1042(1996)  
 31 January 1996 Meeting 3625 Adopted unanimously  
 Draft prepared in consultations among Council members (S/1996/60).

**Report of Secretary-General (May).** In response to the Security Council's call for the resumption of the identification process, the Secretary-General's Acting Special Representative, Erik Jensen, suggested that the parties meet to discuss that proposal. In an 8 May report [S/1996/343], the Secretary-General informed the Council that a detailed programme to complete the identification of all remaining applicants within 26 weeks had been prepared for submission to the parties. However, the positions taken by the parties made it impossible to resume the identification process. Morocco said it would accept the proposed programme, provided that all persons for whom applications were received on time would be presented for identification, without discrimination between different tribal groups. However, it agreed to resume the process by starting with members of non-contested groups on the understanding that all applicants would eventually be processed. The practical consequence of those provisos was that it would not have been possible to postpone processing of the contested groups. POLISARIO maintained its same position, i.e., that certain groupings were unacceptable for identification because they were groupings of tribes and were not composed of subfractions in the strict sense of the 1974 census.

At that stage, the Secretary-General said, even making available the lists of persons found eligible to vote was unlikely to resolve the problem of how to identify the many applicants from the groups in whose identification POLISARIO would not participate, and on whose identification Morocco insisted. The settlement plan was complex from the outset and its implementation, which had reached the current stage only through creative compromises, appeared to have come to an impasse. Nevertheless, more than 60,000 persons had been identified and over 77,000 convoked. Even though 156,924 applicants remained to be identified, the achievement had been important in respect of the procedures established, the logistical arrangements and the work completed, as well as the interaction between long-separated Saharans.

In the circumstances, he recommended that the identification process be suspended until both parties provided convincing evidence that they were committed to resuming and completing it without further obstacles.

The suspension of the identification process would mean that the remaining members of the Identification Commission would leave the mis-

sion at the end of May 1996, with the exception of a few who would close the remaining centres and arrange storage of identification data so that it could be used at a later date. It would also entail the withdrawal of the civilian police component of 44 staff, except for a small number to maintain contacts with the authorities on both sides.

There had been no significant progress on the implementation of other aspects of the settlement plan, such as the release of political prisoners, the exchange of prisoners of war, the reduction of Moroccan forces and the confinement of POLISARIO troops. As for the ceasefire, it continued to be monitored by MINURSO, which reported no violations during the reporting period (January-April). Its maintenance had been a major achievement of MINURSO. He proposed a reduction in the military component of MINURSO by 20 per cent, from 288 to 230, to be followed by cuts in the civilian staff.

In a continuing effort to overcome obstacles, the Secretary-General proposed maintaining a political office, headed by his Acting Special Representative, in Laayoune with a liaison office in Tindouf, to maintain a dialogue with the parties and countries. The Secretary-General remained conscious of the need to keep searching for solutions to the impasse, and he recommended the extension of MINURSO's mandate for another six months.

**Communications (May).** Morocco on 10 May [S/1996/345] told the Secretary-General that POLISARIO's refusal to participate in the identification process relating to certain tribal groups and persons not resident in Western Sahara was inconsistent with the settlement plan, which mandated the Identification Commission to consider applications from persons who claimed the right to participate in the referendum on the grounds that they were Western Saharans and were omitted from the 1974 census. Morocco recalled a 1991 report by the Secretary-General [YUN 1991, p. 797], which stated that the parties and the tribal chiefs recognized that the 1974 census did not include all the Saharans from the Territory, specifically those not contacted by the census teams and those who lived outside Western Sahara. POLISARIO had taken an obstructionist position because it feared it would be defeated if the process functioned properly, while Morocco remained committed to the settlement plan.

POLISARIO submitted its views on the settlement plan in a memorandum forwarded to the Security Council by Namibia and the United Republic of Tanzania on 22 May [S/1996/366], stating that the referendum envisaged in the plan had been delayed as a result of the Moroccan will to obstruct and change it, so as to legitimize Moroc-

co's illegal occupation of the Sahrawi territory. POLISARIO said that the original peace plan was changed unilaterally when its most important clause, considering the 1974 census (conducted by Spain before its withdrawal) as the unique basis for the establishment of the electoral body for the referendum, was replaced by new criteria of voters permitting Morocco to include in the electoral lists a Moroccan population that had been transferred to Western Sahara after the 1991 ceasefire. The failure of MINURSO, POLISARIO said, was due to Moroccan opposition to a free and fair referendum and a lack of firmness shown by MINURSO in the management of the peace plan. The lack of firmness, in the view of POLISARIO, had led to a situation whereby nothing could be done without the approval of the occupying Power, Morocco.

In a 23 May letter [S/1996/376] to the Security Council President, the Prime Minister of Ethiopia, as current Chairman of OAU, and the OAU Secretary-General recalled that OAU had deployed a group of official observers to follow the process of identification of voters. They expressed concern that any relaxation of UN efforts in implementing the settlement plan could further complicate the impasse. It was important, in their view, that the United Nations remain actively involved in the pursuit of a settlement and that the identification process be resumed.

#### SECURITY COUNCIL ACTION (May)

On 29 May, the Security Council adopted **resolution 1056(1996)**.

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 8 May 1996,

Noting the views expressed by the Government of Morocco as set out in the report of the Secretary-General and in the memorandum attached to the letter addressed to the Secretary-General dated 10 May 1996,

Noting also the views expressed by the Polisario Front as set out in the report of the Secretary-General and in the memorandum attached to the letter addressed to the Secretary-General dated 23 May 1996,

Noting also the letter dated 23 May 1996 from the current Chairman and the Secretary-General of the Organization of African Unity,

Reaffirming its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Stressing the importance it attaches to the maintenance of the ceasefire, as an integral part of the settlement plan,

Recognizing that, despite all the difficulties, the United Nations Mission for the Referendum in Western Sahara (MINURSO) has to date identified more than 60,000 persons,

Reiterating that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. Reiterates its commitment to the holding, as soon as possible, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties referred to above;

2. Deeply regrets the fact that the required willingness does not exist to give MINURSO the cooperation needed for it to resume and complete the identification process, and that there has therefore been no significant progress towards implementation of the settlement plan;

3. Agrees with the recommendation of the Secretary-General that the identification process be suspended until such time as both parties provide concrete and convincing evidence that they are committed to resuming and completing it without further obstacles, in accordance with the settlement plan;

4. Supports the proposal of the Secretary-General to reduce the strength of the military component of MINURSO by 20 per cent, on the understanding that this will not impair its operational effectiveness in monitoring the ceasefire;

5. Endorses the view of the Secretary-General that the decision to suspend temporarily the work of the Identification Commission and to reduce the number of civilian police and military personnel does not imply any lessening of resolve to secure the implementation of the settlement plan;

6. Supports the proposal of the Secretary-General, in the context of the settlement plan, to maintain a political office to continue the dialogue with the parties and the two neighbouring countries and to facilitate any other effort that could help set the parties on a course towards an agreed formula for the resolution of their differences, and encourages the Secretary-General to consider ways of strengthening the role of this office;

7. Urges the two parties to demonstrate without further delay the political will, cooperation and flexibility necessary to permit the resumption and early completion of the identification process and the implementation of the settlement plan, notes with satisfaction that the parties have respected the ceasefire, which is an integral part of the settlement plan, and calls upon them to continue to do so;

8. Also calls upon the parties, as a demonstration of goodwill, to cooperate with the United Nations in the implementation of certain aspects of the settlement plan, such as the release of Saharan political prisoners and the exchange of prisoners of war on humanitarian grounds, as soon as possible, to accelerate implementation of the settlement plan in its entirety;

9. Encourages the parties to consider additional ways to create confidence between themselves in order to remove obstacles to implementation of the settlement plan;

10. Decides to extend the mandate of MINURSO, on the basis proposed by the Secretary-General in his report of 8 May 1996, until 30 November 1996;

11. Reminds the parties that if significant progress is not achieved during this period, the Council will have to consider other measures, including possible further reductions in the strength of MINURSO, but stresses its

readiness to support the resumption of the identification process as soon as the parties have demonstrated the necessary political will, cooperation and flexibility, as called for in paragraph 7 above;

12. Requests the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan, and to submit a report to the Council by 31 August 1996 on the outcome of his efforts;

13. Also requests the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of this resolution by 10 November 1996;

14. Decides to remain seized of the matter.

Security Council resolution 1056(1996)

29 May 1996 Meeting 3668 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/382).

**Communications (June).** In a 3 June communique [A/51/160-S/1996/418], Spain reiterated its position of principle that the problem of Western Sahara would be definitively resolved only through the self-determination of the Saharan people by means of a free referendum with international guarantees. Spain expressed concern at the suspension of the voter identification operation and the impasse in the settlement process. It would encourage the parties to work in a spirit of compromise for a solution.

In a letter of 11 June [S/1996/434] to the Security Council President, Jerry John Rawlings, President of Ghana and Chairman of the Economic Community of West African States (ECOWAS), on behalf of ECOWAS, appealed for a revival of UN involvement in Western Sahara, specifically regarding the identification process. He added that the United Nations must encourage POLISARIO authorities and the Moroccan Government to engage in direct dialogue in an effort to break the impasse.

Morocco on 26 June [S/1996/495] told the Security Council President that President Rawlings was seeking to commit ECOWAS member States to a policy issue without their knowledge, as the Western Sahara question had not been discussed at any ECOWAS meeting or in consultations. Morocco said the concerns of President Rawlings regarding peace in the region were a poor disguise of his animosity towards Morocco.

**Report of Secretary-General (August).** On 20 August [S/1996/674], the Secretary-General reported on further discussions by his Acting Special Representative, which focused on resumption of the identification process, release of political prisoners, exchange of prisoners of war and options for other confidence-building measures.

As for the release of political prisoners, Morocco said that it was not prepared to discuss individual names on an informal list provided by POLISARIO, but it indicated its willingness to work through the United Nations Independent Jurist to investigate a formal list established by the Independent Jurist on the basis of definite elements. POLISARIO also indicated its readiness to contribute to the Independent Jurist's work.

The Secretary-General reported that the military staff of MINURSO would be reduced to the approved number of 230 by the end of October; the civilian police component had been reduced from 44 to 7. At the time of the report, the ceasefire continued to hold. The military observers did note, however, a number of technical violations on the part of POLISARIO forces throughout June, including unauthorized live-fire exercises and movements of weapons. The civilian police maintained security at the identification centres until their closure and provided technical assistance in closing centres, packing identification materials and ensuring their safe transfer to Geneva. The remaining police ensured the security of computerized information and other equipment in Western Sahara.

Given the positions of the two parties, the Secretary-General stated that it was unlikely that the identification process would be resumed any time soon. He believed that the current deadlock could be broken only when both parties recognized that identification was a scrupulous procedure based on clear principles and in the context of a broader agreement. He appealed to the two parties to demonstrate flexibility and expressed satisfaction that the ceasefire was holding.

**Report of Secretary-General (November).** On 5 November [S/1996/913], the Secretary-General again reported to the Council on the situation in Western Sahara. He said that Morocco and POLISARIO had reiterated their commitment to the settlement plan, and the neighbouring States had stressed their support for MINURSO and their belief that a solution to the Western Sahara problem was crucial to regional stability. The positions of Morocco and POLISARIO remained irreconcilable and unchanged, disagreeing as to which groups should be eligible and on procedures. As a result of the stalemate, the 132 Identification Commission staff members had left MINURSO.

Morocco released 66 POLISARIO prisoners of war on 31 October, following an initiative by Germany and the United States and with the assistance of the International Committee of the Red Cross (ICRC). A year earlier, POLISARIO had released 185 Moroccan prisoners of war with the assistance of ICRC and Argentina and the United

States. The Secretary-General welcomed the move and said it should help promote confidence.

As for political prisoners, the Independent Jurist continued to meet with both sides and compare lists of "disappeared" persons so that final lists could be presented to Morocco for investigation.

The Secretary-General reported that the efforts of his Acting Special Representative and the presence of the political office and the military observers had been important in ensuring respect for the ceasefire and reducing the danger of a return to hostilities in the absence of progress in implementing the settlement plan. To help uphold the ceasefire and to allow time for further progress, the Secretary-General recommended that the mandate of MINURSO be extended for another six months, until 31 May 1997.

#### SECURITY COUNCIL ACTION (November)

On 27 November, the Security Council adopted **resolution 1084(1996)**.

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 5 November 1996,

Reaffirming its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Welcoming the reiteration by the Kingdom of Morocco of its commitment to the settlement plan,

Welcoming also the reiteration by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro of its commitment to the settlement plan,

Stressing the importance it attaches to the maintenance of the ceasefire, as an integral part of the settlement plan,

Stressing also the importance and usefulness of the resumption of exploratory talks between the parties, without prejudice to their respective positions, in order to create an atmosphere of mutual confidence conducive to a speedy and effective implementation of the settlement plan,

Reiterating that, for progress to be achieved, the parties must have a vision of the post-referendum period,

Noting the completion by the Secretary-General of reductions in the various components of the United Nations Mission for the Referendum in Western Sahara (MINURSO),

1. Reiterates its commitment to the holding, as soon as possible, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan;

2. Supports the activities of the Acting Special Representative in continuing the dialogue with the parties and the two neighbouring countries and in facilitating, in the context of the settlement plan, other efforts to set the parties on a course towards an agreed formula for the resolution of their differences, and requests that those activities be accelerated and that the parties con-

tinue to cooperate with the Acting Special Representative;

3. Notes the beneficial effect of demonstrations of goodwill and of all contacts aimed at achieving the implementation of the settlement plan;

4. Welcomes the steps taken by the parties to demonstrate goodwill, including the release of prisoners, and the recent indications that the parties are moving forward in their efforts to resolve outstanding questions concerning the implementation of the settlement plan, and encourages them to pursue these efforts so as to build confidence between themselves and to facilitate the implementation of the settlement plan;

5. Welcomes also the ongoing activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the cooperation afforded to it by the parties, and encourages UNHCR to pursue its humanitarian work and assistance in accordance with its mandate and the settlement plan;

6. Decides to extend the mandate of MINURSO on the basis proposed by the Secretary-General in his report of 5 November 1996, until 31 May 1997;

7. Requests the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan, and to submit an interim report to the Council by 28 February 1997 on the outcome of his efforts;

8. Also requests that in his next report the Secretary-General propose alternative steps, in the framework of the settlement plan, should there be no meaningful progress towards removing the obstacles to the implementation of the plan;

9. Further requests the Secretary-General to continue to keep the staffing size and configuration of the various components of MINURSO under active review in order to ensure maximum efficiency and effectiveness, and to include in his next report ways to achieve this aim;

10. Also requests the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of the present resolution by 9 May 1997;

11. Decides to remain seized of the matter.

Security Council resolution 1084(1996)

27 November 1996 Meeting 3718 Adopted unanimously  
Draft prepared in consultations among Council members (S/1996/985).

On 25 November [S/1996/973], Morocco gave its views on a draft resolution (subsequently adopted, see above) on Western Sahara. Morocco felt that the draft concealed the true reasons for the impasse in the implementation of the settlement plan, the principal one being the refusal of the other party to participate in the identification process for certain groups of applicants. The draft appeared to take liberties with the settlement plan by introducing incompatible elements, since many paragraphs were based on the question of contacts. In Morocco's view, the Council should refrain from mentioning those contacts, which were officially described by Morocco as "contacts with a part of the Saharan

population and our lost sons with the aim of inducing them to return to the motherland", because those contacts were not part of the settlement plan. Furthermore, Morocco said, references went beyond the true scope of the contacts and gave an impression of progress which the Council wished to transmit as a justification for extension of the MINURSO mandate.

**Consideration by Special Committee on decolonization.** The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) considered the question of Western Sahara on 24 July [A/51/23]. It had before it a working paper [A/AC.109/2059] of the Secretariat, describing the good offices of the Secretary-General in his efforts to persuade the two parties to resume implementation of the settlement plan, as well as political and other developments.

The Special Committee acceded to Algeria's request to participate in its consideration of Western Sahara. It also granted requests for hearings to representatives of POLISARIO and Liberal International, who addressed the Committee.

**Report of Secretary-General (September).** As requested by the General Assembly in 1995 [YUN 1995,p.257], the Secretary-General reported on the question of Western Sahara. The report [A/51/428], covering the period from 5 October 1995 to 30 September 1996, described his efforts, in close cooperation with the Chairman of OAU, to exercise his good offices with the parties concerned. It also described the developments leading up to and reasons for the continuing impasse in the peace process.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/143**.

#### Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 50/36 of 6 December 1995,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the then Chairman

of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 658(1990) of 27 June 1990 and 690(1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council resolutions relating to the question of Western Sahara, in particular resolutions 621(1988) of 20 September 1988, 725(1991) of 31 December 1991, 809(1993) of 2 March 1993, 907(1994) of 29 March 1994, 973(1995) of 13 January 1995, 995(1995) of 26 May 1995, 1002(1995) of 30 June 1995, 1017(1995) of 22 September 1995, 1033(1995) of 19 December 1995 and 1042(1996) of 31 January 1996, as well as all General Assembly resolutions relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the ceasefire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Taking note of Security Council resolution 1056(1996) of 29 May 1996, by which the Council decided to suspend the identification process and to reduce the military component of the United Nations Mission for the Referendum in Western Sahara owing to the absence of progress in the implementation of the settlement plan,

Seriously concerned about the risks that this impasse has on the implementation process of the settlement plan for the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara and on the peace and stability of the region,

Stressing the importance and usefulness of the resumption of direct talks between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro in order to create an atmosphere of mutual confidence necessary for overcoming the obstacles to the implementation of the settlement plan,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having also examined the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;
2. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658(1990) and 690(1991), by which the Council approved the settlement plan for Western Sahara;
3. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations in cooperation with the Organization of African Unity and without

any military or administrative constraints, in conformity with the settlement plan;

4. Expresses its serious concern about the persistence of obstacles to the implementation of the settlement plan;

5. Takes note of Security Council resolution 1056(1996), by which the Council decided to suspend the identification process and to reduce the military component of the United Nations Mission for the Referendum in Western Sahara owing to the absence of progress in the implementation of the settlement plan;

6. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan, and in this regard fully subscribes to the commitment of the Security Council and the Secretary-General concerning the fulfilment of their respective mandates, consisting of the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara;

7. Declares its conviction of the importance and usefulness of direct contacts between the two parties with a view to overcoming their differences and creating propitious conditions for a speedy and effective implementation of the settlement plan, and encourages in this regard the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to start direct talks as soon as possible;

8. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the General Assembly at its fifty-second session;

9. Invites the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution.

General Assembly resolution 51/143

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/588) without vote, 28 October (meeting 8); 57-nation draft (A/C.4/51/L.4), orally revised; agenda item 19.

Meeting numbers. GA 51st session: 4th Committee 2-5, 8; plenary 83.

## UN Mission for the Referendum in Western Sahara

As at 10 January 1996 [S/1996/43 & Corr.1], the military component of MINURSO totalled 288 and the civilian police totalled 91. Pending fulfilment of the conditions necessary for commencement of the transitional period, the military mandate of MINURSO remained restricted to monitoring and verifying the ceasefire, which had gone into effect on 6 September 1991 [YUN 1991, p. 796]. By 1 November 1996 [S/1996/913], the military component had been reduced to 230, and the civilian police to 9, as requested by the Security Council in **resolution** 1056(1996).

In spite of the reduction, it had been possible to keep the number of ground patrols at the previous level and to maintain operational activities through an increase in helicopter reconnaissance flights. MINURSO reported that the ceasefire continued to hold, although there had been some

technical violations, as well as an intensification of military activity on both sides, apparently aimed at ensuring combat readiness at the end of the current mandate. Civilian police continued to ensure the security of equipment and computerized information in Laayoune and Tindouf and provided escort and other assistance to MINURSO. By the beginning of November, civilian staff had been reduced from 410 to 170.

The Secretary-General stated that reductions in staff and administrative support had brought down the costs of MINURSO by approximately 40 per cent, from an original figure of \$48,456,000 per annum to a revised appropriation of \$30,132,000.

The tour of duty of Brigadier-General Andre Van Baelen (Belgium) as Force Commander of MINURSO ended on 31 March. Major-General Jose Leandro (Portugal) succeeded him on 1 April. Major-General Jorge Barroso De Moura (Portugal) replaced Major-General Leandro on 1 December.

## Financing of MINURSO

In an April report [A/50/655/Add.1] on the financing of MINURSO, the Secretary-General proposed a budget for the period from 1 July 1996 to 30 June 1997 amounting to \$52,335,000 gross (\$48,456,000 net), a 22 per cent decrease in gross terms in comparison with the preceding 12-month period. The proposed budget provided for the maintenance of MINURSO at its authorized strength of 240 military observers, 160 civilian police observers and 48 military support personnel, plus a civilian component of 410 personnel (320 international and 90 local) and 12 observers from OAU.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ) in April [A/50/939] recommended that the General Assembly approve the Secretary-General's proposal for the financing of MINURSO.

The Assembly adopted **decision** 50/446 B on 7 June, authorizing the Secretary-General to enter into commitments for the maintenance of MINURSO from 1 July to 30 September 1996.

On 17 September, the Assembly, by **decision** 50/446 C, authorized the Secretary-General to enter into commitments in an amount not to exceed \$2.6 million gross (\$2.5 million net) for the maintenance of MINURSO from 1 to 31 October.

Having reviewed the Secretary-General's June report and met with his representatives, ACABQ, in an October report [A/51/440], concurred with his recommendations for financing MINURSO.

## GENERAL ASSEMBLY ACTION

On 17 October, the General Assembly adopted **resolution 51/2 A**.

**Financing of the United Nations Mission for the Referendum in Western Sahara**

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 690(1991) of 29 April 1991, by which the Council established the United Nations Mission for the Referendum in Western Sahara, and its subsequent resolutions, the latest of which was resolution 1056(1996) of 29 May 1996, by which the Council extended the mandate of the Mission until 30 November 1996,

Recalling its resolution 45/266 of 17 May 1991 on the financing of the Mission, and its subsequent resolutions and decisions thereon, the latest of which was decision 50/446 C of 17 September 1996,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Mission for the Referendum in Western Sahara as at 30 September 1996, including the contributions outstanding in the amount of 49,014,872 United States dollars, representing 20 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 September 1996, notes that some 18 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, particularly as regards the reimbursement of troop-contributing countries, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission promptly and in full;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Mission for the Referendum in Western Sahara the amount of 27,962,500 dollars gross (25,480,500 dollars net), already authorized and assessed under the terms of General Assembly resolution 49/247 of 20 July 1995, for the operation of the Mission for the period from 1 February to 30 June 1996;

8. Decides also to appropriate the amount of 13,292,500 dollars gross (12,555,000 dollars net) for the operation of the Mission for the period from 1 July to 30 November 1996, inclusive of the amount of 526,835 dollars for the support account for peacekeeping operations, and taking into account the amount of 7,816,100 dollars gross (6,846,350 dollars net) already authorized and assessed for the period from 1 July to 30 September 1996 by the Assembly in its decision 50/446 B of 7 June 1996, and the amount of 2.6 million dollars gross (2.5 million dollars net) already authorized for the period from 1 to 31 October 1996 by the Assembly in its decision 50/446 C;

9. Decides further, as an ad hoc arrangement, and taking into account the amount of 7,816,100 dollars gross (6,846,350 dollars net) already apportioned under the terms of decision 50/446 B, to apportion the additional amount of 5,476,400 dollars gross (5,708,650 dollars net) for the period from 1 July to 30 November 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

10. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, the apportionment among Member States, as provided for in paragraph 9 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 232,250 dollars for the period from 1 July to 30 November 1996;

11. Decides also to appropriate the amount of 18,609,500 dollars gross (17,577,000 dollars net) for the maintenance of the Mission for the period from 1 December 1996 to 30 June 1997, inclusive of the amount of 737,565 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate not to exceed 2,658,500 dollars gross



(2,511,000 dollars net), in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Mission beyond 30 November 1996;

12. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,032,500 dollars approved for the period from 1 December 1996 to 30 June 1997;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedures established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

14. Decides to keep the agenda item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara" under review during its fifty-first session.

General Assembly resolution 51/2 A  
17 October 1996 Meeting 38 Adopted without vote

Approved by Fifth Committee (A/51/502) without vote, 11 October (meeting 6); draft by Chairman (A/C.5/51/L.4), based on informal consultations; agenda item 126.

Meeting numbers. GA 51st session: 5th Committee 3, 6; plenary 38.

## Other questions

### Libyan Arab Jamahiriya

In 1996, the Security Council upheld sanctions imposed on the Libyan Arab Jamahiriya under resolution 748(1992) [YUN 1992, p. 55] and strengthened under resolution 883(1993) [YUN 1993, p. 101], despite efforts by the League of Arab States (LAS) and the Organization of African Unity (OAU) to have them lifted. The Security Council measures were intended to obtain the surrender for trial in the United Kingdom or the United States of two Libyan nationals suspected of involvement in the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland, and Libya's cooperation with French authorities investigating the 1989 crash of Union de transport aériens (UTA) flight 772 in the Niger.

The sanctions covered air links with, provision of military supplies to, restriction on diplomatic and consular personnel of, and restrictions on suspected terrorist nationals of Libya. Funds held in other States by the Libyan Government or Libyan enterprises were frozen in 1993.

Libya, in a number of letters to the Security Council, said that the sanctions were unfair and that the reasons for their imposition were not valid.

**Communications.** Libya, on 31 January [S/1996/73], transmitted a 27 January letter from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya to the Security Council President, stating that the United States was repeating false claims that Libya posed a threat to its national security and foreign policies, and that Libya's failure to comply with Security Council resolutions 731(1992) [YUN 1992, p. 53] and 748(1992) constituted a threat to international peace and security. Denying those claims, Libya requested the Security Council to form a committee to study the truth of the claims; to ascertain that there were no camps on Libyan territory used for training terrorists, as the United States had alleged; and to conduct an independent inquiry to arrive at the truth concerning the bombing of Pan Am flight 103 over Lockerbie. Libya demanded the suspension of the sanctions imposed by Council resolutions 748(1992) and 883(1993), until the results of the investigation were published.

France, the United Kingdom and the United States transmitted to the Secretary-General a 21 March declaration [A/51/84-S/1996/211] expressing their regret at Libya's non-compliance with Council resolutions, and stating they would review implementation of the sanctions with a view to strengthening their impact through full and rigorous application. The results of their investigation would be reported to the Council's Sanctions Committee. The three States requested that, in accordance with the resolutions, those accused of the bombing of Pan Am flight 103 be tried in Scotland or the United States and that satisfactory answers be given to French requests on the bombing of UTA flight 772.

On 2 April [S/1996/236], Libya rejected the declaration of the three States and said that the majority of Security Council members had supported the LAS proposal that the two suspects be tried at the International Court of Justice (ICJ) before Scottish judges and in accordance with Scottish law. It said that the three States had been unable to find any reasonable grounds to support their accusations of terrorism against Libya. Libya called on the Security Council to find a solution to the dispute that would take into account both the interests of the victims' families and those of the Libyan people.

On 19 March [S/1996/209], Libya forwarded to the Secretary-General the text of a resolution adopted by the Council of Ministers of OAU on the dispute between Libya and the United States, the United Kingdom and France. Deploing the sanctions against Libya despite its efforts to meet the conditions set for lifting them, the Ministers requested the Secretary-General to contact his

counterpart in LAS with a view to organizing a joint meeting of the OAU Ministerial Committee of Five on Libya and the Arab League Committee of Seven on Libya so that they could work towards adopting a common strategy leading to a peaceful and quick resolution of the crisis.

The United Arab Emirates on 6 April [A/50/911-S/1996/239] transmitted the text of a resolution adopted by the Council of LAS on 21 March on coercive measures and threats by the United States, the United Kingdom and France against Libya. Expressing support for Libya's efforts to arrive at a peaceful solution of the crisis, the Council decided to continue to adhere to its 1994 proposal [YUN 1994, p. 129] that the two suspects in the Lockerbie crash be given a fair trial by Scottish judges, in conformity with Scottish law, at the seat of ICJ in The Hague, Netherlands. It also urged that sanctions against Libya be lifted, and supported Libya's right to obtain compensation for the losses and human damage it had sustained as a result of the Security Council action.

A joint meeting of the LAS Ministerial Committee of Seven and the OAU Ministerial Committee of Five, held on 11 April, issued a statement on the crisis between Libya and certain Western States, the text of which was forwarded to the Secretary-General on 17 April [A/50/938-S/1996/302] by the United Arab Emirates and on 21 May [S/1996/369] by LAS. The members of the Committees affirmed that the dangers resulting from the insistence of the Western countries concerned on the continued imposition of sanctions could pose threats to regional and international peace and security. They urged the Security Council to use their proposal for a legal settlement at ICJ headquarters as a basis for resolving the crisis with a view to lifting the sanctions.

Libya, on 24 June [S/1996/466], transmitted to the Security Council President a paragraph of the final communique adopted by the Arab Summit in Cairo, Egypt, on 23 June. With regard to the sanctions against Libya, the leaders at the Summit considered that the lack of response to the endeavours of Libya, LAS, OAU, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference had delayed a solution to the crisis and increased the suffering of the Libyan people. They considered the LAS proposal for a trial to be held at ICJ as a practical and appropriate solution and called on the three Western countries concerned to be receptive to it.

Support for the LAS proposal for a trial at ICJ and for the lifting of sanctions was expressed by the OAU Council of Ministers in a resolution of 5 July, which was forwarded to the Security Council President by Libya on 18 July [S/1996/569].

In a 17 September resolution, the LAS Council reiterated its support for the trial proposal and for the right of Libya to seek compensation for the losses sustained as a result of sanctions. The resolution was forwarded to the Security Council President by Libya on 23 September [S/1996/785].

#### SECURITY COUNCIL ACTION

At a meeting on 18 April, the President of the Security Council made the following statement [S/PRST/1996/18] on behalf of the members:

On 16 April 1996, a Libyan-registered aircraft flew from Tripoli, Libya, to Jeddah, Saudi Arabia. The Security Council considers this clear violation of Council resolution 748(1992) of 31 March 1992 as totally unacceptable and calls on Libya to refrain from any further such violations. It recalls that arrangements have been made consistent with resolution 748(1992) in order to fly Libyan pilgrims to perform the Hajj. The Council will review the matter should further violations occur.

The Council has requested the Committee established pursuant to resolution 748(1992) to draw to the attention of Member States their obligations under resolution 748(1992) in the event that Libyan-registered aircraft land in their territory.

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#### Further communications (May-September).

Libya, in a 7 May letter [S/1996/342] to the Security Council President, said that for more than a month United States officials, including Secretary of Defense William Perry, had indicated that their Government was preparing for military action against Libya on the pretext of preventing it from producing chemical weapons at a plant under construction near the town of Tarhunah. Libya denied that allegation. Recalling that the United States had used brutal aggression against it in 1986, Libya wished to alert the international community to the hostile intentions of the United States towards the Libyan people and to the threat posed by them to peace and security in the Arab world and the Mediterranean region.

In a letter of 22 July [S/1996/588] to the Security Council President, the Leader of the Great Revolution of 1 September of Libya, Colonel Muammar Qaddafi, stated that he had avoided air travel since the embargo against his country was imposed, and affirmed the right of heads of State to travel to and from Libya by air using their own aircraft. He stated that members of the Movement of Non-Aligned Countries, OAU and LAS were threatening to abandon their compliance with the Security Council resolutions against Libya, having become convinced of the justice of Libya's cause. In a further communication of 15 August [S/1996/670], Colonel Qaddafi said that there had been a negative statement by the President of the Security Council on 31 July in re-

sponse to his affirmation of Libya's right to use air transport in travelling to other countries in fulfilment of Libya's international obligations and of the right of other leaders to use their own aircraft while visiting Libya.

In a letter of 30 July [S/1996/609], Libya referred to a speech by United States President William Clinton, in which he had urged the international community to impose sanctions on Libya and other countries, claiming that they sponsored terrorism. Rejecting those accusations as unsubstantiated, Libya noted that it had requested the UN Secretary-General to send a mission to verify that there were no activities in Libyan territory linked with terrorism; however, the United States had obstructed the dispatch of such a mission.

On 4 September [S/1996/717], Libya transmitted to the Secretary-General its sixth report on damage caused by the implementation of Security Council resolutions 748(1992) and 883(1993), covering the period from 15 April 1992 to 31 December 1995. It claimed that its financial losses totalled more than \$18 billion.

### Sanctions Committee

The Committee on Sanctions against Libya, established pursuant to Security Council resolution 748(1992), issued a report [S/1996/1079] on 31 December covering its activities since the beginning of 1996. During the year, the Committee held eight meetings and reviewed more than 100 communications relating to the implementation of the sanctions, as well as a comparable number of replies.

The Committee approved 63 emergency medical evacuation flights in 1996, compared to 42 in 1995. At a meeting in July, it approved further procedures concerning the authorization and monitoring of medical evacuation flights from Libya and the related issue of maintenance and supply of spare parts for the four pre-designated air ambulances.

On 8 March, the Committee approved a request from Egypt for 45 flights on Egypt Air from Cairo to Tripoli and Benghazi and on to Jeddah, as well as return flights, for transporting Libyan pilgrims to perform the Hajj. As it had done the previous year, the Committee approved the Egyptian request with certain conditions, including inspection of the aircraft to ensure that they were operating exclusively for declared humanitarian purposes. On 18 April, the Security Council issued a statement (see above) in which it said that the 16 April flight of a Libyan-registered aircraft from Tripoli to Jeddah was a violation of resolution 748(1992).

At a meeting on 5 July, the Committee reviewed two notes verbales dated 27 June and 28

June from Egypt and Libya, respectively; it considered the fact that a Libyan-registered aircraft had flown from Tripoli to Cairo on 22 June (transporting the Libyan head of State to the Arab Summit) and back to Tripoli on 23 June. The Committee, having decided that the flights were serious violations of resolution 748(1992), demanded that Libya refrain from any further such actions and added that if a further violation occurred, it would consider recommendations to the Council on ways to increase the effectiveness of the sanctions.

The Security Council on several occasions considered in informal consultations a 22 July letter [S/1996/588] from Libya regarding air travel by the head of State (see above). The Council members concurred with the President's proposal to make a statement to the press recalling the terms of resolution 748(1992), and to indicate that the Chairman of the Sanctions Committee had stated that if a future violation occurred, the Committee would consider strengthening the effectiveness of the sanctions. The Council members urged the Libyan authorities not to pursue its intentions as stated in the letter.

During the year, the Council undertook three reviews (21 March, 19 July and 15 November) to determine Libya's compliance with the provisions of resolution 748(1992) calling for information on the two aeroplane crashes and a halt to terrorist activity. On those three occasions, the members found that conditions did not exist for modifying the sanctions.

France, the United Kingdom and the United States, in a letter of 19 July [S/1996/606] to the Chairman of the Sanctions Committee, reviewed the effectiveness of the sanctions. Inquiries by the three Governments had revealed that in certain cities, the number of diplomats stationed at Libyan diplomatic missions had increased since 1993, in violation of the sanctions. In certain cities, including Amman, Jordan, and Cairo, offices of the Libyan Arab Airlines remained open. It was also noted that a number of Governments had not complied with provisions of resolution 748(1992) requiring them to inform the Secretary-General of measures taken to uphold the resolution's terms.

### 1986 attack against Libya

The General Assembly on 16 December 1996 adopted **decision 51/432**, by which it deferred consideration of the agenda item "Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" and

included it in the provisional agenda of its next (fifty-second) session.

The 15 April 1986 incident was the subject of a 12 April 1996 letter [S/1996/279] from Libya, which said that the United States bombing of Libya and its attempt to assassinate the Libyan head of State should be condemned by the Security Council. Libya continued to wait for the Council to follow up with regard to Libya's right to compensation, in line with General Assembly resolution 41/38 of 20 November 1986 [YUN 1986, p. 257].

### Mozambique

The United Nations Operation in Mozambique (ONUMOZ) was formally ended on 31 January 1995 [YUN 1995, p. 367] after more than two years in operation, signalling the successful implementation of the 1992 Rome General Peace Agreement [YUN 1992, p. 193] between Mozambique and the Resistência Nacional Moçambicana (RENAMO).

On 16 September 1996, the General Assembly, by **decision 50/499**, decided to include in the draft agenda of its fifty-first (1996) session an item on financing of the liquidation of ONUMOZ.

In **decision 51/462** of 18 December, the Assembly decided that that agenda item would remain for consideration during the resumed fifty-first session in 1997.

### Mayotte

Although the question of the Comorian island of Mayotte remained on the agenda of the General Assembly in 1996, the Assembly took no action on it. Mayotte—one of four islands of the Comoro Archipelago in the Indian Ocean—had been on the Assembly's agenda since 1975, when the Islamic Federal Republic of the Comoros acceded to independence from France. France, however, continued to administer Mayotte.

By **decision 50/493** of 16 September 1996, the Assembly decided to include in the draft agenda of its fifty-first (1996) session an item on the question of the Comorian island of Mayotte. On 16 December, by **decision 51/436**, it deferred consideration of that item and included it in the provisional agenda of its fifty-second (1997) session.

### Cameroon-Nigeria

In February 1996, Cameroonian and Nigerian troops were involved in a border clash in the disputed Bakassi Peninsula, which resulted in several casualties. The issue of the land and maritime boundary between Cameroon and Nigeria

in that area had been brought before ICJ by Cameroon in 1994 [YUN 1994, p. 1281], and the Court remained seized of the case in 1996 (see PART FOUR, Chapter I). The Secretary-General called on the parties to the dispute to show restraint and to withdraw their troops from the border areas so that the necessary conditions for the peaceful settlement of their dispute could be created. He sent a fact-finding mission to the region, and the two countries expressed readiness to find ways to reduce tension in the disputed area and to improve relations between them while the dispute was under ICJ consideration. In a series of letters to the Security Council, each State claimed that the other had mounted attacks against its troops.

**Communications.** On 22 February [S/1996/125], Cameroon said that since 3 February Nigerian troops had been advancing further into Cameroonian territory and launching artillery attacks on Cameroonian positions, causing loss of life and considerable material damage. It requested the Security Council to urge Nigeria to withdraw to positions occupied prior to its 21 December 1993 military aggression, and to ask the Secretary-General to report on the situation and latest incidents in the Bakassi Peninsula. In a protest note to Nigeria of 28 January, Cameroon reaffirmed its willingness to work for the maintenance of peace in the Bakassi Peninsula while awaiting the ICJ judgement. Cameroon also informed Nigeria of its decision to prohibit all fishing activity in the area of military hostilities because of risks to the civilian population.

Nigeria, on 26 February [S/1996/140], called the Cameroonian allegations unfounded. It pointed out that the Bakassi Peninsula had historically been Nigerian territory and that over 95 per cent of the inhabitants of the Peninsula were Nigerians. It stated that the Cameroonians had instigated attacks on the Nigerian population in the Bakassi, the latest of which occurred on 3 February. Expressing its belief that the best option for resolving the dispute was through negotiation, Nigeria mentioned that the Foreign Ministers of the two countries had met on 16 February in Kara, Togo, and had signed a communique agreeing to stop hostilities. It said that the Cameroonian aggression seemed to be aimed at forcing a decision on the Peninsula question in its favour regardless of the ongoing ICJ process.

The President of the Security Council, at the request of the Council members, addressed identical letters [S/1996/150] to Cameroon and Nigeria on 29 February, stating that the resumption of fighting on the Bakassi Peninsula threatened regional peace and stability and that the Council members regretted the loss of life and destruction suffered by civilians there. The President

warned that neither side should take any unilateral action, particularly the use of force, to complicate the dispute settlement process. Council members welcomed the Secretary-General's proposal to send a fact-finding mission to the Peninsula and urged the two Governments to cooperate fully with that mission.

Cameroon, on 7 March [S/1996/184], welcomed the dispatch of a mission of inquiry to the Bakassi. On 12 April [S/1996/287], it welcomed the protective measures that ICJ had recently decreed in connection with the dispute, adding that the return of forces to positions held prior to the submission of the case to ICJ was the only way to ensure peace in the region. Cameroon hoped that the Secretary-General's mission would investigate the military positions of the two sides since ICJ had become seized of the matter; construction by Nigeria on the Peninsula; and the number of oil deposits, their ownership and the extent of their exploitation.

On 30 April [S/1996/330], Cameroon said that Nigerian troops had attacked Cameroonian positions from 21 to 24 April, taking new territory inside Cameroon's international border. Cameroon urged the Secretary-General to expedite the fact-finding mission to the Bakassi Peninsula. As a result of the fighting, more than 700 people had been displaced and more than 120 soldiers were being held by Nigeria.

The Secretary-General, on 24 May [S/1996/390], informed the Council President that the two countries had agreed to receive the mission. He had dispatched his Special Envoy, Lakhdar Brahimi, to meet with the two heads of State. President Paul Biya of Cameroon had said that his country would abide by any ICJ decision and would welcome a fact-finding mission. He also suggested that UN military observers be stationed in the area to help prevent confrontations. The head of State of Nigeria, General Sani Abacha, while indicating his preference for a bilateral solution to the dispute, recognized that a UN mission could help in that regard. The President of the Security Council, on 29 May [S/1996/391], asked the Secretary-General to keep the Council informed of any measures he was able to take to monitor the situation in the Peninsula.

On 9 October [S/1996/891], the Secretary-General informed the Council President that he had obtained the agreement of the two Governments to sending a goodwill mission to improve relations between the two countries while the dispute regarding the Bakassi Peninsula was under ICJ consideration. Its mandate would be to suggest confidence-building measures to reduce

tensions. The mission visited Yaounde, Cameroon, and Abuja, Nigeria, in September, where it consulted the authorities of the two countries. After travelling to areas of the Bakassi Peninsula controlled by both sides, it revisited the two capitals for further consultations.

The mission reported that each side had proposed specific measures to reduce military tensions and regarding cooperation in the economic and cultural fields. The Secretary-General intended to study those proposals. Council members expressed support for the mission in a 31 October letter [S/1996/892] to the Secretary-General, and looked forward to future reports of progress towards settling the dispute.

On 12 December [S/1996/1052], Cameroon protested that Nigeria was implementing electrification and drinking-water supply projects in Cameroonian territory occupied by Nigerian troops. That was contrary to Nigeria's intention, as expressed in September to the UN goodwill mission, to work for peace on the Bakassi Peninsula pending a judgement by ICJ.

### **Eritrea-Yemen**

By a letter of 2 January [S/1996/1], Yemen reiterated charges it had made in 1995 [YUN 1995, p. 413] that Eritrea had carried out an armed attack against the Yemeni island of Hanish al-Kubra, located in the international navigation channel in the Red Sea. The latest aggression, according to Yemen, had begun on 15 December 1995 and resulted in the occupation of the island, the capture of 186 Yemeni soldiers and the death of all other members of the island's Yemeni garrison. A month earlier, Yemen said, Eritrean forces had delivered a written warning, asserting that the island belonged to Eritrea and demanding the withdrawal of the Yemeni garrison, which at that time comprised roughly 20 soldiers, and of a commercial investor constructing tourist diving facilities and holding a Yemeni government permit. Yemen said that at a meeting of their Foreign Ministers in Asmara on 7 December 1995, Eritrea had broadened its claims, asserting sovereignty over all the Yemeni islands from Jabal al-Tayr to south of Hanish al-Kubra, and had suggested that the case be referred to ICJ. Yemen called on Eritrea to release Yemeni prisoners, to withdraw from the island and to begin immediate direct negotiations with a view to reaching a comprehensive settlement of the maritime boundary between the two countries.

Eritrea and Yemen reached an agreement, which was signed in Paris on 21 May 1996 and which the Secretary-General transmitted to the Security Council [S/1996/447] on 18 June. They

agreed to settle peacefully their dispute on questions of territorial sovereignty and delimitation of maritime boundaries. To that end, they would establish an Arbitral Tribunal, and they committed themselves to abide by its decision. In the meantime, they would refrain from any form of military activity against each other. Both parties would meet in Paris to draft an agreement instituting the Arbitral Tribunal. Until arrangements were finalized, the Government of France would propose a monitoring mechanism to evaluate military activity.

The Secretary-General issued a statement on 15 August, appealing for maximum restraint on both sides and for their cooperation to calm the situation and facilitate the implementation of the 21 May agreement.

On 17 August [S/1996/671], Yemen complained to the Security Council President of new Eritrean aggression on Yemen's Lesser Hanish island, in violation of the 21 May agreement and the subsequent agreement on technical arrangements between the two parties and France. France had reported to the Secretary-General, based on information received from its observers in the Red Sea, that Eritrea had committed aggression and had occupied positions on Lesser Hanish island. While reaffirming its commitment to the 21 May agreement, Yemen urged the Security Council to condemn the aggression and to compel Eritrea to evacuate Lesser Hanish island. Yemen reserved its right to defend its territory by all possible means.

On 19 August [S/1996/677], Yemen informed the Security Council that the Eritrean Government had notified France that it would withdraw its forces from Lesser Hanish island within a few days. Yemen remained committed to the 21 May agreement and to the negotiations being held under the auspices of France with a view to reaching agreement on arbitration. Despite Eritrea's pledge, Yemen remained concerned as to the possibility of deception on the part of Eritrea, particularly since its undertaking to remove its military presence was not linked to any deadline. Yemen requested the Council to compel Eritrea to evacuate the island within the next few days, and to continue to consider the matter until the island was cleared of Eritrean military.

Eritrea confirmed in a 22 August letter [S/1996/686] its decision to evacuate Lesser Hanish island, but warned that Yemen intended to occupy it when Eritrea withdrew. If that happened, it would precipitate a dangerous situation; therefore Eritrea called for guarantees to avert such an eventuality. In a statement of 22 August [S/1996/687], Eritrea described the talks it had held with a French delegation on 18 August on the mis-

understandings over the Lesser Hanish island. At those talks, Eritrea had not received convincing evidence to refute its presence on the islands, but it had agreed to evacuate the Lesser Hanish island within a short time in the interests of peace and security in the region. Yemen had responded irresponsibly, Eritrea said, by firing at Eritrean forces on the islands.

Yemen, in a 24 September statement [A/51/413], raised another issue regarding its relations with Eritrea, stating that the President of Eritrea had falsely accused Yemeni authorities of searching the diplomatic bag of the Eritrean Embassy in Yemen.

The Council of the League of Arab States (LAS), at a meeting on 14 September, adopted a statement concerning the dispute between Eritrea and Yemen, which was transmitted to the Secretary-General on 24 September [S/1996/796]. Commending Yemen's position in addressing the crisis and the Security Council's demand for a return to the situation prevailing prior to August 1996, the LAS Council affirmed its support for the 21 May agreement signed by the two countries and for France's efforts to find a peaceful settlement of the dispute.

### **Cooperation between OAU and the UN system**

The Secretary-General, in response to a 1995 General Assembly request [YUN 1995, p. 416], reported in September 1996 [A/51/386] on cooperation between the United Nations and the Organization of African Unity (OAU). The Secretary-General noted that the OAU Chairman, President Meles Zenawi of Ethiopia, in a message of 27 September 1995 to the General Assembly, had called for the international community to lend its support to African initiatives in the areas of prevention, management and resolution of conflicts, and economic growth and development. The Secretary-General continued to consult with the OAU Secretary-General on all African issues of common concern to the two organizations during meetings in New York and during the OAU Assembly of Heads of State and Government, in Yaounde, Cameroon, from 8 to 10 July 1996 [A/51/524].

The Secretary-General reviewed cooperation and the exchange of information between the two organizations in the field of economic and social development, which involved the Centre for Human Rights of the UN Secretariat, the Economic Commission for Africa, the United Nations Children's Fund, the United Nations Conference on Trade and Development, the United Nations Development Programme, the United Nations Environment Programme, the United Nations

Population Fund, the United Nations International Drug Control Programme, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Monetary Fund and the United Nations Industrial Development Organization. Cooperation in other areas was extended by the International Civil Aviation Organization, the International Maritime Organization and the World Intellectual Property Organization.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/151**.

#### **Cooperation between the United Nations and the Organization of African Unity**

The General Assembly,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity,

Recalling the provisions of Chapter VIII of the Charter of the United Nations on regional arrangements or agencies, which set forth the basic principles governing their activities and establishing the legal framework for cooperation with the United Nations in the area of the maintenance of international peace and security, as well as resolution 49/57 of 9 December 1994, the annex to which contains the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

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

Recalling further its resolutions on the enhancement of cooperation between the United Nations and the Organization of African Unity, in particular resolutions 43/12 of 25 October 1988, 43/27 of 18 November 1988, 44/17 of 1 November 1989, 45/13 of 7 November 1990, 46/20 of 26 November 1991, 47/148 of 18 December 1992, 48/25 of 29 November 1993, 49/64 of 15 December 1994 and 50/158 of 21 December 1995,

Recalling that, in its resolutions 46/20, 47/148 and 48/25, it, *inter alia*, urged the Secretary-General of the United Nations and the relevant agencies of the United Nations system to extend their support for the establishment of the African Economic Community,

Recalling also its resolution 48/214 of 23 December 1993 on the implementation of the United Nations New Agenda for the Development of Africa in the 1990s,

Taking note of the resolutions, decisions and declarations adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, held at Yaounde from 1 to 5 July 1996, and by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-second ordinary session, held at Yaounde from 8 to 10 July 1996,

Considering the important statement made by the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity before the General Assembly on 24 October 1996,

Mindful of the need for continued and closer cooperation between the United Nations and its specialized agencies and the Organization of African Unity, in particular in the political, economic, social, technical, cultural and administrative fields,

Noting that the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity is developing its capacity in preventive diplomacy,

Also noting the efforts of the Organization of African Unity, and the support and assistance of the United Nations, to promote the peaceful settlement of disputes and conflicts in Africa and the harmonious continuation of the process of democratization,

Deeply concerned that, despite the policies of reform being implemented by most African countries, their economic situation remains critical and African recovery and development continue to be severely hindered by the persistence of lower-level commodity prices, the heavy debt burden and the paucity of funding possibilities,

Aware of the efforts being made by the Organization of African Unity and its States members in the area of economic integration and of the need to accelerate the process of implementation of the African Economic Community,

Deeply concerned about the gravity of the situation of refugees and displaced persons in Africa and the urgent need for increased international assistance to help refugees and, subsequently, African countries of asylum,

Acknowledging the assistance already rendered by the international community, in particular to refugees, displaced persons and African countries of asylum,

Recognizing the importance of developing and maintaining a culture of peace, tolerance and harmonious relationships in order to contribute to the prevention of conflicts and wars in Africa,

Taking note of the report of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s,

1. Takes note of the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity and of his efforts to strengthen that cooperation and to implement the relevant resolutions;

2. Notes with appreciation the continued and increasing participation of the Organization of African Unity in the work of the United Nations and the specialized agencies and its constructive contribution to that work;

3. Calls upon the United Nations organs, in particular the Security Council and the Economic and Social Council, to continue to involve the Organization of African Unity closely in all their activities concerning Africa;

4. Welcomes the fact that both the United Nations and the Organization of African Unity have agreed to strengthen and broaden their cooperation in measures to prevent and resolve conflicts in Africa, and in this regard invites the United Nations to provide the Organi-

zation of African Unity with the necessary support for the consolidation and promotion of a culture of peace, tolerance and harmonious relationships in Africa;

5. Calls upon the United Nations to coordinate its efforts and to cooperate with the Organization of African Unity in the context of the pacific settlement of disputes and the maintenance of international peace and security in Africa, as provided for under Chapter VIII of the Charter of the United Nations;

6. Commends the efforts of the Organization of African Unity to strengthen its capacity in the field of conflict resolution and to operationalize its Mechanism for Conflict Prevention, Management and Resolution in Africa;

7. Also commends the United Nations and the Organization of African Unity for their ongoing cooperative activities in the resolution of conflicts in Africa, and stresses the need to enhance and strengthen the existing pattern of exchange of information and consultations, especially in the areas of preventive diplomacy, peacemaking and peacekeeping operations;

8. Invites the United Nations to assist the Organization of African Unity in strengthening its institutional and operational capacity in the prevention, management and resolution of conflicts in Africa, in particular in the following areas:

- (a) Establishment of an early-warning system;
- (b) Technical assistance and training of personnel, including a staff exchange programme;
- (c) Exchange and coordination of information between their respective early-warning systems;
- (d) Logistical support;
- (e) Mobilization of financial support;

9. Urges the United Nations to enhance its cooperation with, and facilitate the participation of, the Organization of African Unity in its preventive diplomacy, peacemaking and peacekeeping operations and in joint fact-finding missions in Africa, by providing technical assistance and secondments and assisting in the mobilization of financial and logistical support;

10. Also urges the United Nations to encourage donor countries, in consultation with the Organization of African Unity, to provide adequate funding and training for African countries in their efforts to enhance their peacekeeping capabilities, with a view to enabling those countries to participate actively in peacekeeping operations within the framework of the United Nations;

11. Notes with appreciation the assistance provided by the United Nations and its agencies to African countries in the context of the democratization process;

12. Urges the United Nations to continue to support the Organization of African Unity in its efforts to manage a peaceful democratic transition in Africa, in particular in the areas of education for democracy, election observation, human rights and freedom, including technical support to the African Commission on Human and Peoples' Rights;

13. Urges all Member States and regional and international organizations, in particular those of the United Nations system, as well as non-governmental organizations, to provide the necessary and appropriate economic, financial and technical assistance to refugees and displaced persons, as well as to the African countries of asylum, taking into account recent disquieting developments in this respect;

14. Commends the continued efforts of the Organization of African Unity to promote multilateral cooperation and economic integration among African States, and requests the United Nations agencies to continue to support those efforts;

15. Stresses that the economic, technical and development assistance provided to Africa by the organizations of the United Nations system must continue, and emphasizes the current need for those organizations to accord priority to Africa in this field;

16. Urges the Secretary-General, Member States, regional and international organizations, in particular those of the United Nations system, and non-governmental organizations to extend their support to the operations of the African Economic Community and to assist in economic integration and cooperation in Africa, in particular the strengthening of the regional economic communities, the preparation of the protocols to the Treaty Establishing the African Economic Community, its popularization and the strengthening of its institutional support;

17. Requests the agencies of the United Nations system working in Africa to include in their programmes at the national and regional levels activities that will enhance regional cooperation in their respective areas and to facilitate the realization of the objectives of the Treaty Establishing the African Economic Community;

18. Calls upon the United Nations agencies to intensify the coordination of their regional programmes in Africa in order to create interlinkages among them and to ensure the harmonization of their programmes with those of the African regional and subregional economic organizations;

19. Emphasizes the urgency of the need to adopt appropriate measures to ensure the effective implementation of the United Nations New Agenda for the Development of Africa in the 1990s, in particular regarding (a) economic reforms, including the effective mobilization and efficient utilization of domestic resources, (b) promotion of the private sector and foreign direct investment, (c) intensification of the democratic process and the strengthening of civil society, (d) environment and development, (e) resource flows, (f) solution of Africa's debt problem, (g) trade facilitation and market access, (h) diversification of African economies, (i) improvement of physical and institutional infrastructure and social and human resource development and (j) women in development;

20. Urges all States and international subregional and regional organizations actively to implement the recommendations of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the United Nations New Agenda for the Development of Africa in the 1990s, as adopted by the General Assembly at its fifty-first session;

21. Invites the Secretary-General to associate the Organization of African Unity closely with the follow-up and monitoring of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, including the conduct of the final review of its implementation in the year 2002;

22. Invites the Secretary-General of the United Nations to work closely with the Secretary-General of the Organization of African Unity on the implementation of the United Nations New Agenda for the Develop-



ment of Africa in the 1990s, and requests that it be given prominence at the annual meeting of the two organizations;

23. Recalls its resolution 48/214, in paragraph 10 of which it invited the Secretary-General to follow up and promote the responses of the United Nations system and the international community to the development concerns of Africa, as expressed in the United Nations New Agenda for the Development of Africa in the 1990s;

24. Takes note with appreciation of the recommendations of the meeting between the secretariats of the Organization of African Unity and the United Nations held at Addis Ababa from 6 to 9 November 1995, and requests the convening of a follow-up meeting in 1997, at Addis Ababa, to review and evaluate the progress made in the implementation of the recommendations agreed at the 1995 meeting and to adopt new and effective joint action;

25. Calls upon the relevant organs of the United Nations system to ensure the effective, fair and equitable representation of Africa at senior and policy levels at

their respective headquarters and in their regional field operations;

26. Requests the relevant organs of the United Nations system to continue to assist the Organization of African Unity in strengthening its capacity for information gathering, analysis and dissemination through the training of personnel and the mobilization of technical and financial assistance;

27. Requests the Secretary-General to strengthen and improve follow-up, monitoring and evaluation of the implementation of the United Nations New Agenda for the Development of Africa;

28. Also requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution and on the development of cooperation between the Organization of African Unity and the organizations of the United Nations system.

General Assembly resolution 51/151

13 December 1996      Meeting 84      Adopted without vote

Draft by the Congo (A/51/L.19/Rev.1); agenda item 42.

Meeting numbers. GA 51st session: plenary 67, 84.

## Chapter III

**Americas**

At the end of 1996, Central America looked forward to a regional situation without armed conflict for the first time in more than three decades, with the signing on 29 December of the Agreement on a Firm and Lasting Peace by the parties to the conflict in Guatemala and the final phase of implementing the 1992 El Salvador agreement.

The Guatemala Agreement crowned the peace negotiations in that country, which during the year brought about the cessation of hostilities and a number of other agreements, including those on social and economic aspects and the agrarian situation, the strengthening of civilian power and the role of the armed forces in a democratic society, constitutional reforms and the electoral regime, and the legal integration of opposition forces. The UN verification mission in Guatemala (MINUGUA) reported improvement in the human rights situation there.

Further progress was achieved in the peace process in El Salvador as well; in May, the Mission of the United Nations in El Salvador (MINUSAL) was replaced by a smaller United Nations Office of Verification (ONUV), which continued to oversee implementation of outstanding provisions of the peace accords in that country and concluded its mandate on 31 December.

The process of transition to a democratic society in Nicaragua was consolidated further with the holding of general elections in October.

The political situation also continued to improve in Haiti. On 1 July, the United Nations Mission in Haiti (UNMIH) was succeeded by the United Nations Support Mission in Haiti (UNSMIH), established in accordance with the Security Council's June resolution to assist in the Government's efforts to professionalize the police and maintain a secure and stable environment conducive to the success of those efforts. In December, the mandate of UNSMIH was extended for a final period, until 31 May 1997. In addition, the United Nations continued its participation in the International Civilian Mission to Haiti (MICIVIH), operated jointly with the Organization of American States (OAS) and charged with monitoring the human rights situation.

The International Civil Aviation Organization investigated the shooting down of two civilian aircraft by the Cuban airforce, and in July the Security

Council condemned the use of weapons against civil aircraft in flight; at the same time, it reaffirmed the principle that States should prohibit the use of civil aircraft under their jurisdiction for purposes inconsistent with the 1944 Chicago Convention on International Civil Aviation.

The General Assembly later in the year considered the ongoing United States economic embargo against Cuba. In other action, the Assembly reiterated its support for Panama's initiative to convene in 1997 a Universal Congress on the Panama Canal to examine the role the Canal should play in the twenty-first century, and adopted resolutions on strengthening UN cooperation with OAS and the Caribbean Community (CARICOM).

**Central America**

In response to General Assembly resolution 50/132 [YUN 1995, p. 421], the Secretary-General reported [A/51/338] on 9 September 1996 on the situation in Central America, covering the progress achieved since October 1995 by Central American countries in the areas of peace, freedom, democracy and development.

The Secretary-General observed that, with the successful resolution of peace negotiations in Guatemala, Central America could find itself without armed conflict for the first time in more than three decades, which, along with other circumstances, would place it in a favourable position to pursue economic growth, social justice and further democratization. However, noting the gravity of the challenges still facing the region, he urged the Central American countries and the international community to remain fully engaged in the consolidation of peace, and expressed his readiness to continue to play the active role in that process entrusted to him by the General Assembly.

The report noted continued efforts to strengthen democratic institutions and to bring military and public security bodies under the control of civilian authorities. The offices of the ombudsmen for human rights in El Salvador, Guatemala and Honduras were consolidating

their presence, with their actions reinforced by pressure from non-governmental organizations (NGOs) for vigilance and accountability in that area. In El Salvador, a National Council on Public Security was established in January 1996 to advise the President. In Honduras, steps were taken to create a civilian police force, reduce the size of the military and replace mandatory military service with a system of voluntary enlistment. In Guatemala, efforts were launched to streamline the security forces, while the joint declaration on cessation of hostilities by the parties to the conflict brought within reach the prospect of a firm and lasting peace. The process of broadening national consensus continued in Panama, where in 1996 a "Panama 2000" meeting of political forces and representatives of civil society pledged to keep outside partisan political considerations issues related to the transfer of the Panama Canal to exclusive Panamanian control after 31 December 1999, to reinforce the rule of law and to hold transparent elections in 1999. In Nicaragua, a compromise was found on the divisive property issue, on the conduct of the campaign for the October elections and on key official appointments, including the President of the Supreme Electoral Council. At the same time, throughout the region, institutions responsible for public security continued to be confronted by alarming levels of common criminality, rooted in poor economic and social conditions of a large proportion of the population, combined with difficulties in reintegrating former combatants and those displaced by conflict.

The vigour and assertiveness of civil society in Central America was manifest, according to the report, in the diversification of political processes as issue-oriented organizations and professional associations provided new channels for political participation. Macroeconomic stabilization within the region was largely maintained through structural adjustment programmes and economic liberalization policies, which resulted in reasonably moderate growth prospects for 1996 but was accompanied by a decline in social conditions, with little advance in the alleviation of widespread poverty or in the creation of employment. At the same time, the period under review saw further consolidation of a new regional strategy within the Alliance for the Sustainable Development of Central America, adopted in 1994 [YUN 1994, p. 389]. In December 1995, the Central American Presidents launched the second phase of the Alliance, and, at their eighteenth summit meeting (Montelimar, Nicaragua, 8-9 May 1996), reaffirmed their commitments in that regard, stressing in particular the development of tourism. Within the framework of the Alli-

ance, a number of regional institutions increased their activities, including the Central American Integration System, the Central American Parliament, the Central American Bank for Economic Integration and the Central American Court of Justice. Economic integration, however, remained more difficult to secure than integration in other areas, due to a potential for conflict between regional and national priorities. The Permanent Secretariat of the General Treaty on Central American Economic Integration considered that imbalances in trade accounts with third countries had to be reverted in order for commercial liberalization to favour regional integration, and deemed necessary the adoption of measures aimed at reinforcing the intraregional free trade area; the joint participation of Central American countries in trade negotiations with third countries; the convergence of macroeconomic policies; the enhancing of the region's infrastructure; and the strengthening of investment.

Also in December 1995, the Central American Presidents approved a framework treaty on democratic security in Central America [YUN 1995, p. 424], which defined the Central American Democratic Security Model as based on the supremacy and strengthening of the power of civil society, a reasonable balance of forces and the security of individuals and their property; elimination of poverty, promotion of sustainable development and protection of the environment; eradication of violence, corruption, impunity, terrorism and trafficking in drugs and arms; and the increasing channelling of resources into social investment. The Central American Security Commission, composed of the Deputy Ministers for Foreign Affairs, Defence and Public Security or Government, was given an important role in implementing confidence-building measures, establishing a regional security information and communications mechanism and a weapons registration and transfer system, and setting up a standardized register of weapons, explosives and equipment for the exclusive use of the armed or public security forces. The framework treaty also provided for prior notification of certain military manoeuvres, movements or exercises and for invitation of observers to such activities. In addition, the Central American countries consistently underscored the need to settle their territorial disputes through dialogue; those concerned land pockets along the border between Honduras and El Salvador and the demarcation of waters in the Gulf of Fonseca shared by Honduras, El Salvador and Nicaragua (see PART FOUR, Chapter I).

The report further described international assistance for Central American efforts to promote

peace, freedom, democracy and development. It noted activities of the Group of Friends of the Guatemalan Peace Process (Colombia, Mexico, Norway, Spain, United States, Venezuela) and of the support group to follow the transition process and internal consensus-building in Nicaragua (Canada, Mexico, Netherlands, Spain, Sweden), and pointed out that political dialogue and economic cooperation with the European Union (EU) were enhanced at the twelfth meeting of the "San Jose Process" (Florence, Italy, 21-22 March) between the Foreign Ministers of Central America, the EU and the Group of Three (Colombia, Mexico, Venezuela). The meeting established new objectives for EU-Central American cooperation, aimed at supporting Central American integration, institutional modernization and consolidation of the rule of law, as well as social policies and national policies to soften the social costs of structural adjustment programmes. The report noted the establishment of a mechanism for dialogue between Central America and Mexico at their presidential summit (San Jose, Costa Rica, 15-16 February); the extension of the partial scope agreements between Mexico and El Salvador, Guatemala and Honduras for the purpose of creating a free trade zone; the setting up of a high-level commission to promote free trade, cooperation and investment between Chile and Central America; and an offer by the United States to negotiate an extension of tariff exemptions for Central American export products and to extend its cooperation in environmental protection, control of illegal immigration and the fight against organized crime. The economic contribution of the international community was extended by commitments made during consultative group meetings of donors on Nicaragua and Guatemala, organized by the Inter-American Development Bank with the participation of the International Monetary Fund (IMF) and the World Bank (Washington, D.C., 17-18 June). Cooperation also continued between Central America and the Organization of American States (OAS) through the regional mine-clearance programme, the presence of the OAS International Support and Verification Commission in Nicaragua and election monitoring in Guatemala and Nicaragua.

As for UN efforts in Central America, the Secretary-General noted that the peace process in El Salvador, initiated by the 1992 Peace Agreement, had maintained its impetus, although difficulties and delays persisted in a number of areas; in May, the Mission of the United Nations in El Salvador was replaced by the United Nations Office of Verification, which continued overseeing the Agreement's implementation (see

below, under "El Salvador"). The parties to the conflict in Guatemala declared the cessation of hostilities, signed an agreement on social and economic issues and the agrarian situation and decided to conclude their peace negotiations by the end of 1996; at the same time, the situation in that country continued to be characterized by serious human rights violations and persistent impunity, as reported by the UN human rights verification mission there (see below, under "Guatemala").

The Secretary-General also outlined UN operational activities in support of processes in the region. He noted that the United Nations Development Programme (UNDP) had launched a new initiative within the framework of the Alliance for the Sustainable Development of Central America, which focused on peace consolidation and democratic governance, poverty eradication, promotion of sustainable development at the local level, and natural resources protection and sustainability. Assistance was provided to strengthen public security and human rights institutions in El Salvador, Guatemala and Honduras; to simplify property ownership and transfer procedures and promote decentralization in Nicaragua; to support municipal development as well as national consensus-building on development priorities in Panama; and to improve local administration and sustainable human development in Costa Rica. A regional programme for sustainable human development at the local level was formulated, based on the results of an inter-agency workshop (Montelimar, Nicaragua, 19 March) aimed at establishing a strategic alliance between all UN agencies working in the region. UNDP continued to promote national debates on macroeconomic policies and to provide cooperation to improve the region's international competitiveness, with emphasis on agricultural development, industrial modernization, international trade negotiations, regional economic integration and regional integration institutions. Projects in the field of natural resources included assistance to the comprehensive planning of coastal resources management in Belize, assistance to a national system of conservation areas in Costa Rica, and protection to threatened ecosystems through an integrated programme of resources conservation in Guatemala. Support was also extended to the Central American Commission for Environment and Development for, inter alia, the possible establishment of an Environmental Development Fund. The United Nations Educational, Scientific and Cultural Organization (UNESCO) sponsored a regional military forum for a culture of peace (San Salvador, El Salvador, 26-27 June), as well as an Iberoamerican

forum of ombudsmen on human rights and a culture of peace (Antigua, Guatemala, 30 June).

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/197**.

**The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development**

The General Assembly,

Recalling the relevant resolutions of the Security Council and its own resolutions, particularly resolutions 49/137 of 19 December 1994 and 50/132 of 20 December 1995, in which it recognized the importance of international support for Central America, within an appropriate global frame of reference, in order to preserve and extend the progress made in the process of consolidating peace, democracy and sustainable development and thereby to overcome the obstacles that are preventing Central America from becoming a region of peace, freedom, democracy and sustainable development,

Recognizing the importance and validity of the commitments made by the Central American Presidents since the Esquipulas II summit meeting of 7 August 1987, and their subsequent summit meetings,

Reaffirming that there can be no peace in Central America without sustainable development or democracy, which are essential for ensuring the process of change in the region, and recognizing the importance of settling differences by means of dialogue, negotiation and respect for the legitimate interests of all States, with full respect for the principles of self-determination and non-intervention,

Drawing attention to the establishment at the Summit Meeting of Central American Presidents held at Guacimo, Costa Rica, from 18 to 20 August 1994, and adopted at the Central American Environment Summit for Sustainable Development, held at Managua on 12 and 13 October 1994, of the Alliance for the Sustainable Development of Central America, which constitutes the new integrated strategy for development, and the importance of the International Conference on Peace and Development in Central America, held at Tegucigalpa on 24 and 25 October 1994, that marked a major turning point in the course taken by the region, as well as the Treaty on Central American Social Integration, adopted at the El Salvador summit meeting on 30 March 1995, one of whose main objectives is to strengthen the investment in human capital,

Welcoming the Framework Treaty on Democratic Security in Central America, adopted at the summit meeting held at San Pedro Sula, Honduras, from 13 to 15 December 1995, that reaffirms, *inter alia*, the strengthening of civil society, the security of individuals and the elimination of poverty, and recognizing the importance for Central America of the Regional Programme of Action for the Development of Tourism, adopted at the summit meeting held at Montelimar, Nicaragua, on 8 and 9 May 1996,

Emphasizing the importance of cooperation and international solidarity in supporting the efforts being made by the peoples and Governments of Central

America for the consolidation of a firm and lasting peace, and the need to strengthen the new programme of cooperation and economic, technical and financial assistance for Central America in the light of the new situation in the region,

Welcoming the role played by the peacekeeping operations and observer and monitoring missions of the United Nations, which carried out successfully their mandate in Central America pursuant to the relevant resolutions of the Security Council and the General Assembly, respectively,

Recalling its resolutions 48/267 of 19 September 1994, 49/236 A of 31 March 1995, 49/236 B of 14 September 1995 and 50/220 of 3 April 1996, by which it decided to establish the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala and extended the mandate of the Mission,

Recognizing the commitment of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to continue the negotiations in the framework of the Guatemalan peace process, as well as to support the presence of United Nations Mission for the Verification of Human Rights in Guatemala,

Welcoming the signing of the Agreement on Social and Economic Aspects and Agrarian Situation at Mexico City on 6 May 1996, and the joint statement of the Peace Commission of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, issued on 6 August 1996,

Also welcoming the signing of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society at Mexico City on 19 September 1996, and the statements of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 7 November 1996, which are a positive contribution to the peace process in Guatemala,

Further welcoming resolution 50/226 of 10 May 1996, by which the General Assembly established the United Nations Office of Verification in El Salvador as a mechanism that would combine regular visits by a high-level envoy from Headquarters with a small group of experts in the field,

Stressing the efforts being made by the people and Government of El Salvador to consolidate the progress made towards a society characterized by democracy, the rule of law and respect for human rights, and to honour its commitments under the Peace Agreement, for the benefit of all Salvadorans,

Recognizing the approval by the Legislative Assembly of El Salvador on 31 July 1996 of a package of constitutional reforms recommended by the Commission on the Truth, as well as the adoption of the Police Career Law,

Recognizing that the efforts of the Government of Nicaragua to consolidate peace and democracy, repair its economy and rebuild the nation merit the urgent support of the international community and the United Nations system in order to preserve the gains made and overcome the effects of the war and natural disasters which persist in Nicaragua,

Welcoming the adoption of resolutions 49/16 of 17 November 1994 and 51/8 of 25 October 1996, in which

it recognized the exceptional circumstances that still prevail in Nicaragua,

Recognizing the importance of the effective support of the United Nations and governmental and non-governmental mechanisms in taking steps to launch new initiatives in the framework of the Alliance for the Sustainable Development of Central America, and of the results of the inter-agency workshop held at Montelimar on 19 March 1996, which aimed to establish a strategic alliance between all agencies of the United Nations system working in the region,

Stressing the importance of promoting national debates on the character of macroeconomic policies most conducive to sustainable human development goals and to a lasting peace in Central America, as well as the ongoing policy dialogue carried out in this regard by the Economic Commission for Latin America and the Caribbean,

Taking note of the report of the Secretary-General,

1. Commends the efforts of the peoples and Governments of the Central American countries to consolidate peace and promote sustainable development by implementing the agreements adopted at the summit meetings, and requests the Secretary-General to continue to give the fullest possible support to the initiatives and activities of the Governments of the Central American countries;

2. Supports the decision of the Presidents of the Central American countries to declare Central America a region of peace, freedom, democracy and development, and encourages the initiatives of the Central American countries, in the framework of the integrated strategy for sustainable development and in the context of the summit meetings, to consolidate Governments that base their development on democracy, peace, cooperation and respect for human rights;

3. Draws attention to the decision of the Presidents of the Central American countries embodied in the Declaration of Guacimo, in which the national and regional strategy known as the Alliance for the Sustainable Development of Central America became an integrated initiative reflected in a programme of immediate action in the political, moral, economic, social and environmental fields, through which the Central American countries hope to become, with the support of the international community, an example of sustainable development for other regions;

4. Emphasizes the work accomplished by the Central American Integration System in favour of subregional integration to promote economic growth oriented towards human development and in the strengthening of democracy and the consolidation of peace in the region, and calls upon Member States and international organizations to provide effective cooperation for the strengthening of subregional integration;

5. Supports the adoption of the Framework Treaty on Democratic Security in Central America concerning the supremacy and strengthening of the power of civil society, a reasonable balance of forces, the security of individuals and of their property, the alleviation of poverty, the promotion of sustainable development, the protection of the environment, the eradication of violence, corruption, impunity, terrorism and trafficking in drugs and arms, and the increased channelling of resources into social investments;

6. Welcomes the agreement reached on 11 November 1996 by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to conclude their negotiations, with a view to finalizing and signing a firm and lasting peace agreement in Guatemala on 29 December 1996, thus completing the peace process in Central America, and, in this context, encourages both parties to undertake all necessary measures to achieve this objective;

7. Also welcomes the adoption of the Agreement on Social and Economic Aspects and Agrarian Situation, the joint statement of the Peace Commission of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca and the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, as well as the statements of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 7 November 1996, which are a positive contribution to the peace process in Guatemala;

8. Recognizes the commitment of the Government and civil society of Guatemala to advance in the fight against impunity and towards the consolidation of the rule of law;

9. Calls upon the parties to comply fully with their commitments under all the agreements reached between them and to implement the corresponding recommendations of the United Nations Mission for the Verification of Human Rights in Guatemala;

10. Requests the Secretary-General, the organizations of the United Nations system and the international community to continue their support for the peace process and hence for efforts to promote national reconciliation, democracy and development in Guatemala, and reiterates its appreciation of the peace efforts of the Secretary-General, the Group of Friends (Colombia, Mexico, Norway, Spain, the United States of America and Venezuela), as well as its appreciation of the contribution of the Assembly of Civil Society and other Guatemalans within the constitutional framework and the peace agreements;

11. Calls upon the Government of El Salvador and all the political forces involved in the peace process to make all possible efforts to complete the implementation of all remaining aspects of the Peace Agreement;

12. Welcomes the establishment of the United Nations Office of Verification in El Salvador as a mechanism that combined regular visits by a high-level envoy from Headquarters with a small group of experts in the field that efficiently verified the progress of the implementation of all remaining aspects of the Peace Agreement in El Salvador;

13. Reiterates its recognition of the effective participation of the Secretary-General and his representatives and encourages them to continue to take all necessary steps to ensure the successful implementation of all the commitments made by the parties to the Peace Agreement in El Salvador;

14. Recognizes the achievements made by the people and Government of Nicaragua in their efforts to consolidate peace, democracy and reconciliation among Nicaraguans, as well as the importance of political, economic and social consultation among all sectors of the country, so as to continue with the country's reconstruction, the renegotiation and reduction of the exter-

nal debt, as well as the economic recovery and social development of the country;

15. Welcomes with satisfaction the peaceful electoral process held in Nicaragua on 20 October 1996, and its importance as a further step towards the strengthening of democracy, peace, development and reconstruction in that country;

16. Supports the treatment accorded to Nicaragua in the light of its continuing exceptional circumstances, so that the international community and financial institutions can incorporate that treatment into programmes to support the country's economic recovery and social reconstruction;

17. Expresses its appreciation of the work of the support group for Nicaragua (Canada, Mexico, the Netherlands, Spain and Sweden), which, under the coordination of the Secretary-General, is playing an active role in supporting the country's efforts towards economic recovery and social development, particularly with regard to solving the external debt problem and securing investments and new resources that will allow the country's economic and social programmes to continue towards national reconciliation, and requests the Secretary-General to continue to support those efforts;

18. Emphasizes the importance of the current political dialogue and economic cooperation between the European Union and its member States and the Central American countries, with the participation of the Group of Three (Colombia, Mexico and Venezuela), in particular the ministerial conference held at Florence, Italy, on 21 and 22 March 1996, where new objectives were approved, concerning support for the strengthening and consolidation of the rule of law, support for social policies aimed at softening the social costs of structural adjustment programmes, and support for the Central American integration process;

19. Also emphasizes the commitments on sustainable development adopted at the fifteenth, sixteenth and seventeenth meetings of the Summit of Central American Presidents, with the aim of fashioning a region of peace, democracy and sustainable development, and urges the international community to give them every support;

20. Reiterates the importance of the support of the United Nations system through its operational activities, in particular the United Nations Development Programme, aimed at facilitating the development of programmes and projects which are indispensable for strengthening peace and the development process in the region, bearing particularly in mind the new strategy for subregional development established by the Alliance for the Sustainable Development of Central America, and urges the international community to lend its support to the achievement of the goals of the new strategy for development in Central America;

21. Reiterates its full appreciation to the Secretary-General for his efforts to promote the pacification process and the consolidation of peace in Central America and to the groups of friendly countries which have made a direct contribution to attaining those ends, and requests that those efforts be maintained;

22. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

23. Decides to include in the provisional agenda of its fifty-second session the item entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

General Assembly resolution 51/197

17 December 1996 Meeting 87 Adopted without vote

41-nation draft (A/51/L.18/Rev.1 & Rev.1/Add.1); agenda item 40.

Financial implications. 5th Committee, A/51/723; S-G, A/C.5/51/32.

Meeting numbers. GA 51st session: 5th Committee 39; plenary 60, 87.

## El Salvador

Implementation of the 1992 Peace Agreement [YUN 1992, p. 222] between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) entered its final phase in 1996. Despite a number of delays, overall progress in implementing the Agreement enabled the United Nations to reduce its presence in that country.

On 1 May, the Mission of the United Nations in El Salvador (MINUSAL), established in 1995 [YUN 1995, p. 430] to provide good offices and verify implementation of outstanding provisions of the peace accords, was replaced by a smaller United Nations Office of Verification (ONUV), which in turn concluded its mandate on 31 December. Also in December, the General Assembly decided that the Secretary-General's Special Representative in El Salvador and Chief of Mission, Ricardo Vigil (Peru), should be withdrawn at the conclusion of ONUV's mandate, and that good offices and verification responsibilities should be executed through periodic visits to the country by a high-level envoy from New York.

## UN presence in El Salvador

**Report of Secretary-General (April).** In response to General Assembly resolution 50/7 [YUN 1995, p. 431], the Secretary-General submitted a 23 April report [A/50/935] on MINUSAL, stating that the Mission continued to verify implementation of the peace agreements in accordance with the programme of work for the completion of all outstanding provisions, signed by the parties in 1995 [YUN 1995, p. 427]. He pointed to positive developments in the public security situation, including the appointment of a new Inspector General for the National Civil Police (PNC), drafting of a police career law, dissolution of the "analysis unit" operating outside PNC's formal structure, and the President's decision to appoint a National Council on Public Security. At the same time, advances in implementing the peace agreements had not served to strengthen PNC institutionally, while slow progress in purifying the judiciary, high criminal activity and simmering social

protest continued to have an adverse impact on the situation.

Steps were taken to establish a coordination mechanism between PNC and the National Counsel for the Defence of Human Rights, which achieved steady consolidation of its activities; however, its funding remained inadequate. The new Supreme Court provided important leadership in judicial reform efforts, confirming its independence and establishing the precedence of international instruments over domestic laws. The Court adopted measures to address the overcrowding of prisons, professional ethics, delays in the administration of justice, the nullification of cases for lack of defence attorneys and improvement in professional and ethical standards in the judiciary. On the other hand, the ratification of constitutional reforms and secondary legislation to fulfil the binding recommendations of El Salvador's Commission on the Truth remained in a state of paralysis, due partly to disagreement over the guarantees of due process and the admissibility of extrajudicial confessions, which delayed approval of criminal codes and the penitentiary law, as well as the repeal of the 1886 police law. In addition, the emergency law to fight crime, passed recently by the Legislative Assembly, included elements that could lead to violations of civil rights and guarantees, thus undermining judicial reform. Due process could also be threatened by the adoption of a law on social defence, proposed by the Government.

MINUSAL continued to verify implementation of the land transfer programme, which was impeded by the large backlog in the filing of property deeds in the national registry. In January 1996, the number of potential beneficiaries was adjusted downward to 36,551; as at 26 March, some 92.9 per cent of them had received titles to land, while only 49.6 per cent of issued titles had been recorded in the registry. Titles to some 3,000 other beneficiaries were delayed due to the shortfall in suitable land available for purchase and the need to relocate, without breaking up existing human settlements, landholders occupying properties whose owners did not wish to sell. In that regard, the trilateral working group on the transfer of rural human settlements reached agreement on several structural and political guarantees, including legal protection for property holders for the duration of the transfer programme, allowing the operational phase to begin in March 1996. Other positive developments included a restructuring of the Lands Bank, involvement of FMLN in identifying property to meet outstanding needs, progress in streamlining payments to owners, and the adoption of key

decrees providing legal guarantees to owners and landholders under the land transfer programme.

Targets for reintegration programmes had been largely achieved, although productive activities deriving from them fell short of expectation, in part because of the inadequacy and harshness of the terms of credit to newly created small businesses and the scarcity of technical assistance. On the positive side, the Fund for the Protection of the War-Wounded and Disabled showed advances with respect to the payment of benefits. Progress, albeit slow, was also registered with regard to electoral reform and administration of the Supreme Electoral Tribunal, in preparation for the 1997 legislative and municipal elections. In the meantime, UNDP, in cooperation with MINUSAL, continued to implement technical assistance programmes in El Salvador and to seek international funding for its projects.

The Secretary-General observed that the public security situation and delays in judicial reform remained a cause of concern and that the slow pace of the land transfer programme could lead to social unrest, and concluded that MINUSAL's verification responsibilities would not be completed by the time its mandate expired on 30 April. Accordingly, a continued UN presence in El Salvador was required until the end of 1996, although not at the same level. He proposed that MINUSAL be replaced with a mechanism combining regular visits by a high-level envoy from New York with the retention in the field of a small expert group. The mechanism was to be known as the United Nations Office of Verification and was to rely on UNDP for logistical and administrative support. Additional appropriations would be necessary to cover the costs of ONUV.

**Communication.** El Salvador transmitted to the Secretary-General a letter [A/50/948] of 23 April from the Presidential Commissioner for the Implementation of the Peace Agreements and FMLN representatives, stating that, in their view, it would be advisable to set up a UN group of three to four officials, led by the current head of MINUSAL as the Secretary-General's representative, to verify complete implementation of outstanding aspects of the peace agreements.

#### GENERAL ASSEMBLY ACTION (May)

On 10 May, the General Assembly adopted **resolution 50/226**.

#### United Nations Office of Verification in El Salvador

The General Assembly,

Recalling its resolutions on the situation in Central America, in particular resolution 50/7 of 31 October 1995, in which it, *inter alia*, approved the proposal of the Secretary-General to extend the mandate of the Mission of the United Nations in El Salvador for a fur-



ther period of six months and requested the Secretary-General to report on its implementation,

Having considered the report of the Secretary-General of 23 April 1996 on the Mission of the United Nations in El Salvador, and the letter from the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to the Secretary-General dated 23 April 1996,

Recognizing with satisfaction the continuing evolution of El Salvador from a country torn by conflict into a democratic and peaceful nation,

Paying tribute to those Member States which have contributed personnel and voluntary funding to the Mission,

1. Welcomes the continuing commitment of the Government and people of El Salvador to the consolidation of the peace process;

2. Pays tribute to the accomplishments of the Mission of the United Nations in El Salvador, under the authority of the Secretary-General and his Special Representative;

3. Recognizes the political commitment of the Government of El Salvador and the other parties to the peace accords to continue to comply with their provisions, and urges them to work together to complete their implementation without delay;

4. Decides, in accordance with the recommendation contained in paragraph 36 of the report of the Secretary-General, to establish a small United Nations Office of Verification, to be headed by an official at an appropriate political level, to follow up implementation of pending aspects of the peace accords in El Salvador through 31 December 1996;

5. Also decides that the United Nations Office of Verification should be financed within existing resources, in a manner consistent with the effective fulfilment of its mandate and taking into account that the Secretary-General will submit proposals on possible means of absorption in the programme budget for the biennium 1996-1997 to the General Assembly, through the Advisory Committee on Administrative and Budgetary Questions, no later than 15 May 1996;

6. Notes that regular visits to El Salvador by senior officials from United Nations Headquarters are making a significant contribution towards the full implementation of the peace accords;

7. Emphasizes the importance of continued and enhanced cooperation of the United Nations Office of Verification with other bodies of the United Nations system in the consolidation of the peace accords;

8. Calls upon Member States and international institutions to continue to provide assistance to the Government and people of El Salvador and to lend support to the efforts of the United Nations in El Salvador for the purposes of peace-building and development;

9. Requests the Secretary-General to report to it on the implementation of the present resolution.

General Assembly resolution 50/226

10 May 1996 Meeting 118 Adopted without vote

7-nation draft (A/50/L.72 & Add. 1); agenda item 45.

Sponsors: Canada, Colombia, Mexico, Russian Federation, Spain, United States, Venezuela.

Financial implications. 5th Committee, A/50/951; S-G, A/C.5/50/59.

Meeting numbers. GA 50th session: 5th Committee 56, 57; plenary 118.

On 7 May, the Fifth (Administrative and Budgetary) Committee decided [A/50/951] to inform the Assembly that, should it adopt the text, the Secretary-General would be authorized to enter into commitments up to \$1 million net to continue a UN presence in El Salvador from 1 May to 31 December 1996. The Secretary-General would be requested to present to the Assembly proposals on possible means of absorption in the 1996-1997 programme budget.

**Secretary-General's report (November).** On 25 November, the Secretary-General reported [A/51/693] that ONUV, consisting of six international officials, three civilian police consultants and a reduced number of administrative staff, assumed MINUSAL responsibilities on 1 May. During the reporting period, efforts continued to strengthen PNC and the National Public Security Academy and to consolidate activities of the National Council on Public Security, which defined a new public security doctrine; at the same time, the gravity of the situation kept the public security issue at the centre of the national agenda. The Minister for Public Security and the National Counsel for the Defence of Human Rights signed on 16 July an agreement on coordination of activities between the Counsel's office and PNC, while the Legislative Assembly was likely to approve a new criminal procedures code in the near future, which would permit the achievement of full compliance with outstanding recommendations of the Commission on the Truth. The Secretary-General pointed out that the current challenge facing the country was the need to establish a binding relationship between full respect for human rights and the strengthening of democratic institutions; in that context, he urged the Government to provide necessary funding to the office of the National Counsel for the Defence of Human Rights.

As at 19 November, 34,413 beneficiaries under the land transfer programme, or 98.93 per cent of the total, had received titles, while the number of deeds filed in the national registry had risen to 29,974. However, the distribution of titles to beneficiaries from the armed forces was complicated by their absence from properties and a low attendance level at title distribution points; some confusion was also created by the law for restructuring the agrarian debt and the Government's proposal to divide properties transferred as a single block into individual parcels, beginning in 1997. Accordingly, ONUV was requested to identify all properties exempt from debt, so as to transfer original titles without further delay. In addition, the need remained to transfer promptly to landless peasants identified land which exceeded the constitutional limit of 245 hectares.

The transfer programme for rural human settlements experienced significant delays. The measuring and legalization of properties was still not completed and the transfer of only a minimal number of properties was negotiated with their respective owners, while the payment and distribution of titles for those properties came to a halt and no accord had been reached by the parties on fundamental issues relating to the transfer of the social and productive infrastructure of human settlements. As for the Fund for the Protection of the War-Wounded and Disabled, a draft project was drawn up at ONUV's initiative to offer legal support in securing benefits for some 14,000 family members of combatants killed during the conflict.

The Secretary-General reiterated that the implementation of pending recommendations for electoral reform, including the creation of a national civil register to facilitate issuing a single identity and voter card, as well as the introduction of residential voting and of proportional representation in municipal councils, would constitute a significant advance in El Salvador's electoral system. He expressed the hope that the 1999 presidential elections would benefit from a system so reformed. The report further described technical assistance programmes executed by UNDP in the areas of administration of justice, public security, reintegration of former combatants and demobilized soldiers, benefits to the war-wounded and disabled, protection of human rights and democratic participation. Nine other programmes were to be initiated by the end of the year; project resources totalled \$12.2 million, with a further \$2.8 million to be approved shortly.

The Secretary-General concluded that implementation of the peace accords was entering its final phase. He recommended that UN good offices and verification responsibilities be executed, as of 1 January 1997, through periodic visits to El Salvador by a high-level envoy from New York, assisted by a small support unit remaining in the field for a period of six months. Accordingly, he proposed to withdraw his Representative at the conclusion of ONUV's mandate on 31 December 1996.

#### GENERAL ASSEMBLY ACTION (December)

On 17 December, the General Assembly adopted **resolution 51/199 A**.

#### United Nations Office of Verification in El Salvador

The General Assembly,

Recalling its resolutions on the situation in Central America and, in particular, resolution 50/226 of 10 May 1996, by which it, inter alia, decided to establish the United Nations Office of Verification in El Salvador to

follow up implementation of pending aspects of the peace accords in El Salvador through 31 December 1996 after the expiration of the mandate of the Mission of the United Nations in El Salvador,

Having considered the report of the Secretary-General on the United Nations Office of Verification in El Salvador,

Recognizing with satisfaction the efforts that continue to be made by the Government, other parties to the peace accords and the people of El Salvador to honour the commitments contained in the accords and to consolidate the peace process,

Welcoming the progress made towards a society characterized by democracy, the rule of law and respect for human rights,

Paying tribute to those Member States which have contributed personnel and voluntary funding to the Office and to technical assistance projects undertaken in support of the peace process,

1. Welcomes the continuing commitment of the Government and people of El Salvador to the consolidation of the peace process;

2. Pays tribute to the accomplishments of the United Nations Office of Verification in El Salvador, under the authority of the Secretary-General and his Representative;

3. Notes with satisfaction the commitment by the Government of El Salvador and other parties to the peace accords to the full implementation of the provisions of the peace accords, and urges them to work together to complete this implementation without delay;

4. Decides, in accordance with the recommendation contained in paragraph 33 of the report of the Secretary-General, that:

(a) The Representative of the Secretary-General in El Salvador should be withdrawn at the conclusion of the mandate of the United Nations Office of Verification in El Salvador on 31 December 1996;

(b) The responsibilities of verification and good offices entrusted to the United Nations should be executed through periodic visits to El Salvador by a high-level envoy from Headquarters who will keep the Secretary-General informed on a regular basis;

5. Also decides that the envoy will be assisted for a period of six months in the discharge of these responsibilities by a small support unit in El Salvador, working with the administrative support of the United Nations Development Programme;

6. Emphasizes the importance of a continued and enhanced cooperation of the various agencies, offices and programmes of the United Nations system active in El Salvador with the efforts of the Organization as verification of the peace accords approaches its conclusion and in the consolidation of the peace process;

7. Calls upon Member States and international institutions to continue to provide assistance to the Government and people of El Salvador and to lend support to the efforts of the United Nations in El Salvador for the purposes of peace-building and development;

8. Requests the Secretary-General to submit a report to it before the end of June 1997 on the implementation of the present resolution, including an assessment of the peace process in El Salvador.

General Assembly resolution 51/199 A  
17 December 1996 Meeting 87 Adopted without vote  
21-nation draft (A/51/L.58 & Add.1); agenda item 40.  
Financial implications. 5th Committee, A/51/734; S-G, A/C.5/51/42.  
Meeting numbers. GA 51st session: 5th Committee 44; plenary 60, 87.

On 16 December, the Fifth Committee decided [A/51/734] to inform the Assembly that, should it adopt the text, additional requirements of \$408,700 would be needed under the budget for the biennium 1996-1997. (For further details on UNOV financing, see PART FIVE, Chapter II.)

### Financing of ONUSAL

On 29 February, the Secretary-General presented a final report [A/50/735/Add.1] on the financing of the United Nations Observer Mission in El Salvador (ONUSAL) from its inception in 1991 [YUN 1991, p. 149] until its liquidation in 1995 [YUN 1995, p. 427]. According to the report, total appropriations for ONUSAL, together with those for the United Nations Observer Group in Central America, amounted to \$238.1 million, while outstanding contributions from Member States as at 31 December 1995 stood at \$19.9 million for both operations, of which \$9.7 million was outstanding for ONUSAL. (In 1992, by resolution 46/240, the General Assembly had decided that the special accounts for both should be merged [YUN 1992, p. 224].) At the same time, cumulative unencumbered appropriations totalled \$15.7 million. The Secretary-General noted that ONUSAL operating costs included additional requirements of \$826,000 gross for the period from 1 December 1994 to 30 April 1995 and \$16,300 gross for the liquidation period from 1 to 31 May 1995. He requested that the General Assembly appropriate and assess those amounts and take action concerning the remaining unencumbered balance, interest and miscellaneous income, as well as any surplus arising from the eventual liquidation of ONUSAL's remaining obligations.

In a 6 August report [A/50/1018], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) agreed with the Secretary-General's request.

#### GENERAL ASSEMBLY ACTION

On 17 September, the General Assembly adopted **resolution 50/246**.

#### Financing of the United Nations Observer Mission in El Salvador

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in El Salvador and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 991(1995) of 28 April 1995, by which the Council affirmed that the mandate of the Observer Mission would terminate as at 30 April 1995, as well as all previous Security Council resolutions on the Observer Mission,

Recalling also its resolution 45/267 of 21 June 1991 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was decision 50/447 of 22 December 1995,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Observer Mission by certain Governments,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to meet its outstanding liabilities,

1. Takes note of the status of contributions to the United Nations Observer Mission in El Salvador as at 31 August 1996, including the contributions unpaid in the amount of 7,804,394 United States dollars, representing 4 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 31 May 1995, notes that some 45 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Decides to appropriate to the Special Account for the United Nations Observer Mission in El Salvador the additional amount of 826,000 dollars gross (745,300 dollars net) already authorized by the General Assembly in its decision 50/447 for the period from 1 December 1994 to 30 April 1995;

7. Decides also, as an ad hoc arrangement, to apportion an additional amount of 826,000 dollars gross (745,300 dollars net) for the period from 1 December

1994 to 30 April 1995 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991 and 47/218 A of 23 December 1992 and its decision 48/472 A of 23 December 1993, the scale of assessments for the year 1994 to be applied against a portion thereof, that is, 169,580 dollars gross (153,010 dollars net), which is the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the scale of assessments for the year 1995 to be applied against the balance, that is, 656,420 dollars gross (592,290 dollars net) for the period from 1 January to 30 April 1995, inclusive;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 80,700 dollars approved for the Observer Mission for the period from 1 December 1994 to 30 April 1995, inclusive, 16,570 dollars being the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the balance, that is, 64,130 dollars, approved for the period from 1 January to 30 April 1995, inclusive;

9. Decides to appropriate the additional amount of 16,300 dollars gross (17,700 dollars net) for the period from 1 to 31 May 1995, already authorized by the General Assembly in its decision 50/447, to be apportioned among Member States in accordance with the scheme set out in the present resolution;

10. Decides also that, in accordance with the provisions of its resolution 973(X), the apportionment among Member States, as provided for in paragraph 9 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,400 dollars approved for the Observer Mission for the period from 1 to 31 May 1995;

11. Decides further that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionments, as provided for in paragraphs 7 and 9 above, their respective share in the amount of 842,300 dollars gross (763,000 dollars net) from the unencumbered balance of 15,712,958 dollars gross (14,221,605 dollars net) for the period ending 30 November 1994;

12. Decides that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share in the amount of 842,300 dollars gross (763,000 dollars net) from the unencumbered balance of 15,712,958 dollars gross (14,221,605 dollars net) for the period ending 30 November 1994 shall be set off against their outstanding obligations;

13. Decides also that the remaining unencumbered balance of 14,870,658 dollars gross (13,458,605 dollars net) in the Special Account for the Observer Mission shall be credited to Member States;

14. Decides further to transfer the remaining interest and miscellaneous income totalling 256,674 dollars and any surplus arising from the eventual liquidation of the remaining obligations in the Special Account for

the Observer Mission to the Peacekeeping Reserve Fund.

General Assembly resolution 50/246

17 September 1996 Meeting 128 Adopted without vote

Approved by Fifth Committee (A/50/818/Add.1) without vote, 12 September (meeting 67); draft by Vice-Chairman (A/C.5/50/L.75), orally revised; agenda item 126.

Meeting numbers. GA 50th session: 5th Committee 65, 67; plenary 128.

## Guatemala

In 1996, negotiations continued between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) under the auspices of the United Nations to find a lasting settlement of the most protracted conflict in Central America. The Secretary-General reported that the peace process there was on an irreversible course, with the signing of several agreements since 1994 and the continued presence of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA).

Democracy was further consolidated as a result of the participation of various sectors of the society—among them URNG—in the presidential elections held in January 1996; the arrival, following the elections, of new political forces in Congress; the new Government's commitment to fight poverty and impunity; mutual decisions in March by URNG and the Government to cease offensive military actions, as reported by the Secretary-General on 25 March [A/50/902]; and the suspension of the practice of exacting the so-called "war tax" once an agreement was reached on socio-economic issues.

MINUGUA continued to fulfil the verification mandate entrusted to it under the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407] and to carry out effective institution-building. MINUGUA institution-building activities had become a fundamental instrument in improving respect for human rights. To that end, the MINUGUA/UNDP Joint Unit was implementing projects in support of the judiciary, the Offices of the Public Defender and the Public Prosecutor, the Ministry of the Interior's criminal investigation capacity, the Counsel for Human Rights, the Presidential Human Rights Committee and relevant NGOs, with funding provided to the Trust Fund for the Guatemala Peace Process. In April, the General Assembly extended the Mission until the end of the year and in December authorized a further extension until 31 March 1997, to assist in implementing the Agreement on a Firm and Lasting Peace, which was eventually signed by the parties on 29 December.

On 1 June, David Stephen (United Kingdom) succeeded Leonardo Franco (Argentina) as Director of MINUGUA [A/50/954].

### Human rights verification mission

**Report of Secretary-General (February).** In a 16 February report [A/50/881] on MINUGUA, the Secretary-General stated that the new President of Guatemala, Alvaro Arzú Irigoyen, and the URNG General Command had reaffirmed their commitment to the Framework Agreement of 10 January 1994 and expressed their wish to resume negotiations to reach a final peace agreement promptly. The United Nations convened a new round of talks in February in Mexico City.

Based on the results of its verification activities, the Mission concluded that serious and repeated violations of human rights had taken place at the hands of State agents, groups connected to the State or through URNG actions. The violations, which had been neither clarified nor punished—especially when members of the military and police were implicated—did not appear to constitute official government policy, but were due to the Government's failure to combat persistent impunity, which was considered the main obstacle to the enjoyment of human rights in Guatemala, and had increased the public's lack of confidence in the administration of justice. The Mission found both the Government and URNG, by action or by omission, responsible for the failure to comply with their commitments under the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407]. Nonetheless, positive steps had been taken by both towards compliance with several commitments included in the Agreement. Among the steps taken under the administration of President Ramiro de Leon Carpio were the near cessation of forcible recruitment for military service and restraint in the use of force by the authorities. The establishment of new Voluntary Civil Defence Committees (CVDCs) was no longer encouraged and the Military Commissioners were abolished; legal requirements in the detention of URNG members were being observed, including their referral to tribunals, and the Interior Ministry had increased its investigation of crimes. URNG, for its part, had pledged to refrain from certain acts of sabotage and showed restraint in military actions that endangered civilians; it also had unilaterally ceased offensive actions during the two rounds of elections and continued cooperating with MINUGUA. While noting these steps, the Mission observed that their impact on public opinion had been severely limited due to an increase in crime and the inability of government institutions to cope with it, as well as the continuation of the armed conflict.

The Secretary-General reiterated that it was incumbent on the parties to comply fully with their commitments under the Comprehensive Agreement on Human Rights and with human rights aspects of the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 431]. It was critical that the Government and the URNG leadership take action to carry out the Mission's recommendations, which had too often remained unheeded. At stake was the confidence of the Guatemalan people and the international community in the peace process. Calling for an early and successful conclusion to the peace negotiations, the Secretary-General observed that the continuation of the conflict provided a pretext for human rights abuses and the culture of violence and intolerance, which thwarted efforts, including those of MINUGUA, to protect human rights and strengthen the rule of law. While compliance with the commitments regarding human rights should be improved, trends observed were encouraging. MINUGUA's active country-wide presence had played an important role, helping to place peace and human rights protection firmly at the top of the political agenda. With both the Government and URNG supporting a continuation of MINUGUA's activities, the Secretary-General recommended that its mandate be extended until 31 December. Given the cash-flow crisis afflicting the United Nations, additional funds would be necessary to cover the costs of the Mission during the new mandate period, with assurances that funds would be made available in the necessary time-frame.

**Fourth report of Mission Director (February).** By a 24 February 1996 note [A/50/878], the Secretary-General transmitted the fourth report of the MINUGUA Director, describing the Mission's activities from 21 August to 31 December 1995 and evaluating its work during its first year of operation. Despite some noteworthy progress, the report stated, the overall situation continued to cause concern because of repeated human rights violations, the persistence of impunity and the growing lack of public safety. MINUGUA continued its bilateral contacts through monthly meetings with the Guatemalan President and the URNG General Command. Additional meetings were held between the Mission and its official counterparts in the Government, the Presidential Human Rights Committee (COPREDEH), ministries and State bodies. Visits were made to URNG camps to discuss matters relevant to the task of verification.

In the gravest incident since MINUGUA's establishment, 11 people were killed by an army patrol in the community of Xamán, Aka Verapaz, on 5 October, which led to the resignation of the

Minister of Defence. President Ramiro de Leon Carpio transferred power to President Alvaro Arzú Irigoyen following democratic elections in November 1995 and a second round of voting in January 1996, but nearly two thirds of the electorate did not participate in the voting, despite the fact that URNG unilaterally suspended hostilities during the general elections. According to reports of the Office of the United Nations High Commissioner for Refugees (UNHCR), nearly 10,000 refugees had returned to Guatemala during 1995, significantly more than in previous years.

During its first year of activity, the Mission received more than 7,700 complaints, 1,567 of which it declared admissible for verification. It closed 1,078 of them, verifying that violations, involving 3,161 victims, had occurred in 43.2 per cent of them. Almost two thirds of those violations concerned the right to life, integrity of person and individual liberty, and responsibility was attributed to National Police officers, military commissioners and members of the army and of CVDCs, with URNG members being held responsible for 5.4 per cent of the cases. Responsibility was attributed to URNG in 92.5 per cent of the cases where verification confirmed a violation of the commitment concerning human rights and the internal armed conflict.

MINUGUA was enabled to carry out its mandate by the cooperation of both parties and the assistance provided by the Government, as well as the support of the Group of Friends of the Guatemalan Peace Process (composed of Colombia, Mexico, Norway, Spain, the United States and Venezuela), the international community and Guatemalan society, including NGOs. Fulfilment of its mandate was also made possible by its deployment in 13 offices throughout the country and its acceptance by the local communities, as well as by the practical development of a verification methodology involving the interaction of civilian and police observers and military liaison officers. Another important aspect had been the linkage of verification and institution-building tasks through the development of a strategy, in the framework of the MINUGUA/UNDP Joint Unit, for cooperating with national bodies for the protection of human rights.

The Mission also reported adverse reactions to its work, some of them violent, such as the armed attack on its regional office in the capital and threats against some of its members; however, those reactions had not affected its normal operations in the country as a whole.

MINUGUA made recommendations both to the Government and URNG aimed at their fulfilment of the Comprehensive Agreement. In its final

conclusions, in spite of the disturbing human rights situation and the failure to follow its recommendations, it cited some reasons to hope that human rights would be more fully enjoyed: progress in the peace process and national reconciliation; the growing conviction of the parties and of Guatemalan society that the armed conflict had to be ended without delay and that there had to be national reconciliation; progress in the political transition, through the consolidation of new democratic institutions, the convergence of opinions in favour of the primacy of civilian authority, the normal conduct of elections, the emergence of new forms of representation of civil society and the national consensus surrounding the broadening of the political sectors incorporated in the Congress of the Republic, all of which was promoting a decline in violence and politically motivated rights violations; growing participation of indigenous communities and leaders in various spheres of national life and the signing of the Agreement on Identity and Rights of Indigenous Peoples; and signs of a greater commitment to human rights, notably the awareness at the highest level of Government and in civil society that the fight against impunity was an urgent challenge, as well as the growing role of non-governmental human rights bodies and the ongoing monitoring, protection and defence activities of the Counsel for Human Rights.

#### GENERAL ASSEMBLY ACTION

On 3 April, the General Assembly adopted **resolution 50/220**.

#### **United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala**

The General Assembly,

Recalling its resolutions 45/15 of 20 November 1990, 46/109 A of 17 December 1991, 47/118 of 18 December 1992, 48/161 of 20 December 1993 and 48/267 of 19 September 1994, in which it decided to establish the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, and its resolutions 49/137 of 19 December 1994, 49/236 A of 31 March 1995, and, in particular, 49/236 B of 14 September 1995, in which it decided to authorize the renewal of the mandate of the Mission for the further period of six months, that is, until 18 March 1996,

Taking into account the notes by the Secretary-General transmitting the third and fourth reports of the Director of the Mission,

Taking note of the conclusions and recommendations contained in the third and fourth reports of the Director of the Mission, regarding compliance by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca with their commitments under the Comprehensive Agreement on Human Rights and

to the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples,

Acknowledging the support given to the Mission by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Concerned by the inadequate implementation of the Comprehensive Agreement on Human Rights, as reported by the Director of the Mission, and in particular the lack of action on the Mission's recommendations throughout the year 1995,

Welcoming the commitment expressed by President Alvaro Arzú to the struggle against impunity and the continuation of the peace process with the Unidad Revolucionaria Nacional Guatemalteca, within the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994, as well as his support for the continuation of the Mission,

Also welcoming the resumption of the negotiations between the two parties and their commitment to revitalizing the negotiations with a view to the early signing of a final peace agreement,

Acknowledging the efforts of the Secretary-General, the Group of Friends of the Guatemala peace process and the United Nations programmes and agencies for their support to the Guatemala peace process,

Having considered the recommendations of the Secretary-General regarding the renewal of the mandate of the Mission, contained in his report on the Mission,

1. Welcomes the report of the Secretary-General on the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala;

2. Takes note with satisfaction of the third and fourth reports of the Director of the Mission;

3. Decides to authorize within existing resources and in a manner consistent with the effective fulfilment of its mandate the renewal of the mandate of the Mission for a further period of nine months and thirteen days, that is, until 31 December 1996, in accordance with the recommendations of the Secretary-General;

4. Calls upon the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to take effective action to implement the recommendations contained in the third and fourth reports of the Director of the Mission and to comply fully with their commitments under the Comprehensive Agreement on Human Rights and with human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples;

5. Reiterates the importance of the undertaking by the parties to continue to provide their broadest support to the Mission and whatever cooperation it may need to carry out its functions, particularly with respect to the security of the members of the Mission;

6. Encourages the parties to strive for the earliest conclusion of a final peace agreement;

7. Calls upon the parties to adopt all necessary steps to eradicate the suffering of the civilian population as well as measures aimed at building confidence between them;

8. Invites the international community to continue supporting institution-building and other activities undertaken by the Mission, in cooperation with United Nations programmes and agencies, with a view to facilitating implementation of the Comprehensive Agreement on Human Rights, in particular through voluntary contributions to the trust fund for the Guatemala peace process established by the Secretary-General;

9. Requests the Secretary-General to keep the General Assembly fully informed of the implementation of the present resolution.

General Assembly resolution 50/220

3 April 1996 Meeting 103 Adopted without vote

7-nation draft (A/50/L.68 & Add.1): agenda item 45.

Sponsors: Colombia, Mexico, Norway, Russian Federation, Spain, United States, Venezuela.

Financial implications. 5th Committee, A/50/914; S-G, A/C.5/50/53.

Meeting numbers. GA 50th session: 5th Committee 48, 54; plenary 103.

By a letter [A/50/891] of 12 March to the President of the Assembly, the Secretary-General expressed his concern about the resolution text, which called for future funding of the Mission within existing resources. Previously mandated reductions in the programme budget made it impossible for him to implement additional mandates within existing resources. The Assembly's request for the continuation of MINUGUA without requisite financial resources stood in danger of not being implemented. He therefore requested guidance from the Assembly, should the resolution be adopted as proposed, as to which programmes should be curtailed, postponed or terminated.

The President of the Assembly, in a letter of 14 March [A/C.5/50/56] to the Fifth Committee Chairman, noted that the current budgetary situation did not give the Secretary-General the flexibility to implement additional mandates within existing resources. Were the Assembly to decide to continue MINUGUA without requisite financial resources, its decision would stand in danger of not being implemented. (For further details on MINUGUA financing, see PART FIVE, Chapter II.)

**Fifth report of Mission Director (July).** By a 19 July note [A/50/1006], the Secretary-General transmitted to the General Assembly the fifth report of the Director of MINUGUA, covering the period 1 January to 30 June 1996, during which the peace process took a significant step forward with the signing on 6 May of the Agreement on Social and Economic Aspects and Agrarian Situation [A/50/956].

During the period under review, and especially since the new Government came to power, the context in which the Mission operated underwent significant changes, which had a positive effect on the human rights situation and on compli-

ance with the Comprehensive Agreement. The peace negotiations were given a fresh impetus when URNG declared, on 20 March, an indefinite suspension of hostilities, followed by the Government's decision to suspend counter-insurgency actions. As a result, the 6 May Agreement was signed, after which URNG stated that it would stop collecting the so-called "war tax". On 5 June, the parties began negotiations on strengthening civilian power and the future role of the army in a democratic society.

The Congress of the Republic adopted a reform of the military code, making it inapplicable to members of the armed forces implicated in ordinary offences. In March, the Congress adopted the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) and ratified it in June. Steps were taken to include the crime of racial and ethnic discrimination in the Penal Code.

Significant personnel movements occurred within the police force and the military high command, including the retirement of some generals from active duty. Following a government decision, the army began to play an explicit role in fighting organized crime and ordinary offences, with positive initial results, while new heads were appointed for the Public Prosecutor's Office and COPREDEH.

Important developments were noted in the areas of social conflicts and the public debate on human rights. Tensions rooted in land and labour disputes became more serious, particularly when small-scale farmers invaded agricultural holdings and were subsequently evicted by the authorities.

The lack of public safety and the State's inadequate response to the situation were cited as factors contributing to a climate in which civilians took the law into their own hands and lynched several alleged criminals. Public debates took place on the imposition of the death penalty for kidnapping and on a possible general amnesty.

MINUGUA continued to receive complaints of human rights violations and expanded its activities to strengthen human rights institutions. Regular contacts with the Government and URNG continued through periodic meetings with the President, his ministers and the URNG General Command. Meetings with COPREDEH, which had been suspended earlier, resumed following the appointment of a new Committee Chairman. The Mission also increased its systematic contacts with State authorities and entities involved in human rights protection.

During the reporting period, the Mission received about 2,700 complaints, of which 468 were admitted for verification, involving 4,495 alleged

violations. The first finding of the verification was the persistence of the climate of violence, intimidation and disregard for human life noted earlier. The number of death threats and other threats recorded by MINUGUA remained high, with 179 complaints of 1,327 violations, which, together with the many homicides, kidnappings and serious crimes attributed to common criminals, showed that the State was not fulfilling its obligation to provide guarantees or its legal duty to prevent, investigate and punish such rights violations. The Mission also expressed concern about the actual or attempted lynchings, especially in the initial months of the year, and found that cases of homicides in which State agents and persons or groups linked to them were implicated were not adequately investigated. It noted a disproportionate use of firearms by State agents and deplored death threats as one of the most common manifestations of the climate of intimidation.

MINUGUA found a weakness of institutions for human rights protection, characterized by their insufficient presence in, or total absence from, large areas of the country, as well as by structural shortcomings and pressures restricting their independence, integrity and effectiveness. It also observed with concern the lack of coordination between the entities involved in the judicial process and the absence of a criminal justice policy integrating the bodies responsible for human rights protection. The repeated threats and pressure to which judges and prosecutors were subjected demonstrated, in the Mission's view, the urgent need to implement special protection programmes and create proper coordination among State institutions. MINUGUA was concerned at the continuing weakness observed in the functioning of the Public Defender's Office and at the repeated death threats against the Public Prosecutor.

In the current situation of impunity, the majority of serious crimes and violations went unpunished, the Mission noted, largely due to the inefficiency of the bodies responsible for investigation, judgement and punishment, as well as the influence of certain groups, mostly those connected with the State, on those bodies. That grave situation, MINUGUA stated, continued to be the greatest obstacle to the enjoyment of human rights.

Organizations existing on the fringes of State structures, including CVDCs, which used civil insecurity as a pretext of exercising control over their local communities, were a symptom as well as a consequence of the internal armed confrontation and a source of human rights violations; the provision of weapons to CVDC members by



the army constituted a serious obstacle to the commitment to regulate the bearing of arms by private citizens, the Mission found, and a factor leading to acts of violence. Also observed was the emergence of various civilian organizations that carried out surveillance patrols, established curfews and made arrests, which was, according to MINUGUA, incompatible with the objective of strengthening the official security forces.

State officials were frequently implicated in crimes like kidnappings, vehicle thefts and other illegal acts; to purify the security forces, the Ministry of the Interior took certain actions for the dismissal or trial of members of the police, but more needed to be done, according to the Mission, to combat impunity effectively, by professionalizing the National Police, separating police and military functions, and other measures.

With Guatemala going through a critical period, in which genuine compliance with the commitments in the Comprehensive Agreement had become a matter of utmost urgency, MINUGUA recommended that the Government pay special attention to combating impunity, putting an end to the illegal security forces, strengthening the bodies for human rights protection, protecting individuals and entities working to promote those rights, and stopping the proliferation of weapons in private hands. To the URNG General Command, it recommended that it instruct its members to adopt safeguards in carrying out propaganda activities so as to avoid causing danger or fear to the population or damage to its property; instruct its fronts to refrain from confiscating weapons in the custody of CVDCs; and demand that all combatants suspend collection of the so-called "war tax".

**Reports of Secretary-General (November/December).** On 26 November, the Secretary-General reported [A/51/695-S/1996/998] that the peace process had made considerable headway. The Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, signed on 19 September in Mexico City by the Government and URNG, contained a comprehensive set of provisions for solidifying the democratic institutions in Guatemala, including the executive, legislative and judicial branches of Government. Specifically, under a reformed Constitution, the police were to be restructured and consolidated in a new National Civil Police, which would assume responsibility for internal security, while the army would limit its role to external defence. The contents of that landmark Agreement were consistent with the recommendations of MINUGUA, the Secretary-General noted in his 30 September letter [A/51/410-S/1996/853] transmitting the text of the

Agreement to the Presidents of the General Assembly and the Security Council, and, with its signing, the parties had concluded their negotiations on the substantive part of the agenda agreed on in the 1994 Framework Agreement. What remained to be negotiated were the reintegration of URNG, a definitive ceasefire, constitutional reforms and the electoral regime, and the timetable for implementing and verifying the peace agreements.

On 11 November, the parties confirmed that conditions existed for an agreement to be reached on all pending items and set 29 December as a target date.

The progress at the negotiating table was accompanied by tangible progress in compliance with the Comprehensive Agreement on Human Rights. According to MINUGUA reports, since the informal cessation of military activities by the parties in late March, there had been no military or civilian casualties related to the armed confrontation, and the Government had started a programme to disarm and demobilize the CVDCs, which was expected to be completed within 30 days after the signing of the final peace agreement. In addition, the Government had made a major effort, in its first year in power, to combat crime, corruption and impunity, removing from office or sanctioning a number of high-ranking officials implicated in criminal activities.

The Government's initiatives, however, had also drawn attention to the gravity of the institutional problems in the fight against impunity. Verification of complaints by MINUGUA revealed specific weaknesses in the administration of justice and law enforcement and pointed to the need to strengthen the relevant institutions. The Mission, therefore, placed increasing emphasis on its institution-building role, and there had been significant progress in pilot projects to improve the efficiency of, and access to, the administration of justice.

With the imminent entry into force of the final agreement, the United Nations would be called upon, as requested by the parties to the Framework Agreement, to verify compliance with the peace accords. Final recommendations on the mandate and structure of the verification mission could not, however, be completed until all agreements were signed. In the meantime, the Secretary-General recommended that the General Assembly extend MINUGUA's mandate for a further three months, until 31 March 1997, at its current strength. Anticipating that the future agreement on the timetable for implementation and verification of the peace accords would provide for a number of urgent implementation measures to be taken before 31 March 1997 and

falling outside MINUGUA's current mandate, the Secretary-General recommended that it be authorized, on an exceptional basis, to verify all those measures within its capabilities. In addition, the Secretary-General believed that verification of measures related to the agreement on the definitive ceasefire would be required, involving the deployment of UN military personnel.

In a 17 December report [S/1996/1045], the Secretary-General informed the Security Council that the agreement on the definitive ceasefire had been signed on 4 December in Oslo, Norway, and was scheduled to come into force, like other agreements in the overall peace package, upon the signing of the final agreement on 29 December. Subject to the Council's approval, the agreement would then require, within a short time, an increase in MINUGUA's strength, through the addition for a three-month period of a military component to verify its implementation. In his report, the Secretary-General presented to the Council detailed recommendations, based on the findings of a technical survey team of the Secretariat which had visited Guatemala, regarding the organization and strength of the proposed military component and on how it should undertake the responsibilities entrusted to it under the ceasefire agreement.

In later addenda [S/1996/1045/Add.1,2] to his report, dated 23 and 30 December, the Secretary-General informed the Council that the Agreement on a Firm and Lasting Peace was signed on 29 December in Guatemala City, and requested authorization for deploying a military component of 155 military observers. The cost of the military component was estimated at \$3.4 million for three months.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/198 A**.

#### **United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala**

The General Assembly,

Recalling its resolutions 45/15 of 20 November 1990, 46/109 A of 17 December 1991, 47/118 of 18 December 1992, 48/161 of 20 December 1993 and 48/267 of 19 September 1994, in which it decided to establish the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, and its resolutions 49/137 of 19 December 1994, 49/236 A of 31 March 1995, 49/236 B of 14 September 1995 and, in particular, 50/220 of 3 April 1996, in which it decided to authorize the renewal of the mandate of the Mission for a further period of nine months and thirteen days, that is, until 31 December 1996,

Taking into account the note by the Secretary-General transmitting the fifth report of the Director of the Mission,

Taking note of the conclusions and recommendations contained in the fifth report of the Director of the Mission, regarding compliance by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca with their commitments under the Comprehensive Agreement on Human Rights and to the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples,

Acknowledging the support given to the Mission by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Welcoming the steps taken by the Government of Guatemala to combat impunity,

Also welcoming the de facto cessation of hostilities as a result of confidence-building measures taken by both parties,

Encouraged by the progress made in the peace process as reflected in the signing of the Agreement on Social and Economic Aspects and Agrarian Situation and the signing of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, as well as the announcement by the parties that the agreement on a firm and lasting peace will be signed on 29 December 1996 in Guatemala City,

Recalling the request of the parties that the United Nations should verify all the agreements signed by them as reflected in the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994,

Acknowledging the efforts of the Secretary-General, the Group of Friends of the Guatemala peace process, the United Nations system and other international agencies in support of the peace process,

Having considered the recommendations of the Secretary-General regarding the renewal of the mandate of the Mission contained in his report on the Mission,

1. Welcomes the report of the Secretary-General on the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala;

2. Takes note with satisfaction of the fifth report of the Director of the Mission;

3. Calls upon the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to continue their efforts to comply with their commitments under the Comprehensive Agreement on Human Rights and the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples;

4. Encourages the parties to maintain the current momentum of the negotiating process in order to ensure that, as they have agreed, the agreement on a firm and lasting peace will be signed on 29 December 1996;

5. Decides to authorize the renewal of the mandate of the Mission until 31 March 1997, in accordance with the recommendations of the Secretary-General;

6. Invites the international community to intensify its support for the peace process, and in particular for

the implementation of the peace agreements, inter alia, through voluntary contributions to the Trust Fund for the Guatemala Peace Process established by the Secretary-General;

7. Requests the Secretary-General to submit recommendations as soon as possible on how the structure and staffing of the Mission should be redesigned to enable the Mission to fulfil its new responsibilities after the signing of the agreement on a firm and lasting peace, and to keep the General Assembly fully informed of the implementation of the present resolution.

General Assembly resolution 51/198 A

17 December 1996 Meeting 87 Adopted without vote

20-nation draft (A/51/L.57 & Add.1); agenda item 40.

Financial implications. 5th Committee, A/51/735; S-G, A/C.5/51/41.

Meeting numbers. GA 51st session: 5th Committee 44; plenary 60, 87.

**Sixth report of Mission Director (January 1997).** The Secretary-General transmitted the sixth report [A/51/790] of the Director of MINUGUA covering the period from 1 July to 31 December 1996. During that time, the peace process continued with the signing of all pending agreements and culminated in the signing on 29 December of the Agreement on a Firm and Lasting Peace [A/51/796-S/1997/114]. The report presented an analysis of how the human rights situation in Guatemala had evolved and made specific recommendations designed to assist the Government in fulfilling its firm commitment to make the changes needed to improve the situation.

In carrying out its mandate, MINUGUA continued to receive complaints of alleged human rights violations and to carry out cooperation programmes aimed at strengthening the institutions responsible for protecting those rights, while the international community increased its support through contributions to the Trust Fund for the Guatemalan Peace Process and other assistance.

In the context of dismantling the counter-insurgency support structure, the Government proceeded to disarm and disband the CVDCs and the "peace and development committees", and Congress on 28 November repealed the decree which conferred legal status on such organizations.

However, progress in the peace process was limited by a lack of public safety, high levels of ordinary crime and a lack of confidence in the State institutions responsible for crime prevention, investigation and punishment. Despite the Government's efforts, kidnappings by gangs increased, affecting all social sectors. There were further lynchings of alleged criminals, and social conflicts linked to agrarian issues and labour rights persisted.

MINUGUA acceded to the authorities' request that it use its good offices to secure a peaceful resolution of such conflicts. The parties fulfilled the commitments made in March to end offensive military action and counter-insurgency operations, with the result that there were no deaths in combat. Nevertheless, URNG propaganda activities, including the holding of political rallies at which some participants were armed, were challenged by some sectors, which criticized the Government for tolerating such actions. At the end of the reporting period, armed groups of ordinary criminals emerged, masquerading as guerrillas, who committed robberies, armed assaults and acts of extortion on farms on the southern coast, which prompted the Government to authorize the deployment of troops to reinforce civilian security forces in the area.

The public debate over human rights centred on the search for a delicate balance between the demands of peace, truth, justice and national reconciliation, with a view to influencing the agreement on the legal integration of URNG, which was signed on 12 December and ratified by Congress as the National Reconciliation Act. A number of human rights groups, led by the Alliance against Impunity, criticized the Act, fearing it would become a general amnesty for human rights violators. In that connection, MINUGUA underscored the importance of excluding from the extinction of liability violations which took place outside the framework of the internal armed conflict.

The independent expert of the UN Commission on Human Rights visited Guatemala in November and drew attention to weaknesses in the justice system and public security, as well as to the need to find lasting solutions to problems affecting economic and social rights. (For details of action by the Commission and its Subcommission, see PART TWO, Chapter I.)

During the second half of the year, the number of complaints admitted and violations verified declined by comparison to the first half and concerned for the most part the right to due process. Due to the gradual cessation of the armed conflict, the number of cases of impunity and violations of the rights to life, integrity and security of person declined, as well as violations attributable to the armed forces. There were no substantiated cases of enforced disappearances and the number of such complaints declined appreciably, leading the Mission to conclude that the practice was no longer occurring. Efforts were being made, with government assistance, albeit in a limited number of cases, to find the remains of past victims. Congress adopted protective measures for members of the judiciary at the end of

August. In the labour sphere, the most important was the implementation of the new rules for the recognition of legal personality and the approval of statutes and registration of trade unions, which fulfilled Guatemala's obligations with regard to ILO Convention No. 87.

Progress was also reported in the strengthening of institutions for the protection of human rights. Under the leadership of the new Attorney-General, a more rational administration of the human, material and technical resources in the Public Prosecutor's Office took place. The Public Defender's Office broadened its activities and extended its coverage. An information and an anti-riot unit were created within the National Police. The Office of the Counsel for Human Rights had begun to set up the department for investigating individual human rights violations, and COPREDEH, under its new chairmanship, had significantly improved its capacity to deal with complaints of rights violations and ensure prompt response from the authorities.

The demobilization and disarming of the CVDCs concluded in December. While MINUGUA had no mandate to verify the process, its field presence allowed it to conclude that that was a most significant development. The purification of the National Police continued. Between July and October, 134 police officers faced legal actions for various criminal acts. The recruitment and training of new police officers improved and the Criminal Investigation Department underwent some reorganization. On 21 August, Congress approved a decree prohibiting the bearing of firearms by persons under 25 years of age. The suspension of compulsory military conscription continued, while consultations were held on a new law governing military service.

NGOs and entities working for the protection of human rights had begun to play a more visible role, while COPREDEH was following up on cases of threats reported by human rights organizations. In the course of the year, several legislative initiatives were designed to provide comprehensive assistance to victims of violations and their relatives, and a compensation bill was before the Congressional Human Rights Commission. Other significant legislative developments included the adoption of the Code on Children and Youth and the Act on the Prevention, Punishment and Eradication of Domestic Violence.

In 1996, over 4,000 refugees returned to Guatemala. Total voluntary repatriation to date involved more than 34,000 people, with another 32,500 refugees remaining in Mexico. Progress was made in reincorporating into national life the so-called communities of populations in re-

sistance, assisting them in resettlement and access of land and with support for socio-economic development programmes.

The Government set in motion an extensive campaign, with assistance from MINUGUA, to publicize the Agreement on Identity and Rights of Indigenous Peoples. The judiciary showed greater interest in and provided financial support for the training of court translators. Representatives of the Maya, Xinca and Garifuna organizations laid the foundation for their role in implementing the Agreement by establishing working committees to prepare for the reforms envisaged.

Nevertheless, the Mission observed, the enjoyment of human rights by the population as a whole was still precarious, and government efforts against crime and impunity had achieved only partial results, as the persistence of widespread criminal violence continued to cause a serious lack of public safety and distrust in the institutions responsible for the rule of law. Further progress was being hampered by the continuing weaknesses in the institutions responsible for preventing, investigating, trying and punishing serious crimes and rights violations, a large proportion of which had been impossible to clarify. In addition, there was an alarming proliferation of firearms in the hands of private individuals, as well as recourse to violence, failure to abide by the law in resolving private conflicts and discrimination against indigenous groups.

Overcoming those problems required a major effort to comply with all the agreements signed and the State should be fully committed to that, with the backing of civil society and the support of the international community, MINUGUA believed. The Mission wished to contribute by focusing on those aspects of the peace agreements with which it was most familiar. Now that the peace agreements had been signed, judges and magistrates would have to apply the National Reconciliation Act in accordance with its meaning and its aim of achieving reconciliation without impunity. Impeccable professional conduct on the part of those involved in running the justice system would be essential; MINUGUA offered its technical cooperation in that connection. Effective coordination between the National Police, the Public Prosecutor's Office and the judiciary was essential for improving the State's performance in guaranteeing public safety and fighting crime.

The Mission put forward a number of recommendations to bring about the necessary changes in the administration of justice; transform the National Police into an effective public service institution; limit and control the use of weapons;

and enact legislation for human rights protection. It appealed to the authorities to ensure that capital punishment was carried out only after a trial whose outcome left no room for doubt, and expressed the hope that the armed forces would increase their cooperation in clarifying and punishing crimes and rights violations in which some of their members might be implicated. It called for legislative advances so that the right to freedom of association could not be obstructed and for the broadest possible participation of indigenous peoples in preparing for the reforms envisaged in the Agreement on Identity and Rights of Indigenous Peoples. Lastly, the Mission saw an urgent need for the State to set in motion the conflict resolution mechanisms referred to in the peace agreements, particularly those related to land disputes, and recommended that the Government assign the necessary resources to plan the incorporation of human rights issues into the educational system.

### Nicaragua

In a 2 August 1996 report [A/51/263] on international assistance for the rehabilitation and reconstruction of Nicaragua (see PART THREE, Chapter III), the Secretary-General noted that general elections scheduled for October should mark the final consolidation of democracy and national reconciliation in that country, which had to overcome many obstacles, such as the disbanding of armed groups, constitutional disputes and property issues. The economic situation was characterized by price stability, although stabilization continued to depend on external assistance. The Consultative Group of donors for Nicaragua, meeting in June in Washington, D.C., reaffirmed its support for the transition process with commitments of \$600 million for 1996 and \$1.8 billion for 1995-1997, intended to relieve Nicaragua's balance-of-payments deficit.

The consolidation of peace and democracy was reflected in the sharp reduction of political violence, the high level of public freedom, the increasingly independent functioning of the branches of Government, the strengthening of local authorities, and the reduction and conversion of armed forces. At the same time, although the vast majority of Nicaraguans continued to support political democracy, public confidence in political institutions was not yet sufficient to guarantee stability, due to the lack of substantive improvement in the standard of living. Despite resumed economic growth and macroeconomic balance, underemployment remained high, creating an additional difficulty in reintegrating demobilized former combatants.

The Secretary-General concluded that the forthcoming elections should be used to generate a national debate and achieve consensus on a long-term development strategy, essential for consolidating democracy. The international community could stimulate that debate and ensure that it was not limited by conditions established for the provision of international assistance.

The General Assembly, in **resolution 51/197** of 17 December (see above, in section on "Central America"), welcomed the peaceful electoral process in Nicaragua on 20 October as a further step towards strengthening democracy, peace, development and reconstruction. It recognized the achievements by the Nicaraguan people and by the Government in consolidating peace, democracy and reconciliation, as well as the importance of political, economic and social consultation among all sectors of the country, so as to continue with its reconstruction. The Assembly expressed appreciation of the work of the support group for Nicaragua—Canada, Mexico, the Netherlands, Spain and Sweden—which, under the coordination of the Secretary-General, was playing an active role in supporting the country's efforts towards economic recovery and social development.

### Haiti

During the year, the international community intensified its efforts to help the Government of Haiti successfully complete its transition to democracy. The United Nations Mission in Haiti (UNMIH), established in 1993 [YUN 1993, p. 3491, was succeeded on 1 July by the United Nations Support Mission in Haiti (UNSMIH), which, together with the joint United Nations/Organization of American States International Civilian Mission to Haiti (MICIVIH), contributed to a secure and stable environment conducive to the success of those efforts. During the year, the military component of UNMIH continued to carry out patrols, escort humanitarian relief convoys and provide security support for Haitian authorities in the areas of law and order. UNMIH engineers undertook development projects to benefit the local population. The training and monitoring of the Haitian National Police (HNP), including the organization of its managerial components, remained the priority task of the civilian police (CIVPOL) component of the Mission.

Haitian President René Préval, who succeeded Jean-Bertrand Aristide on 7 February 1996, fol-

lowing December 1995 elections [YUN 1995, p. 440], requested an extension of the mandate of UNMIH so that a gradual withdrawal might take place later. The Security Council extended the Mission with a reduced military component until 30 June. As of 1 July, the United Nations Support Mission in Haiti was established, with a mandate expiring on 30 November, to assist the Government in the professionalization of the police. The Council expressed support for the role of the Special Representative of the Secretary-General in the coordination of UN activities aimed at promoting institution-building, national reconciliation and economic rehabilitation. On 29 November (**resolution 1085(1996)**), the UNSMIH mandate was extended for an additional five days to permit the conclusion of discussions on its extension, which was subsequently authorized until 31 May 1997.

Enrique ter Horst (Venezuela) in March replaced Lakhdar Brahimi (Algeria) as the Special Representative of the Secretary-General for Haiti. Brigadier-General J. R. P. Daigle of Canada succeeded Major-General Joseph Kinzer of the United States as Commander of the military component of UNMIH.

In the context of reviewing the situation of democracy and human rights in Haiti, the General Assembly, in April, August and December, extended UN participation in MICIVIH.

On 23 July, the Economic and Social Council, acting on a recommendation of the Commission on Human Rights, adopted **decision 1996/269**, by which it requested the independent expert on human rights in Haiti to report to the Commission at its fifty-third session on the human rights situation and on the initiation of the technical co-operation programme in the area of human rights.

(See also PART TWO, Chapter III, for the human rights situation in Haiti, and PART THREE, Chapter III, for economic assistance to Haiti.)

### United Nations Mission in Haiti

**Report of Secretary-General (February).** In a 14 February report [S/1996/112] on the UN Mission in Haiti (UNMIH) covering developments since November 1995, the Secretary-General noted that the overall security situation had improved as a result of the continued efforts of UNMIH and the more active role played by the Haitian public security forces. UNMIH had enjoyed the support and respect of the overwhelming majority of the Haitian people, although small groups on both the left and the right of the political spectrum had expressed some opposition to its presence.

As instituted by the Security Council, UNMIH assisted in creating a new police force. The Secretary-General reported that, by 29 February 1996, more than 3,600 Haitian National Police (HNP) officers had been deployed, of a planned force of 5,000 [YUN 1995, p. 449]. Following the gradual demobilization of most members of the Interim Public Security Force, which had originated in the disbanded Armed Forces of Haiti, the Interim Force was abolished by presidential decree on 6 December 1995. By the end of February 1996, the security forces should comprise about 6,500 personnel, the Secretary-General said.

The Haitian police officers were a visible presence on the roads and in various communities, but they were inexperienced and lacked proper infrastructure and commitment and needed further training, according to the Secretary-General. Of most serious concern was the absence of competent senior officers and overall leadership, which affected the discipline of HNP. The impact of inadequate experience and leadership could be seen from instances of unwarranted or disproportionate force, which often resulted in incidents that could have been avoided, undermining the authority of and respect for HNP. There was agreement between senior management of HNP and UNMIH monitors that guidance from experts and seasoned policemen was necessary, as were more resources to meet the basic and infrastructural requirements of HNP. The Secretary-General appealed to Member States to contribute generously in order to enhance the capabilities of HNP to meet future challenges.

Owing to a lack of infrastructure and equipment, the situation of the national penitentiary system remained critical. There had been a sharp increase in the prison population, with the total number of inmates reaching 2,300 in the country's 18 prisons. The Ministry of Justice was coordinating efforts to improve unnecessary arrests and accelerate the processing of prisoner files. Programmes were planned to train penitentiary and judicial personnel, and to rehabilitate and construct court houses.

Activities aimed at strengthening the renewed democratic institutions in Haiti had also been launched. The United Nations Development Programme (UNDP) assisted the Interior Ministry in organizing a seminar for newly elected mayors and, working with the United States Agency for International Development (USAID) and the Inter-Parliamentary Union, provided assistance to the Haitian authorities to strengthen the Parliament.

As for the economic situation, the improved conditions that were obtained towards the end of

1995, including lower inflation, stable foreign exchange, increasing investments and lower unemployment, had largely halted, mainly as a result of uncertainty of economic policies, including privatization measures. A team from the Bretton Woods institutions, the Inter-American Development Bank and the European Union held discussions with Haitian authorities in January 1996, and further talks on a new structural adjustment package were expected when a new Government took power.

The Secretary-General considered the continuation of development cooperation efforts to be critical in maintaining the pace of the Haitian economy, and reported that external assistance available for the remainder of the decade had reached \$1.7 billion. External resources were several times the annual gross domestic investment in infrastructure, the Secretary-General said, which attested to the critical need for increased absorption capacity.

#### **Transfer of responsibilities**

In his February report [S/1996/112], the Secretary-General also described certain achievements of UNMIH and measures taken towards the transfer of its responsibilities to the Government of Haiti. Since taking over the functions of the multinational force on 31 March 1995 [YUN 1995, p. 444], he said UNMIH had assisted Haiti in sustaining a secure and stable environment and protecting international personnel and key installations. It also had helped to organize free legislative, local and presidential elections and provide on-the-job training to new HNP officers. Since January, CIVPOL staff had concentrated on developing a cadre of competent supervisors, in the field and at the administrative level. CIVPOL officers with expertise in the fields of finance, computers, personnel, logistics and communications were being identified as candidates for secondment to HNP Headquarters.

UNMIH also provided security to humanitarian convoys, airports, seaports, storage locations and UN installations. With financial assistance from bilateral and multilateral donors, it helped stimulate small development projects. Some 1,000 such projects, including training courses on disaster prevention and relief, helped to improve conditions in rural communities, thus creating goodwill for UNMIH contingents. Responsibility for projects, most of which were expected to be finished by 15 February, was to be transferred to local communities, governmental organizations and NGOs.

The Secretary-General stated that, mindful of the need for economy, UNMIH staff was being reduced to some 400 civilian staff and 4,100 combat

personnel by 29 February. On the military side, the concept developed for force reductions envisaged a gradual vacating of outlying areas, starting with the least troublesome operational sectors, and culminating in reduced force levels in Port-au-Prince and Cap-Haïtien. Primary base camps were to be closed once the last contingents had departed from a particular sector.

UNMIH had paid special attention to a smooth and orderly transfer to the Government of responsibilities and functions it had been carrying out on the Government's behalf. Joint working groups established by the Trilateral Commission in Port-au-Prince in November 1995 [YUN 1995, p. 450] continued to deal with a number of transition issues: disarmament; information; justice; prisons and human rights; presidential security; election security; airports, seaports and coast guards; fire-fighting and urban disorders; and traffic. The functioning of the Presidential Security Unit, the National Presidential and Residence Guard and HNP was reported to be progressing well. A 156-man Haitian police riot control team was being trained by France and the International Criminal Investigative Training Assistance Programme (ICITAP) of the United States Justice Department. The transition of overall responsibility for the Port-au-Prince international airport had begun, and transfer of responsibility for the exterior security of the seaport was to be completed by 21 February, the report stated. In addition, the Haitian Government, with Canadian and United States support, was in the process of setting up a new coast guard.

The Secretary-General believed that the new Government would have to take a number of difficult decisions to energize the economy and attract domestic and foreign investments, and that the security climate would have to be judged to be satisfactory and stable by prospective investors for those efforts to succeed. Economic hardships on the Haitian people had resulted in a growing number of public demonstrations. Although there was no indication of an organized threat against the Government, concern had been raised that growing popular discontent could be used by disgruntled groups to foment trouble, especially after the departure of UNMIH. The large amount of available financial and technical assistance provided the new Government with an opportunity to foster economic and social progress, and some confidence in the country's stability had been restored as a result of the presidential elections. However, the direction of social and economic policies would remain the key determinant of private investment and improved living conditions. In that context, swift policy decisions and improved administrative manage-

ment would be critical to mobilize private resources and put available foreign aid to meaningful use.

During a transition to a smaller military component of UNMIH, the United States was to withdraw all military personnel by 15 March, leaving 320 support personnel until 15 April to close the base camps. Military components of UNMIH would then be provided by Argentina, Bangladesh, Canada and Pakistan. Algeria, Benin, Canada, Djibouti, France, Mali, Togo, the Netherlands and the Russian Federation indicated that they would be prepared to contribute to the Mission's reduced civilian police component.

Stressing in his concluding observations that the Haitian people still faced formidable challenges and that it was ultimately they themselves who were in charge of their present and responsible for their future, the Secretary-General considered it essential that the continued commitment of the international community be matched with a renewed commitment by the Haitian people, regardless of their differences, as well as by their political and civic leaders and their Government.

#### SECURITY COUNCIL ACTION (February)

On 29 February, the Security Council adopted **resolution 1048(1996)**.

The Security Council,

Recalling the provisions of its resolutions 841(1993) of 16 June 1993, 861(1993) of 27 August 1993, 862(1993) of 31 August 1993, 867(1993) of 23 September 1993, 873(1993) of 13 October 1993, 875(1993) of 16 October 1993, 905(1994) of 23 March 1994, 917(1994) of 6 May 1994, 933(1994) of 30 June 1994, 940(1994) of 31 July 1994, 944(1994) of 29 September 1994, 948(1994) of 15 October 1994, 975(1995) of 7 February 1995 and 1007(1995) of 31 July 1995,

Recalling also the resolutions adopted by the United Nations General Assembly on Haiti,

Recalling also the terms of the Governors Island Agreement and the related Pact of New York,

Having considered the report of the Secretary-General of 14 February 1996 and noting the recommendations contained therein,

Taking note of the letters of 9 February 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Underlining the importance of the peaceful transfer of power to the new democratically elected President of Haiti,

Welcoming and supporting the efforts of the Organization of American States to promote in cooperation with the United Nations consolidation of peace and democracy in Haiti,

Stressing the need to ensure that the Government of Haiti will be able to maintain the secure and stable environment established by the Multinational Force in Haiti (MNF) and maintained with the assistance of the United Nations Mission in Haiti (UNMIH), and in this

context welcoming progress to establish a fully functioning Haitian National Police and to revitalize Haiti's system of justice,

Recognizing the link between peace and development and that a sustained commitment by the international community to assist and support the economic, social and institutional development of Haiti is indispensable for long-term peace and stability in the country,

Commending the efforts of the Secretary-General and his Special Representative, the contribution of UNMIH and the International Civilian Mission (MICIVIH) in support of the Haitian people's quest for stability, national reconciliation, lasting democracy, constitutional order and economic prosperity,

Acknowledging the contribution of the international financial institutions, including the Inter-American Development Bank, and the importance of their continued involvement in the development of Haiti,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment and reconstruction of their country,

1. Welcomes the democratic election of a new President in Haiti and the peaceful transfer of power from one democratically elected President to another on 7 February 1996;

2. Expresses appreciation to all Member States which have contributed to UNMIH;

3. Welcomes the report of the Secretary-General of 14 February 1996 and notes his recommendations for continued United Nations assistance to the democratically elected Government of Haiti;

4. Reaffirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure to the consolidation of peace, stability and democracy and revitalization of Haiti's system of justice;

5. Decides, in accordance with the recommendations of the Secretary-General's report of 14 February 1996, that for the purpose of assisting the democratic Government of Haiti in fulfilling its responsibilities to (a) sustain by UNMIH's presence the secure and stable environment which has been established, and (b) professionalize the Haitian National Police, the mandate of UNMIH is extended for the final period of four months, for the purposes set out in paragraphs 47, 48 and 49 of the report;

6. Decides to decrease the troop level of UNMIH to no more than 1,200;

7. Decides to reduce the current level of civilian police personnel to no more than 300;

8. Requests the Secretary-General to consider and implement, as appropriate, steps for further reduction of the strength of UNMIH consistent with the implementation of this mandate;

9. Requests further the Secretary-General to initiate planning not later than 1 June 1996 for the complete withdrawal of UNMIH;

10. Requests the Secretary-General to report on the implementation of this resolution by 15 June 1996 including information on activities by the United Nations system as a whole to promote the development of Haiti;

11. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other rele-



vant resolutions in order to carry out the provisions of the mandate as set out in paragraph 5 above;

12. Reiterates the commitment of the international community and international financial institutions to assist and support the economic, social and institutional development of Haiti and stresses its importance for sustaining a secure and stable environment in Haiti;

13. Appeals to Member States to make voluntary contributions to the trust fund established in resolution 975(1995) for the support of the Haitian National Police, to ensure that the police are adequately trained and fully operational, which is essential for the implementation of the mandate;

14. Decides to remain actively seized of the matter.

Security Council resolution 1048(1996)

29 February 1996 Meeting 3638 Adopted unanimously

7-nation draft (S/1996/136).

Sponsors: Argentina, Canada, Chile, France, Honduras, United States, Venezuela.

**Report of Secretary-General (June).** On 5 June, the Secretary General provided an update [S/1996/416] to the Security Council on the activities of the UN system to promote the development of Haiti. Recommendations were made on the future role of the United Nations in Haiti after the expiration of UNMIH's mandate at the end of the month.

The Secretary-General said that a number of obstacles were hampering the proper functioning of the new democratic institutions in Haiti, among them the lack of qualified staff, adequate premises and equipment, as well as the absence of consensus, even within the ruling party, on major issues such as economic reform. However, government initiatives were unfolding in an environment which, in spite of certain worrisome trends, remained generally stable and secure, thanks in great part to the presence of UNMIH.

Although President Préval had taken steps to address fundamental problems, including weak governmental institutions, economic inefficiency and corruption, increasing demands for social services and infrastructure, plus heightened expectations resulting from the elections, led to frequent demonstrations in Port-au-Prince and throughout the country, increasing the potential for violence. Deep apprehension persisted that associates of the de facto regime could foment unrest by capitalizing on the public's frustration. UNMIH's diminished presence had led to growing concerns in that regard in certain sectors of the society and many feared that elements of the former military and militia forces might again threaten the consolidation of democracy following the Mission's planned departure three months after the expiration of its current mandate (by 30 September).

The Secretary-General also reported that during March and April the force headquarters staff had been reduced to a third of its original strength, and with an almost total rotation of the military contingents. Boundaries of the operational zones of the Mission had been redrawn, with a permanent military presence established only in Port-au-Prince and Cap-Haïtien. The remainder of the country was divided into four "response zones", in the Northwest, in the Artibonite region, on l'Ile de la Gonâve and in the South. Nevertheless, a visible presence was maintained throughout the country, including in the capital, by means of periodic patrols.

UNMIH military components continued to assist in providing security for Haitian President Préval and former President Aristide, as well as for key installations, including the international airport and seaport. CIVPOL continued to train Haitian police, which by late February numbered nearly 6,000. Challenges to the police were constant and considerable. Five officers had died during attacks against HNP personnel, affecting police morale. HNP continued to suffer from the absence of an effective senior officer corps, as well as a lack of adequate equipment and appropriate operating procedures. To overcome the serious shortage in HNP leadership, accelerated training courses were launched. UNMIH helped prepare a long-range work programme to promote the institutional development of HNP in four major areas: training, infrastructure and logistics, management and operations.

Fundamental reforms and professionalization of the justice system were considered necessary for the new police force to operate effectively. Following a meeting of representatives of the international community, a three-day seminar was held on the reform of the judicial system, covering the internal management of the Justice Ministry, judicial and legal reforms, human rights, police and the prison system.

The Secretary-General characterized the economic situation in Haiti as extremely difficult owing to low growth and high inflation and unemployment. While economic reforms had met some resistance, taxes and import duties were being collected more aggressively, and an economic reform programme, which included the privatization of many State-owned enterprises, was being drawn up with help from the World Bank and the International Monetary Fund (IMF), the Inter-American Development Bank and the European Union. The Secretary-General believed that resourceful and determined policies would be needed to secure steady and non-inflationary economic growth. Funds committed by bilateral and multilateral donors, previously

reported at more than \$1 billion, had not been fully utilized and remained at well above that figure, but were earmarked exclusively for development programmes rather than for emergency measures.

UN agencies sought to accelerate economic growth while protecting the environment and ensuring basic social services for the population, the Secretary-General reported. Disbursements by UN agencies were projected at \$118 million in 1996 and \$155 million in 1997. Of those, the World Bank would disburse almost \$67 million in 1996 and \$80.5 million in 1997 in support of private sector development, water supply, transportation, energy, forest protection, basic social services and balance of payments. IMF was supporting a programme of macroeconomic stabilization and structural reform with \$18 million in fiscal year 1995-1996 and \$36 million in fiscal year 1996-1997.

UNDP—including its Capital Development Fund—would allocate about \$30 million in 1996-1997 for governance activities, modernization programmes, economic growth, poverty alleviation and protection of the environment. The World Food Programme (WFP) would disburse almost \$5 million in 1996 and \$6.5 million in 1997, mostly for rural development projects and food for schoolchildren. UNICEF was to spend close to \$15 million in 1996-1997 on vaccination and nutrition programmes for children, the development and improvement of potable water systems, primary education, community organization and leadership training for women. The Food and Agriculture Organization of the United Nations (FAO) was to focus on institution-building efforts in the agricultural sector, revitalizing production and improving the seed pool. Together with the International Fund for Agricultural Development, FAO would allocate \$1.6 million to agricultural development in 1996 and \$5 million in 1997.

The World Health Organization (WHO) and the Pan American Health Organization (PAHO) were to provide \$2.3 million in each of the next fiscal years for improving the health of Haitians and the quality of services available to them. The two organizations would target maternal and child health, control of infectious diseases, provision of drinking water and basic sanitation, distribution of fundamental medicines and epidemiological tracking and surveillance. The United Nations Population Fund (UNFPA), with \$2.1 million in 1996 and \$2.5 million in 1997, would continue supporting improvements in reproductive health, family planning and the special needs of women and adolescents. The United Nations Educational, Scientific and Cultural Organization (UNESCO) was to focus on lit-

eracy programmes, the formulation and implementation of a National Plan for Educational Development and the protection of Haiti's historical and cultural patrimony. This wide array of projects was expected to result in joint initiatives among the various agencies, international financial institutions and key multilateral and bilateral donors, with UNDP as coordinator.

A list of projects was submitted to the Prime Minister covering infrastructure, health, irrigation, drinking water, and renovation of schools, clinics and courthouses; some \$400 million in financing had already been secured. The Secretary-General reaffirmed the long-term commitment of the United Nations to promoting development in Haiti; he believed that the formulation among Haitians of a shared vision of the country's future would provide a very useful framework for international support.

In conclusion, the Secretary-General observed that, for the first time in its history, Haiti had the foundation for a professional police force committed to the rule of law and respect for the human rights and dignity of all citizens. However, the memories of the distressing circumstances imposed by the former military rulers lingered in the minds of most Haitians, who feared that the ill-equipped and inexperienced police force alone might not be able to protect them from a potential resurgence of sympathizers of military rule and former militia members, Haitians also suspected that those groups might have retained a capacity to destabilize the country's emerging institutions. Withdrawal of international support could jeopardize the objective of completing the creation of the new civilian police force and ensuring the security needed to advance development and consolidate democracy.

President Préval, with the proposed reforms, had set Haiti on a course towards economic recovery, but a peaceful environment had to remain to guarantee success. Nationwide elections for local assemblies and the Haitian Senate were forthcoming, and continued support to HNP by UN military and police personnel would help ensure that they proceeded smoothly.

At a meeting on 22 April, chaired by the President, the Secretary of State for Public Security expressed concern that HNP was not currently in a position to maintain a secure and stable environment on its own. The Minister for Foreign Affairs expressed the Government's view that continued support by the international community was necessary to consolidate the institutional development of HNP and that an extension of UNMIH until 31 December would be desirable. By a letter dated 31 May [S/1996/431], the President requested the continued presence of an interna-

tional force for an additional period of six months; that proposal was echoed in a resolution [A/51/164-S/1996/432] adopted by the Organization of American States (OAS) on 6 June, calling for the international presence in Haiti to be maintained.

The Secretary-General and his Special Representative shared the view that the presence and assistance of the international community continued to be necessary to support HNP and consolidate the progress attained. Complete withdrawal of the international military and civilian police presence could jeopardize the successes already achieved, the Secretary-General warned. Mindful of the Security Council's decision that the mandate of UNMIH ending on 30 June was to be the last, he recommended that a new Mission—to be known as the United Nations Support Mission in Haiti (UNSMIH)—be established for a period of six months, with the following mandate: to assist the Haitian authorities in the professionalization of HNP; assist in maintaining a secure and stable environment conducive to the success of the current efforts; and coordinate activities of the UN system to promote institution-building, national reconciliation and economic rehabilitation. UNSMIH would include military and civilian police elements, the former at an initial strength of 1,200 personnel, later to be reduced to 1,000, while a strength of 300 was recommended for CIVPOL.

In an addendum to his report, the Secretary-General estimated the cost for the operation of UNSMIH at \$37.1 million for six months [S/1996/416/Add.1]. That figure was later revised [S/1996/416/Add.1/Rev.1] downward to \$29.7 million, for 600 military and 300 CIVPOL personnel for the five-month period from 1 July to 30 November.

#### SECURITY COUNCIL ACTION

On 28 June, the Security Council adopted **resolution 1063(1996)**.

##### **Establishment of UN Support Mission in Haiti**

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 31 May 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Underlining the need to support the commitment of the Government of Haiti to maintain the secure and stable environment established by the Multinational Force in Haiti (MNF) and extended with the assistance of the United Nations Mission in Haiti (UNMIH),

Welcoming the report of the Secretary-General of 5 June 1996,

Commending the role of UNMIH in assisting the Government of Haiti in fulfilling its responsibilities (a) to

sustain the secure and stable environment which has been established, and (b) to professionalize the Haitian National Police, and expressing appreciation to all Member States which have contributed to UNMIH,

Noting the termination in accordance with resolution 1048(1996) of the mandate of UNMIH as of 30 June 1996,

Noting the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming progress to establish the Haitian National Police,

Welcoming and supporting the efforts of the Organization of American States (OAS) in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission to Haiti (MICIVIH), to promote consolidation of peace and democracy in Haiti,

Taking note of the resolution on the international presence in Haiti adopted at the seventh plenary session of the twenty-sixth regular session of the OAS which, inter alia, encourages the international community to sustain the same level of commitment it demonstrated during the years of crisis, and recommends that, at the request of the Haitian Government, the community maintain a strong presence in Haiti and extend its full support for strengthening the national police force and consolidating the stable and democratic environment necessary for economic growth and development, and inviting the further participation of the OAS,

Recognizing the link between peace and development and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

Welcoming the continued progress towards consolidation of democracy by the people of Haiti since the historic peaceful transfer of power from one democratically elected President to another on 7 February 1996,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice;

2. Decides to establish the United Nations Support Mission in Haiti (UNSMIH) until 30 November 1996 in order to assist the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and supports the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti;

3. Decides that UNSMIH initially will be composed of 300 civilian police personnel and 600 troops;

4. Welcomes the assurance that the Secretary-General will be alert to further opportunities to reduce the strength of the mission so it can implement its tasks at the lowest possible cost;

5. Recognizes that major tasks facing the Haitian Government and people include economic rehabilitation and reconstruction and stresses the importance that the Government of Haiti and the international financial institutions agree as soon as possible on the steps necessary to enable the provision of additional financial support;

6. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. Further requests all States to make voluntary contributions to the trust fund established in resolution 975(1995) for the support of the Haitian National Police, to ensure that the police are adequately trained and fully operational;

8. Requests the Secretary-General to report to the Council on the implementation of this resolution, including prospects for further reductions in the strength of the mission, by 30 September 1996;

9. Decides to remain seized of the matter.

Security Council resolution 1063(1996)

28 June 1996 Meeting 3676 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/478).

By a letter of 30 July [S/1996/618], the Secretary-General, having conducted the customary consultations, proposed that the military component of UNSMIH be made up of contingents from Bangladesh, Canada, Pakistan, and Trinidad and Tobago and that Algeria, Canada, Djibouti, France, India, Mali, the Russian Federation and Togo contribute to the Mission's police component. By a letter of 2 August [S/1996/619], the President of the Security Council expressed the Council's agreement with the Secretary-General's proposals. On 1 November [S/1996/911], the Secretary-General proposed that the United States be added to the list of Member States contributing to the UNSMIH police component. The Council's agreement was conveyed to him by a letter dated 5 November [S/1996/912].

#### Financing UNMIH

**Reports of Secretary-General (March) and ACABQ (May).** On 18 March, the Secretary-General, reporting on the financing of UNMIH [A/50/363/Add.2 & Corr.1], presented a proposed budget for the final extension period of the Mission from 1 March to 30 June 1996 and for liquidation of UNMIH over a seven-month period after that. For the four months ending 30 June, the budget of UNMIH was \$45,799,000 gross

(\$44,833,400 net), for a reduced troop strength of 1,200 contingent personnel and 300 CIVPOL monitors, supported by 364 civilian staff made up of 162 international and 184 local staff, as well as 18 UN Volunteers (UNVs). The budget also provided for the repatriation of 2,659 troops. For the liquidation period up to 31 January 1997, the budget was \$15,620,500 gross (\$15,162,900 net), providing for the repatriation of the remaining troops and CIVPOL, as well as for the closing of base camps and the closing down of UNMIH.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in a 3 May report [A/50/488/Add.2], recommended certain reductions for the period from 1 March to 30 June. According to the Advisory Committee, an appropriation of \$45,314,000 gross (\$44,348,400 net) was required, inclusive of \$30 million gross (\$28.5 million net) already authorized by the General Assembly in resolution 50/90 A of 19 December 1995 [YUN 1995, p. 454]. An additional amount of \$25,314,000 gross (\$24,348,400 net) was to be assessed for the same time period, taking into account the \$20 million gross (\$19 million net) already assessed on Member States under the same resolution. For the liquidation period, ACABQ recommended the appropriation of \$15,520,000 gross (\$15,062,900 net).

#### GENERAL ASSEMBLY ACTION (June)

On 7 June, the General Assembly adopted **resolution 50/90 B**.

#### Financing of the United Nations Mission in Haiti

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in Haiti and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1048(1996) of 29 February 1996, in which the Council extended the mandate of the Mission for a final period of four months, to 30 June 1996, and requested the Secretary-General to initiate planning not later than 1 June 1996 for the complete withdrawal of the Mission, as well as all previous Security Council resolutions on the Mission,

Recalling also its decision 48/477 of 23 December 1993 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/90 A of 19 December 1995,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling further its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economi-

cally less developed countries have a relatively limited capacity to contribute towards such an operation.

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission by certain Governments,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission in Haiti as at 21 May 1996, including the contributions outstanding in the amount of 74.7 million United States dollars, representing 23 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 April 1996, notes that some 18 per cent of the Member States have paid their assessed contributions in full; and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Approves, on an exceptional basis, the special arrangements for the Mission with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Mission shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

8. Decides to appropriate to the Special Account for the United Nations Mission in Haiti the amount of 45,314,000 dollars gross (44,348,400 dollars net) for the period from 1 March to 30 June 1996, inclusive of the amount of 30 million dollars gross (28.5 million dollars net) authorized by the General Assembly in its resolution 50/90 A for the period from 1 March to 31 May 1996;

9. Decides also, as an ad hoc arrangement, and taking into account the amount of 20 million dollars gross (19 million dollars net) already apportioned in accordance with General Assembly resolution 50/90 A, to apportion the additional amount of 25,314,000 dollars gross (25,348,400 dollars net) for the period from 1 March to 30 June 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution

43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, the apportionment among Member States, as provided for in paragraph 9 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 34,400 dollars approved for the Mission for the period from 1 March to 30 June 1996;

11. Decides to appropriate the amount of 15,897,900 dollars gross (15,440,300 dollars net) for the liquidation of the Mission for the period beginning 1 July 1996, inclusive of the amount of 377,400 dollars for the support account for peacekeeping operations, to be apportioned among Member States in accordance with the scheme set out in paragraph 9 above;

12. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 457,600 dollars approved for the Mission for the period beginning 1 July 1996;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

14. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Mission in Haiti".

#### ANNEX

##### **Special arrangements with regard to the application of article IV of the financial regulations of the United Nations**

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Mission in Haiti until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received, shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

General Assembly resolution 50/90 B

7 June 1996 Meeting 120 Adopted without vote

Approved by the Fifth Committee (A/50/705/Add.3) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.53), based on informal consultations; agenda item 133.

Meeting numbers. GA 50th session: 5th Committee 8, U, 59, 64 resumed; plenary 120.

**Reports of Secretary-General (August) and ACABQ (October).** On 12 August, the Secretary-General submitted a financial performance report [A/50/363/Add.3] of UNMIH for the period from 1 August 1995 to 29 February 1996. Expenditures for that period amounted to \$134,621,400 gross (\$132,965,300 net), while appropriations totalled \$152,011,500 gross (\$149,680,400 net), resulting in an unencumbered balance of \$17,390,100 gross (\$16,715,100 net). The savings had been realized under such items as military and civilian personnel costs, premises and accommodation, infrastructure, transport and air operations, communications and other equipment, following the downsizing of the Mission beginning in late November 1995 as a consequence of the substantial progress made towards achieving its goals and its objective of reducing operating costs.

In an addendum of 30 August [A/50/363/Add.4], the Secretary-General presented revised cost estimates for the liquidation of UNMIH, reduced to \$1,469,900 gross (\$1,455,100 net) from the appropriation of \$15,897,900 gross (\$15,440,300 net) authorized by the Assembly earlier in June. The substantial reduction was due to the fact that the existing UNMIH civilian personnel and some of the military contingents remained in the Mission area to form UNSMIH, and the concurrence of ACABQ had been obtained to utilize part of the appropriation for the liquidation of UNMIH for the establishment and operation of UNSMIH.

Commenting on the financial performance report, the Advisory Committee, in a 2 October report [A/51/444], noted that savings of \$2,189,300 reported under premises accommodations were overstated, as maintenance services budgeted under premises/accommodations had been charged to miscellaneous services under logistics support contracts. ACABQ expressed concern that the actual costs for logistical support were \$13,717,225, resulting in an overexpenditure of \$6,710,700. It also noted with concern the overexpenditure incurred using the letter of assist arrangement.

With regard to the costs for liquidating UNMIH, the Advisory Committee said that pending

formal submission of the Secretary-General's report on the financing of UNSMIH (see below), it had concurred with the proposal to utilize \$13,447,000 of the appropriation originally provided for UNMIH's liquidation for the establishment and operation of UNSMIH.

### UN Support Mission in Haiti

On 1 October, the Secretary-General reported [S/1996/813] that recent developments in Haiti had resulted in a serious deterioration of the security situation. He also outlined his recommendations on the future operation and strength of UNSMIH, which were based on ongoing consultations with the Special Representative for Haiti, the Haitian Government and the group of Friends of the Secretary-General for Haiti (Argentina, Canada, Chile, France, United States, Venezuela).

The report stated that the Government of President Préval and Prime Minister Rosny Smarth had taken steps to correct some of the country's pressing economic and social problems. Progress was visible in increased State revenues and road repair, and the Government had reached an agreement with the multilateral lending agencies and presented an economic reform package to Parliament. However, the absence of consensus within Parliament had led to considerable delays in finalizing that legislation, and international aid, which was contingent on passage of the reform package, did not materialize. The Government remained solvent only through severe economies and fiscal conservatism; as a result, some public sector employees, including members of HNP, had not been paid regularly, which led to absenteeism and low morale among police officers.

Despite the Government's efforts, progress had been inadequate in several areas. Many ministries suffered from a lack of qualified personnel and institutional memory, insufficient resources and inadequate premises. Consequently, Haiti remained unable to make full use of the substantial international assistance available, while popular demand for social services and improved infrastructure continued to rise. Unmet aspirations led to frustration, frequently expressed in public demonstrations and roadblocks.

Common crime was on the increase, taking the unusual forms of kidnapping for ransom and greater use of firearms. There were also indications of an increase in drug trafficking and contraband. The weaknesses of HNP and the poor performance of the justice sector had led to acts of vigilante justice. Abuse of authority and human rights violations by HNP were also on the

rise, as the police struggled to meet increasing demands and expectations while faced with increasingly sophisticated criminal elements.

Violent incidents by former soldiers and extreme rightist organizations further threatened public security. The disbanding of the Armed Forces of Haiti and the country's sluggish economy left many soldiers, some still in possession of their weapons, without a source of livelihood. Some demobilized soldiers were suspected of plotting against the Government. A dialogue was subsequently sought with the Government after it announced that steps were being taken to address the soldiers' financial concerns. While the numerous but uncoordinated violent incidents did not pose a serious threat to the Government, they caused disquiet among Haitians and affected the morale of HNP, the Secretary-General stated.

Preoccupied with the security threat, the Government had been distracted from solving urgent economic and social problems and promoting reconciliation, issues that were conditions of future stability. In a public statement on 2 September, the Prime Minister sought to reach out to the former soldiers while calling on all Haitians to support the rule of law and safeguard the country's democracy. He reported that the Government had begun working with the international community to respond to the soldiers' situation, that HNP's logistical capacity would be increased and that the justice system had been instructed to speed up investigation of recent crimes.

The Secretary-General considered efforts to reintegrate the former soldiers into civil society essential for peace-building and said that he had appealed to Member States for additional funding for that purpose. According to a November report [S/1996/813/Add.1], the security situation had improved somewhat but remained volatile. A later report [S/1997/244] stated that despite steady, if modest progress made by HNP, common crime was on the rise and the reintegration of demobilized soldiers into civilian life remained difficult. Violence and unrest were fueled by persistent high levels of unemployment, a rising cost of living, impatience at the slow pace of change and attempts by certain sectors to profit politically from the growing popular frustrations and discontent.

The Parliament had passed key legislation in September allowing for partial privatization or modernization of nine State-owned enterprises. A commission was subsequently appointed and began to lay the groundwork to initiate the process and attract private investors. However, project implementation and follow-up remained a major problem, as approved funds sometimes remained unused and pressing social needs were

unmet. Many fully funded infrastructural projects still had not commenced, exacerbating the sense among many that the country's transition to democracy was not producing benefits.

### **UNSMIH activities and deployment**

**Reports of Secretary-General (October, November).** After the expiration of the mandate of UNMIH, some of its military personnel were redeployed while others were repatriated. According to the Secretary-General's 1 October report [S/1996/813], reductions in the military element had necessitated a concentration of the remaining forces in Port-au-Prince, which, as the centre of the country's economic, political and social activities, was critical to the maintenance of a secure and stable environment. As of mid-September, UNSMIH's strength stood at 600, with an additional 672 personnel funded on a voluntary basis. Successful negotiations were held with the Government to ensure UNSMIH's full freedom of movement, communication and other rights necessary to the performance of its functions.

UNSMIH had greatly increased the number of its patrols to manifest its presence, thus reducing considerably its response time to critical situations in the metropolitan area, and coordinated its air and ground patrols to increase effectiveness, especially at night. It routinely provided support and back-up to HNP as the latter confronted security challenges and provided security at the National Palace, for the President's motorcade and at the residence of former President Aristide. The number of key installations under UNSMIH's protection was reduced to a minimum in order to maximize the number of troops available for patrols. As a result, HNP took over security control at the airport and the seaport.

UNSMIH's military element also assisted in the professionalization of HNP by conducting joint CIVPOL/HNP/military patrols in the capital's more difficult areas. It provided assistance in training an HNP quick-reaction tactical response team for the search and seizure of weapons. Support was also given in the areas of information-gathering, organization and planning.

CIVPOL, whose strength stood at 271 in mid-September, continued to be deployed at 19 locations throughout Haiti from where it sought to professionalize HNP through on-the-job training by reinforcing HNP's command and management structures. HNP officers were accompanied in their daily policing activities and provided with formal training at police stations. With the exception of eight members who composed the senior police command at UNSMIH headquarters,

CIVPOL officers either were serving as technical consultants, instructors and advisers to specialized units or were assigned to individual "commissariats". CIVPOL also participated in the evaluation of HNP officers and provided instruction at the detachment level under the monitoring of the training section at UNSMIH headquarters, a newly developed approach that assured consistency in training across the country.

In his concluding observations, the Secretary-General expressed the view that the 6,000-member HNP, fully deployed in 174 locations since February, had not yet reached the level of experience and confidence required to control and defeat threats posed by subversive groups, and that UNSMIH's military element was a key factor in containing the danger of destabilization. The recent spate of violence was intended to test the resolve of HNP, the Government and the international community. The Government had repeatedly demonstrated its commitment to build a civilian police force respecting human rights, and the HNP leadership and many HNP officers were working diligently under very difficult circumstances and under pressure of both increasing expectations and renewed security threats. Nine officers had been killed during 1996, shaking the confidence of police and citizens alike. Efforts had to be redoubled and key decisions promptly implemented if HNP was to achieve the necessary professionalism and efficiency. The recent events served as a reminder of the importance of further steps to prevent the dangers posed by polarization and to ensure the reconciliation of Haitian society. In that context, the Secretary-General noted with satisfaction that a working group which included UNSMIH had crafted a scheme to satisfy a number of the legitimate demands of the demobilized soldiers; once implemented, the scheme should help promote their reintegration into civil society, he said.

According to the Secretary-General, with the Government's economic policies almost in place, the stage was set for more growth and development. Coordinated by his Special Representative and Deputy Representative, a mechanism had been put in place to improve project implementation in the socio-economic area. It was hoped that those steps would bolster investors' confidence. In view of the situation, the presence and assistance of the international community would continue to be required beyond 29 November. For the time being, he recommended that the current minimum of UNSMIH's military and CIVPOL strength be maintained, as any reduction would place its mandate at risk.

In an addendum of 12 November [S/1996/813/Add.1], the Secretary-General reported some improvement in the security situation and an abatement in the spate of violence which had characterized the months of July to September. While inactive in recent weeks and apparently devoid of popular support, the subversive groups of former soldiers apparently behind some of the violent incidents were in a position to threaten and damage government installations and infrastructure, and were believed to be planning future challenges to undermine government efforts to ensure stability, increase democratic participation and promote economic development. Recent information suggested that they might be using neighbouring countries as a base.

The existence of several armed security bodies—some of them attached to municipalities and with a marked tendency to degenerate into bands of armed thugs—outside the official structure of HNP also caused concern, as they undermined the established order and represented a potential for human rights violations. The high level of criminality, which included drug and arms trafficking and contraband trade, also posed a formidable challenge to HNP and to the maintenance of a secure and stable environment. At the same time, the performance of HNP in the capital as well as the rest of the country had improved markedly since late September. Judicial reform, however, was not keeping pace with developments in the public security sector, and the fact that the courts were not able to fulfil their part in law enforcement threatened to undermine the progress achieved in HNP.

Faced with the numerous incidents of violence between July and early September, which demonstrated the limitations of its troop strength, the UNSMIH military element introduced several operational innovations, such as the use of air patrols in close coordination with ground patrols, patrolling of areas of the countryside susceptible to criminal activity, and joint CIVPOL/HNP/military patrols. UNSMIH's CIVPOL element continued to concentrate on training HNP, both at the Police Academy and in the commissariats around the country.

In conclusion, the Secretary-General outlined criteria to measure the results achieved: the completion of the deployment of the HNP officer corps; the deployment of HNP according to a coherent plan which took into account Haiti's terrain, the characteristics and needs of its population and the incidence of criminality; the establishment of fully operational personnel and logistical systems; the definition of a curriculum for basic police training, as well as the establishment of training centres; assimilation of the con-



cept of "community policing" at the rank-and-file level; the establishment of a functioning telecommunications system; and the establishment of an information storage and retrieval mechanism, as well as a monitoring and planning system. A chart of outstanding tasks for consolidating HNP was discussed at a meeting of the Government, the Friends of the Secretary-General and UNSMIH on 7 November in Port-au-Prince, and a 12-month programme of work was approved.

Looking back at the 18 months since the first class of Haitian police officers had graduated, the Secretary-General noted that much had been accomplished in a relatively short period; nevertheless, HNP was not yet in a position to ensure its own continued development while at the same time maintaining security and stability. The presence of UNSMIH continued to be required to give the international programme of support the necessary foundation, to allow for an orderly transfer to the Haitian authorities of the functions now being carried out by the Mission and to consolidate the considerable investment made by the international community in restoring democracy in Haiti. Therefore, should the Haitian Government so request, the Secretary-General said he would be ready to recommend an extension of the UNSMIH mandate until 30 June 1997 at its current strength; a further reduction in the Mission's size would diminish its operational and training capabilities and place the discharge of its mandate at risk. However, he said he would again ensure that the force level was kept under constant review so that the remaining tasks could be completely at the lowest possible cost to Member States.

On 1 November [S/1996/956], the Secretary-General informed the Security Council that President Préval had requested an extension of UNSMIH.

#### SECURITY COUNCIL ACTION

On 29 November, the Security Council adopted **resolution 1085(1996)**.

The Security Council,

Reaffirming its resolution 1063(1996) which established the United Nations Support Mission in Haiti (UNSMIH),

1. Decides to extend UNSMIH's mandate for an additional period terminating on 5 December 1996;
2. Decides to remain actively seized of the matter.

Security Council resolution 1085(1996)

29 November 1996 Meeting 3719 Adopted unanimously  
Draft prepared in consultations among Council members (S/1996/990).

The adoption of **resolution 1085(1996)** provided the Security Council with additional time

to discuss the extension of the mandate of UNSMIH, and on 5 December, the Council adopted **resolution 1086(1996)**.

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Welcoming the reports of the Secretary-General of 1 October 1996 and 12 November 1996, and noting the recommendations contained therein,

Commending the role of the United Nations Support Mission in Haiti (UNSMIH) on its efforts to assist the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force,

Noting the improvement in recent months in the security situation in Haiti and the capacity of the Haitian National Police to confront existing challenges, as described in the report of the Secretary-General of 12 November 1996,

Noting further the fluctuations in the security situation in Haiti described in the reports of the Secretary-General of 1 October 1996 and 12 November 1996,

Supporting the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations Civilian Police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming continued progress towards establishing the Haitian National Police,

Supporting the efforts of the Organization of American States (OAS) in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission to Haiti (MICIVIH) to promote consolidation of peace and democracy in Haiti,

Recognizing the link between peace and development and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice;

2. Decides to extend for the final time the mandate of UNSMIH, as set out in resolution 1063(1996) and in paragraphs 6 to 8 of the Secretary-General's report of

12 November 1996, and in accordance with the request of the Government of Haiti, until 31 May 1997 with 300 civilian police personnel and 500 troops, except that, if the Secretary-General reports by 31 March 1997 that UNSMIH can make a further contribution to the goals set out in paragraph 1 above, it will be further extended, following a review by the Council, for the final time until 31 July 1997;

3. Requests the Secretary-General to report to the Council on the implementation of this resolution, including recommendations on further reductions in the strength of the mission, by 31 March 1997;

4. Recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people, and stresses the importance that the Government of Haiti and the international financial institutions continue their close collaboration to enable the provision of additional financial support;

5. Requests all States to provide support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant resolutions in order to carry out the provisions of the mandate specified in paragraph 2 above;

6. Further requests all States to make voluntary contributions to the trust fund established in resolution 975(1995) for the support of the Haitian National Police, to ensure that the police are adequately trained and fully operational;

7. Requests the Secretary-General to include in his report of 31 March 1997 recommendations on the nature of a subsequent international presence in Haiti;

8. Decides to remain seized of the matter.

Security Council resolution 1086(1996)

5 December 1996 Meeting 3721 Adopted unanimously

6-nation draft (S/1996/1002).

Sponsors: Argentina, Canada, Chile, France, United States, Venezuela.

Speaking before the Council, Haiti said that during the coming months, its Government, assisted by UNSMIH, would be working as fast as it could to strengthen HNP and address its shortcomings. An in-depth assessment of HNP had been conducted to assist in identifying specific needs and drawing up a schedule of activities to ensure that, before the end of the next year, HNP achieved a satisfactory level of efficiency and was in a position to maintain peace and security. Meanwhile, the serious socio-economic situation was being exploited by subversive groups to sow anxiety and maintain a climate of instability which harmed investment and hindered the reform of institutions. The release of international assistance, following the adoption by the Parliament of laws on the modernization of public enterprises and civil service reform, should allow the Government to launch long-awaited infrastructure projects, which were expected to have a positive impact on the country's economy and reduce unemployment. The Government had also launched initiatives designed to ease poverty, as well as a programme for agrarian reform to help

renew agricultural production and give the peasants in the countryside, who constituted more than 60 per cent of the population, the means to cultivate their lands.

Only two years after Haiti had returned to constitutional legality with the international community's assistance, the prospects were encouraging, as democracy was gaining strength daily and the construction of a state of law was advancing steadily. The success of the Haitian experiment was also a success for the international community.

#### GENERAL ASSEMBLY ACTION (November)

On 4 November, the General Assembly adopted **resolution 51/14 A.**

#### Financing of the United Nations Mission in Haiti

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission in Haiti and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1048(1996) of 29 February 1996, in which the Council extended the mandate of the Mission for a final period of four months, to 30 June 1996, as well as all previous Security Council resolutions on the Mission,

Recalling also its decision 48/477 of 23 December 1993 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/90 B of 7 June 1996,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling further its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission by certain Governments,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission in Haiti as at 29 October 1996, including the contributions outstanding in the amount of 19.9 million United States dollars, representing 6 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 June

1996, notes that some 23 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Shares the concern expressed by the Advisory Committee in paragraph 9 of its report, and requests the Secretary-General to submit detailed explanations to the General Assembly on the circumstances that led to the overexpenditures of approximately 6.7 million dollars with respect to the original estimates;

7. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

8. Decides to reduce the appropriation and apportionment provided by the General Assembly in its resolution 50/90 B in the amount of 15,897,900 dollars gross (15,440,300 dollars net), inclusive of the amount of 377,400 dollars for the support account for peacekeeping operations, for the liquidation of the Mission for the period beginning 1 July 1996, to the amount of 1,197,100 dollars gross (1,185,800 dollars net), inclusive of the amount of 377,400 dollars for the support account for peacekeeping operations;

9. Decides also that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share in the amount of 1,197,100 dollars gross (1,185,800 dollars net) from the unencumbered balance of 17,390,100 dollars gross (16,715,100 dollars net) for the period from 1 August 1995 to 29 February 1996;

10. Decides further that, for Member States that have not fulfilled their financial obligations to the Mission, their share in the amount of 1,197,100 dollars gross (1,185,800 dollars net) from the unencumbered balance of 17,390,100 dollars gross (16,715,100 dollars net) for the period from 1 August 1995 to 29 February 1996 shall be set off against their outstanding obligations;

11. Decides that the remaining unencumbered balance of 16,193,000 dollars gross (15,529,300 dollars net) for the period from 1 August 1995 to 29 February 1996 shall be credited to Member States;

12. Decides also to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Mission in Haiti".

General Assembly resolution 51/14 A

4 November 1996 Meeting 50 Adopted without vote

Approved by Fifth Committee (A/51/637) without vote, 31 October (meeting 17); draft by Chairman (A/C.5/51/L.5), based on informal consultations; agenda item 134.

Meeting numbers. GA 51st session: 5th Committee 4, 17; plenary 50.

## Financing of UNSMIH

**Reports of Secretary-General and ACABQ (August/October).** By a note of 5 August [A/51/191], the Secretary-General requested that a supplementary item on the financing of UNSMIH be included in the agenda of the General Assembly's fifty-first session.

In a 9 September report [A/51/191/Add.1], the Secretary-General presented cost estimates for the establishment and operation of UNSMIH for the period from 1 July 1996 to 30 June 1997, as authorized by the Security Council in June, in the amount of \$57,187,400 gross (\$54,791,000 net), providing for 600 troops and 300 civilian police. Support to UNSMIH would be provided by 298 civilian staff, comprising 128 international and 156 local staff and 14 UNVs.

Among the actions to be taken by the Assembly were the appropriation of the above amount, plus the assessment of \$23,957,000 gross (\$22,958,500 net) for the period from 1 July to 30 November 1996, and the assessment at a monthly rate of \$4,747,200 gross (\$4,547,500 net) for the period beyond 30 November, subject to the Council's decision to extend UNSMIH's mandate.

ACABQ, in a 2 October report [A/51/444], concurred with the Secretary-General's proposals. In doing so, the Advisory Committee pointed to its views expressed with regard to financing the liquidation of UNMIH (see above).

## GENERAL ASSEMBLY ACTION

On 4 November, the General Assembly adopted **resolution 51/15 A**.

### Financing of the United Nations Support Mission in Haiti

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Support Mission in Haiti and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1063(1996) of 28 June 1996, by which the Council established the United Nations Support Mission in Haiti until 30 November 1996,

Recognizing that the costs of the Support Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Support Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as

indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Support Mission by certain Governments,

Noting also that the assessed contributions to the special account to be established for the Support Mission will cover only direct and indirect costs associated with the six hundred contingent personnel and three hundred civilian police authorized by the Security Council in its resolution 1063(1996),

Mindful of the fact that it is essential to provide the Support Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Support Mission in Haiti in full and on time;

3. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

4. Requests the Secretary-General to take all necessary action to ensure that the Support Mission is administered with a maximum of efficiency and economy;

5. Also requests the Secretary-General to establish a special account for the Support Mission in accordance with paragraph 13 of his report;

6. Decides to appropriate the amount of 28,704,200 United States dollars gross (27,506,000 dollars net) for the maintenance of the Support Mission for the period from 1 July to 31 December 1996, inclusive of the amount of 13,447,000 dollars gross and net remaining from the appropriation provided under General Assembly resolution 50/90 B of 7 June 1996 for the liquidation of the United Nations Mission in Haiti, with which the Advisory Committee has concurred, for the period from 1 July to 15 September 1996 and the amount of 5,762,800 dollars gross (5,420,700 dollars net) authorized by the Advisory Committee under the terms of section IV of Assembly resolution 49/233 A of 23 December 1994 for the period from 16 September to 15 October 1996;

7. Decides also, as an ad hoc arrangement, to apportion the amount of 23,957,000 dollars gross (22,958,500 dollars net) for the period from 1 July to 30 November 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 998,500 dollars approved for the Support Mission for the period from 1 July to 30 November 1996;

9. Decides, as an ad hoc arrangement, to apportion among Member States the amount of 4,747,200 dollars gross (4,547,500 dollars net) for the period from 1 to 31 December 1996 in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Support Mission beyond 30 November 1996;

10. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 199,700 dollars approved for the Support Mission for the period from 1 to 31 December 1996;

11. Invites voluntary contributions to the Support Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

12. Decides to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Support Mission in Haiti".

General Assembly resolution 51/15 A

4 November 1996 Meeting 50 Adopted without vote

Approved by Fifth Committee (A/51/638) without vote, 31 October (meeting 17); draft by Chairman (A/C.5/51/L.6), based on informal consultations; agenda item 157.

Meeting numbers. GA 50th session: 5th Committee 4, 17; plenary 50.

In order to allow for the financing of UNSMHI beyond the end of the year, the Assembly, on 18 December, adopted **decision 51/459**.

#### **Financing of the United Nations Support Mission in Haiti**

At its 89th plenary meeting, on 18 December 1996, the General Assembly, on the recommendation of the Fifth Committee and recalling its resolution 51/15 of 4 November 1996 on the financing of the United Nations Support Mission in Haiti:

(a) Decided to appropriate the amount of 27,400,800 United States dollars gross (26,202,600 dollars net) for the maintenance of the Support Mission for the period from 1 July 1996 to 30 June 1997, in addition to the amount of 28,704,200 dollars gross (27,506,000 dollars net) already appropriated for the period from 1 July to 31 December 1996 under the provisions of its resolution 51/15;

(b) Also decided, as an ad hoc arrangement, and taking into account the amount of 28,704,200 dollars gross (27,506,000 dollars net) already apportioned in accordance with its resolution 51/15, to apportion among Member States the additional amount of 27,400,800 dollars gross (26,202,600 dollars net) for the period from 1 July 1996 to 30 June 1997 at a

monthly rate of 4,566,800 dollars gross (4,367,100 dollars net) in accordance with the scheme set out in paragraph 7 of resolution 51/15 and taking into account the scale of assessments for the year 1997, subject to the decision of the Security Council to extend the mandate of the Support Mission beyond 31 May 1997;

(c) Further decided that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there should be set off against the apportionment among Member States, as provided for in subparagraph (b) above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 1,198,200 dollars approved for the Support Mission for the period from 1 July 1996 to 30 June 1997;

(d) Requested the Secretary-General to take all necessary action to address the relevant findings and recommendations of the Advisory Committee on Administrative and Budgetary Questions, the Office of Internal Oversight Services and the Board of Auditors in respect of the Support Mission and the United Nations Mission in Haiti.

General Assembly decision 51/459

Adopted without vote

Approved by Fifth Committee (A/51/638/Add.1) without a vote, 17 December (meeting 46); draft by Chairman following informal consultations (A/C.5/51/L.27); agenda item 157.

Meeting numbers. GA 51st session: 5th Committee 41, 46; plenary 89.

In the Fifth Committee, the United Nations Controller recalled that ACABQ had recommended that the Assembly appropriate \$57 million to UNSMIH for the period from 1 July 1996 to 30 June 1997, on the basis of the Secretary-General's cost estimate. However, in the light of uncertainties about the Mission's future at the beginning of November, only an assessed amount of \$28.7 million had been appropriated until the end of 1996. The Security Council had since extended the UNSMIH mandate to 31 May 1997, with a reduction in force strength of 100, resulting in a cost saving of over \$1 million. The amount required to allow continued financing of the Mission was \$57 million, which, minus the \$28.7 million already appropriated and the \$1 million cost saving, left \$27.4 million to be appropriated.

### **International Civilian Mission to Haiti (MICIVIH)**

Established in 1993 [YUN 1993, p. 338] at the request of Haiti's then President, Jean-Bertrand Aristide, the joint United Nations/Organization of American States (OAS) International Civilian Mission to Haiti (MICIVIH) was entrusted with the tasks of verifying full observance of human rights and fundamental freedoms, providing technical assistance to the Government in institution-building, and supporting the development of a programme for the promotion and

protection of human rights (see below). In the context of reviewing the situation of democracy and human rights in Haiti, the General Assembly extended UN participation in MICIVIH three times during 1996, in April, August and December.

Reports of Secretary-General (January/February). Reporting on 25 January on the human rights situation in Haiti and on the activities of MICIVIH [A/50/861] since his previous report [YUN 1995, p. 457], the Secretary-General said MICIVIH had continued to investigate rights violations by State agents and to raise those cases with relevant local and national authorities. In that regard, it had made a number of recommendations to the Ministry of Justice of Haiti, police and penal authorities, which addressed individual cases as well as general measures that could improve human rights protection, such as strengthening institutional mechanisms for the investigation of alleged human rights abuses by police, prison guards and political officials. Conditions of detention were being monitored regularly and surveys were carried out to identify detainees held beyond legal limits in order to expedite the resolution of the most flagrant cases.

MICIVIH participated in human rights training for HNP, presidential security, and examining magistrates and justices of the peace. The Mission handed over all dossiers on past human rights violations that had been requested by the National Commission on Truth and Justice, and the Mission's forensic anthropologist provided technical assistance to the Commission. In addition, MICIVIH facilitated the establishment of a victims' rehabilitation network.

A number of seminars were organized throughout the country as part of the human rights and civic education programme, bringing together a wide spectrum of Haitian society. MICIVIH also developed a programme to train human rights trainers in order to strengthen local capacity. It also contributed to the peaceful resolution of disputes arising from land conflicts by facilitating dialogues among the opposition parties and between those parties and government officials.

Nevertheless, the Secretary-General stated, weaknesses in the institutions charged with human rights protection, including HNP, highlighted the need for further training and reform. Although abuses were not widespread, systematic or institutionalized, MICIVIH identified a number of problems, which principally involved use of excessive force by HNP resulting in deaths or injuries, and some cases of beatings by prison guards. The continuing lack of public confidence in public security and judicial systems was

demonstrated by persistent cases of summary or vigilante justice.

MICIVIH had been instrumental in bringing to the attention of central authorities problems with police functioning in the field and in incorporating such information into the training curriculum for new recruits at the Police Academy, the Secretary-General noted. Remaining problems included breaches of basic discipline, the bearing of arms while off-duty, inappropriate methods of crowd control, and insufficient use of techniques for the peaceful settlement of disputes. In view of the increasing numbers of persons held for longer periods of time in police detention centres, training of police and the elaboration of appropriate regulations for the treatment of persons in custody had to be addressed, said the Secretary-General.

The judicial system was in urgent need of major reforms, although some important initiatives had already been or were being implemented. Additional courthouses had been opened and basic equipment provided; a programme for the rehabilitation and construction of new courthouses had been prepared.

In carrying out its tasks, MICIVIH closely cooperated with UNMIH, particularly its CIVPOL component. Frequent consultations and information exchange between both Missions took place at all levels. UNMIH also provided a full range of administrative services to MICIVIH and gave additional support at times of increased activity, such as during the period of the elections. Its air operations section facilitated and provided transportation for MICIVIH personnel and equipment.

The Secretary-General concluded that while the human rights situation had improved dramatically as a result of reforms, serious weaknesses remained in the institutions responsible for protecting human rights. MICIVIH's emphasis in that area could, because of its extensive field experience and expertise, continue to make a significant contribution. After consulting with the Secretary-General of OAS, he had stated his intention to recommend an extension of the Mission, as soon as the Government of Haiti had communicated its intentions in that regard.

By letters of 9 February to the Secretary-General and to OAS, Haiti requested that MICIVIH be extended. In an addendum [A/50/861/Add.1] to his earlier report, the Secretary-General recommended an extension until 31 August, with a reduced strength of a maximum of 32 personnel, with an equal number being provided by OAS. MICIVIH was to work in close cooperation with UNDP and the UN specialized agencies, as well as the United Nations Crime Prevention and Criminal Justice Branch in Vienna, the United Nations

Centre for Human Rights and the United Nations High Commissioner for Human Rights in Geneva, as well as the Inter-American Commission on Human Rights and other human rights organs of OAS. MICIVIH would continue to have a central office as well as regional offices, and, on the basis of reports from the field, would evaluate the progress of reforms, the functions of institutions with regard to the protection of human rights and the impact of the programme to promote human rights.

#### GENERAL ASSEMBLY ACTION

On 3 April, the General Assembly adopted **resolution 50/86 B**.

#### **The situation of democracy and human rights in Haiti**

The General Assembly,

Having considered further the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Recalling also the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Welcoming the presidential elections, which were held in a peaceful environment and observed by the Organization of American States in close coordination with the United Nations, and the peaceful transfer of power from one democratically elected President to another,

Strongly supportive of the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming also the success of the United Nations Mission in Haiti and the contributions of the Special Representative of the Secretary-General of the United Nations and his staff to that success,

Welcoming further the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contribution of the International Civilian Mission to Haiti and the United Nations Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti, and encouraging the International Civilian Mission to continue to cooperate with the United Nations Mission and others participating in institution-building, including police training activities,

Paying tribute to the members and staff of the International Civilian Mission to Haiti for their contribution in accompanying the Haitian people in their efforts to return to constitutional order and democracy,

Welcoming the continuous improvement in the situation of human rights in Haiti,

Taking note of the report of the Secretary-General and the addendum thereto on the situation of democracy and human rights in Haiti,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission to Haiti, with the task of verifying full observance by Haiti of human rights and fundamental freedoms and providing technical assistance at the request of the Government of Haiti, in the field of institution-building, such as the training of the police or the establishment of an impartial judiciary and support for the development of a programme for the promotion and protection of human rights, in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

2. Decides to authorize, within existing resources and on the basis of the recommendations of the Secretary-General, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 August 1996, according to the terms of reference and modalities under which the Mission is operating;

3. Expresses its full support for the International Civilian Mission to Haiti and welcomes the continued effective, timely and complete cooperation between the Mission and the Government of Haiti;

4. Commends the Haitian authorities on the progress accomplished in the advance of democracy, respect for human rights and the reconstruction of Haiti;

5. Pays tribute to the Haitian people in their ongoing quest for strong and lasting democracy, justice and economic prosperity;

6. Expresses its appreciation to those States participating in the United Nations Mission in Haiti and those that have accompanied the Haitian people in their efforts to return to constitutional order and democracy;

7. Expresses its confidence that the democratic election of a new President and the peaceful transfer of power from one democratically elected President to another will further strengthen democracy in Haiti;

8. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

9. Commends the cooperation between the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in their efforts to promote respect for the rights of all Haitians and to contribute to the strengthening of democratic institutions, including through the promotion and protection of human rights and institution-building;

10. Requests the Secretary-General to continue to support the Government of Haiti as it works towards the national reconstruction and development of Haiti, in order to consolidate a climate propitious to the establishment of a lasting democracy and full respect for human rights;

11. Also requests the Secretary-General to continue to coordinate the efforts of the United Nations system to help provide humanitarian aid and meet the development requirements of Haiti;

12. Further requests the Secretary-General to submit to the General Assembly regular reports on the work of the International Civilian Mission to Haiti;

13. Decides to keep the item entitled "The situation of democracy and human rights in Haiti" under review at its fiftieth session.

General Assembly resolution 50/86 B

3 April 1996 Meeting 103 Adopted without vote

9-nation draft (A/50/L.67 & Add.1); agenda item 38.

Sponsors: Argentina, Canada, Chile, Costa Rica, France, Haiti, Russian Federation, United States, Venezuela.

Financial implications. 5th Committee, A/50/913.

Meeting numbers. GA 50th session: 5th Committee 48, 54; plenary 103.

By a letter [A/50/891] of 12 March to the General Assembly President, the Secretary-General alerted Member States to the implications of extending the mandate of MICIVIH without adequate funding. Reductions in the programme budget mandated by the Assembly made it impossible to absorb additional expenditures without affecting existing programmes and activities, he said; he would thus be unable to implement the resolution extending MICIVIH unless the Assembly were also to decide which existing programmes should be curtailed, postponed or terminated.

The President of the Assembly, by a letter of 14 March [A/C.5/50/56] to the Fifth Committee Chairman, noted that the current budgetary situation did not give the Secretary-General the flexibility to implement additional mandates within existing resources. Were the Assembly to decide to continue the mandate of MICIVIH without requisite financial resources, its decision would stand in danger of not being implemented. (For further details on MICIVIH financing, see PART FIVE, Chapter II.)

**Report of Secretary-General (August).** On 13 August, the Secretary-General reported [A/50/861/Add.2] on the activities of MICIVIH, provided an assessment of the human rights situation and evaluated the institutions charged with the promotion and protection of human rights in Haiti.

While overall the human rights situation continued to improve, the rate of improvement was slow, and serious violations were reported, including summary execution, deliberate shooting and ill-treatment or torture of suspects by the police. A disciplinary code for police entered into force in March, supplementing the code of ethics and conduct implemented in August 1995.

Following complaints naming more than 300 former members of the security forces and their associates, prosecution of those accused of human rights abuses during the de facto regime

proceeded, but few cases had reached the trial stage and even fewer convictions had been obtained, partly because of procedural problems, and witnesses' and victims' fear of testifying. The report of the National Commission on Truth and Justice, which had investigated human rights abuses, had been delivered to the President in February and made public in April. A government committee had recently been designated to make recommendations on the follow-up to that report.

The UN component of MICIVIH was reduced in February from 87 to 32 observers, the Secretary-General reported; a similar reduction was made in the number of OAS observers. The Mission's total strength fell from 162 observers in 12 regional offices to 64 in 7 regional offices. In view of the full deployment of the 5,300 agents of HNP at the end of February, and the reduction in the CIVPOL component of UNMIH, monitoring respect for human rights by state security agents re-emerged as a MICIVIH core activity.

In the area of institution-building, the Mission continued to work closely with UNDP in implementing a prison reform project financed jointly with USAID.

In the framework of human rights education programmes, designed to reach a broad range of actors in civil society as well as local government officials, several hundred leaders of peasant, women's and popular organizations were trained by MICIVIH. The Mission continued to assist in developing facilities for the provision of medical, social and psychological assistance to victims of human rights violations.

The Secretary-General concluded that despite certain progress in the areas of responsibility assigned to MICIVIH under its extended mandate, such as full deployment of HNP, somewhat improved prison conditions and efforts to rebuild the judiciary system, practices contrary to human rights principles, incidents of "popular justice" and lack of security for judges and police agents demonstrated the continued fragility of the existing or newly established institutions. Work remained to be done to further both the Government's and the international community's efforts to improve their functioning and to increase the public confidence required to ensure a democratic future. Human rights education and training were crucial to the proper operation of the police and justice systems, and technical assistance and monitoring, as well as consolidation of civic and human rights education programmes, were still needed.

In view of the situation and in response to an 18 July request by the Haitian President, the Secretary-General recommended that the Gen-

eral Assembly authorize an extension of the UN component of MICIVIH until 31 December under its existing terms of reference and at the current staff level.

#### GENERAL ASSEMBLY ACTION

On 29 August, the General Assembly adopted **resolution 50/86 C.**

#### **The situation of democracy and human rights in Haiti**

The General Assembly,

Having considered further the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Taking note of the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development,

Reaffirming also its support to the people and the Government of Haiti for their efforts to advance democracy, respect for human rights and the reconstruction of Haiti,

Strongly supporting the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming the establishment of the United Nations Support Mission in Haiti and the contributions of the Special Representative of the Secretary-General of the United Nations and his staff,

Welcoming also the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contribution of the International Civilian Mission to Haiti and the United Nations Support Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti, and encouraging the International Civilian Mission to continue to cooperate with the United Nations Support Mission and others participating in institution-building, including police training activities,

Taking note of the report of the Secretary-General of 13 August 1996 on the situation of democracy and human rights in Haiti,

Noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability and welcoming the continuing improvement in the situation of human rights in Haiti,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission to Haiti, with the tasks of:

(a) Verifying full observance by Haiti of human rights and fundamental freedoms;



(b) Providing technical assistance at the request of the Government of Haiti in the field of institution-building, such as the training of the police or the establishment of an impartial judiciary;

(c) Supporting the development of a programme for the promotion and protection of human rights, in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

2. Decides to authorize, within existing resources and on the basis of the above recommendation, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 December 1996, according to the terms of reference and modalities under which the Mission is operating;

3. Pays tribute to the Haitian people in their ongoing quest for a strong and lasting democracy, justice and economic prosperity;

4. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

5. Requests the Secretary-General to continue to coordinate the efforts of the United Nations system providing humanitarian aid and contributing to the development of Haiti;

6. Also requests the Secretary-General to submit to the General Assembly regular reports on the work of the International Civilian Mission to Haiti;

7. Decides to keep the item entitled "The situation of democracy and human rights in Haiti" under review at its fifty-first session.

General Assembly resolution 50/86 C

29 August 1996 Meeting 122

Adopted without vote

30-nation draft (A/50/L.77 & Add.1); agenda item 38.

**Report of Secretary-General (December).** On 2 December, the Secretary-General reported [A/51/703] that the overall calm in Haiti had been disrupted in August by a series of violent incidents. Increasingly threatening statements by former military personnel demanding payments they considered due to them, rumours of a plot against the State and incidents which were condemned by the Government as acts of destabilization led to the arrest of 19 persons, including two members of an opposition party and 15 demobilized soldiers. In the following days, shots were fired at several government installations; and on 20 August, two members of an opposition party were assassinated. Allegations were made that the Government was involved, which led to the suspension of the two supervising officers of the Presidential Security Unit in September and bilateral and international efforts to reinforce the security of the President.

The situation had improved since the Government committed itself publicly to address the issue of its obligations to the demobilized soldiers, who eventually refrained from disrupting or threatening public order. It also adopted economic and public sector reform bills, and the performance of HNP was perceived as improving. Nevertheless, disruptive protests continued and new arrests on charges of plotting against the security of the State had been made.

With an average effective strength somewhat below the mandated level of 64 United Nations and OAS personnel, MICIVIH retained a permanent presence in seven of the country's nine regions. Monitoring of police conduct, with emphasis on human rights and due process, remained a central activity of the Mission. Training continued at the Magistrates School and the Police Academy, with MICIVIH participation, and a number of MICIVIH recommendations with regard to the police and the judiciary were being implemented. The pace of human rights promotion and civic education activities requiring financial outlays slowed as a result of delays in the renewal of the Mission's mandate.

Improvements in the human rights situation were maintained, as was the authorities' commitment to fighting impunity and strengthening the protection of human rights. Violations of the right to life and physical integrity by State agents were relatively sporadic, but major concerns remained in the judicial domain, including glaring violations of procedures and shortcomings with regard to respect for due process.

The firm response of the authorities to egregious violations reported earlier appeared to have curbed the worst premeditated abuses by HNP, such as summary executions and torture, the Secretary-General noted. Nevertheless, nine people were shot dead by police in September, the highest figure since March, bringing the total to more than 40 persons killed since January. After a sharp rise in the first seven months of the year, the number of allegations of beatings of people in police custody decreased and most of the detainees interviewed by MICIVIH did not report having suffered ill-treatment.

On several occasions, MICIVIH raised concerns with the authorities about alleged abuses by the Presidential Palace Guard and the Presidential Security Unit, but allegations of the Guard's involvement in the killing of opposition members in August had yet to be substantiated.

MICIVIH continued to monitor arrest procedures and the legal situation of detainees held in police stations and prisons. It drew the attention of authorities to failures to respect legal and con-

stitutional arrest and detention procedures, including interference in judicial proceedings.

According to the report, internal mechanisms for investigating police abuses were consolidated and the Inspector-General began handing over to the State Prosecutor cases of police agents accused of alleged abuses and criminal activities. Greater efforts were made to condemn police abuses publicly and to inform the public of disciplinary measures taken. While few cases of abuses by prison guards were reported, MICIVIH noted that only minor sanctions were handed down.

Reports of "popular justice" reached a low in August but rose again in October. Between January and the end of September, 101 individuals were said to have been killed during 50 such incidents. Of especially serious concern was the fact that one victim was pulled out of a courtroom and killed in front of police and judicial officials, which illustrated the authorities' difficulty in exercising their authority.

MICIVIH continued to monitor the performance of HNP with regard to human rights, participating in training of police officers at all levels, recommending measures to improve operational and disciplinary procedures and facilitating police community outreach. To strengthen internal disciplinary procedures further, MICIVIH proposed the addition of a number of serious human rights violations to the list of punishable breaches of police conduct, and information on new cases of abuse documented by MICIVIH was transmitted to the Inspector General.

In addition to ongoing human rights training for HNP, MICIVIH designed a training module on the use of force to complement firearms instruction; helped prepare a programme for the training of investigators in the Inspector General's Office; and assisted in the retraining of presidential and palace guards.

MICIVIH drafted a detention register, in collaboration with CIVPOL, to improve detention conditions in police stations, and the two worked closely in helping HNP improve its outreach to local communities. MICIVIH's civic education seminars and radio programmes offered HNP the opportunity to explain its role and answer questions from the public.

In response to a strike by prison guards in mid-July, during which demands were made for the same rights and remuneration as HNP agents, the Government prepared a bill incorporating the prison administration into HNP. MICIVIH submitted comments on a draft for internal regulations for prison facilities prepared by the administration, which was expected to be adopted in the near future.

MICIVIH collaborated with the Ministry of Justice to implement judicial reform, supported by initiatives by France and the United States. It also proposed measures to deal with the acute backlog of criminal cases, especially in the capital, where in spite of some improvements a MICIVIH survey revealed that over 90 per cent of detainees were in pre-trial detention.

The Ministry of Justice and HNP also adopted and agreed to distribute ministerial directives on police conduct, and a circular on the use of Creole in the justice system was under discussion.

In collaboration with NGOs, the Mission continued to reinforce facilities for the provision of medical, social and psychological assistance to victims of past human rights violations. It also was completing a study on the medical and psychological effects of repression based on the experiences of its medical unit and of other health professionals. Conflict resolution activities with peasant leaders, human rights organizations and authorities included a training seminar for mayors and police. A joint project on conflict resolution was carried out with UNESCO, and Creole language material was produced.

The emphasis placed on institution-building and reform by the Government, the relevant authorities and the international community was starting to bear fruit, the Secretary-General concluded, as new institutions were slowly being consolidated and the public's perception of HNP performance was changing noticeably. Continued insistence on accountability and the rejection of impunity had contributed to the improved human rights situation, but some recent events showed that continued vigilance was necessary and the major bottlenecks and structural weaknesses in the judiciary had to be urgently resolved to restore public confidence in the system. Legal and constitutional procedures had to be observed scrupulously in order to ensure that measures taken to counter corruption and threats to State security could not be interpreted as arbitrary acts intended to restrict or punish political opponents.

Gradual improvements in the functioning of HNP and the prison administration had not been matched by a similar process of reconstruction in other institutions, particularly the judiciary, on which the enjoyment of human rights hinged, the Secretary-General found. It was nonetheless encouraging that the Haitian Senate had before it proposals for badly needed judicial reform, but those could only reinvigorate the judicial system if they met with the widest support among the interested sectors and society as a whole. The Secretary-General was convinced that implementation of agreed judicial reform, together with

the need to overcome remaining weaknesses in the police and prison administration, would require the international community's continued assistance. It was on those areas that MICIVIH had placed emphasis and where it could make a significant contribution. The Government shared his view, he said; on 30 November, the President had requested an extension of MICIVIH's mandate for 12 months.

The Secretary-General, following consultations with OAS, recommended that the General Assembly authorize such an extension of MICIVIH at the current personnel strength, with a focus on assisting the Haitian authorities in rebuilding and consolidating the cornerstone institutions of a democratic society based on law and respect for human rights.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/196 A**.

#### **The situation of democracy and human rights in Haiti**

The General Assembly,

Having considered the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Taking note of the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Paying tribute to the Haitian people in their ongoing quest for a strong and lasting democracy, justice and economic prosperity,

Reaffirming its support to the people and the Government of Haiti and for their efforts to advance democracy, respect for human rights and the reconstruction of Haiti,

Strongly supporting the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming the renewal of the mandate of the United Nations Support Mission in Haiti and the contributions of the Special Representative of the Secretary-General of the United Nations and his staff,

Welcoming also the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contribution of the International Civilian Mission to Haiti, its Executive Director and staff, and of the United Nations Support Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti, and encouraging the International

Civilian Mission to continue to cooperate with the United Nations Support Mission and others participating in institution-building, including police training activities,

Taking note of the report of the Secretary-General on the situation of democracy and human rights in Haiti and the request from the President of the Republic of Haiti to the Secretary-General of the United Nations contained in the annex thereto,

Welcoming the continuing improvement in the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission to Haiti, with the tasks of:

(a) Verifying full observance by Haiti of human rights and fundamental freedoms;

(b) Providing technical assistance at the request of the Government of Haiti in the field of institution-building, such as the training of the police or the establishment of an impartial judiciary;

(c) Supporting the development of a programme for the promotion and protection of human rights, in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

2. Decides to authorize, on the basis of the above recommendation, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 July 1997, according to the terms of reference and modalities under which the Mission is operating, with the possibility of a further decision to renew the Mission until 31 December 1997, based upon the report of the Secretary-General mentioned in paragraph 3 below;

3. Requests the Secretary-General to submit to the General Assembly regular reports on the implementation of the present resolution, including a report to be submitted not later than 30 June 1997 on the mandate and further extension of the International Civilian Mission to Haiti, taking into consideration the recommendations contained in the report of the Secretary-General to be submitted to the Security Council by 31 March 1997 on the United Nations Support Mission in Haiti;

4. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

5. Requests the Secretary-General to continue to coordinate the efforts of the United Nations system in providing humanitarian aid and contributing to the development of Haiti;

6. Decides to keep under review at its fifty-first session the item entitled "The situation of democracy and human rights in Haiti".

General Assembly resolution 51/196 A  
17 December 1996 Meeting 87 Adopted without vote  
32-nation draft (A/51/L.63 & Add.1); agenda item 37.  
Financial implications: 5th Committee, A/51/739; 5-6, A/C.5/51/43.  
Meeting numbers. GA 51st session: 5th Committee 45; plenary 87.

In December, the Fifth Committee decided, on the basis of the Secretary-General's statement of programme budget implications [A/C.5/51/43], to inform the Assembly that to implement the resolution, an additional appropriation of \$3,400,400 would be required, to be considered in the context of the revised appropriations for the biennium 1996-1997.

## Other questions

### Cuba-United States

#### Embargo against Cuba

On 20 March, Cuba transmitted [A/51/82] to the Secretary-General a declaration by its Ministry of Foreign Affairs, rejecting emphatically the recent adoption by the United States Congress and the signing by the United States President of the so-called "Cuban Liberty and Democratic Solidarity Act" (the Helms/Burton Act) as essentially an act of aggression against Cuba, an attempt to legislate its destiny and future and an assault on the international community as a whole. As stated in a 1995 Cuban memorandum [YUN 1995, p.459], the legislation in question authorized bringing lawsuits before United States courts with regard to property nationalized in Cuba, as well as retaliatory measures against third-country companies trading with or investing in Cuba.

Also on 20 March, Cuba communicated to the Commission on Human Rights a statement [E/CN.4/1996/142] by the International Relations Committee of its National Assembly characterizing the Helms/Burton Act as an affront to the dignity of the Cuban people and an attempt to oblige other Governments to submit to United States laws. It called on all parliaments to reject the provisions of the Act, and also recommended that an itemized account be prepared of damages caused by the United States embargo and aggression against Cuba.

On the same date, Colombia transmitted a statement [A/51/85] by the Movement of Non-Aligned Countries, which rejected unilateral coercive measures as a means of exerting pressure on non-aligned and other developing countries and expressing particular concern at the enactment of the Helms/Burton bill. The Helms/Burton legislation was also rejected by

the States members of the Permanent Mechanism for Consultation and Policy Coordination (the Rio Group) in a statement [A/51/94] communicated to the Secretary-General on 27 March.

On 19 October [A/51/531], Cuba presented a juridical analysis of the scope and illegality of the Helms/Burton Act, reviewing its compatibility with international law. The analysis concluded that the legislation violated the most fundamental principles of the Charter of the United Nations and of international law and merited the most serious concern of the General Assembly.

On 6 November [A/51/669], Uruguay transmitted a decision adopted by the Council of the Latin American Economic System at its twelfth regular meeting (Montevideo, 23-25 October), which reaffirmed its strongest rejection of the Helms/Burton Act, called on the United States to repeal it, and reiterated its call for the lifting of the economic, commercial and financial embargo imposed by the United States against Cuba.

**Secretary-General's report.** As requested by the General Assembly in resolution 50/10 on the necessity of ending the United States embargo against Cuba [YUN 1995, p. 460], the Secretary-General presented a 13 September report, with later addendum [A/51/355 & Add.1], containing information from 61 States and five UN agencies and organs on their implementation of the resolution, by which the Assembly had called on States to refrain from unilateral application of economic and trade measures against Cuba and urged them to repeal or invalidate such measures.

#### GENERAL ASSEMBLY ACTION

On 12 November, the General Assembly adopted **resolution 51/17**.

#### **Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba**

The General Assembly,

Determined to encourage strict compliance with the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recalling the statements of the heads of State or Government at the Ibero-American Summits concerning the need to eliminate the unilateral application of economic and trade measures by one State against another which affect the free flow of international trade,

Concerned about the continued promulgation and application by Member States of laws and regulations, such as the one promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects

of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation,

Taking note of declarations and resolutions of different intergovernmental forums, bodies and Governments which express the rejection by the international community and public opinion of the promulgation and application of regulations of the kind referred to above,

Recalling its resolutions 47/19 of 24 November 1992, 48/16 of 3 November 1993, 49/9 of 26 October 1994 and 50/10 of 2 November 1995,

Concerned that, since the adoption of its resolutions 47/19, 48/16, 49/9 and 50/10, further measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba continue to be promulgated and applied, and concerned also about the adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries,

1. Takes note of the report of the Secretary-General on the implementation of resolution 50/10;

2. Reiterates its call on all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution in conformity with their obligations under the Charter of the United Nations and international law which, *inter alia*, reaffirm the freedom of trade and navigation;

3. Once again urges States that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;

4. Requests the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the present resolution in the light of the purposes and principles of the Charter and international law, and to submit it to the General Assembly at its fifty-second session;

5. Decides to include in the provisional agenda of its fifty-second session the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

General Assembly resolution 51/17

12 November 1996 Meeting 57 137-3-25 (recorded vote)

Draft by Cuba (A/51/L.15); agenda item 27.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Tur-

key, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: Israel, United States, Uzbekistan.

Abstaining: Bhutan, El Salvador, Estonia, Gabon, Georgia, Guatemala, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Liberia, Lithuania, Marshall Islands, Micronesia, Morocco, Nepal, Oman, Republic of Korea, Republic of Moldova, Rwanda, Saudi Arabia, Tajikistan, the former Yugoslav Republic of Macedonia, United Arab Emirates.

Introducing the text in the Assembly, Cuba said that under the blockade, Cuba was denied access to the biggest and most important market in the world, as well as to the international financial institutions and other sources of financing available in developed countries. Cuba described material limitations and shortages resulting from the embargo in such areas as food, medicine, electricity and transportation. It estimated that the damages inflicted by the embargo were in excess of \$60 billion.

Cuba stated that the Assembly had an opportunity not only to vote against an unfair policy but to ensure that no State, however powerful, might ignore international law. The bells that tolled for Cuba today, it said, might toll for another independent State tomorrow.

The United States said that it had the right, as did every nation, to choose with whom it traded, to protect the property rights of its citizens and to pursue its national interests. It stated that, by introducing the draft resolution in the Assembly, Cuba had manipulated the concerns of countries around the world to claim support for its reprehensible policies of intolerance and oppression. Cuba, it said, was the only nation in the region that did not govern in accordance with democratic principles, and had been condemned by the Assembly and the United Nations Human Rights Commission for its withholding of fundamental freedoms and human rights. The United States believed that the embargo provided leverage to promote peaceful change in Cuba. It also said that its policies included the important element of direct support for the Cuban people, including for human rights organizations and other NGOs working to better the lives of average Cubans.

Ireland, speaking on behalf of the European Union (EU), which supported the draft resolution, said that the Union unreservedly condemned the increasing number of violations of civil and political rights by the Government of Cuba over the last year. It was also concerned that the Cuban people continued to experience a decline in the level of economic and social rights that they enjoyed. While that was due in part to the United States embargo, the Cuban Government must accept a part of the blame for the difficult situation the Cuban people faced. The EU also reiterated its rejection of attempts to apply

national legislation on an extraterritorial basis, and it rejected United States attempts to coerce other countries into complying with commercial measures it had adopted unilaterally against Cuba.

### Aircraft incident

On 24 February 1996, two civil aircraft operated by an American-based group, Brothers to the Rescue, were shot down by the Cuban air force, resulting in the deaths of four persons. On 26 February, the United States requested [S/1996/130] an urgent meeting of the Security Council, "in view of the seriousness of the situation created by the shooting down" of the two planes.

The Council convened at 3:10 a.m. on 27 February, for 35 minutes, hearing one speaker, the representative of Cuba. He stated [S/PV.3634] that his Government had "irrefutable proof" that the planes were shot down in Cuban airspace, within its jurisdictional waters north of Havana. Furthermore, the pilots had been warned that defences had been activated. Despite those warnings and others, the United States had taken no effective measures to prevent unauthorized flights in Cuban airspace, which had occurred on many occasions. Cuba, in a note [S/1996/137&Corr.1] from its Foreign Ministry, had reported that the United States had called the incident, which it believed had occurred in international waters, a "blatant violation of international law and the norms of a civilized country".

### SECURITY COUNCIL ACTION (February)

Following consultations, the Security Council President issued a statement [S/PRST/1996/9] on 27 February, by which the Council strongly deplored the shooting down of the aircraft, and asked that the International Civil Aviation Organization (ICAO) investigate the incident in its entirety.

The Security Council strongly deplores the shooting down by the Cuban air force of two civil aircraft on 24 February 1996, which apparently has resulted in the death of four persons.

The Council recalls that according to international law, as reflected in Article 3 bis of the International Convention on Civil Aviation of 7 December 1944 added by the Montreal Protocol of 10 May 1984, States must refrain from the use of weapons against civil aircraft in flight and must not endanger the lives of persons on board and the safety of aircraft. States are obliged to respect international law and human rights norms in all circumstances.

The Council requests that the International Civil Aviation Organization investigate this incident in its entirety and calls on the Governments concerned to cooperate fully with this investigation. The Council

requests that the International Civil Aviation Organization report its findings to the Council as soon as possible. The Council will consider that report and any further information presented to it without delay.

Meeting number. SC 3635.

**Communications.** Between February and July, Cuba issued a number of statements [S/1996/141, 144, 152, 153, 154, 198, 370, 448, 449, 458, 470, 498 and 499], reiterating its position regarding the 24 February aircraft incident and commenting on related matters.

### GENERAL ASSEMBLY CONSIDERATION (March)

Cuba, on 29 February [A/50/883/Rev.1], asked that the Assembly resume its fiftieth session for one day to consider the agenda item on the "United Nations Decade of International Law", for the purpose of bringing to the Assembly's attention a situation which had undermined respect for the principle of the sovereignty of States, including their full and exclusive sovereignty over their land territory, territorial waters and airspace. The Assembly on 6 March heard statements by Cuba and the United States in that connection.

Cuba said that United States administrations had shown on countless occasions a hostile policy against Cuba, from attempts at diplomatic isolation to a systematic policy of blockade and economic aggression. Concerning the 24 February incident, Cuba said that the United States had been fully aware of the group organized in its territory using airplanes for "clearly provocative purposes", and there was no room for doubt that it was a paramilitary, terrorist organization in open war against Cuba.

"If we are to blame for any mistake in our behaviour", Cuba said, it was that it trusted a country as powerful as the United States "to be able to stop groups of irresponsible people from carrying out perfectly avoidable actions that could even drag it into a genocidal war against our people". Cuba said it assumed full responsibility for the patriotic action it had carried out in legitimate defence of the sovereignty and security of its country.

The United States said it had listened in vain for an apology. It had not sought and did not seek a confrontation with Cuba. But it could not be silent when its citizens were murdered and it would not allow the Cuban Government to transfer blame to the victims of its crime.

Cuba's shooting down of the aircraft violated the prohibition under customary international law against the use of weapons in such circumstances against civil aircraft in flight, the United States said. Behind the smokescreen of Cuba's

rhetoric lay a simple matter of right and wrong. It was preposterous to believe that the four young men killed in unarmed planes were enemies of the Cuban people. The fundamental question was not a question about which there could be two co-equal arguments, nor was it a political question. The action taken was a blatant violation of international law and should be denounced as such by all members of the international community, the United States said.

GA meeting number. 102.

### ICAO action

On 6 March, the ICAO Council adopted a resolution directing the ICAO Secretary-General to initiate an investigation of the incident of 24 February.

**ICAO report.** By a 1 July note, the Secretary-General presented [S/1996/509] to the Security Council the report of the investigating team, which concluded that means other than interception, although available, had not been utilized, which conflicted with the ICAO principle that interception of civil aircraft be undertaken only as a last resort. The two civil aircraft, it said, were destroyed by air-to-air missiles fired by Cuban military planes. ICAO provisions were not followed in executing the interception. It was affirmed that the rule of customary international law, obliging States to refrain from using weapons against civil aircraft in flight, applied irrespective of whether or not such aircraft were within the territorial airspace of that State. At the same time, the report pointed out that the Protocol to the Chicago Convention concerning the use of weapons against civil aircraft had not entered into force and was not ratified either by Cuba or by the United States. The report recommended that each State party to the Chicago Convention ratify the Protocol and that States comply with it pending its ratification and formal entry into force.

The report stated that there were significant differences between the radar data provided by Cuba and by the United States, which could not be reconciled. The most reliable position estimates were considered to be those based on the recorded positions of, and observations by, surface vessels in the area. Based on that information, the report concluded that the two aircraft were shot down outside Cuban territorial airspace.

Also transmitted was a resolution adopted by the ICAO Council on 27 June, noting the report, expressing deep regret over the loss of four lives in the incident, and reaffirming its condemnation of the use of weapons against civil aircraft in flight as incompatible with elementary considerations of humanity, the rules of customary in-

ternational law, and the standards and recommended practices set out by the Chicago Convention. The Council further reaffirmed the principles that States must refrain from the use of weapons against civil aircraft in flight, that the lives of persons on board and the safety of the aircraft must not be endangered during interception, and that each State party to the Chicago Convention should take measures to prohibit the use of civil aircraft under its jurisdiction for purposes inconsistent with the aims of the Convention. The Council urged all States to ratify Article 3 bis of the Convention as early as possible and to comply with its provisions pending its entry into force. It also instructed the Air Navigation Commission to study the adequacy of regulations relating to interception of civil aircraft.

**Communications.** Cuba, on 2, 3, 4 and 16 July [S/1996/520,525,532,570], alleged further unauthorized flights, threats to its sovereignty and other violations, citing ICAO regulations. On 17 July, it circulated as a United Nations document [A/50/1008-S/1996/577] a legal memorandum concerning flights by Brothers to the Rescue.

### SECURITY COUNCIL CONSIDERATION

After ICAO transmitted its report [S/1996/509] to the Security Council, a meeting was convened on 26 July to consider its findings and recommendations. The United States submitted a draft resolution, endorsing the ICAO conclusions and condemning the use of weapons against civil aircraft.

Before the vote, the United States said Cuba's position had been callous and contemptible. It had been consistent only in its refusal to admit the truth and in its determination to lie to the world over and over again. The remedy was to accept and adhere to the rule of law.

Cuba said the United States was manipulating information and falsifying data, making it practically impossible to analyse the 24 February incident. It also persisted in confusing the issue as to the supposedly civilian nature of the aircraft involved. Cuba intended to ask ICAO to examine the crucial question of the improper use of civil aviation.

### SECURITY COUNCIL ACTION (July)

On 26 July, the Security Council adopted **resolution 1067(1996)**.

The Security Council,

Recalling the statement made by its President on 27 February 1996 strongly deploring the shooting down by the Cuban Air Force of two civil aircraft on 24 February 1996, which resulted in the death of four persons, and requesting the International Civil Aviation Organization to investigate this incident in its entirety and to report its findings to the Security Council,

Noting the resolution adopted by the Council of the International Civil Aviation Organization on 6 March 1996, which strongly deplored the shooting down of the two civil aircraft and which directed the Secretary-General of the Organization to initiate an immediate investigation of the incident in its entirety in accordance with the statement made by the President of the Security Council on 27 February 1996 and to report on that investigation,

Commending the International Civil Aviation Organization for its examination of this incident, and welcoming the resolution adopted by the Council of the Organization on 27 June 1996, transmitting the report of the Secretary-General of the Organization to the Security Council,

Welcoming also the report of the Secretary-General of the International Civil Aviation Organization regarding the shooting down of civil aircraft N2456S and N5485S by Cuban MIG-29 military aircraft, and noting in particular the conclusions of the report,

Recalling the principle that every State has complete and exclusive sovereignty over the airspace above its territory, and that the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto, and noting in this connection that States shall be guided by the principles, rules, standards and recommended practices laid down in the Convention on International Civil Aviation of 7 December 1944 and its annexes (the Chicago Convention), including the rules relating to the interception of civil aircraft, and the principle, recognized under customary international law, concerning the non-use of weapons against such aircraft in flight,

1. Endorses the conclusions of the report of the International Civil Aviation Organization and the resolution adopted by the Council of the International Civil Aviation Organization on 27 June 1996;

2. Notes that the unlawful shooting down by the Cuban Air Force of two civil aircraft on 24 February 1996 violated the principle that States must refrain from the use of weapons against civil aircraft in flight and that, when intercepting civil aircraft, the lives of persons on board and the safety of the aircraft must not be endangered;

3. Expresses deep regret over the loss of four lives and offers its deep sympathy and condolences to the bereaved families of the victims of this tragic event;

4. Calls upon all parties to acknowledge and comply with international civil aviation law and related internationally agreed procedures, including the rules and standards and recommended practices set out in the Chicago Convention;

5. Reaffirms the principle that each State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of the Chicago Convention;

6. Condemns the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity, the rules of customary international law as codified in article 3 bis of the Chicago Convention and the standards and recommended practices set out in the annexes of the Convention, and

calls upon Cuba to join other States in complying with their obligations under these provisions;

7. Urges all States which have not yet done so to ratify as soon as possible the Protocol adding article 3 bis to the Chicago Convention, and to comply with all the provisions of the article pending the entry into force of the Protocol;

8. Welcomes the decision of the Council of the International Civil Aviation Organization to initiate a study of the safety-related aspects of the report of the investigation with regard to the adequacy of standards and recommended practices and other rules relating to interception of civil aircraft with a view to preventing the recurrence of a similar tragic event;

9. Decides to remain seized of the matter.

Security Council resolution 1067(1996)

26 July 1996

Meeting 3683

13-0-2

Draft by United States (S/1996/596).

Vote in Council as follows:

In favour: Botswana, Chile, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, United Kingdom, United States.

Against: None.

Abstaining: China, Russian Federation.

The Russian Federation, explaining its vote, said the text remained unbalanced from the political and international legal standpoints. The resolution skirted over the underlying reasons for the incident and did not strike a balance between the two fundamental principles of the non-use of weapons against civil aircraft and the non-use of such aircraft for illegal purposes. It was common knowledge that the nature of the flights undertaken by Brothers to the Rescue, as well as the objectives pursued through them, were hardly compatible with the aims laid down for the use of civil aviation by the Chicago Convention.

China said that the Security Council should have based its resolution on that of ICAO, which was balanced and fair and represented the collective will of all ICAO members. Just as the provisions of international law on the non-use of weapons against civil aircraft should be respected, so should be, by the same token, those on the inviolability of territorial airspace and those against the abuse of civil aviation.

### Ecuador-Peru

During 1996, Ecuador addressed to the Secretary-General several communications concerning efforts to settle the border dispute with Peru. On 26 January [A/51/60-S/1996/62], Ecuador transmitted the text of a release covering a 17-18 January meeting between the Foreign Ministers of Ecuador and Peru, in which the guarantor countries of the 1942 Protocol of Rio de Janeiro



(Argentina, Brazil, Chile and the United States) also participated. The purpose of the meeting was to identify procedures for dealing with point 6 of the 1995 Itamaraty Declaration of Peace between Ecuador and Peru, which related to the solution of remaining impasses between the two countries. The Declaration, which was signed in Brasilia, Brazil, on 17 February 1995, confirmed the cessation of hostilities between the two countries. At the January meeting, agreements were reached on the continuation of the peace process, the venue for the talks, the composition of the delegations, the confidential nature of the talks, the role of the guarantor countries and the need to extend the Ecuador-Peru Military Observer Mission.

By a 20 February letter [A/51/69-S/1996/122], Ecuador transmitted the statement by the guarantor countries of the Protocol of Rio de Janeiro on the occasion of the first anniversary of the Itamaraty Peace Declaration, in which they expressed their satisfaction at the significant progress made towards complete detente in the relations between the two countries.

Ecuador, on 28 February [A/51/72-S/1996/148], transmitted the texts of two agreements, signed by the Ministers for Foreign Affairs of Ecuador and Peru at meetings held in Quito, Ecuador, on 22 and 23 February. They agreed that Peru would demobilize an observation post, retaining only 60 men there, and to submit to the guarantor countries lists of remaining impasses, in accordance with paragraph 6 of the Itamaraty Peace Declaration. They further agreed to form a working group of officials from the defence sectors of the two countries to design a bilateral mechanism to build confidence between them.

By an 11 March letter [A/51/77-S/1996/181], Ecuador transmitted a communique describing the presentation in Brasilia to the Ambassadors of Ecuador and Peru between the Foreign Minister of Brazil of the lists of remaining impasses, which included demarcation problems and problems arising from division of rivers according to geodesic lines.

On 1 July [A/51/188-S/1996/511], Ecuador transmitted a press release on a meeting between the Foreign Ministers of Ecuador and Peru (Buenos Aires, Argentina, 18-29 June), at which they identified procedures to be followed at talks on the remaining impasses.

In a 31 October letter [A/51/648-S/1996/900], Ecuador transmitted the Santiago Agreement (Santiago, Chile, 29 October), by the Foreign Ministers of Ecuador and Peru and the representatives of the guarantor countries, by which it was decided to begin, before the end of 1996, substantive talks on the border dispute.

## Panama Canal

**Report of Secretary-General.** In response to General Assembly resolution 50/12 [YUN 1995, p. 461], the Secretary-General submitted an 8 August report [A/51/281] on Panama's initiative to convene a Universal Congress on the Panama Canal, to be held in Panama City in September 1997, with the participation of Governments, international bodies, public and private academic institutions, maritime users and shipping companies, to examine the role which the Canal should play in the twenty-first century.

The report described activities of the Organizing Commission, cooperation in organizing the Congress, and its programme. It noted that the Commission collaborated with the United Nations Development Programme (UNDP) in facilitating a national dialogue on the Canal involving all sectors of Panamanian society. Issues on the agenda of the Congress were discussed at the "Panama 2000" meeting (Coronado, Panama, 26-28 May), which adopted a Final Declaration signed by the leaders of all participating delegations.

**Communication.** On 27 September [A/51/477], Panama communicated additional information on the organization of the Congress. It noted that, following consultations with interested parties, the Government had formulated a maritime strategy, to be included in the agenda of the Congress, which outlined Panama's policy on maritime matters and the principles and purposes of its integration in regional and international maritime activities. The letter described activities of the Transition Commission for the transfer of the Panama Canal and of the Interoceanic Region Authority, established by Panama in 1993 and charged with drafting a plan for the development of the interoceanic region. The letter also reviewed action by the Panama Canal Consultative Committee, established under the Panama Canal Treaty to advise the United States and Panama on matters of policy affecting the Council's operation, and activities of OAS in relation to the organization of the Congress. It was pointed out that the European Union had agreed to finance Canal transit projections up to the year 2060; the Organizing Commission believed the study of transit projects to be the keystone of the Congress.

### GENERAL ASSEMBLY ACTION

On 24 October, the General Assembly adopted **resolution 51/5**.

### Universal Congress on the Panama Canal

The General Assembly,

Recalling its resolution 50/12 of 7 November 1995 supporting the convening of the Universal Congress

on the Panama Canal, which is to be held at Panama City from 7 to 10 September 1997.

Having considered the report of the Secretary-General on the implementation of resolution 50/12,

Taking into account resolution 1376(XXVI-0/96) of the General Assembly of the Organization of American States entitled "The Panama Canal in the Twenty-first Century" and resolution 1379(XXVI-0/96) on the Universal Congress on the Panama Canal, both adopted on 6 June 1996, in which, inter alia, the General Assembly of the Organization of American States noted with satisfaction the harmonious transition process in which the Governments of Panama and the United States of America are participating, through their diplomatic missions, the Panama Canal Commission, the Interoceanic Region Authority and the Transition Commission,

Having considered the letter dated 27 September 1996 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General, outlining the work being done by the Government of Panama in connection with the holding of the Universal Congress on the Panama Canal and indicating the progress made by the Organizing Commission for that Congress, under the direction of the Ministry of Foreign Affairs,

Bearing in mind that on 7 September 1977 the Panama Canal Treaty and the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, known as the Torrijos-Carter Treaties, were signed in Washington, D.C., which stipulate that, at noon on 31 December 1999, the Canal, including all improvements, is to come under the control of the Republic of Panama,

Acknowledging the importance that the international community attaches to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the positive implications that the strengthening of the nuclear-weapon-free regime established by that Treaty has for the permanent neutrality of the Panama Canal,

Welcoming the fact that, in anticipation of the holding of the Congress, Panama has ratified the United Nations Convention on the Law of the Sea, universally recognized as the framework for the adoption of national, regional and global measures in maritime matters, in harmony with chapter 17 of Agenda 21 adopted at the United Nations Conference on Environment and Development,

Reaffirming the utility of the Panama Canal for international maritime transport and the growth of the world economy, and the need to tackle the problems of interoceanic communication in the twenty-first century,

Noting with appreciation the activities being undertaken in various spheres by Governments, organizations and programmes of the United Nations system and other intergovernmental and non-governmental organizations in support of the holding of the Universal Congress,

Recognizing that the next stages of preparation and organization of the Congress require increased efforts and the availability of greater resources,

1. Notes with satisfaction the report of the Secretary-General on the implementation of resolution 50/12;

2. Reiterates its firm support for the initiative of the Government of Panama, and urges it to continue to intensify its efforts to organize the Universal Congress on the Panama Canal at Panama City from 7 to 10 September 1997;

3. Renews its appeal to Member States generously to assist the Government of Panama, and calls upon inter-governmental and non-governmental organizations to do likewise;

4. Again urges the competent organs, programmes and specialized agencies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the International Maritime Organization, to make every effort to provide assistance from within existing resources for the holding of the Universal Congress on the Panama Canal;

5. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Universal Congress on the Panama Canal".

General Assembly resolution 51/5

24 October 1996 Meeting 40 Adopted without vote

3-nation draft (A/51/L.4); agenda item 28.

Sponsors: France, Panama, United States.

Meeting numbers. GA 51st session: plenary 23, 40

## Cooperation with OAS

In response to General Assembly resolution 49/5 [YUN 1994, p. 435], the Secretary-General submitted a 19 August report with later addendum [A/51/297 & Add.1] on cooperation between the United Nations and the Organization of American States (OAS). The report reviewed their joint participation in the International Civilian Mission to Haiti (see above), described consultations and information exchanges on matters of mutual interest held since 1994, and provided information on collaborative activities undertaken with OAS by the United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the United Nations University, the Economic Commission for Latin America and the Caribbean (ECLAC), the World Food Programme (WFP), the United Nations International Drug Control Programme (UNDCP), the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), the International Monetary Fund (IMF), the International Maritime Organization (IMO), the United Nations Conference on Trade and Development (UNCTAD) and UNDP.

At their third general meeting (New York, 17-18 April 1995), the two organizations signed an agreement on cooperation between their Secre-

tariats. The Secretary-General of OAS participated in a meeting between the United Nations and regional organizations and arrangements (New York, 14 February 1996) on modalities for their cooperation in preventive diplomacy, peace-making and peacekeeping. The meeting reached consensus on the need for agreed consultation mechanisms and the importance of a well-defined division of labour, mutual diplomatic support and the avoidance of a multiplicity of negotiators. Also in 1996, the United Nations introduced a more flexible cooperation mechanism, providing for focal points within UN departments, offices, programmes and agencies and allowing direct contacts with the OAS General Secretariat.

#### GENERAL ASSEMBLY ACTION

On 24 October, the General Assembly adopted **resolution 51/4**.

#### **Cooperation between the United Nations and the Organization of American States**

The General Assembly,

Recalling its resolution 49/5 of 21 October 1994 relating to the promotion of cooperation between the United Nations and the Organization of American States,

Having examined the report of the Secretary-General on cooperation between the United Nations and the Organization of American States,

Recalling that the purposes of the United Nations are, *inter alia*, to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

Bearing in mind that the Charter of the United Nations provides for the existence of regional arrangements and agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and whose activities are consistent with the purposes and principles of the United Nations,

Recalling that the Charter of the Organization of American States reaffirms these purposes and principles and provides that that organization is a regional agency under the terms of the Charter of the United Nations,

Noting with satisfaction that the third general meeting between representatives of the United Nations system and of the Organization of American States was held at United Nations Headquarters on 17 and 18 April 1995,

Welcoming the fact that the Secretary-General of the Organization of American States attended the special commemorative meeting of the United Nations on the occasion of its fiftieth anniversary,

Expressing its satisfaction at the way in which the United Nations Under-Secretary-General for Political Affairs and the Assistant Secretary-General of the Organization of American States have been performing their work of coordination between the two bodies,

Recalling its resolutions 47/20 A, 47/20 B, 48/27 B, 49/27 B, 49/5 and 50/86 B of 24 November 1992, 20 April 1993, 8 July 1994, 12 July 1995, 21 October 1994 and 3 April 1996, respectively,

Aware that the effective consolidation of a new international order requires regional action in harmony with that of the United Nations,

1. Expresses its appreciation to the Secretary-General for his initiative in convening a meeting between the United Nations and the heads of regional organizations on 15 and 16 February 1996, welcomes the participation of the Secretary-General of the Organization of American States in that meeting, and recommends that similar meetings be held more frequently;

2. Expresses its satisfaction at the close cooperation between the two organizations and, in particular, the support which they both gave to the conduct of the parliamentary municipal and presidential elections in Haiti from June to December 1995, and at the joint operations of the International Civilian Mission to Haiti;

3. Also expresses its satisfaction at the support given by the Electoral Observer Mission in the general elections in Nicaragua held on 20 October 1996, when the United Nations system also provided technical assistance;

4. Further expresses its satisfaction at the close cooperation between the two organizations in the observation and verification of the electoral process, and recognizes the effectiveness of that cooperation when it is requested by national authorities;

5. Welcomes the meetings between the Secretary-General of the United Nations and the Secretary-General of the Organization of American States, as well as the regular meetings between their representatives throughout the period under review;

6. Also welcomes the signature on 17 April 1995 of the Collaboration Agreement between the United Nations and the Organization of American States;

7. Emphasizes that the cooperation between the United Nations and the Organization of American States should be in accordance with their respective mandates, scope and composition and should take place in forms that are suited to each specific situation, in accordance with the Charter of the United Nations;

8. Recommends that general meetings between representatives of the United Nations system and the Organization of American States be held when deemed necessary to continue to review and appraise progress, and that sectoral and focal point meetings be held on areas of priority or mutually agreed issues, continuing with the modality of operating through the focal points already established;

9. Expresses its appreciation for the efforts of the Secretary-General in the promotion of cooperation between the United Nations and the Organization of American States, and expresses the hope that he will continue to strengthen the mechanism for cooperation between the two organizations;

10. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

11. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Organization of American States".

General Assembly resolution 51/4  
 24 October 1996 Meeting 40 Adopted without vote  
 34-nation draft (A/51/L.5/Rev.1 & Rev. 1/Add.1); agenda item 22.

### Cooperation with CARICOM

As requested by the General Assembly in resolution 49/141 [YUN 1994, p. 251], the Secretary-General reported [A/51/299] on 20 August on cooperation between the United Nations and the Caribbean Community (CARICOM). He described consultations and information exchange between the two organizations since 1994, and provided information on collaborative activities undertaken with CARICOM by the United Nations Secretariat, the United Nations Children's Fund, UNCTAD, UNDP, the United Nations Development Fund for Women, the United Nations Population Fund, UNDCP, UNHCR, INSTRAW, the International Labour Organization (ILO), UNESCO, the Pan American Health Organization and the World Health Organization, IMF, the International Telecommunication Union, IMO, the International Fund for Agricultural Development and the United Nations Industrial Development Organization.

The report noted that ECLAC and CARICOM had signed a memorandum of understanding for cooperation in January 1995 and that the Secretaries-General of the United Nations and of CARICOM held consultations in October 1995 and in February 1996, addressing modalities for cooperation in such areas as preventive diplomacy, peacemaking and peacekeeping. Cooperation between the two organizations was also considered by the CARICOM Standing Committee of Foreign Ministers (twenty-second meeting, Kingston, Jamaica, 13-14 May 1996) and by the Conference of Heads of Government of CARICOM (seventeenth meeting, Bridgetown, Barbados, 3-6 July). In the final communique of the Standing Committee, the Ministers agreed that areas of cooperation should include follow-up to global conferences, advancement of a new international human order, issues related to the law of the sea, implementation of the 1994 Programme of Action for the Sustainable Development of Small Island Developing States [YUN 1994, p. 783], poverty reduction, peacekeeping, diplomatic training, governance and development in the Caribbean, and strengthening of the CARICOM Regional Secretariat's information base. In the final communique of the Conference, transmitted to the Secretary-General by Antigua and Barbuda on 12 August [A/51/295], the Heads of Government of CARICOM noted the development of closer relations between the region and the United Nations, and stressed the importance of

furthering the Community's possible role in the development of peace and security within the Caribbean region.

The Secretary-General further noted that a new cooperation mechanism provided for direct contacts between focal points within the UN system and CARICOM.

#### GENERAL ASSEMBLY ACTION

On 11 November, the General Assembly adopted **resolution 51/16**.

#### Cooperation between the United Nations and the Caribbean Community

The General Assembly,

Recalling its resolutions 46/8 of 16 October 1991, by which it granted observer status to the Caribbean Community, and 49/141 of 20 December 1994,

Noting with satisfaction the report of the Secretary-General on cooperation between the United Nations and the Caribbean Community,

Recalling that the Charter of the United Nations contemplates the existence of regional arrangements or agencies for dealing with such matters as are appropriate for regional action and other activities consistent with the purposes and principles of the United Nations,

Taking into account the reports of the Secretary-General entitled "An Agenda for Peace" and "An Agenda for Development" and the related consultations within the United Nations, including the various working groups on those subjects,

Taking note of the final communique of the twenty-second meeting of the Standing Committee of Ministers Responsible for Foreign Affairs, held at Kingston on 13 and 14 May 1996, and the final communique of the seventeenth meeting of the Conference of Heads of Government of the Caribbean Community, held at Bridgetown from 3 to 6 July 1996, which, inter alia, outlines areas of cooperation between the United Nations and the Caribbean Community and stresses the importance of furthering the possible role of the Community in the development of peace and security within the Caribbean region, and expresses appreciation to the Secretary-General of the United Nations for promoting this heightened level of cooperation,

Recalling the request made of the Secretary-General of the United Nations, in consultation with the Secretary-General of the Caribbean Community, to promote meetings between their representatives for consultations on policies, projects, measures and procedures that will facilitate and broaden cooperation and coordination between the two organizations,

Welcoming the inter-agency consultations between the Caribbean Community and its associated institutions, the Inter-American Development Bank, the Organization of American States and the United Nations on the first conference on governance and development in the Caribbean,

Affirming the need to strengthen the cooperation that already exists between entities of the United Nations system and the Caribbean Community in the areas of economic and social development, as well as of political and humanitarian affairs,

Convinced of the need for the coordinated utilization of available resources to promote common objectives of the two organizations,

1. Takes note of the report of the Secretary-General on cooperation between the United Nations and the Caribbean Community, as well as his efforts to strengthen that cooperation;

2. Invites the Secretary-General to continue taking the necessary measures for promoting and expanding cooperation and coordination between the United Nations and the Caribbean Community in order to increase the capacity of the two organizations to attain their objectives;

3. Requests the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community, or their representatives, to hold consultations with a view to signing an agreement on cooperation between the two organizations;

4. Notes the areas of cooperation approved by the Ministers for Foreign Affairs in the final communique of the twenty-second meeting of the Standing Committee of Ministers Responsible for Foreign Affairs, namely, follow-up to the global conferences; the advancement of the new international human order; law of the sea; follow-up and implementation of the Programme of Action for the Sustainable Development of Small Island Developing States; the development of poverty reduction programmes; peacekeeping; diplomatic training; governance and development in the Caribbean; and the strengthening of the Regional Secretariat Information Base;

5. Also notes the special role played by States members of the Caribbean Community in the restoration of democracy in Haiti and in its participation in the United Nations Mission in Haiti;

6. Calls upon the Secretary-General of the United Nations, in consultation with the Secretary-General of

the Caribbean Community, to assist in furthering the development of peace and security within the Caribbean region;

7. Recommends that the first general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be held in 1997 for the purpose of holding consultations on projects, measures and procedures to facilitate and strengthen cooperation between those organizations;

8. Requests the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community, or their representatives, to encourage inter-agency, sectoral and focal point meetings on areas of priority or mutually agreed issues;

9. Urges the specialized agencies and other organizations and programmes of the United Nations system to cooperate with the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community in order to initiate, maintain and increase consultations and programmes with the Caribbean Community and its associated institutions in the attainment of their objectives, and in this connection welcomes the special relationship between the Caribbean Community and the United Nations Development Programme;

10. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

11. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Caribbean Community".

General Assembly resolution 51/16

11 November 1996 Meeting 56 Adopted without vote  
67-nation draft (A/51/L.14/Rev.2); agenda item 25.

## Chapter IV

## Asia and the Pacific

During 1996, conflicts and turmoil in parts of the region of Asia and the Pacific were dealt with by the United Nations. Dominating regional concerns were those associated with Iraq, Afghanistan, Tajikistan and the Korean peninsula. Other matters considered during the year involved situations relating to Iran, Cambodia, India and Pakistan.

Complex weapons inspections in Iraq—the result of the 1991 ceasefire agreement following the Gulf War—continued to be conducted. Despite those efforts, however, the United Nations Special Commission on Iraqi disarmament (UNSCOM) and the International Atomic Energy Agency (IAEA) were unable to report to the Security Council that Iraq was in full compliance with its obligations under Council resolution 687(1991). On 20 May, a Memorandum of Understanding was signed, setting out procedures for implementing Council resolution 986(1995), which authorized arrangements, known as the "oil-for-food" formula, by which Iraq would be permitted to sell up to \$1 billion worth of oil, the proceeds from which could be used for humanitarian purposes to assist the Iraqi people.

The fall of Kabul in September marked a significant change in the situation in Afghanistan, which was wracked by ongoing civil war, often exacerbated by various forms of foreign involvement. The fundamentalist Taliban group, after taking over the capital city and a number of provinces, instituted practices considered violations of human rights, particularly of women, which were noted in United Nations reports. The execution in September of former President Najibullah, detained for some four years in Kabul, was cited as "brutal" by the Secretary-General, who earlier in the year had appealed for his release. Negotiations aimed at a cessation of the ongoing hostilities were a focus of the work of the United Nations Special Mission to Afghanistan.

Consultations also continued during the year with regard to the conflict in Tajikistan, where fighting occurred sporadically despite a ceasefire agreement signed in mid-July. By the end of the year, the two sides had agreed on establishing a Commission on National Reconciliation, which was to function during a transition period until a new parliament was established. The United Nations Mission of Observers in Tajikistan (UN-

MOT) continued to investigate ceasefire violations and maintained liaison with the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS) and the office of the Organization for Security and Cooperation in Europe (OSCE).

The United Nations Command continued to monitor the 1953 Korean Armistice Agreement, which the Democratic People's Republic of Korea (DPRK) termed "obsolete" and insisted should be replaced. The General Assembly in October commended IAEA for continuing to seek full compliance by the DPRK with its obligations under its safeguards agreement with the Agency.

Although not acted upon, communications were addressed to the Secretary-General and the Security Council involving India and Pakistan over the long-standing issue of Jammu and Kashmir.

### Iraq

During 1996, the United Nations Special Commission on Iraqi disarmament (UNSCOM) and the International Atomic Energy Agency (IAEA) continued to conduct inspections of Iraqi sites and facilities in connection with the ongoing monitoring and verification of its non-proscribed activities in the missile, chemical, biological and nuclear areas. They also continued on-site inspections and technical interviews with Iraqi authorities in order to conclude verification of Iraq's full, final and complete declarations of its proscribed weapons programmes and related facilities in those areas. Since, despite their best efforts, both bodies remained unable to report to the Security Council that Iraq was in full compliance with its weapons obligations under Council resolution 687(1991), the ceasefire resolution, there continued to be no agreement in the Council that the necessary conditions existed for a modification of the sanctions regime established by that resolution.

In March, the Council approved an export/import monitoring mechanism, the final component of a multi-layered control mechanism to detect any re-emergence of the weapons denied to

Iraq. In May, a Memorandum of Understanding was concluded between the UN Secretariat and the Government of Iraq containing arrangements ("oil-for-food") for implementing the 1995 Council resolution authorizing States to permit the import of Iraqi petroleum and petroleum products in limited amounts over specific periods, as a temporary measure to provide for the humanitarian needs of the Iraqi people. On 9 December, the Secretary-General reported to the Council President that the required arrangements had been completed and that the Secretariat would carry out its responsibilities on the day after the President had informed the Council of his receipt of the Secretary-General's report.

Following a missile attack on Iraq by the United States on 3 and 4 September, Iraq called on the United Nations to condemn the United States for its conduct, as well as for its unilateral extension northwards, as far as the suburbs of Baghdad, of the southern no-fly zone.

The General Assembly, by **decision 51/434** of 16 December, decided to defer consideration of the item entitled "Consequences of the Iraqi occupation of and aggression against Kuwait", and to include it in the provisional agenda of its fifty-second session.

### UN Special Commission

The United Nations Special Commission on Iraqi disarmament, established by the Secretary-General pursuant to the Iraq-Kuwait ceasefire resolution 687(1991) [YUN 1991, p. 172], continued to be headed in 1996 by Rolf Ekéus, Executive Chairman. It carried out its operations from its headquarters in New York, the Baghdad Monitoring and Verification Centre (BMVC) in Iraq and its field office in Muharraq, Bahrain.

UNSCOM continued to be financed from funds released from the escrow account established under Security Council resolution 778(1992) [YUN 1992, p. 320] for the receipt of Iraqi frozen assets and from voluntary contributions from a number of States. Since its inception in 1991, it had spent close to \$120 million from those two main sources. Contributions in kind (aircraft, facilities, equipment, materials, expert personnel), if given a monetary value, would amount to approximately twice the cash expenditures.

The status, privileges and immunities of UNSCOM, IAEA and other UN bodies involved in implementing resolution 687(1991) continued to be regulated by Council resolutions 687(1991), 707(1991) [YUN 1991, p. 188] and 715(1991) [Ibid., p. 194], by the 1993 exchange of letters between the United Nations and Iraq [YUN 1993, p. 414], and by

six-month agreements with Bahrain, which in 1996 were signed on 1 April and 1 October.

In accordance with Council **resolution 1051(1996)**, the Executive Chairman began to submit consolidated progress reports every six months; the first such report was submitted on 11 April [S/1996/258] and the second on 11 October [S/1996/848]. While the formal requirement to report to the Council had been reduced, the Executive Chairman made clear that, as in the past, UNSCOM would report on an ad hoc basis, if developments so required.

### Site access

As noted in UNSCOM's April report, the Deputy Executive Chairman visited Baghdad from 7 to 11 March; he discussed the overall status of UNSCOM's work and reviewed a number of operational matters. While there had been progress in many areas, he emphasized once again the need for verifiable information and for stricter compliance with monitoring requirements.

On 9 March, the Executive Chairman of UNSCOM submitted a written report [S/1996/182] to the Security Council President regarding the situation that had arisen on 8 March in Baghdad, when Iraq was denying a 13-member UNSCOM inspection team (UNSCOM 143) access to a facility (Ministry of Irrigation) designated for inspection, despite its obligations under Council resolutions 687(1991), 707(1991) and 715(1991) to grant immediate, unconditional and unrestricted access to any such facility. The team was finally granted entry into the facility the following day, after more than 17 hours' delay. It was quickly joined by other inspectors so that some 28 of them were finally involved in the inspection.

Whether or not Iraq had, in the interim, disposed of documents and other items in the facility relating to its proscribed weapons programmes, there could be no doubt that the Council's prompt action—calling in the Permanent Representative of Iraq to the United Nations in order to secure Iraq's compliance with its obligations, authorizing a press briefing to that effect and agreeing to meet again within a matter of hours if a satisfactory solution was not found—had been decisive in obtaining Iraq's decision to permit a full inspection of the facility to proceed under circumstances acceptable to UNSCOM, the report stated.

The Council, responding on 12 March [S/1996/183], expressed concern over the 8 March incident, as well as a further incident on 11 March, when an inspection team was again denied immediate and unconditional access to a site similarly designated for inspection and granted access only after an unacceptable delay.

The Council confirmed its full support for the continued efforts of UNSCOM inspection teams on the basis of its relevant resolutions, endorsed the contents of the Executive Chairman's letter, and confirmed in detail Iraq's obligations under specific Council resolutions relating to on-site inspection of its biological, chemical and missile capabilities and to the Council-approved UNSCOM plan for ongoing monitoring and verification. The Council considered that Iraq's delay in permitting the inspection team currently in Iraq access to the sites in question constituted a clear violation by Iraq of resolutions 687(1991), 707(1991) and 715(1991) and reiterated that Iraq must allow the UNSCOM inspection team immediate, unconditional and unrestricted access to all sites designated by UNSCOM for inspection.

On 17 March, Iraq conveyed information [S/1996/204] intended to clarify the facts relating to the operations of the UNSCOM inspection team between 7 and 17 March, with special reference to the 9 March letter of UNSCOM's Executive Chairman to the Council. Iraq stated that UNSCOM inspections of two ministries—the Ministry of Agriculture and Irrigation in 1992 [YUN 1992, p. 312] and the Ministry of Irrigation on 8 March 1996—did not yield the materials they had been suspected of housing. The same held true for the inspections of two Republican Guard facilities (11 and 15 March), a headquarters of the Special Guards and nine other sites. The request to inspect the second ministry, besides having been made on a weekend, required consultations and study among officials on the basis of UNSCOM undertaking, as agreed in 1993 [YUN 1993, p. 419], to respect Iraq's sovereignty, internal security and dignity, and its right to industrial, scientific and technological progress and development in all fields not proscribed under Council resolution 687(1991). Similarly, access to the Republican Guard headquarters had been requested on Friday, 15 March.

Iraq explained that all such requests required time for appropriate arrangements to be made for the efficient conduct of the inspections, such as ensuring the presence of the official in charge of the site and of a suitable number of personnel to answer questions, to provide keys to rooms and lockers, and to meet other inspection requirements. Iraq advanced a series of reasons as to why it was unrealistic to have raised the possibility that equipment or documents might have been removed from those sites during the time in which entry to them had been delayed, not the least because the site had been surrounded by the UNSCOM team and under air surveillance at the same time. Finally, Iraq said it was quite wrong and baseless to conclude that the delays in ques-

tion constituted a pattern of impeding the work of UNSCOM.

#### SECURITY COUNCIL ACTION (19 March)

In the light of the foregoing communications, the Security Council met on 19 March and, following consultations among its members, authorized the President to make the statement below [S/PRST/1996/11] on its behalf:

The Security Council has noted with growing concern that the incident described in the letter of 9 March 1996 from the Executive Chairman of the Special Commission to the President of the Security Council and the further incident on 11 March 1996 in which an inspection team was again not allowed immediate and unconditional access to a site designated by the Commission under its resolution 687(1991) were followed by further such incidents on 14 and 15 March 1996. In all of these cases access was subsequently granted only after unacceptable delays.

The Security Council reiterates its full support for the Special Commission in the conduct of its inspections and the other tasks entrusted to it by the Council.

The Security Council notes the letter of 17 March 1996 to its President from the Deputy Prime Minister of Iraq. It recalls that, under paragraph 9 (b) (i) of section C of Security Council resolution 687(1991), Iraq is required to permit "immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself". By its resolution 707(1991), the Council also expressly demanded that Iraq "allow the Special Commission, the International Atomic Energy Agency and their inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect". The obligation was furthermore confirmed in the Commission's plan for ongoing monitoring and verification which was approved by the Security Council in resolution 715(1991); in this context the Council recalls the notes from the Secretary-General of 21 July 1993 and 1 December 1993 [YUN 1993, pp. 419, 422].

The Security Council considers that Iraq's delays in permitting the inspection team recently in Iraq access to the sites concerned constitute clear violations by Iraq of the provisions of resolutions 687(1991), 707(1991) and 715(1991). The Council demands that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to all sites designated by the Commission for inspection in accordance with the relevant resolutions of the Council.

Meeting number. SC 3642.

Following the failure of Iraq to cooperate with an UNSCOM mission in May, UNSCOM dispatched a team (UNSCOM 150, 10-16 June) to inspect a series of sites which were believed to be involved in the concealment of proscribed weapons and ma-



terial and which were associated primarily with the Republican Guard and Special Republican Guard. Iraq's denial of access to two of the sites, on 11 and 12 June, was duly relayed to the Council by the Executive Chairman.

#### SECURITY COUNCIL ACTION (12 and U June)

In the light of the latest information from the UNSCOM Executive Chairman, the Security Council met on 12 June and adopted **resolution 1060(1996)**.

The Security Council,

Recalling all its previous relevant resolutions, and in particular its resolutions 687(1991) of 3 April 1991, 707(1991) of 15 August 1991 and 715(1991) of 11 October 1991,

Recalling also the letter from the Executive Chairman of the United Nations Special Commission to the President of the Security Council of 9 March 1996, the letter from the President of the Security Council to the Executive Chairman of the Special Commission of 12 March 1996, the statement made at its 3642nd meeting on 19 March 1996 by the President of the Security Council, and the report of the Executive Chairman of the Special Commission of 11 April 1996,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Recalling in this context the notes from the Secretary-General of 21 July 1993 and 1 December 1993,

Noting the progress made in the work of the Special Commission towards the elimination of Iraq's programmes of weapons of mass destruction, and outstanding problems, reported by the Executive Chairman of the Special Commission,

Noting with concern the incidents on 11 and 12 June 1996, reported to members of the Council by the Executive Chairman of the Special Commission, when access by a Special Commission inspection team to sites in Iraq designated for inspection by the Commission was excluded by the Iraqi authorities,

Emphasizing the importance the Council attaches to full compliance by Iraq with its obligations under resolutions 687(1991), 707(1991) and 715(1991) to permit immediate, unconditional and unrestricted access to the Special Commission to any site which the Commission wishes to inspect,

Emphasizing the unacceptability of any attempts by Iraq to deny access to any such site,

Acting under Chapter VII of the Charter of the United Nations,

1. Deplores the refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constitutes a clear violation of the provisions of Security Council resolutions 687(1991), 707(1991) and 715(1991);

2. Demands that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions; and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;

3. Expresses its full support to the Special Commission in its efforts to ensure implementation of its mandate under the relevant resolutions of the Council;

4. Decides to remain seized of the matter.

Security Council resolution 1060(1996)

12 June 1996 Meeting 3672 Adopted unanimously

2-nation draft (S/1996/426).

Sponsors: United Kingdom, United States.

The adoption of resolution 1060(1996) notwithstanding, the Iraqi authorities again refused access to UNSCOM 150, which renewed attempts on 13 June to inspect other designated sites. Having been briefed by the Executive Chairman of that continued refusal, the Council met again on 14 June and, after consultations among its members, authorized its President to make the following statement [S/PRST/1996/28] on the Council's behalf:

The Security Council condemns the failure of Iraq to comply with its resolution 1060(1996) of 12 June 1996 by refusing access to sites designated by the Special Commission on 13 June 1996. Coming after the denial of access on 11 and 12 June 1996, this new dimension of non-compliance marks a serious step backwards in Iraq's cooperation with the Special Commission. The Council considers that these events constitute a clear and flagrant violation of its resolutions 687(1991), 707(1991) and 715(1991).

The Security Council reiterates its full support for the Special Commission in the conduct of its inspections and the other tasks entrusted to it by the Council. The Council rejects attempts by Iraq to impose conditions on the conduct of inspections by the Special Commission.

The Security Council demands once again that Iraq comply with the relevant resolutions of the Council and, in particular, allow the inspection teams of the Special Commission immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect.

The Security Council requests the Chairman of the Special Commission to visit Baghdad as soon as possible with a view to securing immediate, unconditional and unrestricted access to all sites which the Special Commission wishes to inspect, and to engage in a forward-looking dialogue on other issues under the Commission's mandate. It further requests the Chairman to report immediately afterwards on the results of his visit and on the impact of Iraqi policies on the mandate and work of the Special Commission.

Meeting number. SC 3674.

**Report of UNSCOM Executive Chairman (24 June).** In keeping with the Presidential statement of 14 June above, the UNSCOM Executive Chairman undertook a mission to Baghdad from 19 to 22 June. Among the UNSCOM staff accompanying him were his Deputy Chief of Operations and the Director of BMVC. Three plenary meetings

and three working group sessions, each of two to over three hours' duration, were held with the Iraqi representatives, who included, among others, the Deputy Prime Minister, the Minister of Oil, a Senior Adviser in the Office of the President, the Director of the Military Industrialization Corporation, the Minister for Foreign Affairs of Iraq, a Foreign Ministry Under-Secretary and the Director of the National Monitoring Directorate. The Executive Chairman also met privately three times with the Deputy Prime Minister. Details of the mission were contained in the Executive Chairman's report transmitted to the Security Council on 24 June [S/1996/463].

At the discussions, the Executive Chairman stated that his mandate required him to obtain assurances from Iraq regarding access demanded by the Council and also to engage in a forward-looking dialogue on other issues. He hoped such dialogue would result in a joint programme of action and that the issue of access would be dealt with in tandem with the contents of the programme of action devoted to the future; with a positive approach towards the discussions, it should be possible to achieve favourable results. The Deputy Prime Minister stated that Iraq would continue to cooperate with UNSCOM but that, currently, a crisis of confidence existed. Iraq was seriously concerned that the sites recently designated for inspection involved issues of its sovereignty and national security, which must be safeguarded before access could be granted to ministries, State security sites and military sites. A draft joint programme of action and the text of a joint statement on the issue of access, prepared by the Executive Chairman, were discussed, as was a counter-proposal from Iraq. Having examined Iraq's concerns regarding inspections of sites involving matters of sovereignty and national security, the Executive Chairman notified Iraq that he would issue special inspection modalities that would take account of those concerns and still achieve the inspection objectives and at the same time fully safeguard the rights and the status, privileges and immunities of UNSCOM.

The mission achieved agreement on a joint programme of action and a joint statement signed by the Executive Chairman and Iraq's Deputy Prime Minister on 22 June. The joint programme recorded Iraq's intention to submit before the end of June its official declarations containing full, final and complete disclosures (FFCDs) of its proscribed programmes in the non-nuclear (missile, chemical and biological) areas. It indicated the means and techniques of verifying declarations and, to accelerate verification, identified the fundamental areas on which

work was to concentrate: the material balance of proscribed weapons and their major components, the unilateral destruction of proscribed items, the further provision of documentation, and identification of measures used to retain proscribed items. Also recorded was the agreement of both sides to conduct meetings every two months at the political level in order to devote attention to fundamental issues, review progress and direct further efforts. UNSCOM would report regularly to the Council on progress in implementation of the joint programme of action.

By the 22 June joint statement, Iraq reiterated its commitment to continue its cooperation with UNSCOM and IAEA in carrying out its obligations in accordance with Council resolution 687(1991) and other relevant resolutions, and undertook to secure their immediate, unconditional and unrestricted access to all sites designated for inspection. For its part, UNSCOM undertook to carry out operations under its mandate and to exercise its rights with full respect for the legitimate security concerns of Iraq. Iraq and UNSCOM agreed to intensify their work with the aim of making it possible for UNSCOM to report as soon as possible to the Council that Iraq had met its obligations under section C of resolution 687(1991), as specified in paragraph 22 of that resolution. The joint statement affirmed the agreement to conduct meetings at the political level every two months.

At the end of the mission, on 22 June, Iraq handed to the Executive Chairman its chemical and biological declarations. On 2 July, it submitted its missile declaration.

#### SECURITY COUNCIL ACTION (23 August)

The Security Council met on 23 August, very shortly before the Executive Chairman's departure for his bimonthly meeting in Baghdad. Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1996/36] on its behalf:

The Security Council, on the eve of the planned visit to Baghdad by the Executive Chairman of the Special Commission, strongly reaffirms its full support for the Special Commission in the conduct of its inspections and the other tasks entrusted to it by the Council. The Security Council reiterates the importance it attaches to full compliance by Iraq with the relevant resolutions of the Council. It underlines the important role of the Special Commission's inspection teams and demands once again that they be given immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect, and Iraqi officials whom they wish to interview, so that the Special Commission may fully discharge its mandate.

In this context, the Security Council remains gravely concerned at the failure by Iraq to comply

fully with its resolution 1060(1996) of 12 June 1996 and with other resolutions of the Council dealing with the Special Commission. The denial by Iraq, on repeated occasions, of immediate, unconditional and unrestricted access to sites which they wished to inspect and the attempts made by the Government of Iraq to impose conditions on the conduct of interviews with Iraqi officials by the Special Commission constitute a gross violation of its obligations under resolutions 687(1991), 707(1991) and 715(1991). The Council notes that these actions also contradict commitments made by the Government of Iraq in its Joint Statement of 22 June 1996 with the Special Commission, and urges the Government of Iraq to respect these commitments. The Council reminds the Government of Iraq that only full compliance with its obligations under the relevant resolutions will enable the Executive Chairman of the Special Commission to present his report in accordance with section C of resolution 687(1991). The Council will continue to consider how best to ensure Iraq's full compliance.

The Security Council requests the Executive Chairman to report to it on the results of his visit.

Meeting number. SC 3691.

**Reports of Executive Chairman (September-December).** The next bimonthly meeting took place in Baghdad from 26 to 28 August. As noted in his report of 3 September covering that meeting [S/1996/714], the Executive Chairman's team met, in addition to the Iraqi officials at the June meeting, the Permanent Representative of Iraq to the United Nations, other Foreign Ministry members and Iraqi missile, chemical and biological experts involved with Iraq's implementation of section C of Security Council resolution 687 (1991). The sessions included three long plenary meetings on 26 and 27 August, and a meeting of more than an hour between the Executive Chairman and the Deputy Prime Minister on 28 August, followed by a concluding round-up plenary session.

Discussions centred on the issue of site access, interview procedures, verification of Iraq's FFCDs, concealment of proscribed items, security and safety of UNSCOM personnel, the rights, privileges and immunities of UNSCOM and IAEA, Iraq's obligations with respect to the conduct of ongoing monitoring and verification (OMV), and UNSCOM air operations. Iraq considered that the access problems of recent weeks had arisen from confusion and misunderstandings and reaffirmed its obligations to secure immediate, unconditional and unrestricted access to all sites designated for inspection. At Iraq's request, the Executive Chairman outlined preliminary assessments of the FFCDs received in June and July, stating his intention to send to Baghdad in September a team each in the missile, chemical and biological areas, to pursue verification of the

FFCDs. As to UNSCOM's concerns that relatively minor, but highly significant, quantities of proscribed items remained unaccounted for, Iraq stated that the weapons and components still unaccounted for were not of a size or character to constitute any threat to regional peace and security. UNSCOM could not accept Iraq's evaluation and pointed to its responsibilities under the Council resolutions to make a full accounting.

The Executive Chairman stressed that the issue of concealment of proscribed items remained a prime objective for inspection because of Iraq's attempts to block or sidetrack investigation of its concealment efforts. The Deputy Prime Minister formally stated that no proscribed weapons or components or related documents were concealed by Iraq. He asked the Commission to refrain, at least for a certain period, from conducting further on-site inspections and interviews relating to the subject. The Executive Chairman responded that activities to clarify concealment efforts must continue as part of the verification of the FFCDs.

As recorded in UNSCOM's October report [S/1996/848], the Under-Secretary of Iraq's Ministry of Foreign Affairs called on the Executive Chairman in New York on 11 September to follow up the August discussions which the latter had had with Iraq's Deputy Prime Minister. In also addressing UNSCOM's current air operations in Iraq, the Under-Secretary renewed the earlier assurances of Iraq that it would not interfere with those operations. At the next bimonthly meeting, held in Baghdad from 29 September to 3 October, the Deputy Executive Chairman of UNSCOM provided an initial assessment of the first round of missions to verify the FFCDs submitted in June and July. Much of the discourse on the Iraqi side amounted to personal attacks on the Deputy Executive Chairman and did not address the matters at hand, the report said.

In New York on 4 October, the Executive Chairman met with Iraq's Foreign Minister to discuss the points raised by the Minister during his intervention in the General Assembly debate of 2 October. They also discussed his 7 September letter to the Secretary-General repeating an allegation that UNSCOM was being exploited by the United States to gather military and intelligence materials which would be directed against the security of Iraq. The Executive Chairman refuted those allegations as baseless and noted that the Russian authorities had denied that the remarks attributed to an unnamed representative of the Intelligence Service, as reported by the Interfax News Agency, represented the official position of the Russian Government. The Minister simply said that Iraq had the right to use any ma-

materials in support of its position. Iraq's conduct in that matter, the Executive Chairman stated, called into question its often stated willingness to cooperate with UNSCOM.

Following his briefing of the Council regarding the UNSCOM October report, the Executive Chairman travelled to Baghdad for the next bi-monthly meeting, held from 19 to 21 October [S/1997/301]. The discussions focused mainly on that report. The Executive Chairman explained the reasons for UNSCOM's continuing concerns over various uncompleted aspects of its mandate and pointed out that, on the basis of information provided by Iraq, it could not yet determine that all proscribed weapons, components and materials had been disposed of as Iraq maintained. He pressed Iraq to provide more documentation, as required by the relevant Council resolutions, to support its June and July declarations. However, the Iraqi side did little to deal with those concerns; instead, it dwelt on those parts of the UNSCOM October report that it considered overly negative. Thus, no progress was made on substantive issues.

As agreed at the meetings, the UNSCOM Deputy Executive Chairman visited Baghdad in November to discuss the OMV system and ways to improve its functioning. The UNSCOM team presented general points of principle, as well as specific areas of growing concern regarding Iraq's cooperation in the monitoring operations. The Iraqi side outlined areas in which it had specific requests of UNSCOM and gave commitments to improve its OMV declarations.

The next bi-monthly meetings took place in Baghdad from 8 to 11 December, at which the Executive Chairman made a presentation, including details of what UNSCOM knew of the disposition of prohibited missiles, and pointed to the fact that the missiles that Iraq had acknowledged having imported had not all been accounted for. The UNSCOM experts demonstrated that none of the variety of analyses of information provided by Iraq produced a zero material balance of the proscribed missiles known to have existed at the end of the Gulf War. Furthermore, there were many other outstanding issues, including the rationale for Iraq's programme of secret destruction and its recently admitted diversion of missiles, components and production tools, even during that destruction. The Deputy Prime Minister acknowledged that Iraq could do more to support its declaration that all proscribed missiles had been destroyed and undertook further to address UNSCOM concerns. The Executive Chairman made clear that Iraq's refusal to permit the removal from Iraq of missile remnants for UNSCOM analysis was a violation of UNSCOM's

rights and a serious impediment in accounting for the proscribed missiles. Iraq continued to block removal of the remnants, however.

#### SECURITY COUNCIL ACTION (30 December)

Having been apprised of Iraq's refusal to comply with UNSCOM's request to remove missile engines from the country, the Security Council met on 30 December and, following consultations among its members, authorized its President to make the statement below [S/PRST/1996/49] on its behalf:

The Security Council notes that the Special Commission and the Government of Iraq previously agreed that the investigation of unilateral destruction of proscribed items is a fundamental area to accelerate the verification of the Iraqi Declarations. In this regard, the Council deplores the refusal by Iraq to allow the Special Commission to remove approximately 130 missile engines from Iraq for analysis by a team of international experts under the Special Commission. The Council notes that such action complicates the implementation by the Special Commission of its mandate.

The Security Council reaffirms that a full accounting for Iraq's missiles with a range greater than 150 kilometres is a necessary prerequisite to enable the Commission to report that Iraq has complied with the requirements of section C of resolution 687(1991) of 3 April 1991. The Council fully supports the intention of the Special Commission to carry out thoroughly the examination and analysis in the missile area, either on the basis of dispatching international teams of experts to Iraq or examining the relevant items abroad.

The Security Council reminds the Government of Iraq of its obligation to comply with the provisions of the relevant resolutions and the need to cooperate fully with the Special Commission in order to enable it to report that the requirements of section C of resolution 687(1991) are met. In this perspective, the Council affirms that Iraq is required to allow the Special Commission to remove the missile engines from its territory. The Council welcomes any proposal from Member States to offer their national facilities to the Special Commission in order to enable it to conduct the necessary analysis, if and when the Commission deems it necessary.

The Security Council strongly reaffirms its full support for the Special Commission in the conduct of its mandate under the relevant resolutions of the Council. The Council reaffirms the right and privileges of UNSCOM as stated in its previous relevant resolutions and in particular its resolutions 687(1991), 707(1991) and 715(1991).

Meeting number. SC 3729.

#### Helicopter incident

On 15 June, Iraq transmitted the findings of its inquiry [S/1996/436] into a 14 June incident reported to the Security Council by the Executive Chairman alleging that Iraqi air defence positions had aimed at an UNSCOM helicopter flying

in the Abu Ghraib area. The findings revealed that a number of soldiers, upon sighting the Iraqi-escorted UNSCOM helicopter, manned positions near their guns—a normal procedure and not intended to pose a threat. The Chief Inspector of UNSCOM 150 had been so informed, and the Iraqi Director of the National Monitoring Directorate had also made clear that no guns had been aimed in the direction of the helicopter or in any other direction, a fact which could be verified with the helicopter crew or with the leader of the UNSCOM Aerial Inspection Team.

On 11 July, the UNSCOM Executive Chairman transmitted [S/1996/546] to the Council the letter he had addressed that day to the Deputy Prime Minister of Iraq stating that, in the light of the findings of the Iraqi inquiry, he felt it necessary to set the record straight by providing a copy of a detailed report of the incident by the Chief Inspector of UNSCOM 150. According to the report, the Iraqi pilot on board the UNSCOM helicopter, which left Rashid airbase at 0802 hours on 14 June for an overflight of site 8 (south-west of Baghdad), formally denied overflight access to the site on the grounds that it was a sensitive military installation; overflight access in the vicinity of site 14 was also denied. The helicopter was then told not to fly north of the old Jordan Road in the vicinity of site 8, a flight path accepted by Iraq during previous inspections, but should continue to stay approximately 6 kilometres south-west of site 14. While communication was being established with the Director of the National Monitoring Directorate, the UNSCOM 150 team on the ground around site 8 observed Iraqi soldiers manning an anti-aircraft gun close to the site and in the helicopter's flight path. The team's attempt to videotape that action had been interrupted by Iraqi minders as armed Iraqi soldiers appeared. Asked by the UNSCOM Deputy Chief Inspector, then at site 8, for an explanation as to why the anti-aircraft guns were being manned while the UNSCOM helicopter was flying nearby, the Iraqi representatives claimed the guns were manned 24 hours a day but could not explain why they had not been manned before the helicopter's arrival. An Iraqi military commander at the site agreed that the positions would not be manned during any further helicopter flights. The Chief Inspector of UNSCOM 150 strongly protested against Iraq's actions, which he deemed a threat against UNSCOM, hence his decision to return the helicopter to base. The Director of the National Monitoring Directorate reaffirmed Iraq's position that UNSCOM would not be allowed to overfly both sites and maintained that the anti-aircraft position had not been manned.

At mid-morning, UNSCOM was informed that Iraq had reversed its decision and would allow di-

rect overflight of site 14; as to site 8, UNSCOM would be allowed to fly only north of the old Jordan Road, some distance away from the site. However, Iraq continued to deny UNSCOM its rights to photograph and videotape the sites. A new UNSCOM flight arrived over site 14 at 1238 hours. The ground team at site 8 reported having observed only one manned anti-aircraft gun at 1140 hours and all three positions manned by 1230 hours. The team's attempts to videotape and photograph the activity at the anti-aircraft gun positions were again interrupted by the Iraqis. The team was informed that, as a security alert was in progress, the anti-aircraft positions would remain manned but that no orders had been given to threaten the helicopter. Since the explanation was not sufficient to assure the flight's safety, the helicopter returned to base at 1500 hours without aerial surveillance of site 8.

It was obvious, the report concluded, that the manning of the anti-aircraft positions was directly related to the UNSCOM helicopter's mission to overfly site 8. The Iraqi authorities were thus in violation not only of their obligations under the Council resolutions but also of their own specific undertakings during the day on 14 June.

### National implementation measures

The April report of UNSCOM noted that, for almost four and a half years, Iraq had been in breach of its obligation to enact national measures to implement its obligations under section C of resolution 687(1991), resolution 707(1991) and the OMV plans—among the obligations remaining to be fulfilled before UNSCOM could report to the Council that, in its view, Iraq had taken the actions required of it under section C of resolution 687(1991). Enactment of the necessary legislation had taken on renewed urgency in view of the Council-approved export/import mechanism, whose implementation required a variety of actions by Iraq that would appear to include new national administrative, if not legislative, measures. As noted in the UNSCOM October report, the Executive Chairman raised the issue with the Deputy Prime Minister at the political-level meeting in August, who responded that he would handle the matter but gave no indication of any time-frame for enacting the measures. The report noted that that remained an impediment to implementing resolution 687(1991).

### Other activities

#### Inspections

**UNSCOM reports (11 April and 11 October).** The UNSCOM reports, dated 11 April [S/1996/258]

and 11 October [S/1996/848], provided information on all aspects of UNSCOM's work envisaged under Council resolutions 687(1991), 707(1991), 715(1991), 1051(1996) and 1060(1996). The first covered the period from 17 December 1995 to 11 April 1996 and the second from 11 April to 11 October 1996. The reports gave an overview of the continuing on-site inspections and interviews conducted by UNSCOM to verify Iraq's declarations on its past proscribed programmes and related facilities in ballistic missiles and in chemical and biological weapons; the OMV inspections of non-proscribed activities or programmes in those three weapons areas; joint monitoring with IAEA under the import/export control mechanism of all dual-use items that might have applications in the weapons programmes proscribed to Iraq in the missile, chemical and biological areas (relevant to the UNSCOM mandate) and in the nuclear area (relevant to the IAEA mandate); and other activities to assist IAEA with regard to its nuclear inspections.

Also described were developments concerning UNSCOM activities in Iraq, as well as the political-level meetings with Iraqi officials at which the Executive Chairman of UNSCOM sought agreement on ways of removing the serious obstacles to the completion of UNSCOM's mandate, brought on by Iraq's failure fully to meet its obligations under the Council resolutions (see above). In addition, the reports updated information on the organizational, administrative and financial aspects of UNSCOM and the BMVC.

The April report noted that, since the last six-monthly report of 1995 [YUN 1995, p. 489], UNSCOM had made considerable progress towards the accomplishment of the two tasks entrusted to it under resolution 687(1991). The first—identification and disposal of all chemical and biological weapons and all stocks of agents and related sub-systems and components, and all research, development, support and manufacturing facilities, as well as of all ballistic missiles with a range greater than 150 kilometres and related major parts and repairs and production facilities—had still not been fully accomplished, however. Although large quantities of those items had been successfully eliminated, relatively minor but highly significant quantities remained unaccounted for, causing concern that Iraq might still be engaged in proscribed activities. With respect to the second task—creation and activation of a system to verify Iraq's compliance with its obligation not to reacquire the proscribed items—the final building block of a multi-layered control mechanism to detect any re-emergence of the weapons denied to Iraq had been put in place by Council **resolution** 1051(1996), namely, an export/import

control mechanism. That represented a major step towards the final implementation of the weapons provisions of resolution 687(1991).

The report underscored that, in all areas for which UNSCOM had responsibility, Iraq had yet to provide sufficient evidence that it did not still possess proscribed weapons or materials related to them. UNSCOM's concern stemmed from the absence of documents or actual evidence to substantiate Iraq's claims that, in 1991, in flagrant violation of its obligations under resolution 687(1991), it had secretly destroyed large quantities of biological and chemical weapons, and missiles and launchers, instead of declaring them to UNSCOM for verification and supervised destruction. In the light of Iraq's 1995 admission [YUN 1995, p. 487] of such unilateral destruction, reportedly carried out in the belief that their revelation would complicate matters and prolong the monitoring and verification process, it was imperative that Iraq provide solid documentary evidence, which UNSCOM was convinced it still retained, on the proscribed items involved and on their destruction, thereby enabling UNSCOM to establish the material balance. To overcome the obstacle of insufficient evidence, which precluded a report to the Council that no prohibited items remained in Iraq, UNSCOM had had to launch search inspections such as UNSCOM 143 (see below). In that regard, UNSCOM noted with interest President Saddam Hussein's speech on 6 January, on the seventy-fifth anniversary of the founding of the Iraqi Army, in which, for the first time, he had publicly instructed his people to do their best to respond to legal requests flowing from the relevant Council resolutions concerning Iraq.

Also of concern to UNSCOM were Iraq's procurement of prohibited and dual-use items from abroad, regarding which UNSCOM emphasized the need for a firm OMV system and early implementation of the export/import control mechanism (see below); and the fact that Iraq had yet to enact legislation on national measures [YUN 1994, p. 476] to implement its obligations under section C of resolution 687(1991), under resolution 707(1991) and under the OMV system itself, which could not become fully operational without that legal framework in place.

Following were the highlights of UNSCOM's main activities during 1996, as taken from its two reports.

#### Verification of declarations of proscribed programmes

Missiles. UNSCOM continued intensive inspection and monitoring activities in the area of proscribed programmes relating to missiles with a range of more than 150 kilometres. A special ex-

pert mission was dispatched to Iraq from 1 to 5 February 1996 to follow up the high-level talks held between UNSCOM and Iraq towards the end of 1995 (26-30 December) regarding the many discrepancies in the FFCD submitted by Iraq in November that year as the final version to which it would make no further substantive additions or corrections. As a result, Iraq, on 27 February 1996, submitted a "Draft full, final and complete declaration of the Iraqi national ballistic missile programme". The document incorporated significant new information with substantial documentary support, particularly on Project 1728, Iraq's major project for the development and production of long-range missile liquid propellant engines.

A team of 44 inspectors (UNSCOM 143) was sent to Iraq on 8 March to carry out a number of no-notice inspections on sites suspected of concealing items and documents of relevance to UNSCOM. They included three administrative complexes in Baghdad, four military sites and a number of industrial and storage locations. In addition, three sites were surveyed using advanced sensor technologies to detect the possible burial of proscribed items. The inspections yielded no proscribed items or documents. Under normal circumstances, UNSCOM would have had confidence in that finding. However, Iraq had denied the team immediate and unconditional access to five of the sites, with delays ranging from 2 to over 17 hours. It had also imposed restrictions on the usual UNSCOM aerial surveillance in support of ground inspections and, in some cases, impeded the team from securing visual observation or inspection of the sites. Iraq's actions had had a detrimental effect on the team's ability to arrive at unambiguous and definitive findings and thus on UNSCOM's confidence that indeed proscribed items and documents had not been present at the sites before the team finally gained access to them.

In the course of further missions dispatched to Iraq in order to present UNSCOM's assessments and concerns and jointly to establish the best methods to achieve the speediest progress, Iraq provided another draft in May, which did not reflect the same level of progress shown by the February draft. Responding to UNSCOM's wish to continue the cooperative process to resolve major gaps in the draft declarations so that subsequent verification would be quick and smooth, Iraq submitted its official FFCD in the missile area in July, containing only minor changes to the May draft, however. UNSCOM's concerns regarding the official FFCD, based on previous inspection findings and analysis of information obtained from different sources, were outlined by the Ex-

ecutive Chairman during his August visit to Baghdad, including, in particular, declarations on Iraq's unilateral destruction of proscribed items, the material balance of weapons and key components and some issues associated with proscribed programmes.

In accordance with interview modalities established during that visit, the first missile verification inspection (UNSCOM 162/BM 43) took place from 20 to 24 September. It concentrated on the material balance and the issue of unilateral destruction relating to operational missiles and to Project 1728 equipment and components. The inspection established a previously undisclosed fact that, in July 1991, Iraq had diverted from destruction the majority of the project's production tools and components, as well as some missiles. However, in an official letter of 3 October 1996, Iraq admitted to having ordered all its major missile establishments in July 1991 to load key priority tools, dies and parts on 11 trucks that had been turned over to two unidentified officers said to be relatives of Lieutenant-General Hussein Kamel, former Minister of Industry and Military Industrialization, who had left Iraq for Jordan on 8 August 1995 [YUN 1995, p. 483]. The materials were unearthed in March 1992 from a concealment site and destroyed, and Iraq claimed that their remnants were subsequently shown to UNSCOM teams in late 1992. Iraq also declared that during 1991 three proscribed missiles had been diverted from unilateral destruction in July, reportedly to preserve reference material for the future production of similar missiles, but were destroyed in October. In a further letter, Iraq provided additional details related to specific missiles destroyed after the adoption of resolution 687 (1991). UNSCOM would continue verification of the official missile FFCD in keeping with priorities and methods laid down in the joint programme of action (see p. 208).

Chemical weapons. The April report [S/1996/258] noted that UNSCOM's objectives in the chemical weapons area were to be able to verify that no chemical weapons agents, munitions, proscribed equipment and materials remained in Iraq and to be fully confident that UNSCOM's monitoring regime encompassed all equipment and materials in Iraq that could be used to produce chemical weapons. Neither could be achieved without a verifiable chemical weapons FFCD from Iraq as required by the relevant Council resolutions. While the large number of documents obtained in August 1995 marked a major step forward in showing that Iraq's chemical weapons programme was more developed and wider in scope than previously admitted, the documents were incomplete and material on certain important

areas was absent; there were no production records for the years of declared activities, including the most important phase after 1988 when Iraq conducted research and development, inter alia, on more advanced chemical weapons agents and delivery systems. Confronted with those reporting shortcomings, Iraq submitted another draft FFCD in November 1995. Following discussion of that draft with senior Iraqi representatives in New York in December, Iraq provided a new draft FFCD in February 1996, judged to be still incomplete in respect of: the level of expertise achieved in research and development of chemical weapons agents, synthesis methods, large-scale production techniques, weaponization and delivery systems; precursor production capabilities; dual-use equipment within the civilian chemical industry; and foreign suppliers to the programme.

Given the importance of obtaining documents to support Iraq's declarations, UNSCOM took the initiative to find documents on its own. Thus, from 24 February to 10 March, an international team of 26 inspectors (UNSCOM 129 B) excavated six sections of the bombed-out buildings and searched other areas and buildings at Al Muthanna, former site of Iraq's largest chemical weapons research and production facility and subsequently the central destruction site for its chemical weapons [YUN 1991, p. 192]. The team discovered and retrieved some 5,000 pages of printed materials—numerous bound volumes, memoranda, organizational papers, booklets, letters, archive records, approximately 100 computer disks, books, catalogues and published journals, some intact and some in fragments. The team also removed some 80 munitions and components, including 122-millimetre artillery chemical warheads and 155-millimetre "binary" artillery shells. Iraq contributed to the effort by providing technical support, including labour and heavy engineering equipment. Translation and analysis of the newly recovered material were underway.

According to UNSCOM's October report [S/1996/848], an UNSCOM team held a seminar in Baghdad in May with senior Iraqi officials to clarify certain military aspects of the chemical and biological weapons programmes and to obtain additional information on the rationale and time-frame for the production of different agents and munitions. Iraq refused to provide more details on the issue, but submitted a third official FFCD of its past chemical weapons programmes on 22 June 1996, the first having been presented in 1992 [YUN 1992, p. 309] and the second in 1995 [YUN 1995, p. 486]. Verification of that official FFCD began with an inspection team (UNSCOM 140/

CW 29) dispatched to Iraq in August 1996, which focused on verifying the declared material balance of chemical weapons produced in 1989-1990, the unilateral destruction thereof, and the removal of equipment at the end of 1990 and early 1991 from chemical weapons-related sites and its final disposition. In contravention of the joint programme of action, Iraq refused to undertake a serious review of those concerns, whereupon the Executive Chairman presented Iraq with documentary evidence that Iraq had produced chemical agents in 1989.

In response to a further verification team (UNSCOM 161/CW 30) which visited Iraq to discuss the chemical production issues raised by the Executive Chairman in August, Iraq on 1 October handed over seven letters to be considered integral parts of its chemical FFCD; they did not, however, fully address UNSCOM's concerns. After an initial evaluation, UNSCOM believed that the June chemical FFCD had not fully met the chemical declaration requirements. UNSCOM'S understanding of the first and oldest phase of Iraq's chemical weapons programme (the creation of a massive number of tactical chemical weapons) was considerably greater than that of the two more recent phases—integration of the programme into Iraq's civilian chemical industry and production of more stable and storable chemical agents, and design and production of strategic chemical weapons, aspects not disclosed in the FFCD. It was UNSCOM's belief that a full understanding of those recent phases was absolutely necessary before it could complete its task and verify that nothing of the proscribed items remained in Iraq. Since not all of UNSCOM's requests for information from Governments of former suppliers had yielded responses, particularly in respect of large amounts of precursors and munitions delivered to Iraq, UNSCOM faced serious delays in the verification process.

Biological weapons. To assist Iraq to submit an improved version of its November 1995 draft FFCD [YUN 1995, p. 488] in the biological area, assessed as seriously flawed, inspection teams (UNSCOM 123 and 139) conducted detailed discussions in Iraq from 12 to 18 January 1996 and from 24 February to 1 March on weaponization and bulk agent production for weapons purposes. At the January discussions, Iraq produced a number of documents substantiating parts of its declaration. It disclosed that the Al Hakam factory had been intended to be a specialized filling facility for biological warfare munitions and that the R-400 air bombs were assembled there. No resolution was achieved, however, on the fundamental issue of munitions filling and claimed covert destruction of biological warfare warheads



for missiles. The February discussions were less fruitful, with no additional documentation provided. However, they resulted in a draft FFCD on 8 March and, subsequently, a May version. Although incorporating a number of improvements, those declarations failed to provide significant additional documentation and, in general, lacked a coherent account consistent with information available to UNSCOM.

Through its investigations, UNSCOM had been able to identify a number of facilities that played a key role in Iraq's biological weapons programme, including the Al Hakam factory, a dedicated biological warfare research, development, production and munition filling facility; and the foot-and-mouth-disease vaccine plant, extensively used for the production of biological warfare agents. Pending a decision on the disposal of those facilities and equipment, as called for by Council resolution 687(1991), Iraq had accepted UNSCOM's request that all activity at the two sites cease and had assisted in establishing appropriate deactivation and surveillance measures.

On 22 June, Iraq submitted a declaration said to contain its official FFCD on the proscribed biological weapons programme, consisting of 622 pages and essentially a copy of the May draft. To verify the document, a biological team (UNSCOM 146/BW 36) was dispatched to Iraq to interview personnel who had been involved in biological weaponization and in the unilateral destruction of biological warfare munitions. That mission was terminated due to Iraq's refusal to cooperate under the established interview procedures. After the Executive Chairman's visit to Iraq in August, interviews were successfully conducted in September; the information gained proved valuable, although not always in agreement with statements in the FFCD. It was the assessment of UNSCOM that the June biological FFCD as written was not credible. Major sections were incomplete, inaccurate or unsubstantiated. Materials acquired for proscribed activities were understated. Biological warfare agent production figures were unsupported for the years 1987, 1988 and 1989. (Expert estimates of production quantities of biological weapons agents, either by equipment capacity or by consumption of growth media, far exceeded the declared amounts.) Data on weapons field trials were inaccurate. Weapons and agent destruction was undocumented.

UNSCOM stated that, until Iraq was able to provide a full accounting of biological weapons produced and destroyed unilaterally, it could not report to the Council that no such weapons and their components remained in Iraq.

#### Ongoing monitoring and verification

Missile area. UNSCOM continued to manage the monitoring system in the missile area that became operational in 1994 [YUN 1994, p. 475]. The resident missile teams at BMVC pursued monitoring of a large number of missile-related sites. Other elements of the monitoring system, including over 40 cameras at 16 sites, continued to operate effectively, providing essential data for analysis and integration into the overall picture of Iraq's activities under OMV. To augment its monitoring capabilities, two specialized teams were sent to Iraq, one in December 1995 (UNSCOM 130) and another from 25 March to 2 April 1996 (UNSCOM 137), to perform in-depth technical analysis of Iraq's current development and manufacturing programmes for non-proscribed missile systems, namely, those with a range of less than 150 kilometres.

Following Iraq's 1995 admission [YUN 1995, p. 488] that, since the adoption of Council resolution 687(1991), it had carried out an undeclared programme to modify a Volga/SA2 surface-to-air missile system to a surface-to-surface application with a range of over 100 kilometres, UNSCOM decided in January 1996 to apply monitoring modalities—tagging and periodic inspection—to all Volga missiles. Three UNSCOM tagging missions undertaken since April had tagged nearly 90 per cent of the missiles identified by Iraq. The remainder and relevant spare parts were expected to be tagged by the end of the year.

UNSCOM continued to obtain information regarding Iraq's efforts to acquire components and technologies for specific use in missile activities, in contravention of sanctions established by relevant Council resolutions. Despite Iraq's claim that all items procured or contracted for were intended for non-proscribed missiles, its failure to declare them and its attempts to conceal acquisition activities were of great concern. A further investigation of that practice was made by an inspection team (UNSCOM 144) from 2 to 6 April. UNSCOM would continue to pursue the matter vigorously.

In particular, UNSCOM expressed great concern over the 1995 delivery to Iraq of a large number of sophisticated missile guidance and control components used in missiles with ranges over thousands of kilometres. A special team (UNSCOM 120) dispatched to Iraq from 14 to 18 January 1996 to investigate that delivery had collected important information and documents, and Iraq included a summary account of the case in its February missile FFCD. Nevertheless, contradictions and ambiguities remained in the account of events as declared and as to the nature and scope of the acquisition. UNSCOM was await-

ing responses from Governments which might possess relevant information, particularly those with jurisdiction over the suppliers revealed by Iraq as being involved in the case.

**Chemical area.** At the end of the second reporting period, 11 October 1996, the BMVC chemical group consisted of 10 inspectors and laboratory technicians, with backgrounds in analytical chemistry, process chemistry, explosive ordnance disposal and chemical weapons. The group had conducted over 350 inspections of some 115 facilities subject to OMV, including: research and development institutes; universities; munitions and chemical production sites; chemical storage sites; and pesticide-, fertilizer- and petrochemical-related facilities with dual-use equipment or chemicals. Installed in the most important of those were remote-controlled sensor systems, as were 30 remote-controlled cameras in six sites and 19 air samplers in eight. Nine additional air samplers and 10 portable sampling pumps for air sampling at facilities without sensors had also been made available to the group. In addition to the BMVC chemical laboratory equipment (gas chromatography system with flame photometric detector and a mass selective detector to analyse air samples), also received were a Fourier transform infrared spectrometer for air monitoring, a melting-point determination device for laboratory use, an ultrasonic pulse echo system and two types of hydrazine detection systems.

The chemical monitoring group had participated in joint missions with other monitoring groups, thereby enhancing knowledge of sites and maximizing use of limited resources. With the considerable increase in Iraq's civilian chemical activities, there had been continued discovery of undeclared dual-use equipment. In many cases, Iraq's explanations for the movement and use of such equipment had been inadequate.

**Biological area.** Between October 1995 and 11 April 1996, the resident biological monitoring team conducted over 170 inspections of 82 sites; 152 inspections of 86 sites were conducted during the second reporting period (11 April-11 October). In addition to the regular monitoring teams, special teams were assigned to inspect key biotechnology sites. Sampling operations were carried out and remote monitoring surveillance was upgraded. Remote sensor monitoring with over 20 cameras was employed at three sites to increase monitoring capabilities. Iraq's cooperation with UNSCOM's monitoring activities had generally been good since the biological monitoring went into full operation in 1995. However, cases of negligence on the part of Iraq's personnel in meeting monitoring requirements had recently been observed, such as failure to provide

monthly information on some sites, non-response to requests for declarations on specific facilities or activities, removal or breaking of UNSCOM tags and seals, and failure to provide timely notifications of activities under monitoring. Such accuracy and timeliness had become an issue that must be addressed by Iraq; otherwise, UNSCOM would need to reconsider the basis of its current monitoring regime and more intrusive procedures might need to be introduced.

**Nuclear area.** In accordance with the relevant Council resolutions, UNSCOM continued to give IAEA logistical and other operational support for the efficient discharge of the OMV plan in the nuclear area, as follows: to designate sites for inspection (687(1991), paragraph 9 (b) (i); 715(1991), paragraph 4 (a)); to decide on requests from Iraq to move or destroy any material or equipment relating to its nuclear weapons programme or to its other nuclear activities (707(1991), paragraph 3 (c)); and to perform such other functions, in co-operation in the nuclear field with the IAEA Director General, as might be necessary to coordinate activities under the OMV plans, including making use of commonly available services and information to the fullest possible extent, in order to achieve maximum efficiency and optimum use of resources (715(1991), paragraph 4 (c)). In continuing implementation of the integration between their monitoring methods, IAEA and UNSCOM held regular coordination meetings alternately at UNSCOM headquarters (New York) and IAEA headquarters (Vienna) to exchange information and plan cross-disciplinary inspections; UNSCOM experts regularly updated the IAEA monitoring photo library in Vienna.

During the two reporting periods, UNSCOM reviewed and concurred with a number of IAEA evaluations of Iraqi requests to relocate materials and equipment within Iraq or to use some materials under seal. It participated in routine IAEA monitoring inspections, provided airlift for the transport of IAEA inspectors and equipment from Bahrain to Iraq and within Iraq, and made available BMVC working rooms and other supporting facilities to the IAEA Action Team. UNSCOM experts continued to participate in the IAEA negotiations with the Russian Federation regarding the sale of the nuclear fuel removed from Iraq and reprocessed in that country. Various new alternatives were being examined in an effort to bring that matter to a conclusion.

Two joint nuclear/missile-related inspections were conducted: in February 1996, which examined design work on a missile to deliver a nuclear warhead; and in May, to investigate material presented in Iraq's February draft chemical FFCD, to

which was attached a report on the efforts undertaken by Iraq's Atomic Energy Commission and Military Industrialization Commission from August to December 1987 to combine the effectiveness of conventional aerial munitions with the spreading of radioactive materials. The report contained information on: details of zirconium irradiation in a nuclear reactor at Al Tuwaitha; calculations of the biological effect of the irradiated materials; field experiments of the distribution of isotopes and the design of munitions; the 1,400-kilogram special aerial bomb known as Qa-Qa-28, four prototypes of which were constructed for the purpose of the experiment; and field tests carried out by Iraq's Air Force and the Muthanna State Establishment. The report concluded that the two Iraqi institutions had the capability to manufacture a bomb containing irradiated materials but that a study should be made aimed at reducing the weight of the bomb. The draft chemical FICD admitted the production of 100 empty casings of a smaller calibre aerial bomb, that 75 bombs had been sent to the Al-Qa-Qa State Establishment and that 25 bombs which had been sent to Al Muthanna were destroyed unilaterally in the summer of 1991; no mention was made of the fate of the 75 bombs. UNSCOM continued to press for additional documents in order to verify the declarations regarding those munitions.

#### Baghdad Monitoring and Verification Centre

The October 1996 report of UNSCOM [S/1996/848] noted that, during the first two years of its existence, the Baghdad Monitoring and Verification Centre had been modified, improved and equipped to meet the requirements of the six resident monitoring teams and short-term inspection teams. The communications system had been upgraded to expand the repeater network, thereby enabling inspectors directly to contact the Centre from a radius of 75 kilometres using only hand-held radios; the external telephone lines had been increased to secure communications, principally to UNSCOM headquarters in New York and to the IAEA Action Team in Vienna. The infrastructure to support the remote camera monitoring system had been improved and the field camera system refurbished to provide a more reliable transmission capability and to simplify maintenance of recording equipment.

Attention was drawn to the C-160 fixed-wing aircraft and the CH-53 helicopters provided by Germany since 1991 for UNSCOM aerial operations. In view of Germany's wish to terminate that air support, UNSCOM obtained five UH-1H

helicopters from Chile, which were deployed in August, allowing Germany to withdraw its helicopter unit. To enable the withdrawal also of the C-160 aircraft, UNSCOM temporarily leased a commercial L-100 aircraft on 2 October. The leasing arrangement was an unexpected expenditure, for which additional contributions were required if UNSCOM was to maintain its current level of inspection activities.

Attention was further drawn to the need to increase the number of BMVC vehicles and to replace those currently in use.

**Communications.** In connection with UNSCOM's right to conduct aerial surveillance by its own helicopter and high-altitude aircraft, Iraq, in six letters [S/1996/26, S/1996/206, S/1996/367, S/1996/586, S/1996/727, S/1996/932] addressed to the Security Council President during the year, condemned and protested against the continued violation of its airspace by a United States U-2 "spy plane" on the pretext of conducting aerial surveys for UNSCOM. According to Iraqi records, the U-2 always took off from Saudi Arabian territory and, by the end of August 1996, had made 317 overflights, for a total flight time of 1,419 hours and 7 minutes since such operations began in August 1991. Iraq's 19 March 1996 letter [S/1996/206] noted that the repeated use of the U-2 served only the policy of the State to which it belonged. On the basis of what it claimed was an admission by United States Secretary of Defense William Perry, in a 6 February address to the Institute for Near East Political Studies in Washington, D.C., that the United States was indeed involved in operations to expose Iraq to plots aimed at bringing about a change of regime, Iraq said it could assert that the U-2 overflights, which compiled military information on Iraq, were among the means employed to attain that objective.

The facts that had come to light since the aircraft was first brought into use, Iraq pointed out, made it incumbent on the United Nations to re-examine the continued "coercive" use of the aircraft by the United States to violate Iraq's airspace in a manner totally incompatible with the purposes and principles of the Charter of the United Nations as they related to respect for the sovereignty of all Member States. Iraq took the opportunity to reaffirm its consistent request—made in 112 letters including the current ones—that Iraqi aircraft be used instead of foreign aircraft in the work of UNSCOM in order to exclude their possible use for purposes prejudicial to Iraq's sovereignty and security [S/1996/727].

#### Export/import monitoring

The Security Council met on 27 March 1996 to take action on the export/import monitoring

mechanism finalized in 1995 by UNSCOM and IAEA, in coordination with the Committee established by Council resolution 661(1990) of 6 August 1990 (Sanctions Committee on Iraq). The Council approved the mechanism by adopting **resolution 1051(1996)**.

The Security Council,

Reaffirming its resolution 687(1991) of 8 April 1991, and in particular section C thereof, its resolution 707(1991) of 15 August 1991 and its resolution 715(1991) of 11 October 1991 and the plans for ongoing monitoring and verification approved thereunder,

Recalling that in paragraph 7 of its resolution 715(1991) to the Committee established under resolution 661(1990), the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687(1991) and other relevant resolutions, including resolution 715(1991) and the plans approved thereunder,

Having considered the letter of 7 December 1995 to the President of the Council from the Chairman of the Committee established under resolution 661(1990), annex I of which contains the provisions for the mechanism for export/import monitoring called for in paragraph 7 of resolution 715(1991),

Recognizing that the export/import monitoring mechanism is an integral part of ongoing monitoring and verification by the Special Commission and the IAEA,

Recognizing that the export/import mechanism is not a regime for international licensing, but rather for the timely provision of information by States in which companies are located which are contemplating sales or supplies to Iraq of items covered by the plans for ongoing monitoring and verification and will not impede Iraq's legitimate right to import or export, for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development,

Acting under Chapter VII of the Charter of the United Nations,

1. Approves, pursuant to the relevant provisions of its resolutions 687(1991) and 715(1991), the provisions for the monitoring mechanism contained in annex I of the aforementioned letter of 7 December 1995, subject to the terms of this resolution;

2. Approves also the general principles to be followed in implementing the monitoring mechanism contained in the letter of 17 July 1995 from the Chairman of the Special Commission to the Chairman of the Committee established under resolution 661(1990) which is contained in annex II of the aforementioned letter of 7 December 1995;

3. Affirms that the mechanism approved by this resolution is without prejudice to and shall not impair the operation of existing or future non-proliferation agreements or regimes on the international or regional level including arrangements referred to in resolution 687(1991), nor shall such agreements or regimes impair the operation of the mechanism;

4. Confirms, until the Council decides otherwise under its relevant resolutions, that requests by other

States for sales to Iraq or requests by Iraq for import of any item or technology to which the mechanism applies shall continue to be addressed to the Committee established under resolution 661(1990) for decision by that Committee in accordance with paragraph 4 of the mechanism;

5. Decides, subject to paragraphs 4 and 7 of this resolution, that all States shall:

(a) Transmit to the joint unit constituted by the Special Commission and the Director General of the IAEA under paragraph 16 of the mechanism the notifications, with the data from potential exporters, and all other relevant information when available to the States, as requested in the mechanism on the intended sale or supply from their territories of any items or technologies which are subject to such notification in accordance with paragraphs 9, 11, 13, 24, 25, 27 and 28 of the mechanism;

(b) Report to the joint unit, in accordance with paragraphs 13, 24, 25, 27 and 28 of the mechanism, any information they may have at their disposal or may receive from suppliers in their territories of attempts to circumvent the mechanism or to supply Iraq with items prohibited to Iraq under the plans for ongoing monitoring and verification approved by resolution 715(1991), or where the procedures for special exceptions laid down in paragraphs 24 and 25 of the mechanism have not been followed by Iraq;

6. Decides that the notifications required under paragraph 5 above shall be provided to the joint unit by Iraq, in respect of all items and technologies referred to in paragraph 12 of the mechanism, as from the date agreed upon between the Special Commission and the Director General of the IAEA and Iraq, and in any event not later than sixty days after the adoption of this resolution;

7. Decides that the notifications required under paragraph 5 above shall be provided to the joint unit by all other States as from the date the Secretary-General and the Director General of the IAEA, after their consultations with the members of the Council and other interested States, report to the Council indicating that they are satisfied with the preparedness of States for the effective implementation of the mechanism;

8. Decides that the information provided through the mechanism shall be treated as confidential and restricted to the Special Commission and the IAEA, to the extent that this is consistent with their respective responsibilities under resolution 715(1991), other relevant resolutions and the plans for ongoing monitoring and verification approved under resolution 715(1991);

9. Affirms, if experience over time demonstrates the need or new technologies so require, that the Council would be prepared to review the mechanism in order to determine whether any changes are required and that the annexes to the plans for ongoing monitoring and verification approved under resolution 715(1991), which identify the items and technologies to be notified under the mechanism, may be amended in accordance with the plans, after appropriate consultations with interested States and, as laid down in the plans, after notification to the Council;

10. Decides also that the Committee established under resolution 661(1990) and the Special Commission shall carry out the functions assigned to them under the mechanism, until the Council decides otherwise;

11. Requests the Director General of the IAEA to carry out, with the assistance and cooperation of the Special Commission, the functions assigned to him under the mechanism;

12. Calls upon all States and international organizations to cooperate fully with the Committee established under resolution 661(1990), the Special Commission and the Director General of the IAEA in the fulfilment of their tasks in connection with the mechanism, including supplying such information as may be sought by them in implementation of the mechanism;

13. Calls upon all States to adopt as soon as possible such measures as may be necessary under their national procedures to implement the mechanism;

14. Decides that all States shall, not later than 45 days after the adoption of this resolution, be provided by the Special Commission and the Director General of the IAEA with information necessary to make preparatory arrangements at the national level prior to the implementation of the provisions of the mechanism;

15. Demands that Iraq meet unconditionally all its obligations under the mechanism approved by this resolution and cooperate fully with the Special Commission and the Director General of the IAEA in the carrying out of their tasks under this resolution and the mechanism by such means as they may determine in accordance with their mandates from the Council;

16. Decides to consolidate the periodic requirements for progress reports under its resolutions 699(1991), 715(1991) and this resolution and to request the Secretary-General and the Director General of the IAEA to submit such consolidated progress reports every six months to the Council, commencing on 11 April 1996;

17. Decides to remain seized of the matter.

Security Council resolution 1051(1996)

27 March 1996 Meeting 3644 Adopted unanimously

5-nation draft (S/1996/221).

Sponsors: France, Germany, Italy, United Kingdom, United States.

As described in UNSCOM's April report [S/1996/258], the mechanism was designed to ensure timely information to UNSCOM and IAEA on the import to and export from Iraq of all items relevant to section C of Council resolution 687(1991). It relied on notifications by Iraq and supplier States of planned supplies of dual-use items and technology to Iraq, on inspection of those items upon their arrival in Iraq and on monitoring at the end-user site. The provisions of the mechanism required that Iraq make a detailed declaration about its intention to import a dual-use item prior to import; that the Government of the supplier company notify the intention to supply such item prior to export and then confirm details of the actual export to Iraq; and that Iraq make a similar declaration upon arrival of the item in the country. The mechanism also required Governments to provide information they might receive of any attempts by Iraq to acquire items prohibited to it under the Council's resolutions and the OMV plans. Iraq would begin

notifying of its intent to import items no later than 60 days from the approval of the mechanism, namely, 26 May 1996. In advance of that date, a mission of UNSCOM and IAEA experts was dispatched to Baghdad to explain the requirements of the system and provide the Government with the necessary documentation for the notifications.

Iraq's notifications would be made to the export/import monitoring group at BMVC and relayed to a joint UNSCOM/IAEA unit in New York. The costs of the unit would not be considered an expense of the Organization and therefore not to be borne by Member States, whose domestic administrative requirements to enable compliance with the mechanism's terms were expected to be minimal. Notifications by Governments of suppliers were to begin from the date on which the Secretary-General and the IAEA Director General, after consultations with Council members and other interested States, reported to the Council that they were satisfied with the preparedness of States for the effective implementation of the mechanism. To facilitate that process, all States had been provided with a two-volume handbook explaining notification requirements and procedures and including standard notification forms and a compendium of definition of terms used in the annexes of notifiable items (see below).

Since the system's inception, Iraq had made a number of import notifications, principally of chemical-related materials. To underpin the requirement that all notifiable items were being brought under the overall OMV system, a second export/import team (UNSCOM 128/EXIM-2) undertook inspections at facilities associated with the import of goods. To enable the joint unit to process notifications, a computerized database system had been developed and made available by a Member State.

Compendium of definitions of terms. On 18 April, the Secretary-General transmitted to the Security Council the compendium of definitions of terms [S/1996/303] relating to items described in the annexes to the OMV plans of UNSCOM and IAEA. The definitions were drawn directly from the plans' revised annexes identifying the items and technologies regarding which Iraq, as importer, and the Government of the supplier, as exporter, should notify the two monitoring bodies, as well as from definitions already employed in matters relating to international trade in the items and technologies concerned; explanations and additional descriptions were provided as necessary. The compendium constituted an integral part of the export/import monitoring

mechanism and had the same status as the annexes.

Notifications by States. On 24 September, the Secretary-General and the IAEA Director General transmitted to the Security Council a report [S/1996/805] stating that, based on the 16 September communications received from the UNSCOM Executive Chairman, and acting under paragraph 7 of Council **resolution 1051(1996)**, they could report to the Council that they were satisfied with the preparedness of States for the effective implementation of the export/import mechanism approved by that resolution; they had thus determined that 1 October 1996 should be the effective date from which States should provide notifications of exports to Iraq under the mechanism. The 16 September communications from the Executive Chairman contained information that the outcome of his consultations to ascertain the preparedness of States other than Iraq was generally positive, the exception being the Russian Federation, which wrote that it would be ready to implement the mechanism as soon as the competent Russian authorities had completed adapting the list of goods and technologies to the requirements of national legislation.

### IAEA activities

During 1996, the International Atomic Energy Agency, through its Action Team based at its headquarters in Vienna and the Nuclear Monitoring Group resident at the Baghdad Monitoring and Verification Centre, continued to verify the correctness and completeness of Iraq's original and recently submitted declarations of its past proscribed nuclear weapons programme, particularly in the light of new information revealed in 1995 relating to certain aspects of that programme, and to investigate any further information that Iraq might still be withholding from IAEA. With the assistance of UNSCOM and in full coordination with it, IAEA maintained rigorous implementation of its plan for the monitoring and verification of Iraq's compliance with the relevant Security Council resolutions, and began to integrate into that overall plan the newly approved export/import monitoring mechanism.

In the discharge of its tasks, IAEA continued to benefit from the Council's strong support, from the secondment by Member States of cost-free experts, and from access to advanced technologies, information and technical advice. Its OMV activities were facilitated by computerized information systems maintained by the Action Team, which included databases equivalent to approximately 80,000 pages of text and covering all of Iraq's declarations in the nuclear field and information

on sites, activities, materials and equipment. The systems had been upgraded with an improved user interface; capabilities for search and retrieval of computerized images of site plans, buildings and equipment, and of newly provided Iraqi documents; capabilities for tracking the actual movements of IAEA inspection teams; and a planning and follow-up information module.

In accordance with Council **resolution 1051(1996)**, IAEA provided consolidated accounts of all of its activities in two half-yearly reports, submitted to the Council through the Secretary-General, the first on 11 April [S/1996/261] and the second on 7 October 1996 [S/1996/833].

### High-level technical talks

The October report noted that, on 7 June, Iraq's Minister of Oil met with the IAEA Director General in Vienna to discuss issues of concern to the Government of Iraq, in particular what the former described as the time-consuming process of verifying the correctness and completeness of Iraq's nuclear FFCD, which involved analyses of "less significant details". He also touched on the monitoring of the current assignments of former key staff who had been involved in Iraq's covert nuclear programme, adding that IAEA's opinion that Iraq still retained a complete record of that programme was "totally wrong". The Director General replied that the IAEA secretariat was well focused on matters of significance and was using its best efforts to reach a conclusion as soon as feasible. It should be understood, he explained, that the 1995 events and revelation of the "crash programme" to extract weapons-grade material from safeguarded reactor fuel (see also below, under "Verification of declarations") had prompted further inquiries; even if nuclear facilities and equipment had been neutralized, technical expertise still existed in Iraq, making it inevitable that the current activities of people previously involved in the nuclear programme be monitored and verified.

In Baghdad, from 24 to 29 June, the IAEA Action Team leader held separate meetings with Iraq's Deputy Prime Minister, the Minister of Oil and the Minister formerly responsible for "Petrochemical Project 3", Iraq's covert nuclear programme, referred to as PC-3. Progress made since the last 1995 round of high-level talks [YUN 1995, p.483] was reviewed. At the discussions of the two main problems referred to earlier by the Minister of Oil, assurance was given that it was the Government's intention to facilitate the task of the Action Team in every possible way.

### Verification of declarations

The IAEA April report [S/1996/261] noted that additional discussions had taken place as a follow-up to the two 1995 IAEA (twenty-eighth and twenty-ninth) on-site inspections [YUN 1995, p. 484] relating to Iraq's past proscribed nuclear weapons programme. Those inspections had been undertaken as a result of information revealed by the Haider House Farm documents (the cache of documents turned over to IAEA and UNSCOM by Iraq following the departure from the country of Lieutenant-General Hussein Kamel in 1995) concerning Iraq's programmes to develop weapons of mass destruction, which included documents describing technical details of various aspects of Iraq's covert nuclear weapons programme. The follow-up discussions took place in November and December 1995. They centred on Iraq's research reactor project—project 182—on uranium enrichment projects, and on three planned options for developing nuclear weapon missile delivery vehicles.

The information obtained during the discussions was that Iraq's planned nuclear power programme, begun in 1975, had developed, with international assistance, from a modest plan to acquire a single 600 MW unit to plans for the progressive construction of four to six power plants by the year 2010. Although the plans had been further modified in the mid-1980s, no practical progress had been made in the acquisition of nuclear power plants other than the identification of four possible sites suitable for their location. Feasibility studies on underground siting of reactors and other fuel cycle-related installations had been aimed exclusively at providing protection from aerial attack—a strategy abandoned as prohibitive.

Project 182, an entirely separate project for the construction of an indigenous research reactor to replace the capability that would have been provided by the Osirak research reactor (Tamuz-1), was begun in 1984/85, after the breakdown of Iraq's negotiations with France for rebuilding the Osirak reactor (destroyed by Israel's Air Force in 1981) [YUN 1981, p. 275]. The project 182 reactor was to have been of the heavy-water type (similar to the Canadian NRX reactor). In mid-1988, during the second year of studies on the design of the reactor core, the project had been allowed to lapse for lack of resources resulting from the higher priority needs of the EMIS (electromagnetic isotopic separation) enrichment and weapon development programmes. Studies on the indigenous production of heavy water (an essential trigger for nuclear weapons) had not progressed beyond surveys of technical literature and preliminary laboratory measurements. Al-

though analysis of new documents in hand tended to confirm Iraqi declarations made in November 1995, IAEA felt that additional follow-up was still needed to bring the project 182 file to a satisfactory close.

In the discussions to explore the progress that had been made in chemical (solvent extraction) and ion-exchange methods for the enrichment of uranium, it was stated that the aim was to enhance the capability of the EMIS process by feeding low-enriched uranium instead of natural uranium. As to ion-exchange enrichment, laboratory-scale experiments using indigenously produced ion-exchange resins were stated to have been modest, and a similar project for a pilot plant to produce 4 tonnes a year of up to 3 per cent enriched uranium had not gone beyond the preliminary assessment of equipment and material requirements. Iraq's most promising project, though still at the conceptual design stage in late 1990, combined both enrichment methods in a hybrid process with a solvent-extraction first stage and an ion-exchange output stage, projected to produce up to 5 tonnes a year of between 4 and 8 per cent enriched uranium.

Regarding production of diffusion barriers and compressors—key components of gaseous diffusion enrichment technology—it was confirmed that significant achievement had been attained in 1989 in the development of an anodized aluminium barrier. All activities related to gaseous diffusion had since been stopped to give priority to exploiting the progress made in gas centrifuge enrichment technology.

IAEA was informed that Iraq's nuclear weapons programme, as planned in 1988, foresaw production of the first weapon in 1991. The nuclear weapon in the mid-1988 conceptual design had been deemed to be far too heavy; hence, the PC-3 Fourth (Weaponization) Group had been advised to develop the design further so as to reduce the total weight of the projectile (payload) to about a tonne or less. It appeared from discussions that three delivery vehicle options had been pursued. Option 1 was the long-term plan for a delivery vehicle based on the engine, under development since 1989, to power the second stage of the Al Abid satellite launcher. The vehicle would have had a payload chamber 1.25 metres in diameter and the capability to deliver a warhead of at least a tonne to a range of almost 1,200 kilometres. The vehicle would not have been completed until 1993. Option 2, Iraq's stated fall-back option, was to use an essentially unmodified Al Hussein missile and to accept a range limitation of 300 kilometres. Option 3, the crash programme initiated in August/September 1990, had been an attempt to produce a derivative of the Al Hussein/Al Ab-

bas missile, designed to deliver a warhead of 1 tonne up to 650 kilometres and to accommodate a nuclear package 80 centimetres in diameter.

IAEA stated that it was difficult to evaluate the three options without detailed knowledge of Iraq's nuclear weapons strategy, including how that strategy might have evolved up to 1991 and how it might have changed in response to the international reaction to Iraq's invasion of Kuwait.

The October report [S/1996/833] recalled that, in response to the request made by the twenty-eighth (1995) IAEA inspection for a radical revision of the FFCD of Iraq's covert nuclear programme, Iraq provided a revised draft FFCD of some 1,019 pages on 1 March 1996. A first detailed analysis, completed by early May, found the document to provide an acceptable basis to start discussions with Iraq in order to arrive at a satisfactory final version. To that end, an ad hoc mission (IAEA-30) was organized to clarify ambiguities, inconsistencies and contradictions in the draft and to request additional information judged to be needed in certain areas. Based on the results of the meetings conducted from 13 to 19 May and from 17 June to 8 July, Iraq prepared a second draft FFCD, which, apart from the volume related to EMIS technology, it submitted on 21 June. Discussions on the second draft were held throughout July and August. On 7 September, the Nuclear Monitoring Group at BMVC received the electronic copy of what Iraq declared to be the final version of the nuclear FFCD, which was received by the IAEA Action Team in Vienna on 17 September. An adequate number of copies were made to facilitate the assessment of the completeness and correctness of the document by the panel of experts that had reviewed previous draft FFCDs. The document, together with annexes on procurement and equipment status, had been expanded to some 1,400 pages and its evaluation would require several months to complete.

#### Procurement verification

As noted in the IAEA April report [S/1996/261], the active cooperation of certain Member States made it possible to locate a carbon-fibre filament winding machine, whose procurement had been initiated by Iraq in mid-1990 for the production of rotors for uranium-enrichment gas centrifuges. The machine was shipped from Switzerland in February 1991 through Singapore and was received in Jordan in July, where it remained until located in November 1995. The discovery, notified to IAEA by the Jordanian authorities in February 1996, represented the successful conclusion to an investigation, begun in May 1994 on the basis of information obtained from open sources, into Iraq's clandestine procurement ac-

tivities. The machine's final disposition had yet to be determined.

Iraq's trans-shipment scheme through Singapore and Jordan was described in the October report [S/1996/833] as having been set in place immediately following the adoption of Security Council resolution 661(1990) imposing economic sanctions on Iraq. Iraq admitted to IAEA that, through this set-up, it had received only two consignments (vibration measuring and monitoring equipment) before March 1991; that shipments had continued during that year, giving the number and nature of the consignments shipped, as well as details of the transaction costs; and that, to the best of its knowledge, the consignments were still in Amman by late 1994 or early 1995, at which point Iraq had instructed the Jordanian company storing them to dispose of them. That information led to the impoundment by Jordan on 1 September 1996 of a large variety of equipment and materials, in their original shipping crates, warehoused in Amman, related to gas-centrifuge manufacturing and centrifuge cascade technology. Shipping lists and procurement correspondence confirmed the origin of the goods and trans-shipment arrangements. A detailed inventory was taken by IAEA in September and follow-up actions, undertaken with the assistance of concerned Governments, were under way to verify the completeness of the findings.

#### Documentation cache

The IAEA October report [S/1996/833] stated that progress had been made in the analysis of the Haider House Farm documents, which included some fifty thousand 35 mm microfilm aperture cards and microfilm rolls (35 mm and 16 mm) containing an estimated 600,000 frames. A review of those cards (consisting of technical charts, drawings, graphs and tables with no text except in the card legend), undertaken with the assistance of experts provided by Member States, had been completed in August 1996. The analysis had led IAEA to conclude that the aperture card file appeared to add little to the knowledge developed so far of Iraq's past covert nuclear programme; the large number and the professional quality of the drawings were inconsistent with Iraqi statements that the programme had produced neither a full set of drawings of all weapon components nor drawings integrating the assembly weapon and its missile delivery system; and none of the small number of drawings related to weapon components concerned the weapon assembly, the nuclear charge or the implosion package components.



A set of 49 rolls of microfilm containing approximately 75,000 frames—about 10 per cent of the estimated amount of documents in microfilm—had been screened. It was reported that here, too, the review added little to the current understanding of the past covert nuclear programme, but revealed that: the English, and most of the Arabic, documents dealt with business transactions for ordinary construction engineering projects; while the documents relating to procurement might add to the list of pre-Gulf War Iraqi suppliers, the majority concerned non-sensitive areas; the state of the microfilms was consistent with Iraqi statements that the wartime microfilming effort at the Al Hayrat building (one of the PC-3 Baghdad offices) had been disorganized and haphazard; and most of the microfilms had had to be rewound in order to review them, indicating that the microfilms (most of them received in February and July) had been reviewed at least once before being delivered to IAEA.

#### Ongoing monitoring and verification

The IAEA reports noted that Iraq had been regularly fulfilling the requirement in paragraph 22 of the IAEA monitoring and verification plan by submitting twice yearly—in January and July—a report updating information (in accordance with annex 2 of the plan), covering the preceding six-month period, on its use of facilities, installations or sites formerly involved in its covert nuclear programme and on changes made to its current nuclear programme and in the inventory and location of materials, equipment and radioisotopes (identified in annexes 3 and 4). Iraq's January 1996 report contained detailed information on 17 additional facilities, bringing to 189 the number of sites declared by Iraq under paragraph 22. The IAEA Nuclear Monitoring Group agreed with Iraq's National Monitoring Directorate in June on amendments to previous half-yearly reports to account for the information received in 1995 (through the Haider House Farm documents) on Iraq's past nuclear programme, as well as on a number of reporting improvements. A review of Iraq's July report reflected many of the agreed improvements but indicated the need for further efforts to achieve a satisfactory reporting standard in terms of correctness and completeness of information. Following detailed discussions in September to explain what remained missing, Iraq gave assurances that the shortcomings would be dealt with in time for the January 1997 report.

The reports further indicated that the OMV activities of IAEA were facilitated by the use of a recently donated geoposition logger (to plot and

log geographic position) in connection with its air sampling programme, as well as by the existing surveillance systems recently enhanced to allow video signal transmission via satellite telephone links, not only to BMVC, but also to the Action Team Operations Office at IAEA headquarters.

The Nuclear Monitoring Group's other OMV activities included the following inspections, the majority conducted without prior announcement: from October 1995 to 31 March 1996, about 155 inspections at 65 locations, 16 of which had not been previously inspected, with one night inspection, jointly undertaken with UNSCOM; from 1 April to 1 October, 171 inspections, including of 20 sites not previously inspected. In all instances, the Group detected no indication of prohibited equipment, materials or activities. During the first period, the Group saw to the repackaging of the inventory of natural uranium tetrachloride, currently stored in severely corroded steel drums, into corrosion-resistant high-density plastic containers; at that time, the Group reverified the quantity of the material and placed the containers under individual IAEA seals.

During the second period, the Group undertook eight other inspections under the joint IAEA/UNSCOM multidisciplinary inspection programme of "capable" sites (deemed to have capabilities suitable for conducting work on some aspect of weapons of mass destruction), begun in July 1995. The fifth inspection, on 7 July 1996, was denied immediate access to a factory building located inside an army camp on the grounds that the facility, being a Special Guards installation, was a sensitive site. Allowed to proceed only after a delay of about two hours, the inspection found no indication of prohibited equipment, materials or activities. The Group also continued its ongoing programme of interviews of key personnel of the former Iraqi covert nuclear weapons programme, to verify their current assignments.

During the same period, the Group approved 11 of 17 Iraqi requests for the release or relocation of equipment and materials or change in the use of certain buildings subject to IAEA monitoring. Decisions on the remaining six requests were pending.

The seventh periodic radiometric survey of Iraq's main water bodies was conducted from 20 to 27 April. Samples of water, sediments and biota were collected at 15 sites selected at random from the more than 50 locations for which baseline data had been established in the original survey completed in 1992 [YUN 1992, p. 304]. The eighth radiometric survey [S/1997/297], conducted from 15 to 23 October, included sample-

collection at 16 sites, as well as from two locations at a water treatment plant south-east of Baghdad.

IAEA observed that Iraq had continued to co-operate in implementing the OMV plan; it had been forthcoming in technical discussions, but had persisted in understating the achievements of its past nuclear weapons programme. IAEA stated that, in the light of its assessment of Iraq's pre-Gulf War nuclear capabilities, it was prudent to assume that Iraq retained the theoretical capability to produce nuclear-weapons-usable material, to fabricate nuclear weapons and to design and manufacture a missile delivery system. It was that assumption which formed the basis for the design, implementation and continuing development of IAEA's plan for ongoing monitoring and verification in Iraq.

#### GENERAL ASSEMBLY ACTION

By **resolution 51/10** of 29 October, the General Assembly commended the Director General of IAEA and his staff for their efforts in the implementation of Security Council resolutions 687(1991), 707(1991) and 715(1991), and, while noting that Iraq had adopted a more constructive approach over the last 12 months, expressed concern that it had failed to provide immediate access on 7 July to the IAEA Action Team and had previously withheld information about its nuclear weapons programme in violation of its obligations under those resolutions.

The Assembly stressed that the Action Team would continue to exercise its right to investigate further any aspects of the past nuclear weapons capability of Iraq, in particular as regards any further relevant information necessary to complete the record of its nuclear weapons programme that it might still be withholding from IAEA.

#### Arms and related sanctions

Pursuant to paragraph 21 of its resolution 687(1991) [YUN 1991, p. 172], the Security Council, in informal consultations of the whole, conducted six reviews in 1996 of the sanctions provisions of paragraph 20 of that resolution, as follows: on 7 March, 6 May, 5 July, 3 September, 1 November and 31 December. On 7 March, 5 July and 1 November, the Council concurrently conducted reviews of the sanctions regimes established in paragraphs 22 to 25 of resolution 687(1991), pursuant to paragraph 28 of the same resolution and to paragraph 6 of resolution 700(1991) [YUN 1991, p. 198]. Opinions expressed in the course of those reviews indicated that there still was no agreement in the Council that the necessary conditions existed for a modification of the regime.

By the end of 1996, the Security Council had conducted 34 reviews of the various aspects of the sanctions regime imposed on Iraq.

#### Sanctions Committee activities

The Committee established by Security Council resolution 661(1990) of 6 August 1990 (Sanctions Committee for Iraq) submitted a report on 26 August 1996 [S/1996/700] presenting a factual summary of its activities since inception. Taking into account the 1995 improvements [YUN 1995, p. 1429] introduced by the Council to make sanctions committee procedures more transparent, including submission of an annual report, the Committee's report focused on major activities in 1995 and until mid-August 1996, with information and references relevant to other important events and decisions prior to that period.

The report outlined the Council resolutions whereby the scope of the mandatory measures imposed against Iraq, following its illegal invasion and occupation of Kuwait in August 1990, had been progressively enlarged, thus correspondingly enlarging the tasks entrusted to the Committee. In monitoring the implementation of the sanctions regime in all its aspects, the Committee relied on the cooperation of Member States and international organizations. Its work was facilitated by the contribution of the multinational maritime forces deployed in the area pursuant to Council resolution 665(1990) of 25 August 1990, as well as the onshore monitoring mechanism operated by Lloyd's Register at Jordan's Port of Aqaba since 25 August 1994, in accordance with an agreement concluded in that year between that company and Jordan. UNSCOM had also assisted the Committee in the discharge of its tasks.

The Committee assigned high priority to the processing of notifications and applications for the procurement of humanitarian supplies, particularly medicine and health supplies, foodstuffs and other items regarded by the applicants as humanitarian necessities. Between January 1995 and mid-August 1996, the Committee processed 16,751 such notifications and applications. Approval for all other supplies intended to meet Iraq's basic civilian needs fell under the simplified and accelerated "no-objection" procedure, whereby an application was considered approved unless an objection or hold was placed on it by a Committee member or members within a specific deadline. Approved under that procedure were 2,794 applications out of 8,004 received during the same period. In the absence of a verifying mechanism, however, the Committee had no way of confirming how much of the supplies for which authorizations had been issued actually arrived in Iraq. The

Committee also authorized a number of humanitarian flights and aerial pesticide operations in Iraq and approved several humanitarian projects sponsored by various UN agencies.

Owing to the lack of sufficient progress in implementation of relevant Council resolutions, the difficulties surrounding the release of Iraqi assets frozen abroad for the purchase of humanitarian supplies persisted. In the past few years, the Committee had received numerous inquiries and official requests from States and international organizations concerning the possible release of Iraqi frozen assets and the activation of the sub-account of the UN escrow account provided for in Council resolutions 706(1991) [YUN 1991, p. 207] and 712(1991) [Ibid., p. 209] for the financing of Iraq's humanitarian purchases. Iraq had also submitted several requests for the partial release of its frozen assets for various purposes—to pay its dues to the United Nations and other international organizations, to finance its publication of the Holy Koran, to cover costs of its pilgrimage programmes, to meet legal expenses outside the country, to maintain its diplomatic missions abroad and to purchase humanitarian and other supplies from other countries. While the Committee remained sympathetic to the concerns of its interlocutors, it had been unable to approve such applications or proposals to activate the sub-account of the escrow account.

During 1995, the Committee considered several requests by Iraq and other States for the maintenance and repair of Iraqi vessels currently anchored in foreign ports. Since the Committee could not reach consensus, it was unable to accede to those requests. With regard to Iraqi vessels impounded by other States, the Committee had consistently advised the national authorities concerned that it had no objection to their instituting legal proceedings leading to possible disposal of such vessels under national law, provided claims adjudicated in favour of Iraq, or persons acting for or on behalf of Iraq, were paid into a blocked account in accordance with resolution 661(1990). The Committee had also approved requests from Jordan, Kuwait and the United Kingdom for wreck clearance of some Iraqi vessels in the Persian Gulf because of imminent environmental or navigational threat.

The Committee attached great importance to the need to address the special economic problems faced by third States as a result of their enforcement of the arms and related sanctions against Iraq, and made positive recommendations to the Council. In response to the Council's request for more transparency in the work of sanctions committees, the Committee adopted a number of measures, including initiating issu-

ance of press releases and orally briefing interested delegations.

Annexed to the report were guidelines for the conduct of the Committee's work, the composition of its bureau and the meetings held from January 1995 to 1 March 1996.

In addition to the foregoing report, the Committee issued four other reports during 1996—one every 90 days—on the implementation of the arms and related sanctions against Iraq, in accordance with the guidelines approved by Council resolution 700(1991) [YUN 1991, p. 198] for facilitating full international implementation of its resolution 687(1991). The reports were transmitted to the Council on 21 February [S/1996/127], 20 May [S/1996/361], 20 August [S/1996/676] and 18 November [S/1996/950].

The first report noted that Jordan, by a 27 December 1995 letter, had notified the Committee that it had intercepted, at Amman Airport, 115 Russian-made rocket-guiding devices (gyroscopes) and that the middleman involved was a Gazan businessman who had fled to Iraq; the second and third reports indicated that, during the period under review, the Committee had received no information relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals; the fourth report stated that Jordan, by a communication of 30 October 1996, pointed out that an investigation into the activities of a Jordanian company suspected of connections with Iraq's missile programme had found the company to be in no way involved as suspected.

Each report stated that, during the period under review, no States or international organizations had consulted the Committee on the question of whether certain items fell within the provisions of paragraph 24 of resolution 687 (1991), or with respect to cases relating to dual- or multiple-use items (meant for civilian use but with potential for diversion or conversion to military use). Regarding the latter, the third report stated that a list of items notifiable to UNSCOM under the export/import mechanism (see above) had been transmitted to the Committee in connection with the categorized list of humanitarian supplies annexed to the distribution plan submitted by Iraq for implementation of resolution 986(1995) [YUN 1995, p. 475]. Each report further stated that no international organization had reported any relevant information that might have come to its attention, as requested under the guidelines.

### Oil-for-food

The Secretary-General, in his interim report to the Security Council on 25 November [S/1996/978], recounted the actions he had taken to

ensure effective implementation of Council resolution 986(1995) [YUN 1995, p. 475], embodying the concept popularly referred to as "oil-for-food". By that resolution, the Council authorized States to permit the import of up to \$1 billion in Iraqi petroleum and petroleum products every 90 days, over an initial 180-day period, as a temporary measure to provide for the humanitarian needs of the Iraqi people; directed the Sanctions Committee to monitor the sale of those products, to be exported by Iraq from the two Council-designated oil terminal outlets; asked the Secretary-General to establish an escrow account for the deposit of the sales proceeds, the bulk to be used to finance the export to Iraq of humanitarian supplies requested by it, and to report on the authenticated confirmation and observation by UN personnel, of the arrival of the humanitarian supplies in Iraq and of their equitable distribution to all segments of the Iraqi population.

In furtherance of consultations begun in 1995 [YUN 1995, p. 477], the Secretary-General obtained Iraq's agreement to conduct formal negotiations on implementation of resolution 986(1995). The more than 50 sessions of talks between the Iraqi delegation and the United Nations delegation led by the Legal Counsel concluded with the signing of a Memorandum of Understanding on the subject on 20 May 1996 (see below). The Secretary-General reported that, to sustain the momentum generated by the signing of the Memorandum and to expedite and consolidate actions required of the Secretariat, he established a high-level Steering Committee on the Implementation of Security Council Resolution 986(1995). Chaired by Under-Secretary-General Chinmaya Gharekhan, the Committee was charged with overseeing steps taken in preparation for the resolution's implementation, maintaining liaison with Iraqi government representatives and advising the Secretary-General on developments.

On 22 May, the Secretariat submitted for the consideration of the Sanctions Committee a draft text of expedited procedures, which the Committee adopted on 8 August (see below). At the Committee's request, the Secretary-General transmitted the text to all Member States for their information and use as necessary.

In the meantime, in June, the Secretary-General had dispatched to Iraq a technical reconnaissance mission of senior Secretariat members, together with petroleum and customs experts, in order to prepare for the speedy implementation of paragraphs 6 and 8 (a) (iii) of the resolution, dealing, respectively, with the monitoring of the export of petroleum and petroleum products by Iraq and with the confirmation of the arrival of humanitarian supplies in Iraq. The mission in-

spected the metering station on the Kirkuk-Yumurtalik pipeline at the border between Iraq and Turkey and Iraqi oil installations at Mina al-Bakr; ascertained the number of independent inspection agents required to monitor those installations; consulted with Iraqi authorities on the number and location of entry points and other locations at which independent inspection agents would be stationed in order to confirm the arrival of the humanitarian supplies; ascertained the number of independent inspection agents required for such confirmation; and discussed related logistical arrangements with the Iraqi authorities.

### **Memorandum of Understanding**

On 20 May, the Secretary-General submitted to the Security Council the text of a Memorandum of Understanding [S/1996/356] concluded in New York on the same date between the Secretariat of the United Nations and the Government of Iraq on the implementation of Council resolution 986(1995). Constituting integral parts of the Memorandum were detailed procedures set out in annex I for the distribution of humanitarian assistance to Iraq's northern governorates and in annex II for the sale of Iraqi petroleum and petroleum products. The Secretary-General stated that the Memorandum represented an important step in the arrangements required to bring the resolution fully into effect.

The general provisions of the document stated that the Memorandum's purpose was to ensure effective implementation of resolution 986(1995); that the distribution plan, which required the Secretary-General's approval, constituted an important element of implementation; that nothing in the Memorandum was to be construed as infringing the sovereignty or territorial integrity of Iraq; that the provisions of the Memorandum pertained strictly and exclusively to the resolution's implementation and, as such, in no way created a precedent; and that the arrangement provided for in the Memorandum was an exceptional and temporary measure.

By other provisions of the Memorandum, Iraq was to undertake to guarantee effectively equitable distribution to the Iraqi population throughout the country of medicine, health supplies, food stuffs and materials for essential civilian needs. It was to submit a distribution plan to the Secretary-General, who would approve the plan if he was satisfied that equitable distribution to the Iraqi population throughout the country, including to the three northern governorates of Arbil, Dohuk and Suleimaniyeh in accordance with arrangements stipulated in annex I. An escrow account, to be known as the United Nations Iraq

Account, would be established by the Secretary-General in a major international bank following consultations with Iraq. It would be administered in accordance with the relevant Financial Regulations and Rules of the United Nations and audited by the Board of Auditors, who were external independent public auditors.

Iraq's petroleum and petroleum products were to be exported via the Kirkuk-Yumurtalik pipeline through Turkey and from the Mina al-Bakr oil terminal. Their sale was to be in accordance with the detailed provisions set out in annex II. All exports through those outlets would be monitored and approved by the Sanctions Committee, which had been provided with the Iraq-Turkey arrangement concerning the tariffs and payment modalities for the use of Turkish oil installations. Procedures were set out for the procurement of supplies to meet essential civilian needs of the Iraqi population and for the confirmation of shipment arrivals by independent inspection agents appointed by the Secretary-General and stationed at Iraqi entry points designated by the United Nations after consultations with Iraq, as well as procedures for the export to Iraq of parts and equipment essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq.

Implementation of the distribution plan was to be undertaken by the Government of Iraq in the governorates of central and southern Iraq and by the United Nations Inter-Agency Humanitarian Programme on behalf of the Government in the three northern governorates, with due regard to the sovereignty and territorial integrity of Iraq. Under a UN observation process, United Nations personnel, under the overall authority of the Secretariat's Department of Humanitarian Affairs, were to observe the equitable distribution of the humanitarian supplies and determine their adequacy in accordance with the provisions governing four categories of supplies: food; medical supplies and equipment; water and sanitation supplies and equipment; and other materials and supplies needed for the rehabilitation of infrastructures essential to meet humanitarian needs.

The Memorandum further specified that officials of the United Nations and of any of the specialized agencies, independent inspection agents, technical experts and other specialists assigned or appointed by the Secretary-General or by heads of the specialized agencies to perform functions in connection with implementation of resolution 986(1995) and persons performing contractual services for the United Nations in that connection were to enjoy the privileges and immunities defined by the applicable articles of the 1946 Convention on Privileges and Immuni-

ties of the United Nations [GA res. 22 A (I)] and of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies [GA res. 179 C (II)]. Additionally, all such personnel were to enjoy, among other things, freedom of entry into and exit from Iraq without delay or hindrance and were to be issued visas promptly and free of charge. Any issue relating to privileges and immunities, including safety and protection of the United Nations and its personnel, not covered by the provisions of the Memorandum was to be governed by paragraph 16 of resolution 986(1995).

Also provided for was the holding of any necessary consultations between the UN Secretariat and Iraq on how to achieve the most effective implementation of the Memorandum. The Memorandum would enter into force, following its signature, on the day when paragraphs 1 and 2 of resolution 986(1995) became operational and was to remain in force until the operation of the 180-day period referred to in paragraph 3 of that resolution. Pending its entry into force, the Memorandum was to be given provisional effect by the United Nations and the Government of Iraq.

Submitted with the Memorandum was Iraq's letter of 20 May addressed to the UN Legal Counsel. The letter contained Iraq's position on the cost of production and transportation of oil within Iraq. Excluding expenses in local currency, that cost was currently estimated at \$2 per barrel, which Iraq felt should be deducted from the sale price or recovered through the production and export of an extra quantity of petroleum and petroleum products. In either case, the resultant amount would be deposited in the UN Iraq Account to be utilized for the import of spare parts and other items necessary to maintain and sustain production and transportation operations. The letter noted that, to facilitate conclusion of the Memorandum, Iraq had agreed not to press for UN acceptance of its position at the current stage but to have it included in a separate letter for consideration in any future discussion.

In the letter, Iraq stated that a third outlet for the Iraqi petroleum export—although not a matter included in the discussions—could be via the Syrian Arab Republic.

The Security Council, on 23 May, welcomed [S/1996/365] the conclusion of the Memorandum of Understanding and agreed that it represented an important step towards implementation of resolution 986(1995) as a temporary measure to provide for the humanitarian needs of the Iraqi people.

### Sanctions Committee procedures

On 8 August, the Sanctions Committee transmitted to the Security Council a set of procedures in six sections [S/1996/636], adopted that day, by which to implement the various arrangements set forth in paragraphs 1, 2, 6, 8, 9 and 10 of Council resolution 986(1995). The procedures had been developed in close coordination with the Secretary-General and submitted pursuant to paragraph 12 of the resolution.

Section I of the procedures called for the selection by the Committee of at least four independent experts in international oil trade, to be appointed by the Secretary-General as "overseers" at UN Headquarters, whose authority and responsibilities, defined under the section, related to assisting the Committee in the review and assessment of purchase contracts, pricing mechanisms and conditions of payment. It set forth the elements and documents required for such contracts and mechanisms, as well as information to be included in the irrevocable letter of credit to be opened. It provided for the submission by States, if they so wished, of a list of national oil purchasers (private companies, State-owned companies, State agencies or ministries), or submission of purchase applications through the Permanent Mission of the State of purchase. It stipulated that a purchase contract would only be considered if endorsed by the Government of Iraq, or by the State Oil Marketing Organization of Iraq (SOMO).

Section II concerned the import by Turkey of petroleum and petroleum products originating in Iraq, to be undertaken in accordance with the requirements of paragraphs 2 and 6 of resolution 986(1995), so as to meet pipeline tariff charges, verified as reasonable by independent inspection agents, after the deduction of the percentage referred to in paragraph 2 of resolution 705(1991) [YUN 1991, p. 197] for the United Nations Compensation Fund [Ibid., p. 196]. The import transactions would be authorized and monitored in accordance with the relevant provisions of section I.

Section III outlined the procedures applicable to transactions for the export to Iraq of humanitarian supplies, based on a categorized list prepared by Iraq and submitted, together with a distribution plan, to the Secretary-General for approval. Applications for each export of humanitarian supplies, to be financed from the UN Iraq Account consistent with the relevant provision of the Memorandum of Understanding, were to be submitted for approval by the exporting States to the Sanctions Committee, together with the concluded contractual arrangements, at the request of Iraq. The independent inspection

agents would add their authenticated confirmation of the arrival of the humanitarian supplies in Iraq to a copy of the Committee's letter stating that the exporter was eligible for payment.

Section IV outlined procedures applicable to the export to Iraq of parts and equipment essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq, as well as to the financial transactions related thereto, pursuant to paragraphs 9 and 10 of resolution 986(1995).

Section V concerned approval by the Sanctions Committee of reasonable expenses, other than those payable in Iraq, determined to be directly related to the export by Iraq of petroleum and petroleum products permitted under the same resolution. Iraq's requests for meeting such expenses would be approved on a case-by-case basis by the Committee under its no-objection procedure.

Section VI contained provisions concerning the establishment by the UN Secretariat of the appropriate communication links among the overseers, the independent inspection agents, the bank holding the UN Iraq Account and the coordinator of the Multinational Interception Forces operating in the area under Council resolution 665(1990) of 25 August 1990, as well as with the Central Bank of Iraq and SOMO; regular reporting to the Sanctions Committee by the Secretary-General on the details of disbursements from the Iraq Account; the requirement that letters of credit conform with the Uniform Customs and Practice for Documentary Credit; and the amendment or revision of the current procedures, if necessary, in the light of future developments.

Annexed to the set of procedures were a standard application form to be used to request approval of sale contracts (annex I) and information to be included in the letter of credit (annex II).

### Activities of Secretary-General

**Reports of Secretary-General (25 November and 9 December).** Pursuant to paragraph 13 of Security Council resolution 986(1995), the Secretary-General prepared an interim report of 25 November [S/1996/978] to bring the Council up to date on where matters stood with respect to implementation of that resolution. Apart from the actions described above, which led to the signing of the Memorandum of Understanding and to the adoption of the Sanctions Committee procedures, the Secretary-General reported that he had appointed Bernard Cullet (France), Alexandre Kramar (Russian Federation), Maurice Lorenz (United States) and Arnstein Wigestrang (Norway) to serve as overseers at Headquarters

and had provided adequate support staff for them. Those independent, international oil trade experts had been selected on 9 August by the Sanctions Committee to assist it in the performance of its duties, in accordance with paragraph 1 of its procedures.

On the basis of the assessment of the technical reconnaissance mission dispatched to Iraq in June, the Secretary-General decided that a total of 14 independent inspection agents would be required for monitoring purposes (4 at the Ceyhan terminal; 4 at the metering station on the Kirkuk-Yumurtalik pipeline, near Zakho, at the Iraq-Turkey border; and 6 at the offshore Mina al-Bakr terminal), contractual arrangements for whom had accordingly been made with Saybolt Nederland BV. A Saybolt advance team subsequently visited Iraq (22 October-3 November) to test the reliability of the metering equipment at the pipeline metering stations near Zakho and at Mina al-Bakr, as well as to discuss Saybolt's logistical requirements with Iraqi authorities, from whom the team received full cooperation. The team determined that the export of oil from the Mina al-Bakr terminal could commence immediately subject to on-site availability of adequate laboratory facilities, but recommended a number of technical steps needed to bring the station metering systems near Zakho up to acceptable standards. Iraq subsequently informed the Secretariat that the required repairs were under way, upon completion of which Saybolt was to undertake another technical mission to verify the metering systems' reliability.

In accordance with the Sanctions Committee procedures, the pricing mechanisms submitted by SOMO for loadings in December had been sent to the overseers for their analysis and recommendations, after which the Committee would review the mechanisms under its no-objection procedure.

On 18 July, Iraq was informed that the Secretary-General had approved its distribution plan and categorized list of humanitarian requirements for six months, submitted three days earlier, subject to the condition that its implementation would be governed by resolution 986(1995) and by the Memorandum, without prejudice to the Sanctions Committee procedures. In accordance with paragraph 16 of the resolution and as explained in paragraphs 36 to 44 of the Memorandum, the distribution plan contained a confirmation of Iraq's willingness to cooperate fully with the United Nations Inter-Agency Humanitarian Programme (the Programme) in its mandated observation and distribution functions, together with a statement that UN personnel working for the Programme

should have, in connection with the performance of their functions, unrestricted freedom of movement and access. As agreed in paragraph 10 of the Memorandum, the Committee had been forwarded a copy of the categorized list of humanitarian supplies. The list had also been scrutinized by UNSCOM, which identified items subject to the export/import monitoring mechanism (see above). The plan and the 18 July letter conveying the Secretary-General's approval were attached to the current report as annexes I and II.

The distribution plan provided estimated fund allocations, on a sectoral basis, for the purchase and distribution only of urgently needed humanitarian supplies. The allocations totalled \$1,320.68 million, of which \$260 million was allocated for the humanitarian requirements of the three northern governorates, as identified by the Programme in accordance with annex I, paragraph 2, of the Memorandum. The Secretary-General reported having taken steps to reinforce the Secretariat team in New York responsible for processing applications for humanitarian supplies, in the light of paragraph 33 of the Sanctions Committee procedures. He had decided to station 32 independent inspection agents at various entry points in Iraq to confirm the arrival of humanitarian supplies—10 at the port of Umm Qasr, 11 at the Turkish border (Zakho/Faida) and 11 at the Jordanian border (Trebil)—for whom contractual arrangements had been made with Lloyd's Register Inspection Limited.

Mindful of the importance that resolution 986(1995) attached to equitable distribution of humanitarian supplies to all segments of the Iraqi population, the Secretary-General had appointed Gualtiero Fulcheri as Humanitarian Coordinator for the Programme's activities in Iraq, who assumed his functions in August at the United Nations Office of the Humanitarian Coordinator in Iraq (UNOHCI), located in Baghdad. He would be assisted by two Deputy Coordinators: one based at UNOHCI headquarters; the other in Arbil, responsible for activities in the three northern governorates and for the UNOHCI sub-offices in Dihouk and Suleimaniyeh.

To assist the Secretary-General in his reporting obligations under paragraph 11 of the resolution, in particular on whether Iraq had ensured the equitable distribution of humanitarian supplies and on the adequacy of revenues to meet Iraq's humanitarian needs, the Department of Humanitarian Affairs had established an observation and reporting mechanism comprising three observation units: geographical, sectoral and multidisciplinary. Tasks common to all sectors were to include: cross-checking of arriving supplies with entry-point confirmations; analysis

of data from Iraqi government ministries and from UN system programmes, funds and agencies; interviews with end-user households and with distribution agents; and random surveys, spot checks and market surveys. In accordance with paragraph 42 of the Memorandum and on the basis of careful assessment in the field, the Secretary-General determined that 151 UN international staff assigned as observers in Iraq would be essential for the United Nations to carry out its observation and reporting functions effectively: 13 to the Baghdad-based multidisciplinary observation unit, 63 to the geographical and 75 to the sectoral observation units. In addition, a team of up to eight staff within the Department of Humanitarian Affairs at Headquarters would be assigned exclusively to the observation function.

As to the escrow account (UN Iraq Account) required under paragraph 7 of resolution 986(1995), the Secretary-General noted that the Banque nationale de Paris (BNP) had been selected as the holder of the account, which had been opened at the BNP branch in New York. The six-month audit reports of the account would be submitted to the Secretary-General for forwarding to the Sanctions Committee and the Government of Iraq. In accordance with paragraph 8 of the resolution, the Secretary-General set out the allocations of the projected \$2 billion oil proceeds, in terms of percentages, as follows: 53 per cent for humanitarian purchases by Iraq; 13 for humanitarian supplies to be purchased and distributed by the Programme in the northern governorates; 30 for transfer to the United Nations Compensation Fund; about 2.2 for the various UN operational and administrative costs (estimated at \$44.3 million for a six-month period) associated with the resolution's implementation; about 0.8 for transfer to a special account to meet UNSCOM operating costs; and 1 for transfer to the escrow account for the payments envisaged under paragraph 6 of Council resolution 778(1992) [YUN 1992, p. 320].

Summing up, the Secretary-General observed that most of the arrangements required to bring resolution 986(1995) into effect had been put in place: the oil overseers had been appointed; contracts had been signed with firms for the services of independent inspection agents to monitor the export of oil from and to confirm the arrival of humanitarian supplies in Iraq; the distribution plan had been finalized and approved; a Humanitarian Coordinator had been appointed; an observation and reporting mechanism had been prepared to ensure equitable distribution of humanitarian supplies inside Iraq; and the escrow account had been opened. He added that those

steps had been taken after consultation with Iraqi authorities, without whose full cooperation effective implementation of the resolution would not be possible.

The Secretary-General drew attention, however, to several new issues raised by Iraq over the past two months. It had requested "assurances" that nothing would disrupt implementation of resolution 986(1995) once it had begun; that it should receive copies of the contracts signed by the Secretariat with commercial firms related to the resolution's implementation; that SOMO should be the beneficiary of letters of credit involving the sale of Iraqi oil; and that all local staff currently employed by the United Nations in the three northern governorates should be dismissed and that the new personnel should be cleared in advance by Iraqi authorities. Furthermore, Iraq had insisted that prior approval of the pricing mechanism by the Sanctions Committee was a condition for bringing the resolution into effect. It had also complained about what it perceived as the lack of consultation by the Secretariat on the number of humanitarian observers to be stationed in central and southern Iraq.

It was encouraging, the Secretary-General observed, that interaction between SOMO and the oil overseers, the oil inspection agents and the Sanctions Committee had thus far been businesslike and cooperative.

In a further report of 9 December [S/1996/1015], the Secretary-General informed the Council that the Sanctions Committee had approved SOMO's pricing mechanisms for crude oil loadings in December. An advance team of technical experts from Lloyd's Register had completed its inspection (27 November-4 December) of the designated entry points in Iraq and assessment of logistical requirements in anticipation of its deployment of the 32 independent inspection agents required to verify incoming humanitarian supplies. The Secretary-General had thus authorized an initial group of 13 agents to take up their designated functions in Iraq; he would authorize the remaining 19 agents to do likewise as soon as it became operationally necessary.

A Saybolt technical mission had also completed (4-8 December) the necessary pressure testing of the metering equipment at the recently repaired metering station near Zakho. In the light of the mission's certification of the reliability of the equipment, the Secretary-General authorized the dispatch to Iraq of Saybolt's 14 independent oil inspection agents, who had since been deployed to their designated duty stations at the Mina al-Bakr oil terminal, the pipeline metering station near Zakho and the Ceyhan oil terminal.



The Department of Humanitarian Affairs had sent an advance team to Iraq (7 December) to put final arrangements in place for implementing the Programme's humanitarian operation, as well as the observation and reporting mechanism. The core observers required for the initial phase had been selected and arrangements were under way to deploy them on an urgent basis. In addition, the escrow account was ready to receive deposits.

The Secretary-General stated his satisfaction that all the actions necessary to ensure the effective implementation of resolution 986(1995) had been concluded. The Secretariat thus stood ready to carry out its responsibilities as of 0001 hours Eastern Standard Time on the day after the Council President had informed the Council of his receipt of the current report, in accordance with the Council's decision in paragraph 3 of resolution 986(1995).

### UN Iraq-Kuwait Observation Mission

The United Nations Iraq-Kuwait Observation Mission (UNIKOM), set up by Security Council resolution 687(1991) [YUN 1991, p. 172], continued in 1996 to discharge its tasks in accordance with its expanded terms of reference: to monitor the Khawr Abd Allah waterway and the demilitarized zone (DMZ) along the Iraq-Kuwait boundary established under the same resolution, as adjusted in accordance with the 1993 technically demarcated international boundary line [YUN 1993, p. 403] between Iraq and Kuwait; to deter violations of the boundary through its presence in and surveillance of the DMZ; to observe any potentially hostile action mounted from the territory of one State into the other; and, as from 1993, to take physical action to prevent or redress small-scale violations of the DMZ or the boundary.

UNIKOM maintained its division of the DMZ into three operational sectors—north, central and south—until 10 June, when it eliminated the central sector and made consequent rearrangements of its patrol and observation bases so that the northern and southern sectors had 10 and 8, respectively. The increased bases in the north were intended to improve control and surveillance of the area between the agricultural zone (Safwan in Iraq, Abdaly in Kuwait) and the Al Rutqah oil-field (in Kuwait). On the recommendation of the Force Commander, the Secretary-General had agreed to improve monitoring of the Khawr Abd Allah waterway by setting up an additional observation post on Warbah Island and by upgrading radar and night vision equipment at the two ex-

isting observation posts located on Al Faw and at the entrance to the Al Zubayr waterway.

UNIKOM conducted its ground patrolling activities from those bases and from temporary observation points in the populated areas, in addition to conducting aerial patrols. It maintained close liaison with Iraq and Kuwait at all levels and coordinated with them in cases of unauthorized border crossings and repatriation. It also cooperated in such matters with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC).

UNIKOM maintained headquarters at Umm Qasr in Iraq, liaison offices in Baghdad and Kuwait City and a logistic base at Camp Khor, also in Kuwait City.

**Reports of Secretary-General (April and September).** During the year, the Secretary-General submitted to the Security Council two reports, on 1 April [S/1996/225] and on 27 September [S/1996/801], on the activities of UNIKOM, to enable the Council to carry out its six-month review of the operation and to decide on its continuation or termination. The first report covered the period from 1 October 1995 to 31 March 1996, and the second, from 1 April to 23 September 1996.

The reports noted that the situation in the DMZ remained generally calm, except in the first two weeks of September, when tensions increased following the Iraqi military operations in the north of the country and the subsequent missile attacks by the United States against targets in Iraq. In that connection, UNIKOM observed eight cruise missiles flying over the DMZ into Iraq. UNIKOM received nine formal complaints during the first reporting period (three from Iraq, six from Kuwait) and 32 during the second (12 from Iraq, 19 from Kuwait, 1 common to both). The Iraqi complaints concerned overflights of the DMZ and territorial and weapons violations on the Khawr Abd Allah waterway. Kuwait's complaints included several instances of border crossings, by no more than two or three Iraqis at a time, into the Kuwaiti side of the DMZ, armed robberies in the Abdaly farm area, and firings at Kuwaiti police patrols and posts from across the border, in response to which UNIKOM posted a patrol in the most sensitive area for several weeks. The air violations involved overflights by helicopters and by F-15 and A-10 aircraft used by coalition forces but whose nationalities could not be identified. Of the 41 complaints received and investigated, UNIKOM was able to verify 25. Several could not be verified because of the time that had elapsed between the alleged incident and receipt of the complaint.

UNIKOM patrols had observed single tracer rounds fired into the air on the Iraqi side of the DMZ as well as small-arms firings on either side, which appeared not to have been directed at anyone, however. Oil drilling and development of related infrastructure had increased on both sides of the border within the DMZ and, in August and September, had intensified on the Kuwaiti side. Kuwait had added a number of ramps to its barbed-wire fence and sand berm along the border to facilitate observation of its border police by vehicle patrols. It had begun to construct a second berm and trench from the coast near Bubiyan Island along the outer edge of the DMZ, overlapping it for a length of about 20 kilometres and a depth of 3 kilometres to encompass the Abdaly farm area. It had also begun to restore its coast-guard posts on Warbah and Bubiyan Islands.

During the peak fishing season, from May to July, activity on the Khawr Abd Allah waterway increased, with fishing boats straying across the unmarked maritime boundary. Iraq lodged complaints on 22 and 23 May, alleging that Kuwaiti boats had entered Iraqi waters and opened fire on Iraqi patrol boats; on 30 June, it complained about the presence of two armed Kuwaiti boats in the waterway. Those complaints could not be verified by UNIKOM. Economic activities in the port of Umm Qasr and oilfield areas in the DMZ had also increased, as had rail and road maintenance to and from the port, in preparation for implementation of Council resolution 986(1995) (see below).

UNIKOM also provided security and logistical support for meetings (11 during the two reporting periods) of the ICRC Technical Subcommittee on Military and Civilian Missing Prisoners of War and Mortal Remains, held alternately at UNIKOM headquarters in Umm Qasr and at the Camp Khor logistic base.

The Secretary-General observed that UNIKOM continued to contribute to the maintenance of calm and stability in the DMZ; in so doing, it had received cooperation from Iraq and Kuwait. He thus recommended to the Council that UNIKOM be maintained.

#### SECURITY COUNCIL ACTION (April and October)

Based on its review of the Secretary-General's two reports on UNIKOM activities, the Security Council, by letters of 4 April [S/1996/247] and 9 October [S/1996/840], concurred with the Secretary-General's recommendation in each of those reports that UNIKOM be maintained. The Council decided to review the question once again by 4 April 1997.

#### Composition

Major-General Gian Giuseppe Santillo (Italy) remained the Force Commander of UNIKOM throughout 1996. As of 23 September, UNIKOM had an overall strength of 1,356, comprising: 212 military observers from 32 Member States; an infantry battalion of 775 from Bangladesh; an engineer unit of 50 from Argentina; a logistics unit of 34 from Austria; a helicopter unit of 29 from Bangladesh; a civilian medical unit of 15 from Germany; and 241 civilian staff, of whom 71 were recruited internationally.

#### Financing

On 7 June 1996, during its resumed fiftieth session, the General Assembly, having considered the Secretary-General's 15 March report [A/50/892] containing the proposed UNIKOM budget for the 12-month period from 1 July 1996 to 30 June 1997, together with the related observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/50/950], adopted **resolution 50/234**.

#### Financing of the United Nations Iraq-Kuwait Observation Mission

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 687(1991) of 3 April 1991 and 689(1991) of 9 April 1991, by which the Council decided to establish the United Nations Iraq-Kuwait Observation Mission and to review the question of its termination or continuation every six months,

Recalling also its resolution 49/245 of 12 July 1995 on the financing of the Observation Mission,

Reaffirming that the costs of the Observation Mission that are not covered by voluntary contributions are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling further its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observation Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Expressing its appreciation for the substantial voluntary contributions made to the Observation Mission by the Government of Kuwait and the contributions of other Governments,

Mindful of the fact that it is essential to provide the Observation Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Iraq-Kuwait Observation Mission as at 21 May 1996, including the contributions outstanding in the amount of 22,761,490 United States dollars, representing 11 per cent of the total assessed contributions from the inception of the Observation Mission to the period ending 30 April 1996, notes that some 34 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses its continued appreciation for the decision of the Government of Kuwait to defray two thirds of the cost of the Observation Mission, effective 1 November 1993;

3. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

4. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

5. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observation Mission in full and on time;

6. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

7. Requests the Secretary-General to take all necessary action to ensure that the Observation Mission is administered with a maximum of efficiency and economy;

8. Decides to appropriate to the Special Account for the United Nations Iraq-Kuwait Observation Mission the amount of 21,742,800 dollars gross (19,129,200 dollars net) authorized and apportioned by the General Assembly in paragraph 16 of its resolution 49/245 for the period from 1 July 1995 to 30 June 1996;

9. Decides also to appropriate the amount of 52,141,900 dollars gross (50,071,000 dollars net) for the maintenance of the Observation Mission for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 1,396,500 dollars for the support account for peacekeeping operations, two-thirds share of this amount, equivalent to 33,380,667 dollars, to be funded through voluntary contributions from the Government of Kuwait, subject to the review by the Security Council with regard to the question of termination or continuation of the Mission;

10. Decides further, as an ad hoc arrangement, taking into consideration the funding through voluntary contributions from the Government of Kuwait of the two-thirds share of the cost of the Observation Mission, equivalent to 33,380,667 dollars, to apportion the amount of 18,761,233 dollars gross (16,690,333 dollars net), representing one third of the cost of the maintenance of the Observation Mission for the period from 1 July 1996 to 30 June 1997, to be assessed on Member States at the monthly rate of 1,563,436 dollars gross (1,390,861 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of Gen-

eral Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the review by the Security Council with regard to the question of termination or continuation of the Observation Mission;

11. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2,070,900 dollars approved for the period from 1 July 1996 to 30 June 1997;

12. Decides also that, for Member States that have fulfilled their financial obligations to the Observation Mission, there shall be set off against the apportionment, as provided for in paragraph 10 above, their respective share in the unencumbered balance of 6,917,700 dollars gross (7,816,700 dollars net) for the period ending 31 October 1993;

13. Decides further that, for Member States that have not fulfilled their financial obligations to the Observation Mission, their share of the unencumbered balance of 6,917,700 dollars gross (7,816,700 dollars net) for the period ending 31 October 1993 shall be set off against their outstanding obligations;

14. Invites voluntary contributions to the Observation Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

15. Decides to keep the sub-item entitled "United Nations Iraq-Kuwait Observation Mission", under the agenda item entitled "Financing of the activities arising from Security Council resolution 687(1991)", under review during its fiftieth session.

General Assembly resolution 50/234

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/970) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.47), based on informal consultations; agenda item 124 (a).

Meeting numbers. GA 50th session: 5th Committee 58, 64 (resumed); plenary 120.

During the Assembly's fifty-first session, the Secretary-General submitted a 6 November report [A/51/658] on the financial performance of UNIKOM for the period 1 November 1994 to 31 December 1995. Following consideration of that report, together with ACABQ's related recommendation [A/51/683], the Assembly adopted **decision 51/440**.

### **Financing of the United Nations Iraq-Kuwait Observation Mission**

At its 85th plenary meeting, on 16 December 1996, the General Assembly, on the recommendation of the Fifth Committee and having considered the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission, the related report of the Advisory Committee on Administrative and Budgetary Questions and the report of the Office of Internal Oversight Services for the period from 1 July 1995 to 30 June 1996:

(a) Decided that, taking into consideration the funding through voluntary contributions from the Government of Kuwait of two thirds of the cost of the Observation Mission, for Member States that have fulfilled their financial obligations to the Observation Mission, there should be set off against their future apportionment their respective share in the unencumbered balance of 2,436,433 United States dollars gross (1,633,633 dollars net), representing one third of the unencumbered balance of 5,703,700 dollars gross (4,900,900 dollars net) for the period from 1 November 1994 to 31 December 1995;

(b) Also decided that, for Member States that have not fulfilled their financial obligations to the Observation Mission, their share of the unencumbered balance of 2,436,433 dollars gross (1,633,633 dollars net), representing one third of the unencumbered balance of 5,703,700 dollars gross (4,900,900 dollars net) for the period from 1 November 1994 to 31 December 1995, should be set off against their outstanding obligations;

(c) Further decided that two thirds of the net unencumbered balance of 4,900,900 dollars, equivalent to 3,267,267 dollars, should be returned to the Government of Kuwait;

(d) Requested the Secretary-General to take immediate action to recover the overpayment relating to mission subsistence allowance, which is estimated at more than 844,000 dollars, and to report to the General Assembly, no later than 31 May 1997, on the results of the actions taken for its recovery, as well as on the comprehensive review of the policies of the Organization in respect of compensatory time off and mission subsistence allowance.

General Assembly decision 51/440

Adopted without vote

Approved by Fifth Committee (A/51/726) without vote, 11 December (meeting 39); draft by Chairman (A/C.5/51/L.16), based on informal consultations; agenda item 125 (a).

Meeting numbers. GA 51st session: 5th Committee, 35, 39; plenary 85.

### **Other matters**

#### **Kuwaiti property**

On 16 December 1996, the Secretary-General submitted a report [S/1996/1042] on the return of property seized by Iraq during its 1990-1991 occupation of Kuwait. Prepared pursuant to paragraph 15 of Security Council resolution 687(1991)[YUN1991,p.172], the report contained a summary of hand-over operations by Iraq to Kuwait since the issuance of the Secretary-General's 1994 report on the subject [YUN 1994, p. 476]. The

summary included items returned to Kuwait's Ministry of Defence, Navy, Ministry of Health, Ministry of Foreign Affairs, Institute for Arabic Manuscripts, Arabic Centre for Educational Research, Free Art Studio and United Arab Maritime Company. Also returned were personal items belonging to the Amir and to Sheikh Abdullah Al-Mubarak Al-Sabah.

The Secretary-General noted that Kuwait continued to stress the importance it attached to the return of archives belonging to the Offices of the Amir, the Prime Minister, the Cabinet and the Foreign Ministry. He further noted that Kuwait had drawn attention to the fact that private properties had not been returned, nor had items of military property, including tanks, carriers and missile batteries.

Annexed to the report was a summary of hand-over operations for the period 2 March 1994 through 15 October 1996.

Raymond Sommereyns, Director of the West Asia Division of the Department of Political Affairs, continued to serve as Coordinator for the return of property. He remained available to receive, register and submit to Iraq claims presented by Kuwait and to facilitate the return of any property declared by Iraq to be in its possession. The original hand-over documents for all returned items were available for inspection in the Department of Political Affairs.

#### **UN Compensation Commission and Fund**

The United Nations Compensation Commission, established in 1991 [YUN 1991, p. 196] for the resolution and payment, through the United Nations Compensation Fund, of claims against Iraq for losses and damage resulting from its invasion and occupation of Kuwait, continued in 1996 to expedite the prompt settlement of claims.

On 2 December, the Governing Council of the Commission notified [S/1996/996] the Security Council that the Commission had been unable to present a totally funded draft 1997 budget, amounting to some \$28 million. That was due to the depletion of the matching funds transferred by the United States into the escrow account for the Commission's purposes, pursuant to Council resolution 778(1992)[YUN 1992, p. 320], and to the delay in the implementation of the arrangements for the Commission's regular funding as set out in resolution 986(1995). By year's end, only a projected \$13 million, resulting from the Commission's conservation efforts, was expected to be available in the Compensation Fund for 1997 expenditures.

The Governing Council conveyed the Commission's appeal to the Security Council to exert all efforts to spur the temporary bridging contri-

butions being actively sought by the Commission from various sources, to be reimbursed immediately once regular funding became available to it.

#### Governing Council activities

During the year, the Governing Council of the Commission, headquartered in Geneva, held its fifth special session (5 February) [S/1996/108] and four regular sessions there: the twentieth (28-29 May) [S/1996/462], twenty-first (22-23 July) [S/1996/669], twenty-second (14-15 October) [S/1996/893] and twenty-third (16-17 December) [S/1997/50].

At the special session, the Governing Council heard a report by the Commission's Executive Secretary highlighting the significance of the talks between the United Nations and Iraq on implementing the humanitarian "oil-for-food" formula foreseen in Security Council resolution 986(1995) (see above, under "Oil-for-food") for the Commission's ability to pay the substantial number of compensation awards it had approved. The Executive Secretary also touched upon the submission of claims with regard to deadlines set by the Governing Council.

At the May session, the Council had before it the second report and recommendations of the Panel of Commissioners appointed to review category C claims (individual claims for damages up to \$100,000) (annex I). The recommendations concerned the second instalment of such claims, numbering 62,337, of which 62,121 were recommended for payment totalling \$425,057,699.08, including a recommendation that interest be awarded on those claims as of 2 August 1990. By a decision of 29 May (annex II), the Governing Council approved the amounts per country or international organization; it also reaffirmed that as soon as funds became available, payments should be made by those Governments and international organizations to the individual claimants in accordance with Governing Council decisions 17 and 18 [YUN 1994, p. 478].

At the July session, the Governing Council considered the third report of the Panel of Commissioners for category C claims (annex IV), which contained its recommendations on the third instalment of such claims, submitted exclusively by Kuwait and Egypt and processed on the basis of considerations, precedents and determinations expressed in the first and second reports, which the panel's current report incorporated by reference. By a decision of 23 July (annex III), the Council approved the Panel's recommendation for the payment of 64,065 claims (two less than the total processed), amounting to \$323,776,505.21.

On 22 July, the Executive Secretary gave a comprehensive report on the Commission's activities

(annex I) and, referring to the fifth anniversary of the Governing Council, pointed out that, in less than three years, the Commission had begun paying its first awards and, in a little over five, would have resolved 2.4 million claims out of the 2.6 million received.

At the October session, the Governing Council heard a presentation (14 October) by Iraq (annex I) with respect to: issues of fundamental procedural rights under international law (Iraq's lack of standing and proper defence before the Commission, due process, divergence of Commission procedures from international practice in the settlement of war damage claims); Iraq's proper legal defence in the "higher" categories of claims (D, E and F), as well as in claims for environmental damage (in particular Kuwait's well blow-out control (WBC) claim); Iraq's right to present counter-claims (for any wrongful acts committed against it by allied forces during and after the Gulf War) or to make set-offs; and the need to guarantee transparency and objectivity in the Commission's proceedings.

In response, the Chairman made a statement (annex II) affirming the Governing Council's agreement that Iraq continued to be welcome to participate effectively in the work of the Commission in a manner consistent with the relevant Security Council decisions, the provisional rules for claims procedure, and decisions and procedures agreed to by the Governing Council under article 43 of those rules. Iraq's requests dealing with the establishment of the UN Compensation Commission, including its structure and composition, and the use of the UN Compensation Fund were matters within the sole competence of the Security Council. Iraq's request in respect of the WBC claim would be considered in accordance with article 40 of the rules upon receipt of the report and recommendations of the Panel of Commissioners reviewing that claim.

At the same session, the Governing Council considered the report and recommendations of the Panel of Commissioners for category A claims (for departure from Iraq or Kuwait during the period of 2 August 1990 to 2 March 1991) concerning the sixth and final instalment of such claims (annex III). Recommended were payment for 80,456 claims (out of 99,355 processed) totalling \$319,730,500 and revised compensation awards in respect of certain claims previously approved under the first to fifth instalments. By a decision of 15 October (annex IV), the Council approved the recommendations, indicating the adjustments to be made in the light of the revised awards. The Commission had thus completed the processing of all category A claims, under

which, of the more than 922,000 reviewed, more than 862,000 had been awarded compensation for a total of close to \$3.2 billion.

Also before the Council was a summary report (annex V) of the distribution by Governments of compensation awarded to the successful claimants in category B (claims for serious personal injury or death).

The Council approved the Commissioner candidates nominated by the Secretary-General, on the basis of professional competence and the principle of geographical distribution, to make up new panels for claims in categories E (corporate claims) and F (government claims).

At the December session, the Governing Council heard the Executive Secretary's updated report on the Commission's activities (annex I). It had before it the fourth report and recommendations of the Panel of Commissioners for the fourth instalment of category C claims. Recommended for payment were 70,558 claims, out of 71,703 reviewed, for a total of \$637,643,444.35; also recommended were revised awards of previously approved claims under the first and second instalments. Those recommendations were approved by the Council by a decision of 17 December (annex II), again indicating the adjustments to be made as a result of the revised awards. With respect to the executive summary of the relevant panel's report and recommendations concerning the WBC claim, the Council, by another decision of the same date (annex III), approved the recommended award of \$610,048,547 to the Kuwait Oil Company, without prejudice to adjustments that might be reached concerning allocation of costs after a review of the Company's other related claims.

### Complaints of violations

Iraq continued in 1996 to address numerous letters to the Secretary-General and the Security Council seeking their intervention in order to put an end to the repeated violations of its airspace, mainly over the northern and southern regions, by France, the United Kingdom and, particularly, the United States. The sorties, reported in detail in two-weekly periods, were said to originate from bases in Kuwait, Saudi Arabia and Jordan and to engage in reconnaissance and provocative activities. They were described as flying at such speeds and altitudes as to cause sonic-boom damage to private and public property, dropping inflammatory leaflets to incite the population, as well as dropping heat or illumination flares, and, on one occasion, an incendiary phosphorous substance with a detonator for the purpose of setting fire to crops [S/1996/349].

Iraq further addressed some 12 letters drawing attention to the interference to which certain of its vessels, rightfully operating within Iraqi territorial waters, were increasingly being subjected, in violation of the Charter and of the norms of international law. In the majority of 14 instances reported as having occurred on 25 December 1995 and between 5 July and 29 November 1996, United States frigates, assisted by helicopters, were cited as the source of such interference. However, an Australian frigate was said to be involved on one occasion [S/1996/582], and a British, along with an American, frigate on another [S/1996/807]. The Iraqi vessel, usually a tug or fishing boat, would be directed to proceed to a certain point where it would be subjected to a thoroughgoing search—sometimes even if already inspected once—including the photocopying of its registration certificate and the crew's identity documents. In some cases, the crew would be made to assemble at the stern at gunpoint while the search was in progress. Iraq strenuously objected to those unjustified practices of the United States Navy stationed in the Persian Gulf, and asked that the Secretary-General or the Council intervene to call a halt to such practices.

Iraq additionally submitted statements on the disposal of miscellaneous unexploded ordnance—missiles, bombs, rockets, shells, mines, grenades—and other materiel left behind by what Iraq called the 30-Power aggression against it, which continued to be found in various areas of the country. The statements indicated the number and type of ordnance disposed of by the civil defence department concerned, covering three month-long periods from January to March [S/1996/120, S/1996/218, S/1996/268] and three two-month periods from April to September [S/1996/459, S/1996/658, S/1996/868].

Two further letters from Iraq and one from Kuwait [S/1996/230, S/1996/249, S/1996/307] were addressed to the Secretary-General regarding Iraq's claim that it had apprehended a group of agents recruited by Kuwaiti intelligence services to carry out acts of sabotage with a view to undermining security and stability in Iraq and targeting UNIKOM personnel on patrol along the Iraq-Kuwait boundary—an allegation denied by Kuwait but which Iraq repeated on the basis of what it claimed was damning evidence reported in minute detail in the confessions of the Kuwaiti agents.

### Iraq-Turkey

By five identical letters addressed in 1996 to the Secretary-General and the Security Council President [S/1996/401] and three addressed to the Secretary-General [S/1996/762, S/1996/860, S/1996/1018], Iraq drew attention to the continuing blatant violations of its sovereignty and territo-

rial integrity by Turkey's armed forces. The violations, which Iraq claimed had escalated since March, were concentrated in the country's northern region and covered the period between 28 February and 10 November. As described, they ranged from airspace incursions for reconnaissance purposes and ground incursions as deep into Iraqi territory as 22 kilometres for the purpose of searching villages and even arresting Iraqi citizens, to aerial and artillery bombardments that not only had forced villagers to flee their homes but had also resulted in several deaths and injuries, the burning of or damage to homes and other property, and destruction of livestock. Iraq also reported what it said was the illegal entry into Iraqi territory in July by a group of Turkish journalists who photographed the oil pipeline and pumping station near Zakho, at the Iraq-Turkey border. Iraq submitted a list of letters of protest it had addressed to the Embassy of Turkey in Baghdad since Turkey's first assault on Iraqi territory on 7 August 1991 until 18 July 1996 [S/1996/641].

Iraq condemned those grave violations and categorically rejected the justifications advanced by Turkey for its open aggression, namely, its right to protect its national security against terrorist elements, specifically the Kurdish Workers' Party, and to pursue them even into Iraqi territory until they were extirpated. Iraq pointed out that it was in no way responsible for the anomalous situation prevailing in the north of the country due to Turkey's policy, which had permitted the large-scale deployment of United States and United Kingdom forces on Turkish territory from which, under the so-called Operation Poised Hammer, they could intervene militarily in northern Iraq. That had effectively prevented Iraq from exercising its national sovereignty there, thus damaging the security and stability of that region. Iraq therefore reiterated, through the Secretary-General and the Council, its appeal to Turkey to review the policy that had prevented two neighbouring countries from reaching a settlement of the issues standing in the way of their good-neighbourly relations.

### **Iraq-United States**

On 28 March, Iraq drew attention [S/1996/229] to an article in the 26 March issue of the British newspaper *The Independent*, according to which an agent of the United States Central Intelligence Agency (CIA) admitted to planning the explosion of car bombs in Baghdad and Salah al-Din, as well as in other regions of Iraq, on direct CIA instructions. That information, Iraq stated, confirmed once again the involvement of United

States official agencies in terrorist activities against Iraq aimed at destabilizing the country and causing harm to its national authority.

On 3 September, the United States transmitted [S/1996/711] the text of a statement by its President, William J. Clinton, regarding the United States military strike launched that day against Iraq, in response to the Iraqi army's attack on and seizure of the Kurdish-controlled city of Arbil in northern Iraq, despite clear warnings from the United States and the international community. The limited troop withdrawals announced by Iraq did not change the reality that Arbil was under the control of the Iraqi army, whose units remained deployed for further attacks, the United States maintained.

The decision taken by one Kurdish group previously opposed to Iraq's President Saddam Hussein to cooperate with him, President Clinton stated, could not justify unleashing the Iraqi army against the civilian population of Arbil—an attack that added fuel to the current factional fire in the Kurdish region and threatened to spark instability there. For that latest act of brutality by Iraq's President and significantly to restrict his ability to conduct offensive operations in the region, the United States was extending the no-fly zone from the Kuwaiti border to the southern suburbs of Baghdad. To protect the safety of aircraft enforcing the no-fly zone, United States cruise missiles struck Iraqi air defence capabilities in southern Iraq.

President Clinton pointed out that Arbil was a key distribution centre for the humanitarian supplies envisioned under the recently concluded oil-for-food arrangements (see above). Until the United States was sure that supplies could actually get to those in need of them, those arrangements could not go forward and the Iraqi Government would be denied the new resources it had been expecting.

Also on 3 September, the Russian Federation issued a statement [S/1996/712] to the effect that it considered the United States missile strike an inappropriate and unacceptable reaction to recent events in northern Iraq, especially in view of Iraq's announcement that it was beginning to withdraw its forces from Kurdistan to their former positions. The Russian Federation urged the cessation of all military action threatening the sovereignty and territorial integrity of Iraq and offered energetically to promote the immediate defusion of the situation by political means.

On 4 September, Iraq reported [A/51/328] that the United States had launched another missile attack against it earlier that day, using 17 cruise missiles—the previous day's attack had used 27—which had resulted in civilian loss of life, ma-

terial damage and destruction. Iraq claimed the attacks had been premeditated and were preceded by a large-scale misinformation campaign to set the stage at the international level, without regard for any moral principle or for responsible behaviour incumbent on a permanent Security Council member.

Iraq drew attention to the two no-fly zones imposed on it by the United States, the United Kingdom and France: in 1991, to the north of the 36th parallel in northern Iraq, under the pretext of protecting the Kurds; and, in 1992, to the south of the 32nd parallel, under the pretext of protecting Shiites in southern Iraq. It referred as well to President Clinton's unilateral extension northwards, as far as the suburbs of Baghdad, of the southern no-fly zone, as contained in his 3 September statement and endorsed by the United Kingdom. Iraq recalled its past declarations that such imposition was a continuing act of armed aggression that threatened Iraq's sovereignty, territorial integrity and political independence, in violation of the Charter and international law. That the United Nations had taken no action to condemn such conduct, Iraq said, had encouraged the United States and the United Kingdom to continue their aggression and unilaterally to extend the southern no-fly zone. Iraq reiterated its declaration of 3 September that it regarded the lines of the no-fly zones illusory and null and void, and would act on that basis.

The Russian Federation, referring to the second missile attack in a statement of 4 September [S/1996/715], said it was a matter of grave concern that Washington was arrogating to itself the role of supreme arbiter, seeking to supplant the Security Council, which possessed the exclusive right under the Charter to authorize the use of force. That and unilaterally extending the southern no-fly zone constituted a dangerous precedent and were incompatible with international law and unacceptable. The Russian Federation said military action in and around Iraq must cease.

On 7 September, Iraq pointed [S/1996/729] to a report by Russian intelligence sources that the recent United States military operations against it had been several months in the planning and bore no connection whatsoever to the recent events in Kurdistan. The report made clear, Iraq claimed, that the international (UN) inspection teams that had recently visited Iraq were composed not of experts but of American military personnel whose task was to ascertain the location of Iraqi air defences rather than weapons of mass destruction—a fact that had put UNSCOM in an extremely embarrassing position, in addition to discrediting it in international opinion.

On 9 September, Iraq reported [S/1996/732] that the Permanent Representatives of the United States and the United Kingdom had tried to discuss the question of the no-fly zones with the Charge d'affaires of the Permanent Mission of Iraq to the United Nations. The latter declined on the grounds that the no-fly zones in no way concerned the United Nations, had not been authorized by the Council and were not based on any of that body's resolutions. The Permanent Representatives were invited to pursue the matter, however, through bilateral diplomatic channels in Washington and London if they so wished. Subsequently, the Iraqi Mission received an unofficial note by facsimile transmission "brazenly" making several demands of Iraq. (The note demanded that Iraq not reinforce or introduce new surface-to-air missile systems including mobile systems south of the 33° latitude, not re-deploy surface-to-air missile systems currently south of that latitude to new positions, and not repair or rebuild such systems that had been damaged or destroyed by coalition forces since 3 September; any surface-to-air missile illuminating and/or tracking coalition aircraft with fire-control radar would be considered hostile; failure to comply would make Iraq liable to face military action against the systems concerned.)

On 10 September [A/51/345-S/1996/739], Iraq reported that, in continued pursuit of its policy of aggression towards Iraq and interference in its internal affairs, the United States President had been quoted as saying that everything was being done to get out of Iraq those who had worked with the United States and to help those individuals who needed to get out, adding that the United States had done what it felt needed to be done. Iraq urged the United Nations to take the steps necessary to halt the irresponsible actions of the United States Administration, which it held fully accountable before international law for any consequences of its aggressive and unlawful positions.

On 22 September, Iraq repeated [A/51/401-S/1996/782] its previous complaints calling attention to the direct involvement of the United States in operations against Iraq, planned and led by the CIA. It cited the international media's exposure of the large sums budgeted by the CIA for internal subversion in Iraq, including recruiting and directing agents to perpetrate terrorist acts; the CIA-funded operation in northern Iraq to destabilize the Baghdad Government; and the open, undisguised remarks of United States officials, including President Clinton himself, to bring down the current Government of Iraq.

Iraq pointed out that the actions of the United States were clear violations of Articles 1 and 2 of



the Charter, respectively calling for development of friendly relations among nations based on respect for equal rights and self-determination and calling on Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State; and of the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations [GA res. 2625(XXV)], with specific reference to the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State. Iraq urged the United Nations to take action to halt all the hostile practices threatening its sovereignty and territorial integrity.

On 26 September, Iraq communicated [S/1996/806] the text of a statement by the Force Commander of UNIKOM, as reported by Reuters on 18 September. According to the statement, the missile attacks against Iraq constituted a violation of the frontier zone between Iraq and Kuwait, and overflight of the zone by unidentified military aircraft was a violation of the DMZ established at the frontier, as was any military attack in that zone. UN observers were witness to two military aircraft, apparently belonging to the United States Air Force, which overflew the zone at low altitude and entered Kuwaiti airspace from the north before turning and flying over the frontier in the direction of Iraq. The sorties conducted by the two aircraft constituted violations, of which UNIKOM had informed UN Headquarters.

On 4 November, Iraq drew attention [S/1996/915] to a 23 September announcement by a spokesman of the United States Department of State regarding its decision to grant identity documents to a first batch of 2,100 Iraqis, and the planned evacuation of a large number of persons from northern Iraq, including Kurds, Assyrians and NGO employees, for whom the United States was concerned. Iraq reported that the evacuation subsequently took place, under the supervision of CIA operatives, who took the evacuees to Turkey and thence to a base on Guam. Iraq claimed that those operatives had illegally entered Iraq, some under NGO cover, for the purpose of organizing clandestine operations aimed at undermining the national system of governance in Iraq. The CIA Director had admitted as much to the Senate Intelligence Committee at its September hearings, Iraq claimed, when he said that the CIA was endeavouring to change Iraq's regime and President. Iraq asserted that, if the United States could engage CIA operatives and collaborators for such activities, it could not but make use of the details involved in the implementation of

Council resolutions to advance its schemes for aggression, such as manipulating humanitarian operations and UN inspection teams to raise problems between them and Iraq.

On 13 November, Iraq referred [S/1996/1004] to United States announcements of 2 and 4 November that, on those dates, an American aircraft had fired a missile at an Iraqi radar system that was tracking the aircraft. Iraq, which stated that the planes had been in violation of its airspace, called the claims groundless and the incidents fabrications that were part of the election campaign in progress at the time; that was subsequently borne out by a Department of Defense investigation, which found that the pilots' actions in both instances had been mistakes due to the malfunctioning of cockpit equipment. It was clear, Iraq remarked, that the fate of its security and interests depended on mistakes of American pilots and malfunctions of aircraft equipment.

In several other communications, Iraq reported the numerous daily sorties conducted by "hostile aircraft" over northern and southern Iraq from 8 to 13 September and drew attention to the no-fly zones imposed on it, saying they constituted a continuing unilateral act of aggressive armed force. Iraq held the States responsible for creating those zones, notably the United States and the United Kingdom, accountable before international law for the damage inflicted thereby on Iraq.

## Afghanistan

In 1996, Afghanistan witnessed yet another round of upheavals with significant implications for its future and for UN peacemaking efforts, according to the Secretary-General. In September, the Taliban forces advanced, gaining new territory and taking control of Kabul, then pushing northward. The fall of Kabul generated a great deal of political and diplomatic activity, and significantly affected the work of the United Nations Special Mission to Afghanistan. By the end of the year, the nation was divided between north and south, along ethnic lines, with control resting with the Taliban and the Supreme Council for the Defence of Afghanistan.

The plight of former Afghanistan President Mohammed Najibullah, detained in Kabul since April 1992, was cited by the Secretary-General in a July report, when he appealed again for his release. Mr. Najibullah was hanged following the takeover in September of Kabul by the Taliban; the killing was deplored by the Secretary-General

as a brutal execution. Other human rights and humanitarian issues—particularly those affecting women—remained of great concern to the United Nations at the end of the year.

The Security Council and the General Assembly took action on the situation in Afghanistan in 1996. Both bodies called on the Afghan parties to reach a ceasefire and a peaceful settlement, and reaffirmed their support for UN efforts in that regard, in particular the activities of the Special Mission, in facilitating the political process towards national reconciliation and a lasting political settlement.

### UN Special Mission to Afghanistan

As requested by the General Assembly in 1995 [YUN 1995, p. 471], the Secretary-General reported three times during 1996 on the situation in Afghanistan and the activities of the United Nations Special Mission to Afghanistan, established in 1993 [GA res. 48/208].

**Report of Secretary-General (covering January-March).** On 3 April, the Secretary-General reported [A/50/908] that the Special Mission resumed its activities on 12 January when its Head, Mahmoud Mestiri (Tunisia), arrived in the region, following the renewal of the General Assembly mandate to facilitate national reconciliation and reconstruction in Afghanistan, in particular by ensuring the transfer of power through the urgent establishment of a fully representative and broad-based authoritative council. Mr. Mestiri subsequently undertook an extensive round of consultations in pursuit of those objectives.

The Secretary-General reported that, during the first quarter of 1996, Afghanistan remained under the military control of three major forces: those of the Government in Kabul and five other provinces in the north-eastern part of the country (Badakhshan, Takhar, Kunduz, Parwan and Kapisa); those of the Taliban in 14 provinces in the southern, south-eastern and south-western parts (Herat, Farah, Nimroz, Helmand, Kandahar, Ghor, Zabul, Oruzgan, Ghazni, Wardak, Paktika, Logar, Khost and parts of Badghis); and those of General Rashid Dostum in six provinces in the northern part (Jawzjan, Faryab, Samangan, Baghlan, Balkh and most of Badghis). Of two smaller forces, the Hezb-i-Wahdat was confined to Bamyan and parts of Ghor, while the Eastern Zone Shura, under Governor Hajji Abdul Qadir, held the three provinces of Laghman, Kunar and Nangarhar.

While most of the country was relatively calm between January and March, the tension around Kabul continued to be high. The capital re-

mained under siege by the Taliban, which had reached its outskirts in October 1995. Government forces and the Taliban militia were locked in a military stalemate, punctuated by occasional outbursts of fierce fighting, mostly afflicting the civilian population, the Secretary-General reported. Indiscriminate exchanges of rockets and missiles and aerial bombardment had occurred almost on a daily basis since February 1996. The already tragic humanitarian situation, he said, was worsened by the blockade of Kabul by opposition forces, mainly Hezb-i-Islami commanders loyal to Gulbuddin Hekmatyar, and by the unusually harsh winter. The blockade was later relaxed, allowing supplies of food and fuel to reach the city. Tension was also high in Herat province, which had been taken by Taliban forces in September 1995, causing its Governor to flee to Iran.

The Head of the Special Mission made frequent appeals, public and private, to the warring parties for an immediate cessation of hostilities and for unconditional recourse to a peaceful dialogue, as did the Security Council, all of which went unheeded, the Secretary-General went on. The principal reason for the continuing hostilities was the uncompromising stance of the parties. The Taliban was determined to remove President Burhanuddin Rabbani from power by force, and the Government was resolved to maintain control of Kabul at all costs. Both sides appeared to be preparing for a major battle, perhaps at the beginning of spring. That unhealthy climate of war had considerably hindered the progress of the UN peace process, with the Special Mission often forced to adopt a wait-and-see attitude.

While the Government and the Taliban were preparing for more fighting, talks continued among Afghan leaders. President Rabbani often told the Head of the Special Mission that he would transfer power—not to his enemies but either to an individual acceptable to the parties concerned or to an equitably representative mechanism. However, the Taliban and other parties opposed to the Government neither believed Mr. Rabbani nor trusted his word. They insisted that he first step down and evacuate his forces from Kabul as a precondition to a ceasefire and the start of negotiations.

The opposition forces had so far resisted formidable pressures to form a grand military alliance against Mr. Rabbani. General Dostum had maintained a neutral position, siding neither with Mr. Rabbani nor with the Taliban. The leaders of the Supreme Coordination Council (SCC) met in Islamabad, Pakistan, from 7 to 14 February to review their strategy and reportedly discussed a number of options, including the possi-

bility of forming a parallel government to Mr. Rabbani's, as well as the UN proposals for a ceasefire and the transfer of power by Mr. Rabbani as a result of peaceful negotiations. The Taliban delegation appeared briefly in Islamabad but boycotted the talks. The position of the Special Mission was that of full support and encouragement for those intra-Afghan talks, as it recognized that they could complement UN efforts.

The Secretary-General pointed out another area of concern during the current round of consultations—the rapid escalation of foreign interference in Afghanistan, both military and political, which was a massive obstacle to a peaceful settlement. The Head of the Special Mission had been asked, he said, to continue to raise the matter with the countries concerned as well as the Afghan warring factions. In the Secretary-General's view, the problem needed to be taken up at the international level; one proposal in that regard was the convening of an international conference to address the problem as an integral part of the overall Afghan question.

The Special Mission's general assessment was that the main warring parties still seemed to prefer the military option as the course of action and that the military race was on for control of Kabul. Most of the parties did not seem genuinely ready to pursue a peaceful political settlement through the United Nations.

The escalating foreign interference by countries in the region and beyond further complicated the process and fueled the machinery for war. But the countries concerned either denied involvement or described it as legitimate assistance to the Afghan people.

That the proposed transfer-of-power mechanism had not advanced significantly was due almost entirely to those two elements, the Secretary-General concluded. Nevertheless, he remained convinced that the establishment of a fully representative and broad-based authoritative council, through peaceful dialogue among the Afghans, was the most appropriate formula for finding a lasting settlement and peace. At the same time, he believed it was necessary to explore additional ways to facilitate the realization of that objective.

**Communications.** Afghanistan transmitted to the Secretary-General the text of a 19 January statement [S/1996/44] by its Foreign Ministry renewing charges [YUN 1995, p. 472] that Pakistan was sponsoring the Taliban forces in contradiction of General Assembly and Security Council resolutions on Afghanistan. Pakistan was also putting pressure on its banks and businesses to open offices in Kandahar and Herat, which were under

Taliban rule. Afghanistan said it wanted to establish good bilateral relations with Pakistan and was seeking a solution to bilateral differences through negotiation and reciprocal understanding.

On 1 March [S/1996/151], Afghanistan said that the intervention of Pakistan in the internal affairs of Afghanistan had been and remained one of the main causes of the armed conflicts in Afghanistan, and that the Taliban had been mobilized, trained, armed and equipped by Pakistan.

#### SECURITY COUNCIL ACTION (February)

On 15 February, the President of the Security Council issued the following statement [S/PRST/1996/6] on behalf of the Council:

The Security Council deeply deplores the continuation of armed hostilities in Afghanistan, which have brought death and destruction to the people and property of the country and threaten the peace and security of the region.

The Council is particularly concerned about the recent intensification of shelling and air attacks in and around the capital city of Kabul and the blockade of the city, which has prevented the delivery of foodstuffs, fuel and other humanitarian items to its population.

The Council calls on the parties involved to end the hostilities forthwith and not to obstruct the delivery of humanitarian aid and other needed supplies to the innocent civilians of the city. In this regard, the Council commends the efforts of the United Nations, the International Committee of the Red Cross and other humanitarian agencies in Afghanistan, which are working under the most trying circumstances, and the airlift of food supplies from Peshawar to Kabul, and urges the international community to continue its support of those life-saving efforts.

The Council is deeply concerned that the continued conflict in Afghanistan provides fertile ground for terrorism, arms transfers and drug trafficking, which destabilize the whole region and beyond. It calls on the leaders of the Afghan parties to put aside their differences and to halt such activities.

The Council reaffirms its full support for the efforts of the United Nations Special Mission to Afghanistan to bring about a peaceful solution to the conflict through the establishment of a fully representative, broad-based, authoritative council acceptable to all Afghans. It calls upon all Afghans to cooperate fully with the Special Mission as it works towards this goal.

The Council calls on all States in a position to do so to take steps to promote peace and stability in Afghanistan, in particular by urging the parties to the conflict to cooperate fully with the United Nations Special Mission. It also calls on all States to refrain from interfering in the internal affairs of Afghanistan and to prevent the flow to the Afghan parties of weapons and other supplies that can fuel the fighting.

The Council urges the captors of the members of the crew of the Russian aircraft in Kandahar to release them immediately and without any preconditions.

The Council reaffirms its commitment to the full sovereignty, independence, territorial integrity and national unity of Afghanistan. It reaffirms its readiness to assist the Afghan people in their efforts to return peace and normalcy to their country, and it encourages all States, as well as the Organization of the Islamic Conference, the Non-Aligned Movement and others, to support the efforts of the United Nations Special Mission to the same end.

The Council will remain actively seized of the situation in Afghanistan.

Meeting number. SC 3631.

**Report of Secretary-General (covering April-June).** The Secretary-General, in a 16 July report [A/50/908/Add.1], announced that at the end of May the Head of the Special Mission, Mr. Mestiri, had resigned; he was succeeded by Norbert Heinrich Holl (Germany), beginning on 7 July. Mr. Holl would be based in Jalalabad pending the return of the Special Mission to Kabul.

The Secretary-General reported that, with effect from 1 July, and in order to strengthen the Special Mission and to rationalize the Organization's political presence in Afghanistan, the Office of the Secretary-General in Afghanistan would cease to exist. All UN peacemaking efforts would be integrated into the Special Mission, with its staff consisting of its Head, a Deputy Head, five political affairs officers, two military advisers, and international and local support staff.

In pursuit of establishing the twin objectives of a cessation of hostilities and a negotiated transfer of power through a fully representative, broad-based authoritative council, another series of consultations took place with Afghan leaders and representatives of other countries. The rigid position of the warring factors, reinforced by deep-seated suspicion and distrust, prevented the launching of meaningful talks, the Secretary-General stated.

Meanwhile, the military stalemate continued. An all-out assault on Kabul in the spring by the Taliban did not materialize, but they continued to bomb Kabul almost daily, with great loss of life among civilians, and clashes between the two forces occurring around the city. All appeals by the Special Mission to halt the exchanges of missiles and aerial bombardment went unheeded.

Afghan leaders maintained a dialogue among themselves in order to find a solution to the conflict, in some cases with involvement of outside Powers, the Secretary-General continued. Early in April, the Taliban indicated to the Special Mission that they were prepared to negotiate with

any faction in Afghanistan, including the Government. That change of policy turned out to be short-lived, and the Taliban began to set preconditions for talks that made it impossible to proceed.

President Rabbani was able to broaden his base of support with the signing on 24 May of a six-point agreement with Mr. Hekmatyar, the leader of Hezb-i-Islami, leading to the appointment of Mr. Hekmatyar as Prime Minister on 26 June. A number of ministerial positions were allocated to Hezb-i-Islami officials. In a similar move, the Taliban invited some prominent Afghan leaders to a meeting in Kandahar on 5 and 6 June, and they signed a short statement demanding the resignation of Mr. Rabbani. Talks between SCC and the Taliban also took place.

The Secretary-General concluded that the objectives of a durable ceasefire and a peaceful transfer of power, mandated by the General Assembly and vigorously sought by the Special Mission, were still far from being achieved. Although the intra-Afghan talks were welcomed, they had not yet brought the principal warring parties and others to the negotiating table. There had been no decline in foreign interference in the Afghan conflict, but those involved denied that that was the case. In those circumstances, the Secretary-General said, there was a need for an impartial third party to help the Afghan leaders resolve their differences and to encourage neighbouring countries and others to support that effort. That was the role of the United Nations. The Secretary-General called on the Afghan leaders and the countries concerned to help the United Nations facilitate a peace process.

At the conclusion of his report, the Secretary-General mentioned the plight of former President Najibullah, who since April 1992 had been confined de facto to the UN compound in Kabul. The Secretary-General appealed to the authorities in Kabul to let Mr. Najibullah and his companions leave Afghanistan for another country of their choice.

#### SECURITY COUNCIL CONSIDERATION (April)

The Security Council remained concerned about the situation in Afghanistan, and on 9 April held two formal meetings on the subject. Launching the debate, Afghanistan said that after enduring the sacrifice of 1.7 million lives, it deserved sympathy from the world community and should have been supported in its national endeavours aimed at overcoming the problems left by 17 years of war. Over the last four years, conspirators and interventionists linked to Pakistani military intelligence circles, sometimes in connivance with other outside supporters, had

attempted to enthrone a Pakistani-approved regime in Kabul. That unjust scheme had resulted in a renewed, widespread Afghan resistance, while creating legitimate concern for the countries of the region. Afghanistan also cited what it called the negative and ruthless conduct of the Taliban with regard to human rights, particularly of women, and the burgeoning drug cultivation, processing and trafficking in areas under its control. The promoters of the Taliban believed that deploying that terrorist group would secure them a permanent influence in Afghanistan. A vast budget, Afghanistan said, had been channelled through and by Pakistani intelligence circles to that group, which had consequently managed to secure a tyrannical military presence in a number of provinces of Afghanistan, while hatred and resentment of their uncivilized and retrograde practices had been on the rise among civilians.

Afghanistan was in turmoil; the peace and stability of the region was in jeopardy. It was high time for Afghanistan and Pakistan immediately to start serious dialogue and negotiation for the restoration of mutual trust and a cooperative relationship that would definitely contribute to the creation of a sound atmosphere conducive to the restoration of peace in Afghanistan. Afghanistan suggested that a UN monitoring post at the southern border between the two countries be established to halt the flow of illicit arms to Taliban mercenaries; that a fact-finding mission be sent to Taliban-occupied provinces to determine outside intervention in the internal affairs of Afghanistan and investigate illegal drug activities; and that the Security Council arrange for the early return of certain arms belonging to Afghanistan which had been handed over to the Taliban.

Pakistan said that its consistent position with regard to the fratricidal conflict in Afghanistan had been that only a broad-based interim mechanism, in which all factions would participate, could pave the way to a democratic Government that alone could provide the necessary durable fabric for that multi-ethnic country. Durable peace required abandoning the politics of domination and exclusion and achieving a genuine national reconciliation among all the political, ethnic and various other segments of Afghan society. It was evident that the people of Afghanistan were fed up with factional strife and earnestly dreamed of resuming normal life in conditions of peace and security. Much of the strife in Afghanistan could be attributed to the absence of legitimate governance. Legitimacy flowed not from military diktat or the use of weaponry against innocent civilians, but from the confidence and support of those civilians. The massive infusion of weapons and funds from abroad com-

pounded the problem and weakened the resolve to seek national reconciliation. Pakistan had stood steadfast with Afghanistan in its liberation struggle, supporting millions of Afghan refugees, and now was being portrayed by some as playing politics in Afghanistan. Those who accused it of interfering in Afghanistan, Pakistan stated, knew full well that it had scrupulously refrained from supporting one faction or another. Those allegations had been concocted to cover up the massive weapon supplies from certain quarters, or were an expression of disappointment on finding no such support from Pakistan. A representative gathering of Afghan leaders should be convened under UN auspices, or with neighbouring countries, to launch a credible process involving the transfer of power to a fully representative, broad-based Government. It could also address the question of the induction of a neutral security force and the demilitarization of Kabul and Afghanistan. Pakistan favoured a complete ban on weapons and arms supplies to the warring factions through a general arms embargo. It welcomed the debate in the Security Council, but said it was convinced that the true voice of the Afghan people had not yet been heard.

Most speakers expressed support for the Special Mission's work to facilitate the peace process and bring about a dialogue among the Afghan factions. Many emphasized that the political will of the Afghan parties themselves was necessary to achieve any significant progress in the negotiating process.

A number of speakers supported the proposal for convening an international conference on the situation in Afghanistan or felt it was worthy of consideration; many stressed that such a conference needed to be well prepared and supported by the participants.

Meeting numbers. SC 3648, 3650.

**Report of Secretary-General (covering July-November).** On 26 November [A/51/698-S/1996/988], the Secretary-General reported again on the situation in Afghanistan, focusing on the period between July and November. He described it as a time when Afghanistan had experienced renewed fighting, particularly after the beginning of September, most of which occurred between the government forces and the Taliban, who were approaching the outskirts of Kabul.

Dramatic changes, however, began in early September when the Taliban advanced in heavy fighting, using fighter planes, artillery and tanks, causing some members of other factions to flee. The Secretary-General recalled that on 12 September he had expressed concern at the esca-

lation of hostilities and the bombing of Jalalabad, which endangered the large population of internally displaced persons at camps in the area. The UN Special Mission had to move back to Islamabad as a temporary measure, until conditions permitted its relocation to Kabul.

After taking Jalalabad, Taliban forces took control of Kabul on 27 September, without perceptible resistance from government forces which had largely withdrawn. A six-member interim Council was formed under the leadership of Mullah Mohammed Rabbani to take charge of Kabul. As they had done in other areas under their control, the Taliban immediately imposed the Shariah Islamic law on the Kabul population. On 7 October, the Secretary-General issued a statement expressing concern about the ability of the United Nations to continue humanitarian and development work given the constraints imposed by the new regime.

From Kabul, the Taliban moved northwards. After fleeing the city, government forces regrouped in the Panjshir valley and repelled attacks by the Taliban. Two weeks later, those forces launched a counter-attack and retook some strategic places and moved to within rocket range of Kabul. Meanwhile, General Dostum and his allies in SCC abandoned their neutrality and regrouped in a new alliance, known as the Supreme Council for the Defence of Afghanistan, to counter further advances by the Taliban.

The military situation remained static after mid-October, with some shelling and occasional air raids but no serious armoured or infantry activity by either side. The main consequence of military developments was that Afghanistan was effectively divided between north and south, a division that was not only military but also ethnic. The Taliban, whose leadership and forces were largely composed of Pashtuns, controlled almost all the Pashtun majority areas, and the Supreme Council controlled almost all the areas where the majority was Hazara, Tajik or Uzbek.

One of the first acts of the Taliban administration in Kabul was the extrajudicial murder of former President Najibullah and his brother, Shahpur Ahmadzai, on 27 September. They and two colleagues, who had taken refuge in UN premises in April 1992, were removed from that location by Taliban soldiers who had forced their way into the compound. Later that morning, they were hung in Ariana Square in the city centre, a short distance from the compound. On a number of occasions over the previous four years, the Secretary-General had intervened with the Kabul authorities to try to persuade them that Mr. Najibullah, who had cooperated with the United Nations in an attempt to transfer power peace-

fully in 1992, should be allowed to leave Afghanistan safely. The Secretary-General said that Taliban seizure of Kabul and murder of Mr. Najibullah raised new issues relating to violation of the immunity of UN premises and the execution of persons who sought refuge in them.

The fall of Kabul to the Taliban generated a great deal of political and diplomatic activity inside Afghanistan, in the region and internationally, and significantly affected the work of the Special Mission. Inside Afghanistan, a new realignment of forces emerged as an anti-Taliban alliance replaced SCC, with control of the country divided between the two major forces, the Taliban and the Supreme Council for the Defence of Afghanistan. Some regional countries expressed alarm that the Taliban might overrun the whole of Afghanistan.

Meanwhile, the humanitarian situation in Afghanistan remained serious and was considered likely to deteriorate sharply over the winter months, the Secretary-General reported. Up to 10 million mines still remained, with the death rate soaring in recent months. Also, up to 1 in 10 Afghans suffered from a disability of some kind, and malnutrition affected up to 20 per cent of children under the age of five. The food security situation worsened, and the refugee situation did not improve, with more than 2 million Afghan refugees living outside the country. There were also hundreds of thousands of internally displaced people. The security of UN and other aid community staff was a matter of growing concern. Violations of basic human rights, particularly those of women, had increased considerably since the Taliban takeover.

Consultations by the Head of the UN Special Mission widened, with the aim of securing an immediate cessation of hostilities. He reported a genuine sense of frustration among the interlocutors, who showed increasing anxiety about the political deadlock and the deteriorating military situation. Most tended to blame the stalemate on foreign interference, especially through the supply of arms and other military assistance. The Secretary-General asked that the leaders of the warring factions agree on an immediate cessation of hostilities, through the good offices of the United Nations, and that each subscribe to basic principles, including a renunciation of the military option. Following the fall of Kabul, the Secretary-General asked that strenuous efforts be made to establish a working relationship with the Taliban authorities in Kabul, to ensure an open channel for communication between all parties and to address certain humanitarian issues.

The Secretary-General, who had held a meeting of consultation with 19 interested Member

States on 18 November, said that they had agreed that the current situation could not be allowed to continue, as it was intolerable in terms of human suffering and the threats of regional destabilization, drugs, terrorism and illegal arms flows. They also confirmed that the United Nations had a central role to play in helping the Afghan parties define and implement a peace process, in close consultation with OIC. The Secretary-General believed that the meeting of consultation was a useful first gathering of countries in a position to support his efforts to carry out mandates entrusted to him by the General Assembly and the Security Council. He stated his intention to convene further informal meetings of the group.

In cooperation with UN agencies and programmes operating in Afghanistan, the Special Mission would continue to raise with the relevant authorities issues of equal treatment, the observance of human rights, and the unhindered provision of humanitarian assistance to the needy. The Mission would insist on strict respect for the privileges and immunities of UN staff and premises.

In conclusion, the Secretary-General stated that the suffering of the Afghan civilian population, who continued to bear the main brunt of the civil war, and the danger that that war created for regional stability, obliged the international community to intensify its search for a peaceful solution, despite the fact that certain Afghan parties seemed to continue to favour the military option. It was fortunate, he declared, that the great majority of Afghans wanted the United Nations to play a central role in the search for a solution.

**Communications.** In letters to the Security Council in 1996, a number of regional countries called on the Council to take urgent action in regard to the situation in Afghanistan.

Uzbekistan, on 23 July [S/1996/607], said the current situation of the ongoing war in Afghanistan was taking a dangerous turn. It was insufficient to concentrate only on the need for national reconciliation within Afghanistan as the principal means of a settlement, and an embargo on arms supplies to Afghanistan should be imposed.

The Security Council President, in a 22 August letter [S/1996/683] to the Secretary-General, stated, on behalf of the Council members, that the United Nations must continue to play a central role in international efforts towards a peaceful resolution of the Afghan conflict. The members took note of recent proposals to promote a peaceful settlement, including the proposal for an arms embargo as contained in the letter from

Uzbekistan, and had begun to discuss those proposals.

Noting the letters from Uzbekistan and the Council President, the Foreign Ministry of Afghanistan, in a 22 August statement [S/1996/685], said that national reconciliation was needed for a settlement in Afghanistan, and, in the same way, no other means of settlement, including an arms embargo, would be workable without national reconciliation. Afghanistan stated that it had the right to self-defence and any attempt to prevent it from strengthening its national defence would contradict the United Nations Charter. As far as implementation of the arms embargo against armed groups fighting the Government was concerned, Afghanistan considered those groups not legal subjects of international law and their accountability not credible. Furthermore, the implementation of such an arms embargo would be unattainable, it believed, given the long and unguarded frontiers of the country, and any proposed draft resolution of the Security Council needed to be thoroughly discussed with Afghanistan, its neighbours and other interested countries.

On 23 September [S/1996/773], Afghanistan called on the Secretary-General to send a fact-finding mission to witness the presence of Pakistani armed groups in Afghan provinces. Those aggressions, it added, must not go unpunished by the international community. Two days later [S/1996/781], Afghanistan, in a letter to the Security Council President, requested the convening of an emergency session of the Security Council to consider the alarming situation in Afghanistan emanating from a widespread incursion and aggression into Afghan territory by Pakistani militia forces in support of the Taliban.

#### SECURITY COUNCIL ACTION (September)

On 28 September, the President of the Security Council, on behalf of the Council, made the following statement [S/PRST/1996/40]:

The Security Council reiterates its grave concern about the military confrontation in Afghanistan.

The Council is also concerned at the violation of the United Nations premises in Kabul and expresses its dismay at the brutal execution by the Taliban of the former President of Afghanistan, Najibullah, and others who had taken refuge in these premises.

The Council demands that all parties fulfil their obligations and commitments regarding the safety of the United Nations personnel and other international personnel in Afghanistan. It calls upon all Afghans to cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies in their efforts to respond to the humanitarian needs of the people of Afghanistan.

The Council reaffirms its commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan. It calls for the immediate cessation of all armed hostilities and urgently calls upon the leaders of the Afghan parties to renounce the use of force, to put aside their differences and to engage in a political dialogue aimed at achieving national reconciliation. The Council also calls upon all States to refrain from interfering in the internal affairs of Afghanistan.

The Council reaffirms its full support for the efforts of the United Nations in Afghanistan, in particular the activities of the United Nations Special Mission to Afghanistan. It calls upon all parties to cooperate with the Special Mission, which will act as a key and impartial facilitator in order to bring about a peaceful solution to the conflict as soon as possible. The Council calls upon all States to take all steps necessary to promote peace in Afghanistan and to work together with the United Nations to this end.

The Council will continue to follow with close attention developments in Afghanistan.

Meeting number. SC 3699.

**Communications.** On 28 September [S/1996/810], Kazakhstan expressed concern over the recent events in Afghanistan, stating that further armed conflict could lead to destabilization of the region. Kazakhstan called for a Security Council meeting to draw up urgent measures to halt the bloodshed, bring about a political settlement and extend assistance to civilians and refugees. On 8 October [A/51/470-S/1996/838], Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan called for a Security Council meeting with a view to adopting urgent measures to halt the fighting in Afghanistan and achieve a political settlement, as well as to arrange for international humanitarian assistance to the civilian population and refugees. In a joint declaration of 4 October, they warned that war was getting nearer to the borders of Commonwealth of Independent States countries, and any actions that undermined stability on their borders with Afghanistan were inadmissible. They appealed to the parties to the conflict, first of all the Taliban, to call an immediate halt to hostilities.

Afghanistan, on 16 October [A/51/511-S/1996/855], forwarded to the United Nations a statement of the Supreme Military Council for the Defence of Afghanistan, which said that Afghanistan would observe an immediate ceasefire under the following conditions: that Taliban forces evacuate Kabul and their heavy weapons be withdrawn; that Kabul be recognized as a demilitarized zone; that a police force be formed under the supervision of the United Nations and the Organization of the Islamic Conference (OIC); and that negotiations commence to form an interim Government in Kabul. Afghanistan said it deemed it necessary that the Secretary-General use his good offices to

bring appropriate pressure on the Taliban through its supporters in order to secure general agreement on such a ceasefire.

On 9 October [S/1996/842], Afghanistan said that the continued reinforcement of the Taliban from Pakistani territory was taking place at the border, thus escalating tension and lessening the chance of a negotiated settlement under UN auspices. Afghanistan hoped that the United Nations would put under supervision certain border crossings where Taliban supporters were reportedly entering Afghanistan.

Afghanistan again complained on 18 October [A/51/527-S/1996/863] that Pakistan was sending forces to aid the Taliban, and repeated its request that the Security Council send a UN fact-finding mission to Afghanistan to interview captured Pakistani military officials and evaluate other evidence of intervention, including the use by the Taliban of some type of chemical or other internationally banned weapon against Afghanistan.

#### SECURITY COUNCIL ACTION (October)

The Security Council adopted **resolution 1076(1996)** on 22 October.

The Security Council,

Having considered the situation in Afghanistan,

Recalling the previous statements of the President of the Security Council on the situation in Afghanistan, including the statements of 15 February 1996 and of 28 September 1996, and the letter dated 22 August 1996 from the President of the Security Council addressed to the Secretary-General,

Recalling also General Assembly resolution 50/88 of 19 December 1995,

Noting the joint declaration made on 4 October 1996 by the leaders of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan concerning developments in Afghanistan,

Expressing concern over the continuation and recent intensification of the military confrontation in Afghanistan which have caused civilian casualties and an increase in refugees and displaced persons, and which seriously endanger the stability and peaceful development of the region,

Deeply concerned about the discrimination against women and other abuses of human rights in Afghanistan,

Stressing the need to prevent further civilian casualties, and noting in this context the proposals, inter alia, for an immediate ceasefire, exchange of prisoners of war and the demilitarization of Kabul,

Urging all Afghan parties to resolve their differences through peaceful means and achieve national reconciliation through political dialogue,

Stressing the importance of non-interference in the internal affairs of Afghanistan and the prevention of the flow of arms and ammunition to all parties to the conflict in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,



Convinced that the United Nations, as a universally recognized and impartial intermediary, must continue to play the central role in international efforts towards a peaceful resolution of the Afghan conflict,

Welcoming the willingness expressed by Member States during the Security Council meeting of 16 October 1996 to support the dialogue among all the parties and to facilitate the negotiations aimed at political settlement of the conflict,

1. Calls upon all Afghan parties immediately to cease all armed hostilities, to renounce the use of force, to put aside their differences and to engage in a political dialogue aimed at achieving national reconciliation and a lasting political settlement of the conflict and establishing a fully representative and broad-based transitional government of national unity;

2. Stresses that the main responsibility for finding a political solution to the conflict lies with the Afghan parties;

3. Calls upon all States to refrain from any outside interference in the internal affairs of Afghanistan, including the involvement of foreign military personnel, to respect the right of the Afghan people to determine their own destiny and to respect the sovereignty, independence, unity and territorial integrity of Afghanistan;

4. Calls upon all States immediately to end the supply of arms and ammunition to all parties to the conflict in Afghanistan;

5. Reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and drug trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities;

6. Expresses its regret at the civilian casualties inflicted by landmines and calls upon all parties in Afghanistan to desist from the indiscriminate use of landmines;

7. Requests the Secretary-General, in cooperation, as he deems it necessary, with interested States and international organizations, in particular the Organization of the Islamic Conference, to continue his efforts to promote the political process;

8. Reaffirms its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society;

9. Calls upon all Afghan parties to cooperate with the United Nations Special Mission to Afghanistan, and encourages all interested States and international organizations to take all steps necessary to promote peace in Afghanistan, to support the United Nations efforts to this end and to use any influence they have to encourage the parties to cooperate fully with the United Nations Special Mission to Afghanistan;

10. Demands that all parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel as well as their premises in Afghanistan, not hamper the flow of humanitarian assistance and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agen-

cies, in their efforts to respond to the humanitarian needs of the people of Afghanistan;

11. Denounces the discrimination against girls and women and other violations of human rights and international humanitarian law in Afghanistan, and notes with deep concern possible repercussions on international relief and reconstruction programmes in Afghanistan;

12. Calls upon all States and international organizations to extend all possible humanitarian assistance to the civilian population of Afghanistan;

13. Requests the Secretary-General to continue to keep the Security Council regularly informed on the basis of information received from the United Nations Special Mission to Afghanistan on the political, military and humanitarian situation, and to make recommendations on achieving a political settlement;

14. Requests the Secretary-General to submit a report on the implementation of the present resolution by 30 November 1996;

15. Decides to remain actively seized of the matter.

Security Council resolution 1076(1996)

22 October 1996 Meeting 3706 Adopted unanimously

10-nation draft (S/1996/865).

Sponsors: France, Germany, Italy, Kazakhstan, Kyrgyzstan, Republic of Korea, Russian Federation, Tajikistan, United States, Uzbekistan.

Meeting numbers. 3705, 3706.

**Communications.** Uzbekistan, in a statement on 23 October [S/1996/877], declared its support **for resolution 1076(1996)**. The further escalation of military hostilities in Afghanistan might have unpredictable consequences and threaten the security of all countries located in the region and all over the world, it said. Among other things, Uzbekistan favoured resolution of the problem exclusively through political means, by way of a peaceful dialogue with the participation of all political, regional, religious and ethnic groups.

Ireland transmitted a statement [A/51/635-S/1996/894] issued by the Presidency of the European Union (EU) on 28 October, expressing concern at the intensification of armed hostilities in Afghanistan and urging all parties to seek a settlement through negotiation. Calling on the parties to cooperate with the UN Special Mission, the EU urged all States to refrain from interfering in the internal affairs of Afghanistan; in particular, it said, the flow of arms from outside its borders must end. As a leading contributor of humanitarian aid, the EU was concerned about the possible repercussion of human rights violations on the beneficiaries of EU relief programmes in Afghanistan, and it looked forward to a dialogue with all the parties to ensure delivery of such aid.

Iran, by a 30 October letter [A/51/634-S/1996/890], forwarded a statement known as the Tehran Declaration, adopted at a Regional Conference on Afghanistan (29-30 October) in Tehran, and attended by representatives of China, India, Iran, Kazakhstan, Kyrgyzstan, the Russian Federation,

Tajikistan, Turkey and Turkmenistan. Those countries underlined their support for the United Nations and its Special Mission to Afghanistan, as well as for OIC. They supported the decision of the Secretary-General to convene an international conference of States with interest and influence in Afghanistan, with the aim of finding a political settlement. The Conference decided to take appropriate follow-up measures at the regional level within the UN framework, to pursue ways to bring about a cessation of hostilities.

On 4 November [A/51/654-S/1996/909], Afghanistan said that the lack of involvement on the part of the United Nations investigating Pakistani intervention had been justified by some UN authorities by what they described as a lack of hard evidence, despite mounting evidence to the contrary. Afghanistan noted, however, that in **resolution 1076(1996)** of 22 October, the Council for the first time referred to the "involvement of foreign military personnel". Afghanistan requested that the United Nations verify the presence of Pakistani military personnel in its territory, which it said constituted a major element behind the continuation of the conflict. In addition to the systematic violation of human rights by the Taliban, especially women's rights, many of its leaders had rejected the principles of democracy, including free elections, Afghanistan stated.

Kyrgyzstan, in a letter of 12 November [A/51/676-S/1996/937], reiterated its support for a political settlement and offered its capital, Bishkek, as the venue for an international conference on Afghanistan under UN auspices, proposing that it be held at ministerial level, with the participation of Security Council members and those countries which were interested in and had influence in Afghanistan, and possibly the parties to the conflict.

The Secretary-General informed the Security Council President on 20 November [S/1996/966] of his follow-up action to **resolution 1076(1996)**. He said he had invited a group of 19 interested Member States, together with OIC, to a meeting of consultation in New York on 18 November to brief them on UN political, humanitarian and developmental efforts in Afghanistan, and on what they could do to support those efforts, particularly in regard to a ceasefire and the initiation of a political process towards a negotiated settlement. Those invited were China, Egypt, France, Germany, India, Iran, Italy, Japan, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Saudi Arabia, Tajikistan, Turkey, Turkmenistan, the United Kingdom, the United States and Uzbekistan.

There was a consensus that there was no military solution to the conflict in Afghanistan, but a need for an immediate ceasefire, including the demilitarization of Kabul. The participants expressed readiness to join in coordinated international efforts to help the Afghan parties achieve a political settlement. The situation, in their view, was intolerable in terms of suffering and the threats that it presented in terms of regional destabilization, of drugs, of terrorism and of illegal arms flows. All participants confirmed that the United Nations had a central role to play in helping the Afghan parties define a peace process. The Secretary-General found the meeting to be a useful first gathering of a group of countries well placed to support his efforts to carry out UN mandates regarding Afghanistan.

In a similar letter of 20 November [A/51/689] to the General Assembly President, the Secretary-General, referring to a 1995 Assembly request that he pursue national reconciliation in Afghanistan [YUN 1995, p. 471], reported on the 18 November meeting.

On 17 December, the Security Council President responded [S/1996/1051] that members welcomed the Secretary-General's initiative to convene the 18 November meeting and his intention to convene further informal meetings of that group from time to time, as well as the participants' support for the role of the United Nations in promoting the peace process. The Council members remained concerned at the ongoing civil war and reports of acts of discrimination against women, as well as obstacles created to activities of the United Nations and humanitarian agencies.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/195 B**.

#### **The situation in Afghanistan and its implications for international peace and security**

The General Assembly,

Recalling its resolutions 49/140 of 20 December 1994 and 50/88 B of 19 December 1995,

Recalling also Security Council resolution 1076(1996) of 22 October 1996, the previous statements of the President of the Security Council on the situation in Afghanistan, including the statements of 15 February and 28 September 1996, and the letter dated 22 August 1996 from the President of the Security Council addressed to the Secretary-General,

Taking note of the report of the Secretary-General of 26 November 1996 and of his letters dated 20 November 1996 addressed to the President of the General Assembly and the President of the Security Council,

Noting all recent declarations by participants of regional international meetings and by international organizations on the situation in Afghanistan, including the statement by the Organization of the Islamic Con-

ference ministerial meeting of 2 October 1996, the joint declaration made on 4 October 1996 by the leaders of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan, the statement issued on 28 October 1996 by the Presidency on behalf of the European Union and the Tehran Declaration of 30 October 1996,

Welcoming the initiative of the Secretary-General to convene the international meeting on Afghanistan on 18 November 1996 in New York and his intention to convene further meetings of the group from time to time,

Wishing the people of Afghanistan peace and prosperity,

Strongly committed to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Expressing concern at the continuation and recent intensification of the military confrontation in Afghanistan, which have caused civilian casualties and an increase in refugees and displaced persons, and which seriously endanger the stability and peaceful development of the region,

Deeply concerned about the discrimination against women and girls and other recurring abuses of human rights in Afghanistan, and emphasizing the importance of democracy and of the realization of human rights in any future political process in Afghanistan,

Deeply concerned also about the lack of progress in reaching an agreement on the establishment of an acceptable and broadly representative council and an immediate and durable ceasefire and urging all Afghan parties to resolve their differences through peaceful means and achieve national reconciliation through political dialogue,

Affirming the readiness of the United Nations to assist the people of Afghanistan in their effort to resolve internal political differences, facilitating national reconciliation leading to the restoration of a fully representative, broad-based transitional government of national unity and to the start of the process of rehabilitation and reconstruction in their country,

Convinced that the United Nations, as a universally recognized intermediary, must continue to play a central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict,

Expressing its support for the continuing efforts of the United Nations Special Mission to Afghanistan headed by Mr. Norbert Holl to bring about the restoration of peace, normalcy and national reconciliation, through a political process in which all segments of Afghan society are represented,

Expressing its appreciation for the efforts of the Organization of the Islamic Conference in support of the Special Mission and the engagement of that organization in Afghanistan, in coordination with the United Nations, with a view to achieving a just and lasting political settlement,

Stressing the need to prevent further civilian casualties,

Stressing also the importance of non-intervention and non-interference in the internal affairs of Afghanistan,

Deeply concerned at the continued supply of weapons, military equipment and ammunition to the Afghan parties, which has further contributed to the deaths of innocent civilians and the destruction of cities, villages

and homes and has encouraged the factions in their futile efforts to settle political differences by military means,

Expressing its mounting concern about actions undermining the security of State frontiers, including the growing illicit traffic in arms and narcotics by criminal elements and groups from certain areas of Afghanistan and about the use of Afghan territory for the training and harbouring of terrorists, which create a threat to peace and stability in the entire region, including Afghanistan,

Bearing in mind that Afghanistan, as a State party to the Convention for the Protection of the World Cultural and Natural Heritage of 16 November 1972, has recognized its primary duty to ensure the identification, protection, conservation, presentation and transmission to future generations of, inter alia, the cultural heritage situated on its territory,

Bearing in mind also the close interrelationship between ensuring peace and normalcy in Afghanistan and the ability of the country to take effective steps towards revitalizing the economy, and stressing that a cessation of armed hostilities between the warring parties in Afghanistan and political stability are indispensable if reconstruction measures are to have a lasting effect,

1. Takes note of the report of the Secretary-General, and endorses the observations and recommendations set out therein;

2. Stresses that the main responsibility for finding a political solution to the conflict lies with the Afghan parties;

3. Calls upon all Afghan parties to cease immediately all armed hostilities, to renounce the use of force, to put aside their differences and to engage in a political dialogue aimed at achieving national reconciliation and a lasting political settlement of the conflict and establishing a fully representative and broad-based transitional government of national unity;

4. Supports the Secretary-General in his continuing efforts, undertaken in cooperation with the Afghan parties and with interested States and international organizations, in particular the Organization of the Islamic Conference, to promote the political process aimed at achieving national reconciliation in Afghanistan;

5. Reaffirms its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan, in facilitating, where appropriate in cooperation with interested States and international organizations, the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society;

6. Calls upon all Afghan parties to cooperate with the United Nations Special Mission, and encourages all interested States and international organizations to take all steps necessary, in close coordination with the United Nations Special Mission, to promote peace in Afghanistan, to support the United Nations efforts to this end and to use any influence they have to encourage the parties to cooperate fully with the United Nations Special Mission;

7. Demands that all Afghan parties fulfil their obligations and honour their commitments regarding the safety and full freedom of movement of United Na-

tions personnel, in particular the personnel of the United Nations Special Mission, as well as the security of their premises in Afghanistan;

8. Requests the Secretary-General to authorize the United Nations Special Mission to Afghanistan, established under resolution 48/208, to continue its efforts to facilitate national reconciliation and reconstruction in Afghanistan, specifically to mediate an end to the conflict and to facilitate the implementation of a comprehensive peaceful settlement, to be agreed upon by the Afghan parties, which could include, *inter alia*, the following elements:

- An immediate and durable ceasefire among the Afghan parties, to be supervised by a commission composed of representatives of all the warring parties, facilitated by the United Nations and the Organization of the Islamic Conference;
- The demilitarization of Kabul, with adequate safeguards to ensure security and public order;
- The establishment of a broad-based and fully representative authoritative council, with authority, *inter alia*:

To create and control a national security force to provide for security throughout the country and oversee the demobilization of all the warring parties through the collection and safeguarding of all heavy weapons in the country, and to stop the flow of arms and of equipment related to arms production to the parties;

To form a fully representative and broad-based transitional government which would, *inter alia*, control the national security force and create conditions for free and fair elections leading to a representative national government, possibly utilizing traditional decision-making structures, such as a grand assembly, to help to establish those conditions throughout the country;

9. Expresses its support for the proposal by the Secretary-General to further strengthen the United Nations Special Mission by increasing the number of its military advisers from the current two to five and also by assigning to it two civilian police advisers;

10. Reiterates its call upon all Afghans, especially the leaders of warring parties, to cooperate fully with the broad-based authoritative council, priority being given to the implementation of the steps referred to in paragraph 8 above;

11. Deplores the civilian casualties inflicted by the indiscriminate use of landmines, and calls upon all Afghan parties to desist from such use;

12. Denounces the discrimination against girls and women and other violations of human rights in Afghanistan, and calls upon all Afghan parties to respect the human rights of every individual, regardless of gender, ethnicity or religion;

13. Denounces also violations of international humanitarian law in Afghanistan, and urgently calls upon all parties strictly to respect all its provisions;

14. Calls upon all Afghan parties to take appropriate steps to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of and any acts of vandalism directed against, cultural property of the Afghan nation;

15. Calls upon all States strictly to refrain from any outside interference in the internal affairs of Afghanistan, including the involvement of foreign military personnel, to respect the right of the Afghan people to determine their own destiny and to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan;

16. Also calls upon all States immediately to end the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict in Afghanistan;

17. Reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and drug-trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities;

18. Supports the intention of the Secretary-General to move the headquarters of the United Nations Special Mission to Kabul when conditions permit;

19. Requests the Secretary-General to report to the General Assembly every three months during its fifty-first session on the progress of the United Nations Special Mission and to report to the Assembly at its fifty-second session on the progress made in the implementation of the present resolution;

20. Decides to include in the provisional agenda of its fifty-second session the item entitled "The situation in Afghanistan and its implications for international peace and security".

General Assembly resolution 51/195 B

17 December 1996 Meeting 87 Adopted without vote

57-nation draft (A/51/L.49 & Add.1); agenda item 39.

Financial implications. 5th Committee, A/51/736; S-G, A/C.5/51/40.

Meeting numbers. GA 51st session: 5th Committee 44; plenary 84, 87.

**Further communication.** On 24 December [A/51/766-S/1996/1072], Iran forwarded to the Secretary-General the text of an Iranian-Russian statement on Afghanistan adopted in Tehran on 23 December at a meeting of the two Foreign Ministers. By that text, the Ministers expressed concern that, as a result of the military action in Afghanistan, the civilian population was suffering and the number of refugees was rising. They condemned what they described as serious violations of human rights, persecution on political and ethnic grounds and violation of the norms of international law, including actions that prevented the normal conduct of UN activities. They warned that further internal conflict could endanger stability in the region, and called for a ceasefire and a halt to outside interference in the internal affairs of Afghanistan. They added that they would continue to exchange views on issues relating to the settlement of the inter-Afghan conflict and were willing to cooperate actively with the United Nations, OIC and interested States with a view to adopting urgent measures to halt hostile action in Afghanistan and bring about a political settlement.

## Tajikistan

United Nations efforts in 1996 proceeded with regard to the ongoing inter-Tajik negotiations, begun under UN auspices in Ashgabat, Turkmenistan, on 30 November 1995 [YUN 1995, p. 503]. A series of consultations was held with the parties to the conflict, the Tajik Government and the United Tajik Opposition (UTO). For most of the year, little progress was made and fighting continued sporadically, with the opposition gaining some ground. Tajikistan claimed that Afghanistan was aiding the opposition forces, and the situation along the Afghan-Tajik border became tense. Despite a ceasefire agreement signed in mid-July, fighting continued. In early December, the Secretary-General reported that negotiations were at a standstill and fighting was ongoing. However, at the end of the year, the two sides were able to reach an agreement on a ceasefire and they established a Commission on National Reconciliation, which was to function during a transition period until a new parliament was established and authorities appointed. Its responsibilities included monitoring the ceasefire agreement, ensuring the return of refugees, developing proposals for amendments to the existing Constitution, preparing new election laws for Parliament and local bodies, and reforming the structure of the Government. By the agreement, signed on 23 December, the two sides pledged to meet again in Tehran, Iran, on 5 January 1997, to determine the composition of the Commission and its specific functions and powers.

The United Nations Mission of Observers in Tajikistan (UNMOT), established in 1994 [SC res. 968(1994)], continued to assist the Joint Commission of the Tajik parties in investigating violations of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks (the Tehran Agreement) of 17 September 1994 [YUN 1994, p. 594]. The Mission maintained liaison with the Collective Peacekeeping Forces (CPF) of the Commonwealth of Independent States (CIS), which were also present in Tajikistan, and with the office of the Organization for Security and Cooperation in Europe (OSCE).

During the year, the Secretary-General submitted four reports on the situation in Tajikistan, and the Security Council, on two occasions, renewed the UNMOT mandate, the second time for a three-month period, until 15 March 1997.

**Communications (January-March).** The Foreign Ministers of Kazakhstan, Kyrgyzstan, the

Russian Federation, Tajikistan and Uzbekistan met on 19 January and issued a joint statement on Tajikistan, which they forwarded to the Secretary-General on 1 February [S/1996/77]. Affirming their conviction that a settlement of the conflict in Tajikistan could be achieved only by political means, they expressed their readiness to work towards sustaining the inter-Tajik negotiating process under UN auspices. They stated that the first stage of the fifth round of inter-Tajik talks on national reconciliation, held at the end of 1995 in Ashgabat [YUN 1995, p. 505], was not promising, but they expected the negotiators to begin the second stage of the round in the near future in an effort to find a formula for national reconciliation and to create a mechanism for establishing peace. For successful advancement of the negotiating process, they believed there was one essential prerequisite—compliance with the Tehran Agreement.

The Ministers expressed concern at the continuing tension on the Tajik-Afghan border as a result of further shelling and attacks on frontier positions. In that context, they noted the important role played by the Russian frontier forces and the Kazak and Kyrgyz units in ensuring that the border was protected. They also recognized that the presence in Tajikistan of CPF remained a vital factor in curbing the conflict and stabilizing the situation; in that light, the CIS decision to extend the Forces' stay until 30 June 1996 assumed great importance. The Ministers urged the Tajik opposition to recognize the existing Government of Tajikistan, to abstain from military action and terrorist acts and to pursue political dialogue. They welcomed the 14 December 1995 decision by the Security Council [SC res. 1030(1995)] to extend the mandate of UNMOT and pledged to do all possible, in cooperation with the Secretary-General and States attending the inter-Tajik talks as observers, to facilitate reconciliation and to promote the inter-Tajik dialogue.

In an 8 February statement [S/1996/95], Tajikistan said that, despite its efforts to resolve the issues of the inter-Tajik conflict, the continuation of the uninterrupted round of inter-Tajik talks in Ashgabat, and the Government's observance of the Tehran Agreement, the situation in the Pamir regions of Tajikistan remained tense as a result of the opposition's illegal actions. Opposition guerrillas had increased military activity, were violating the 1949 Geneva Convention relative to the Treatment of Prisoners of War and had occupied a number of inhabited locations. Tajikistan warned that it would take appropriate measures to ensure stabilization of the situation.

Similar claims were again made by Tajikistan in a 12 February statement [S/1996/105]. It charged that the opposition continued to perpetrate acts

of terrorism and sabotage against both the military and civilians. Meanwhile, the Government was observing the ceasefire and was putting forward new proposals at the negotiations. Tajikistan called on the international community to condemn the terrorist acts of the opposition.

On 23 February [S/1996/129], Tajikistan forwarded to the Security Council the text of the Ashgabat Declaration adopted during the second phase of the inter-Tajik negotiations, held under UN auspices from 26 January to 19 February. At those talks, the delegations of Tajikistan and UTO discussed the political problems identified in the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 [YUN 1995, p. 502], and the proposals put forward by the Special Envoy of the Secretary-General. Those talks would be continued. Tajikistan called for the holding of a special session of the Majlis-i Olii (Parliament), with the participation of the UTO leadership, the Special Envoy of the Secretary-General and representatives of the States and organizations acting as observers at the inter-Tajik talks. In addition, Tajikistan pledged to guarantee the security of the UTO delegation.

During the review of political problems, the two parties discussed the convening of a consultative forum of the peoples of Tajikistan and prepared the text of an agreement on the subject which would be opened for signature after agreement was reached on when the forum would be held—before or after the signature of the General Agreement on Peace and National Accord. The issue of the establishment of a National Reconciliation Council was also discussed.

The parties expressed readiness to extend the temporary ceasefire but no definite solution was found. They agreed to renew talks in Ashgabat.

By a 13 March letter [S/1996/187], Tajikistan transmitted to the Secretary-General the text of a 9 March Agreement on social accord in Tajikistan, which was intended to lay the basis for the socio-political and national solidarity of the Tajik and other peoples in building an open, free and pluralistic society. It was based on the principles of observance of the Constitution, peaceful methods for achieving political objectives, diversity of views, the multi-party system, and equality of rights of the parties to the Agreement. Concluded by the President of Tajikistan, the Chairman of the Majlis-i Olii and the leaders of political parties, social associations, unions of creative professionals, religious organizations and cultural societies, the Agreement outlined the Government's responsibility to adopt legislation aimed at democratization of public life and protection of human rights; to create equal opportunities for the activities of socio-political bodies,

cultural societies and religious organizations; to promote unity of State structures at all levels on the basis of a personnel policy excluding local and regional bias; to guarantee equal access to the mass media; and to pursue a policy aimed at stabilizing the economy and raising the living standard of the population.

The progress of inter-Tajik talks on national reconciliation was the subject of an 11 March resolution adopted by the Majlis-i Olii and transmitted on 14 March [S/1996/193] by Tajikistan to the Secretary-General. Affirming that the talks, which had begun nearly two years earlier with the mediation of the United Nations, had been an important step towards the settlement of major political problems, the Parliament supported the position adopted at the talks by the governmental delegation on convening a consultative forum of the people of Tajikistan in accordance with the August 1995 Protocol. It requested the Government to establish a group of consultants to provide the delegation with specialized advisory services; to continue radio and television broadcasts on the topic of national reconciliation; to submit a proposal on taking a census of the population; and to submit to the United Nations a proposal on monitoring posts and joint observation committees in the regions of Afghanistan situated on the Tajik border in which armed groups of the Tajik opposition were concentrated.

**Report of Secretary-General (March).** On 22 March [S/1996/212], the Secretary-General, as requested by the Security Council in 1995 [YUN 1995, p. 504], reported on the situation in Tajikistan, including progress towards a political settlement of the conflict and UNMOT operations. The continuous inter-Tajik negotiations under UN auspices had begun in Ashgabat on 30 November 1995, but were overshadowed by fighting which persisted until mid-December, when the situation gradually began to calm down. The Government presented a proposal for establishing a consultative forum of the peoples of Tajikistan, to be convened in Dushanbe in May/June 1996 on the basis of equal representation by the Government and the opposition. It would consider the improvement of political, economic and social reforms and would have consultative status; its recommendations would be adopted by consensus. The opposition delegation rejected the concept of the consultative forum, asserting that the Dushanbe meeting was proposed as a means to avoid consideration of major political issues.

The UTO delegation presented proposals on political and military issues, as well as guarantees for the implementation of a general peace agreement. It suggested establishing a Council of National Reconciliation for a transitional period of

up to two years. The Council would consist of 25 representatives from each of the two sides and 10 representatives of ethnic minorities. It would replace the Majlis-i Olii, which would be disbanded. The current President would continue his functions and, together with the Council, would form a new Government. The Council would prepare new parliamentary elections and would cease to exist once the new parliament was elected, and new presidential elections would be held six months later. Those proposals were rejected by the Government as unconstitutional and as having the potential to destabilize the country.

On 22 December 1995, the delegation of the opposition presented its own proposals on the establishment of a consultative forum of the Tajik peoples; however, they were not accepted by the other side. That was the first time that the two sides discussed the central political issues, including power-sharing, but they were unable to reach agreement.

At the end of 1995, the delegation of the opposition unexpectedly declared that it would not renew the talks unless the CIS heads of State, at their meeting in January 1996, defined their position with regard to a political settlement in Tajikistan, and supported that position with concrete acts. That condition created a serious obstacle to the resumption of inter-Tajik talks, but with concerted efforts by the Secretary-General's Special Envoy and interested Governments, particularly Turkmenistan, the talks resumed on 26 January.

The beginning of the second phase, which lasted from 26 January to 18 February, was adversely affected by violence and instability in Tajikistan. Armed insurrections occurred in several locations. The insurgents made a number of demands, including the replacement of senior government officials, the partition of Khatlon province and an amnesty for themselves. The Government met some of the demands, including the replacement of some officials and the amnesty. As that crisis was calming down, fighting resumed in the Tavildara sector on 29 January. The opposition inflicted heavy losses on the governmental forces and took a large number of prisoners.

During the second phase of the Ashgabat talks, the Government proposed holding a special session of Parliament to consider the inter-Tajik negotiations, modalities of integration of opposition representatives into the Government, and ways to integrate opposition military units into the Government's forces. In addition, the Government accepted the opposition's proposals of 22 December on the establishment of a consultative forum of the Tajik peoples, and a draft agree-

ment on the forum was drawn up. However, the two sides disagreed on the timing of its convening. The Government suggested it could meet periodically, before and after the signing of the general peace agreement, while the opposition, changing its position, said that the forum should be convened only after the signing of the general peace agreement and after the establishment of the council of national reconciliation. Nevertheless, the two sides agreed that the draft agreement would remain open for signature after the timing problem was resolved and that the proceedings of the Parliament's special session should be fully publicized in the mass media.

The Secretary-General's Special Envoy, Ramiro Príz-Ballón (Uruguay), presented compromise proposals on the political and military issues. The Government accepted the proposals as the basis for further negotiations, the opposition accepted some (but not those on power-sharing), and they agreed to renew the talks in Ashgabat.

As the United Nations and others, notably Iran and the Russian Federation, pursued efforts towards a ceasefire, a serious event occurred in Dushanbe on 24 February, when the opposition co-chairman of the Joint Commission, Zafar Rakhmonov, was reported to have been kidnapped. As of 22 March, his fate was still unknown. The other four opposition members of the Joint Commission in Dushanbe left Tajikistan for safety reasons. The Presidium of the Parliament decided on 28 February to hold a special session of Parliament on 11 March, in accordance with the Ashgabat Declaration, and requested the United Nations to facilitate the participation of the opposition leaders in the session. In a 5 March letter to UNMOT, the Tajikistan Foreign Ministry reconfirmed guarantees for the security and immunity of the opposition delegation.

The Secretary-General sent his Special Adviser, Ismat Kittani, to the area, and, as a result of talks, the Tajik opposition agreed to extend the ceasefire agreement for another three months until 26 May. However, the Tajik opposition decided not to participate in the special session of the Parliament, citing security concerns.

At its special session on 11 March, the Tajik Parliament considered the inter-Tajik negotiations and problems related to national reconciliation. Most speakers expressed support for continuing negotiations and regret over the absence of the opposition leaders. The proceedings were broadcast over national radio and television.

The Secretary-General commented that the renewal of inter-Tajik negotiations in Ashgabat had raised hopes for progress towards a peace

agreement, but, in reality, little progress had been achieved.

The Secretary-General also expressed concern about the deterioration of the humanitarian situation in Tajikistan, particularly in the areas affected by the military confrontation. Over 600,000 people were in need of food assistance. Continued donor support was required to respond to the emergency.

**UNMOT activities (January-March).** In early 1996, UNMOT's activities were largely determined by the political and military situation, the Secretary-General stated in his March report [S/1996/212]. It carried out 19 investigations, 4 of which were conducted with the Joint Commission and 15 independently.

During periods of high tension in February and March, UNMOT observers were harassed and their movement restricted by government personnel.

#### SECURITY COUNCIL ACTION (March)

On 29 March, the President of the Security Council issued the following statement [S/PRST/1996/14] on behalf of the Council:

The Security Council has considered the report of the Secretary-General on the situation in Tajikistan of 22 March 1996.

The Security Council regrets that insufficient progress has been achieved during the continual round of the inter-Tajik talks in Ashgabat towards the solution of fundamental political and institutional issues. It calls upon the Tajik parties to accelerate substantially their efforts to reach agreement on the basis of the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995. It urges them to negotiate constructively and in good faith and to search for solutions on the basis of mutual concessions and compromises.

The Security Council is deeply concerned about the violations of the Tehran ceasefire agreement of 17 September 1994, and in particular about the ongoing fighting in the Tavildara region. It appeals to the Tajik parties to comply strictly with all their obligations undertaken under this agreement. It reminds them that the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) is subject to the proviso that the Tehran ceasefire agreement remains in force and the parties continue to be committed to an effective ceasefire, to national reconciliation and to the promotion of democracy. The Council notes with concern that the ongoing military operations and other violations of the ceasefire create doubt regarding the parties' commitment to an effective ceasefire.

The Security Council acknowledges the extension of the ceasefire by the parties for a further three months until 26 May 1996. It is concerned, however, that the ceasefire has only been extended for this short period. The Council fully supports the appeal by the Secretary-General to the Tajik opposition con-

tained in his report to agree to the extension of the ceasefire agreement for the duration of the inter-Tajik talks.

The Security Council reiterates the importance of direct political dialogue between the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan (IRMT) for the peace process and encourages them to hold the next meeting as soon as possible.

The Security Council welcomes the position of the Majlis-i Olii (Parliament) of Tajikistan which at its special session on 11-12 March 1996 expressed its strong support for the efforts to achieve national reconciliation and for the search for compromise at the inter-Tajik talks held under the auspices of the United Nations. It regrets that the leaders of the IRMT declined to participate in the special session of the Majlis-i Olii.

The Security Council expresses its deep concern over the kidnapping on 24 February 1996 of the opposition co-chair of the Joint Commission and calls on the Tajik Government to intensify its investigation into this incident. The Council joins the Secretary-General in calling on the Government to provide the necessary security guarantees to allow the Joint Commission to function safely and effectively.

The Security Council expresses its hope that the Agreement on social accord in Tajikistan signed on 9 March 1996 in Dushanbe by the leaders of Tajikistan and of political parties, social movements and ethnic communities will contribute to national reconciliation.

The Security Council expresses its serious concern at the deterioration of the humanitarian situation in Tajikistan. It calls upon Member States and others concerned to respond promptly in support of the humanitarian relief efforts of the United Nations and other international organizations.

The Security Council welcomes the positive role played by UNMOT under difficult circumstances. The Council expresses deep concern over recent incidents in which UNMOT personnel were harassed and threatened and reiterates its call to the parties to cooperate fully with UNMOT and to ensure the safety and freedom of movement of the personnel of the United Nations and other international organizations.

The Security Council is concerned about delays in the establishment of a liaison post of UNMOT at Taloqan (northern Afghanistan) and encourages the relevant Afghan authorities to facilitate its opening.

The Security Council welcomes the creation of the office of an independent ombudsman for human rights in Tajikistan with the help of the Organization for Security and Cooperation in Europe and expresses the hope that his activities will contribute to a lessening of tensions.

The Security Council commends the tireless efforts of the Secretary-General's former Special Envoy in Tajikistan Mr. Pérez-Ballón. It understands that his successor will be appointed promptly and expresses the hope that the new Special Envoy will begin without delay the preparation of the next phase of the continual round of the inter-Tajik talks which should be convened as soon as possible.



### **Special Representative of Secretary-General.**

The Secretary-General, on 26 April [S/1996/326] informed the Security Council members of his decision to appoint Gerd Merrem (Germany), Deputy Executive Director of the United Nations International Drug Control Programme, as his Special Representative for Tajikistan, following the resignation of Mr. Píriz-Ballón, who was taking up a position in the Ministry of Foreign Affairs of Uruguay. The Special Representative would be based in Dushanbe, where he would perform the functions of Head of UNMOT and provide good offices in the inter-Tajik political dialogue.

On 2 May [S/1996/327], the Security Council President informed the Secretary-General that the Council members welcomed his decision.

**Communication (May).** By a 14 May letter [S/1996/354] to the Security Council President, the President of Tajikistan, Emomali Rakhmonov, drew attention to the increasing deterioration in the social and political situation in certain regions of his country as a result of what he described as the reluctance of the opposition forces to settle outstanding questions by peaceful means, particularly through the inter-Tajik talks being held under UN auspices. An armed wing of the opposition had begun to wage military operations against the government forces in the Tavildara region, presumably with the consent of the leaders of the Tajik opposition, he said, adding that those activities were contrary to the terms of the Tehran Agreement on a temporary ceasefire. The Government accepted the UNMOT appeal for an immediate ceasefire and hoped that the opposition would respond similarly.

### **SECURITY COUNCIL ACTION (May)**

On 21 May, the President of the Security Council made the following statement [S/PRST/1996/25] on behalf of the Council:

The Security Council condemns the recent violations of the Tehran ceasefire agreement of 17 September 1994, in particular the planned and organized offensive by the armed Tajik opposition in the Tavildara region. It strongly deplores the loss of life of civilians and of members of the Commonwealth of Independent States Collective Peacekeeping Forces as a result of acts of violence. It affirms that such acts are totally unacceptable.

The Security Council expresses its grave concern that all such actions further aggravate the already serious humanitarian situation in Tajikistan. It demands the immediate cessation of the offensive actions and acts of violence.

The Security Council reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders.

The Security Council emphasizes its support for the extension of the ceasefire agreement for the whole duration of the inter-Tajik talks, and notes that the Islamic Revival Movement of Tajikistan (IRMT) has agreed to extend the ceasefire, albeit only for a further three months. It calls upon the parties to demonstrate their commitment to peace by strict compliance with the ceasefire and other obligations which they have assumed, as well as with the relevant resolutions of the Security Council. It also reminds the parties that the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) is subject to the proviso that the ceasefire agreement remains in force and that the parties continue to be committed to an effective ceasefire, to national reconciliation and to the promotion of democracy.

The Security Council commends the personnel of UNMOT for their contribution under difficult circumstances. It expresses its concern at the restrictions placed upon UNMOT by the parties and calls upon them, in particular the Government of Tajikistan, to ensure the safety and freedom of movement of the personnel of the United Nations and other international organizations.

The Security Council calls upon both parties to resolve their differences over the functioning of the Joint Commission, including the issue of security guarantees for Commission members, and to recommence the operations of the Commission as soon as possible.

The Security Council is concerned that the worsening humanitarian situation makes it all the more urgent to obtain the required resources and calls upon Member States and others concerned to respond promptly in support of the humanitarian relief efforts of the United Nations and other international organizations.

The Security Council invites the Secretary-General and his Special Representative to continue their efforts aimed at the earliest possible resumption of the inter-Tajik talks and calls upon the countries and regional organizations acting as observers at those talks to render all possible support to those efforts.

Meeting number SC 3665.

**Report of Secretary-General (June).** In his second report [S/1996/412] in 1996 on the situation in Tajikistan, the Secretary-General said that the situation had been very tense, with the most serious developments taking place in the Tavildara sector. In March and April, the Government took advantage of a static period in that sector to reinforce its troops and imposed severe restrictions on UNMOT movements during the entire time. UNMOT was also unable to observe the activities of the opposition on its side of the confrontation line.

Fighting had escalated in early May. The opposition launched an offensive, and by 11 May, had occupied a ridge overlooking Tavildara and started shelling the town. UNMOT was withdrawn, and the following day, the opposition took Tavildara. After the fall of Tavildara, the Govern-

ment continued to reinforce its forces in the surrounding area but they were under constant harassment from opposition fighters.

On 2 June, government forces began a counter-offensive at Tavildara, but little information was available at reporting time as UNMOT observers had no access to the area and neither side had provided details. In the rest of the country the situation was relatively calm, although the Russian border forces reported sporadic attacks by the opposition against border posts in the Moskovskiy district.

As for the negotiating process, it had come to a stalemate as a consequence of the renewed fighting. The new Special Representative for Tajikistan, Mr. Merrem, undertook his first mission to the area from 7 to 20 May. In addition to Tajik leaders, he met with the Foreign Ministers of Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Turkmenistan and Uzbekistan and with the Deputy Foreign Minister of Iran. The Special Representative reported that the ceasefire had been extended for another three months, until 26 August, without conditions. President Rakhmonov reiterated that his Government would favour the extension of the ceasefire agreement for the entire duration of the inter-Tajik negotiations, while UTO agreed to extend it for three months and issued a declaration to that effect, signed by its leader, Sayed Abdullo Nuri.

In his talks with the Special Representative, President Rakhmonov singled out one issue, the establishment of a consultative forum of the Tajik peoples, which he said had to be discussed as a priority issue during the resumed inter-Tajik talks.

The UTO leader, Mr. Nuri, suggested that the inter-Tajik talks be resumed as soon as possible. He reiterated a proposal to establish a Council of National Reconciliation as the only solution to the Tajik problem.

The Secretary-General expressed concern at the deterioration of the situation in Tajikistan, which was at its worst and most volatile since the end of the civil war of 1992 [YUN 1992, p. 394]. Large-scale fighting in the Tavildara region had resulted in many human losses, the interruption of communication between the capital and a large part of the country, and an aggravation of the humanitarian situation. UNMOT reported continued fighting, raising serious questions about the sincerity of the Tajik parties, both of which had declared that the conflict could not be resolved by military means and that they were willing to resume the inter-Tajik negotiations. Therefore, the Secretary-General recommended that the Council extend the mandate of UNMOT for another six months. If at the end of that pe-

riod prospects for progress had not improved, he would recommend that the Council review the UN commitment in that theatre. The first priority remained the restoration of the ceasefire.

The Joint Commission did not function during the reporting period because of the absence of the opposition members, and the Government took no steps towards guaranteeing their security, which was a condition for their return. UNMOT carried out investigations of possible ceasefire violations and communicated the results to the parties. Its activities were severely impeded by restrictions on its movements.

UNMOT maintained contact with the Russian border forces and the CIS peacekeeping forces, both at headquarters and in the field, and cooperated with the OSCE Mission. At the beginning of June, UNMOT had a strength of 94, including 44 military observers from nine countries and 50 civilian staff, of whom 18 were recruited internationally. In addition to its headquarters in Dushanbe, UNMOT maintained eight teams throughout the country.

During the reporting period and throughout the year, UN bodies were represented in Tajikistan—the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the International Monetary Fund (IMF) and the World Bank. In early 1996, UNICEF and WFP launched appeals to address the crisis in the food, health and education sectors, and provided food, agricultural items, clothing, shelter, educational materials, medicines and expert services. UNHCR continued to provide assistance in connection with legislation and due process associated with internally displaced persons and refugees. (For further details on humanitarian assistance to Tajikistan, see PART THREE, Chapter III).

#### SECURITY COUNCIL ACTION (June)

On 14 June, the Security Council adopted **resolution 1061(1996)**.

The Security Council,

Recalling all its relevant resolutions and the statements of its President,

Having considered the report of the Secretary-General of 7 June 1996,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Expressing its grave concern at the serious deterioration of the situation in Tajikistan and stressing the urgent need for the Tajik parties to adhere sincerely and in good faith to the commitments they have made,

Recalling the commitments made by the parties to resolve the conflict and to achieve national reconciliation

in the country exclusively through peaceful, political means on the basis of mutual concessions and compromises and stressing the inadmissibility of any hostile acts in Tajikistan and on the Tajik-Afghan border,

Stressing the need for an early resumption of talks between the Government of Tajikistan and the United Tajik Opposition (UTO), expressing its hope that substantive progress will be achieved as soon as possible towards a political settlement of the conflict and encouraging the efforts of the Secretary-General and his Special Representative in this direction,

Emphasizing that the primary responsibility rests with the Tajik parties themselves in resolving their differences, and that the international assistance provided by this resolution must be linked to the process of national reconciliation and the promotion of democracy,

Expressing its satisfaction at the regular contacts between the United Nations Mission of Observers in Tajikistan (UNMOT) and the Collective Peacekeeping Forces of the Commonwealth of Independent States, the Russian border forces and the Mission of the Organization for Security and Cooperation in Europe in Tajikistan,

1. Expresses its appreciation for the report of the Secretary-General of 7 June 1996;

2. Calls upon the parties immediately to cease hostilities and to comply fully with the Tehran Agreement and all the other obligations they have assumed, and strongly urges them to extend the ceasefire for the whole duration of the inter-Tajik talks;

3. Decides to extend the mandate of UNMOT until 15 December 1996 subject to the proviso that the Tehran Agreement remains in force and the parties demonstrate their commitment to an effective ceasefire, to national reconciliation and to the promotion of democracy and further decides that this mandate will remain in effect unless the Secretary-General reports to the Council that these conditions have not been met;

4. Expresses its intention to review the future of the United Nations commitment in Tajikistan should the prospects for the peace process not have improved during the mandate period;

5. Calls upon the parties to cooperate fully with the Secretary-General's Special Representative and to resume the round of inter-Tajik talks without delay in order to achieve a comprehensive political settlement of the conflict, with the assistance of the countries and regional organizations acting as observers at the inter-Tajik talks;

6. Calls upon the parties to cooperate fully with UNMOT and to ensure the safety of the personnel of the United Nations and other international organizations, and also calls on them, in particular the Government of Tajikistan, to lift all restrictions on the freedom of movement of UNMOT personnel;

7. Calls also upon the parties to resume the activities of the Joint Commission without delay and, in this context, encourages the Tajik opposition to accept in good faith the security guarantees offered to them by the Government of Tajikistan;

8. Calls upon the Afghan authorities and the UTO to finalize arrangements that would permit the establishment of an additional liaison post at Taloqan;

9. Urges the Tajik parties to cooperate fully with the International Committee of the Red Cross to facilitate

the exchange of prisoners and detainees between the two sides;

10. Requests the Secretary-General to continue to report to the Council every three months on the implementation of the Tehran Agreement, progress towards a comprehensive political settlement of the conflict and the operations of UNMOT;

11. Expresses its deep concern over the worsening of the humanitarian situation, aggravated by the recent natural calamities, and urges Member States and others concerned to respond promptly and generously in support of the humanitarian relief efforts of the United Nations and other international organizations;

12. Encourages States to contribute to the voluntary fund established by the Secretary-General in accordance with resolution 968(1994) in particular in the expectation of the resumption of work of the Joint Commission;

13. Decides to remain actively seized of the matter.

Security Council resolution 1061(1996)

14 June 1996 Meeting 3673 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/430).

### **Report of Secretary-General (September).**

The situation in Tajikistan had deteriorated during the period June-August, with heavy fighting in the Tavildara sector, Karategin valley and Garm district, as well as the tense situation on the Tajik-Afghan border, the Secretary-General reported on 13 September [S/1996/754]. UNMOT followed events through the monitoring of troop movements and information received from persons fleeing the confrontation, and its activities continued to be severely restricted.

In view of renewed fighting, the third phase of the inter-Tajik talks in Ashgabat, held from 8 to 21 July under the chairmanship of the Special Representative, concentrated on the restoration of the ceasefire, the extension of the Tehran Agreement and the working out of a schedule and agenda for further talks. Representatives from Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Uzbekistan and OSCE attended as observers. Both parties agreed on the need for an immediate ceasefire, but insisted on different modalities for the cessation of hostilities, particularly in the Tavildara zone.

The opposition members of the Joint Commission returned to Dushanbe on 28 June, after the Government had given assurances for their security. The Commission met on 1 July.

After intensive negotiations, the Government of Tajikistan, UTO and the Special Representative signed, on 19 July, a joint declaration on the cessation of hostilities and observance of the Tehran Agreement, extending its terms until the end of 1996. They agreed that the forces of the parties would remain in the positions they were holding on the day of the signing of the declaration and

would submit to UNMOT information on the deployment of their forces along the line of contact. They agreed to additional confidence-building measures, including the disengagement of forces in the Tavildara area, within 10 days. They guaranteed the security and freedom of movement of the members of the Joint Commission and UNMOT and agreed to clear mines and remove blockades in areas under their control. UN observers would establish in the Tavildara area wireless communication with the field commanders of the armed forces of the two sides. Complaints from the parties concerning possible violations of the ceasefire would be investigated by the UN military observers and the Joint Commission.

The two parties also signed a protocol on 21 July on the exchange of an equal number of prisoners of war and detainees, and the opposition reconfirmed a previous commitment made in May for the unconditional return of 26 prisoners of war.

In a joint communique, the parties agreed on a schedule of further talks on outstanding political and military issues to take place during the rest of the year, but disagreed on the question of venue. The opposition suggested Tehran, while the Government preferred Ashgabat.

In an effort to implement the Ashgabat agreement, three UNMOT teams attempted to travel to Tavildara on 20 July, but were repeatedly blocked by government forces, despite pledges by the Government that the forces would comply. On 4 September, UNMOT teams reached Tavildara and confirmed that the town was held by government forces and that there was ongoing fighting.

The opposition claimed to hold some 600 prisoners; no figures were made public by the Government. The exchange of the first group of 60 from each side was first rescheduled, then prevented by fighting in the Karategin valley. The return of 26 prisoners of war held by the opposition failed to materialize because the previously agreed security arrangements were not in place.

Travel by UN organizations to the Tavildara sector was restricted because of large-scale mine laying. Local inhabitants also reported that Russian border forces had air-dropped anti-personnel mines along the Tajik-Afghan border.

In September, the opposition took new territory in the Karategin valley, including Tajikabad, and the Government began preparing a counter-attack. The UNMOT Chief Military Observer and the Co-Chairmen of the Joint Commission met with field commanders of the opposition in an attempt to prevent further escalation. Tension also mounted along the Tajik-Afghan border, and Russian border forces reported a build-up of

opposition fighters in Afghanistan. The Russian border forces reinforced their positions there. The situation along the border was the subject of contacts between Afghanistan, the Russian Federation and Tajikistan.

The continued fighting diverted attention from the political issues on the agenda, and the two sides remained at odds on the issue of the venue for the next round of talks. However, the Special Representative continued to meet with representatives of both parties.

Numerous UN organizations continued their humanitarian work in Tajikistan during mid-1996. The largest humanitarian operation was conducted by WFP, which also coordinated activities of all agencies distributing food in the country. The health situation deteriorated in 1996; a typhoid epidemic was reported and malaria was out of control. Displaced persons, estimated at 16,500 from the Tavildara region, were provisionally housed in makeshift lodgings.

**Communications (June-August).** Iran, in a 13 June letter [S/1996/439] to the Secretary-General, said that the holding of several rounds of inter-Tajik talks and the agreements reached as a result of the efforts of the United Nations and observer countries had presented a ray of hope to the people of Tajikistan during the previous few months; however, recent developments at borders and within Tajikistan had renewed reasons for concern. As one of the countries working with the United Nations to restore peace and stability in Tajikistan, Iran stressed its commitment to the continuation of the inter-Tajik talks, adding that there was an urgent need to hold the talks in the shortest possible time and to adopt confidence-building measures.

On 16 July [S/1996/558], Tajikistan expressed its conviction that the Ashgabat talks would be successful. At the same time, it was concerned that military preparations were being undertaken by the armed wing of the opposition with a view to reinforcing small groups operating within the country. Tajikistan said it reserved the right to take preventative measures, including the application of pressure using all the forces and means at its disposal, to oppose any escalation of the violence and to safeguard its own security.

The Russian Federation discussed the situation on the Tajik-Afghan border in a 6 August statement [S/1996/638], noting that in recent days the situation along the Badakhshan sector of the border had deteriorated sharply. In its view, the leadership of the Islamic Revival Movement of Tajikistan was actively engaged in efforts to heighten tension in that area. The Tajik opposition present in Afghanistan, with the support of Afghan field commanders and other authorities,

had begun preparations for large-scale military operations in Tajikistan, Russia said. In view of the situation, Russian border troops, in collaboration with Tajik border troops and military contingents of Kazakhstan, Kyrgyzstan and Uzbekistan engaged in protecting the border, with the support of CPF, were taking steps to maintain order along the Tajik-Afghan border and defend the interests of Tajikistan and the CIS member States. Any attempt by the detachments of the Islamic Revival Movement in Tajikistan to break into Tajik territory would be repulsed. In the interests of peace and stability in the border area, Russia proposed holding a meeting of representatives of Afghanistan, the Russian Federation and Tajikistan.

On 6 August [S/1996/640], Tajikistan expressed anxiety over the escalation of armed confrontation in areas adjacent to the Tajik-Afghan border. In recent days, Tajikistan said, the opposition had refused to comply with the ceasefire agreement. A build-up of opposition forces and mercenaries from other countries, numbering some 900, had been taking place in the area bordering Tajikistan. He considered such plans a repudiation of the results of the inter-Tajik negotiations and reflecting either the insincerity of the opposition leadership or its inability to control the actions of armed groups loyal to it. Tajikistan warned that an exacerbation of the situation would elicit strong countermeasures by the Government using all means at its disposal.

#### SECURITY COUNCIL ACTION (September)

On 20 September, the President of the Security Council made the following statement [S/PRST/1996/38] on behalf of the Council:

The Security Council has considered the report of the Secretary-General on the situation in Tajikistan of 13 September 1996.

The Council expresses its concern at the deterioration of the situation in Tajikistan and at the increasing tension along the Tajik-Afghan border. It reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders.

The Council is also concerned about the violations of the Tehran ceasefire agreement of 17 September 1994 and about the failure of both parties to implement the Ashgabat agreements. It is, in particular, concerned about the ongoing fighting in the Tavildara region and the seizure of the towns of Jirgatal and Tajikabad by the opposition. The Council demands the immediate cessation of all hostilities and acts of violence.

The Council recalls the commitments made by the Government of Tajikistan and by the leadership of the United Tajik Opposition (UTO) to resolve the conflict and to achieve national reconciliation

through peaceful means. It regrets that these commitments have not so far been honoured.

The Council commends the efforts of the United Nations Mission of Observers in Tajikistan (UNMOT) and urgently calls upon the parties to cooperate fully with UNMOT and to ensure the safety of the personnel of the United Nations and other international organizations and also calls on them to lift all restrictions on the freedom of movement of UNMOT personnel. In this connection it is concerned about the large-scale use of landmines due to the threat it creates for the population and UNMOT personnel.

The Council welcomes the initiative of the Secretary-General to arrange for an inter-agency mission to Tajikistan to determine how to respond most effectively to the humanitarian situation.

The Council welcomes the renewed work of the Joint Commission and the results of their efforts in reducing tensions in the Garm region and in the Karategin valley.

The Council emphasizes that the primary responsibility rests with the Tajik parties themselves in resolving their differences. It recalls paragraphs 3 and 4 of its resolution 1061(1996) of 14 June 1996.

The Council commends the efforts of the Secretary-General's Special Representative and calls upon the parties to cooperate fully with him in resuming the inter-Tajik talks. The Council reiterates the importance of the continuation of direct political dialogue between the President of the Republic of Tajikistan and the leader of the UTO for the peace process and encourages them to hold their next meeting as soon as possible.

Meeting number. SC 3696.

**Communication (December).** Tajikistan, in a statement of 2 December [S/1996/1003], said that the situation in the Pamir region of the country remained tense because of illegal actions by the armed opposition, in particular an attack against the town of Garm. Tajikistan said that in the event of an escalation of tension, it would be forced to take appropriate steps, and it called on the United Nations to promote a ceasefire and peaceful settlement of the inter-Tajik conflict.

**Report of Secretary-General (December).** On 5 December, the Secretary-General reported [S/1996/1010] again on the situation in Tajikistan. The reporting period (September-December), he said, was marked by a fragile ceasefire in the Karategin valley and sporadic fighting in the Tavildara sector, tensions around Dushanbe and along the Tajik-Afghan border, and relative calm elsewhere. In late November, the situation had deteriorated drastically following attacks by the opposition in the Garm area. On 1 December, the opposition retook Garm by force.

On 3 December, an UNMOT team was forcibly detained by government soldiers, beaten and its equipment taken. The members were released amid gunfire and came close to being killed. The Government apologized for the incident and

promised that the culprits would be identified and dealt with.

The negotiating process had been at a standstill since July, the Secretary-General reported. As it had in the past, UTO put forward a demand to change the venue from Ashgabat to Tehran, despite the previous understanding that the talks would be conducted in a continuous round and in one place. Given the deteriorating situation, the two sides agreed to the Special Representative's proposal to hold a meeting between President Rakhmonov and the UTO leader, Mr. Nuri. At a preparatory meeting in Tehran (9-17 October) an agreement was drafted, calling for: the creation of a Commission on National Reconciliation with defined responsibilities; a transition period of 12 to 18 months; conclusion of the inter-Tajik negotiating process by 1 July 1997; extension of the ceasefire; the creation of a Consultative Forum of the Peoples of Tajikistan; a comprehensive amnesty; and a comprehensive exchange of prisoners of war and detainees.

However, the draft was not finalized and the leaders' meeting did not materialize owing to delays, mainly by the opposition side. The two leaders agreed to meet in Moscow in late December, but the Secretary-General said such plans seemed increasingly uncertain. Meanwhile, the Secretary-General indicated that the fighting was continuing, raising serious questions about the sincerity of the two parties. On the other hand, the Secretary-General noted the recent statements of President Rakhmonov and Mr. Nuri on their readiness to meet in northern Afghanistan and Moscow by the end of the year. In that context, he recommended that the Security Council extend the UNMOT mandate for another six months.

During the reporting period, the Joint Commission was very active, defusing tensions between government and opposition forces on the ground. The two Co-Chairmen were instrumental in achieving the 16 September ceasefire agreement and maintaining a channel of communication between the Government and the opposition. UNMOT continued to support the work of the Joint Commission, conducting joint patrols and facilitating its meetings. It also maintained contact with the Russian border forces and CPF and cooperated closely with OSCE.

As of December, UNMOT had an overall strength of 96, including 44 military observers from nine countries, and 33 civilian staff, of whom 20 were recruited internationally. In addition to headquarters in Dushanbe, UNMOT maintained eight team sites throughout the country. On 1 November, UNMOT opened a liaison office

in Taloqan, northern Afghanistan, for the purpose of maintaining direct liaison with the leadership of the opposition based there.

The humanitarian situation remained critical during the reporting period, with continued deterioration of the social and industrial infrastructure. In November, the United Nations launched a consolidated inter-agency donor alert on urgent humanitarian needs in Tajikistan, calling for approximately \$22 million to meet urgent needs for the period from December 1996 to May 1997 (see PART THREE, Chapter III).

#### SECURITY COUNCIL ACTION (December)

On 13 December, the Security Council adopted **resolution 1089**(1996).

The Security Council,

Recalling all its relevant resolutions and the statements of its President,

Having considered the report of the Secretary-General of 5 December 1996,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Expressing its grave concern at the continuing deterioration of the situation in Tajikistan, and stressing the urgent need for the Government of Tajikistan and the leadership of the United Tajik Opposition (UTO) to adhere sincerely to the commitments they have made to resolve the conflict and to achieve national reconciliation exclusively through peaceful, political means on the basis of mutual concessions and compromises,

Expressing also its grave concern at the ongoing fighting in Tajikistan and repeated violations of the Tehran ceasefire agreement of 17 September 1994 and about the failure of both parties to implement the Ashgabat agreements,

Emphasizing that the primary responsibility rests with the Tajik parties themselves in resolving the differences, and that the international support provided by this resolution must be linked to the process of national reconciliation and the promotion of democracy,

Expressing its satisfaction at the regular contacts between the United Nations Mission of Observers in Tajikistan (UNMOT) and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS), the Russian border forces and the Mission of the Organization for Security and Cooperation in Europe in Tajikistan,

Commending the efforts of UNMOT under difficult circumstances,

1. Expresses its appreciation for the report of the Secretary-General of 5 December 1996;

2. Condemns the ongoing flagrant violations of the ceasefire by the parties, in particular the recent opposition offensive in the Garm region, and demands the immediate cessation of all hostilities and acts of violence;

3. Calls upon the parties to comply fully with the Tehran Agreement and all the other obligations they have assumed, and strongly urges them to extend the ceasefire for the whole duration of the inter-Tajik talks;

4. Condemns also the terrorist acts and other acts of violence which have resulted in the loss of life of civilians as well as members of the CIS Peacekeeping Forces and the Russian border forces;

5. Decides to extend the mandate of UNMOT until 15 March 1997 subject to the proviso that the Tehran Agreement remains in force and the parties demonstrate their commitment to an effective ceasefire, to national reconciliation and to the promotion of democracy, and also decides that this mandate will remain in effect until that date unless the Secretary-General reports to the Council that these conditions have not been met;

6. Welcomes the intention of the Secretary-General to report to the Council by 15 January 1997 on the parties' compliance with the Tehran Agreement and the results of meetings between the President of the Republic of Tajikistan and the leader of the UTO, and requests him also to provide recommendations in that report on the nature and size of the United Nations presence in Tajikistan in this light;

7. Calls upon the parties to cooperate fully with the Special Representative of the Secretary-General in resuming the inter-Tajik talks in order to achieve a comprehensive political settlement of the conflict, with the assistance of the countries and regional organizations acting as observers at the inter-Tajik talks, and, in this context, welcomes the meeting between the President of the Republic of Tajikistan and the leader of the UTO on 10 and 11 December 1996, and encourages them to continue this dialogue;

8. Welcomes the efforts of the Joint Commission in defusing tensions between government and opposition forces on the ground;

9. Strongly condemns the gross mistreatment of members of UNMOT by both parties, including threats against their lives, and urgently calls upon the parties to ensure the safety of the personnel of the United Nations and other international organizations, to cooperate fully with UNMOT, and to lift all restrictions on the freedom of movement of its personnel;

10. Urges the Tajik parties to cooperate fully with the International Committee of the Red Cross to facilitate the exchange of prisoners and detainees between the two sides;

11. Expresses its serious concern at the indiscriminate use of landmines in Tajikistan and the threat that it poses to the population and UNMOT personnel, and welcomes the proposals of the Secretary-General in his report of 5 December 1996 in this regard;

12. Expresses its deep concern over the worsening of the humanitarian situation in Tajikistan, and calls upon Member States and others concerned to respond promptly and generously to the consolidated inter-agency donor alert on urgent humanitarian needs for the period from 1 December 1996 to 31 May 1997 launched by the Secretary-General;

13. Encourages States to contribute to the voluntary fund established by the Secretary-General in accordance with resolution 968(1994);

14. Decides to remain actively seized of the matter.

### Inter-Tajik Agreement

At a meeting in Moscow on 23 December, the President of Tajikistan, the leader of UTO and the Secretary-General's Special Representative signed two documents—the bilateral Agreement and the Protocol on the main functions and powers of the Commission on National Reconciliation. The Russian Federation forwarded both to the Secretary-General on 24 December [S/1996/1070].

By the Agreement, the two sides undertook: to complete implementation of the agreements reached during the inter-Tajik talks within 12 to 18 months from the signing of the Agreement; to establish a Commission on National Reconciliation for the transition period; to implement a universal amnesty; to exchange prisoners of war; to cease all hostile activities for the duration of the inter-Tajik talks; and to conclude those talks by 1 July 1997.

The Protocol dealt with the functions of the Commission, established for the duration of the transition period. Its tasks included: monitoring compliance with the agreements; implementing measures for the safe return of refugees; developing proposals for amending legislation on the functioning of political parties and the mass media; presenting proposals for amendments to the existing Constitution and submitting them to a national referendum; preparing laws on elections to Parliament and local representative bodies; establishing a Central Commission on Elections and the Conduct of the Referendum; reforming the Government by including UTO representatives in ministries, departments, local authorities, judicial bodies and law enforcement agencies; monitoring the disarmament and disbandment of armed units of the opposition; monitoring the exchange of prisoners of war and other detainees; drafting an amnesty act and a reciprocal pardon act; developing a mechanism for converting the military-political movements into political parties; and making proposals on holding parliamentary elections, to be monitored by the United Nations and OSCE.

The Foreign Ministers of Iran and the Russian Federation, who met in Tehran on 22 and 23 December, issued a statement on Tajikistan, in which they welcomed the agreement of the two sides to a complete ceasefire and the formation of organs of authority. In their statement, which was forwarded to the Secretary-General on 24 December [S/1996/1071], the Ministers welcomed the decision taken in Moscow by the Tajik Government and UTO to hold the next round of talks in Tehran for the purpose of continuing discussion of the practical issues associated with the Moscow Agreement. They called on the two sides

to cooperate fully with the Special Representative and UNMOT.

**Communication (December).** The Foreign Ministry of Ukraine issued a 20 December statement on the situation in Tajikistan [S/1996/1065]. It reported an incident that occurred 70 kilometres east of Dushanbe on that day, when members of the Tajik opposition seized 21 hostages, including representatives of the State structures of Tajikistan and seven UN military observers, one of whom was Ukrainian. Ukraine called for the immediate and unconditional release of all the persons seized, and for the international status of the UN peacekeepers to be respected.

### Financing of UNMOT

In a March report on the financing of UNMOT [A/50/749/Add.1], the Secretary-General proposed a budget for the year from 1 July 1996 to 30 June 1997 of \$7,302,500 gross (\$6,795,200 net), reflecting an overall decrease when compared with the prorated resources provided in the preceding 12-month period of \$8,608,800 gross (\$8,134,800 net).

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in April [A/50/933], recommended approval of the Secretary-General's proposal.

### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/238**.

#### Financing of the United Nations Mission of Observers in Tajikistan

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission of Observers in Tajikistan and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 968(1994) of 16 December 1994, by which the Council decided to establish the United Nations Mission of Observers in Tajikistan, and 1030(1995) of 14 December 1995, by which the Council decided to extend the mandate of the Mission of Observers until 15 June 1996,

Recalling also its resolution 49/240 of 31 March 1995 on the financing of the Mission of Observers,

Reaffirming that the costs of the Mission of Observers are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling further its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission of Observers, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economi-

cally less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission of Observers by certain Governments,

Mindful of the fact that it is essential to provide the Mission of Observers with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission of Observers in Tajikistan as at 21 May 1996, including the contributions outstanding in the amount of 788,296 United States dollars, representing 6 per cent of the total assessed contributions from the inception of the Mission of Observers to the period ending 15 June 1996, notes that some 26 per cent of Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission of Observers in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission of Observers is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Mission of Observers in Tajikistan the amount of 7,478,900 dollars gross (6,971,600 dollars net) for the maintenance of the Mission of Observers for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 176,400 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 623,242 dollars gross (580,967 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the decision of the Security Council to extend the mandate of the Mission beyond 15 June 1996;

8. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955,



there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 507,300 dollars approved for the period from 1 July 1996 to 30 June 1997;

9. Invites voluntary contributions to the Mission of Observers in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

10. Invites Member States to make voluntary contributions to the trust fund established in accordance with paragraph 13 of Security Council resolution 968(1994);

11. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Mission of Observers in Tajikistan".

General Assembly resolution 50/238

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/838/Add.1) without vote, 3 June (meeting 64, resumed); draft by Vice-Chairman (A/C.5/50/L.48), based on informal consultations; agenda item 137.

Meeting numbers. GA 50th session: Fifth Committee 56, 64 (resumed); plenary 120.

On 18 December, by **decision 51/460**, the Assembly decided that, at the resumed fifty-first session in 1997, the Fifth (Administrative and Budgetary) Committee should continue its consideration of the item on the financing of UN-MOT.

## Korean question

In 1996, the United States submitted the annual report on the activities of the United Nations Command in 1995 for the maintenance of the 1953 Korean Armistice Agreement, whose replacement as an "obsolete mechanism" continued to be called for by the Democratic People's Republic of Korea (DPRK). In October, the Security Council expressed serious concern over the discovery of a submarine from that country, which had run aground within the territory of the Republic of Korea; it stressed that the Armistice Agreement should remain in force until replaced by a new peace mechanism. Also in October, the General Assembly commended the continuing, impartial efforts of IAEA to secure full compliance by the DPRK with its obligations under its safeguards agreement with the Agency.

## Armistice Agreement

On 13 May, the United States, on behalf of the Unified Command established pursuant to Security Council resolution 84(1950) [YUN 1950, p. 230], presented to the Council the annual report of the United Nations Command (UNC) [S/1996/351 & Corr.1] concerning the maintenance in 1995 of the 1953 Armistice Agreement [YUN 1953, p. 136, GA res. 725(VIII)].

According to the report, UNC continued to carry out its functions and to fulfil its obligations under the mandate of the Armistice Agreement and would continue to do so until the achievement of a durable peace through political dialogue between the parties directly concerned with the Korean conflict. Of the original 16 UN Member States which had provided military forces to UNC during the Korean War, 9 were currently represented: Australia, Canada, Colombia, France, New Zealand, Philippines, Thailand, United Kingdom, United States. Despite continuous refusal by the Korean People's Army (KPA) to participate in joint investigations of reported violations of the Agreement occurring within the demilitarized zone (DMZ) separating the two countries, UNC continued to supervise implementation of the Agreement's provisions pertaining to the DMZ.

In accordance with paragraph 20 of the Agreement, the Commander-in-Chief of UNC (CIN-UNC) appointed Major-General Lee Suk-bok of the Republic of Korea Army, with effect from 22 September 1995, as the Senior Member of the UNC component of the Military Armistice Commission (MAC), set up to supervise implementation of the Agreement and settle violations of it. KPA, however, had repeatedly refused to meet with that Senior Member, on the grounds that the Republic of Korea Army was neither a signatory to the Agreement nor a UNC member, and could not represent the whole armed forces currently in the Republic of Korea. Although formal plenary MAC meetings had not been held since 1991, use of the 24-hour telephone channel of communication maintained by the Joint Duty Office, located in the joint security area (the military conference site) in Panmunjom, remained available to both sides. On 3 October, however, when the UNC duty officer attempted a telephone protest against the illegal crossing by two civilians of the military demarcation line into the UNC portion of the DMZ, the KPA duty officer refused to receive the protest, stating he was no longer authorized to accept, and had since not accepted, Armistice-related messages.

The report stated that, regarding the unilateral measures taken by KPA to force Poland's withdrawal [YUN 1995, p. 464] from the Neutral Na-

tions Supervisory Commission (NNSC), CINCUNC on 20 February had requested the Commander of the Chinese People's Volunteers to urge China to protest against KPA's illegal act and, on 24 February, wrote directly to Marshal Kim Jong-il, Supreme Commander of KPA, reminding him of his responsibility to uphold the Armistice Agreement. Senior military officers of the original 16 troop-contributing UN Member States to UNC were also requested to urge their respective Governments to register a similar protest. The two NNSC members from Sweden and Switzerland, likewise, lodged on 2 March a vigorous protest with KPA, stating that, despite the expulsion of the Polish member, whose delegation had been forced to leave Panmunjom on 28 February, they would remain firmly committed to the mandate entrusted to them by the signatories of the Agreement. As China declined Poland's request for the relocation to Beijing of its NNSC delegation, which had temporarily moved to the Embassy of Poland in Pyongyang, that delegation had to depart Pyongyang on 4 March. On 3 May, KPA closed the NNSC buildings under its control and announced restrictions on the free movement of the remaining NNSC members and UNC MAC personnel into the northern part of the joint security area. With the 1993 withdrawal of the Czech member and the recent expulsion of the Polish member from Panmunjom, NNSC was left with only two neutral nations in residence—Sweden and Switzerland. Nevertheless, it held weekly meetings throughout 1995 to review and evaluate UNC reports regarding the number of military arrivals and departures. The Polish member, who travelled from Warsaw to Panmunjom, attended meetings on 1 and 3 May and on 1 August.

In accordance with a 1993 agreement on remains-recovery operations [YUN 1994, p. 438], KPA had recovered and returned 146 sets of UNC Korean War remains between 30 November 1993 and 30 October 1995, bringing the total returned to UNC to 209. Because identification remained a significant problem (only 5 of the 209 sets had been positively identified by the United States Army Central Identification Laboratory), UNC asked KPA to suspend further unilateral recovery operations until agreement could be reached on joint UNC-KPA recoveries.

The report recorded 74 occasions during 1995 on which UNC had dispatched joint observer teams to its guard posts within or along the 151-mile southern boundary of the DMZ. Despite the relative quiet that prevailed there throughout that year, a series of major KPA violations of the military demarcation line and intrusions into the UNC portion of the DMZ had occurred between 14

April and 17 October. There had also been a show of force by KPA in the joint security area on 20 and 22 February (following its declaration of intent to withdraw support to the Polish member of NNSC), which had exceeded the personnel and arms limits set by the Agreement, as well as a 1,000-strong demonstration permitted by KPA in the same area, which, although peaceful, had been accompanied by a deployment of additional KPA guards with sidearms in excess of the 35 specified by the Agreement.

Commenting on the UNC report on 25 June 1996 [S/1996/505], the DPRK stated that UNC had submitted a report to the Council just to make its presence felt, even as the world knew that no legal basis whatsoever could justify the existence of UNC, under which only United States military forces remained. The DPRK went on to say that UNC was a product of the cold war era which came into being through an abuse of the name of the United Nations. Since the reality was that UNC was only a titular or "phantom" body, the DPRK reiterated its call for its dissolution in accordance with General Assembly resolution 3390 B(XXX) [YUN 1975, p. 204] and for the establishment of a new peace mechanism.

**Communications.** By communications addressed to the Security Council, the DPRK reiterated its calls for the replacement of the Armistice Agreement, which it repeatedly described as an obsolete system that had failed to stabilize the situation in the Korean peninsula, prevent arms build-up and obviate the danger of war.

On 22 February [S/1996/128], the DPRK expanded on its proposal, made almost two years earlier, for such a replacement. Deeming that an institutional mechanism should be in place as a matter of urgency, the DPRK called for early negotiations with the United States aimed at concluding an interim agreement in order to eliminate the possibility of armed conflict and to establish a joint military body in Panmunjom with appropriate terms of reference to replace MAC. That would, it maintained, bring about an epoch-making environment for detente and peace on the peninsula—a prerequisite for a confederal reunification of the two Koreas.

On 8 March [S/1996/186], the DPRK charged the United States with refusing to respond positively to its latest proposal and with misleading world public opinion by claiming that maintenance of the Armistice Agreement contributed to the security of the Korean peninsula. The DPRK reiterated its position that the United States, by its failure to comply with key provisions of that Agreement from the day of its signature, notably its introduction into the Republic of Korea of huge quantities of combat matériel, had progres-

sively invalidated two thirds of the Agreement's provisions. The DPRK further charged that, by other violations, the United States had also paralysed MAC and had manipulated NNSC to serve its military and political purposes, thus wrecking NNSC's impartiality. Those actions by the United States to destroy the armistice mechanism, the DPRK claimed, had resulted in a vacuum that could jeopardize security on the peninsula. The DPRK went on to cite the steps it had taken to reach agreement with the United States on a new peace system, up to and including their military talks in Panmunjom, begun in May 1995 but broken off in September by the United States. The DPRK warned that continued United States refusal to respond to its proposals would leave it no choice but to take the final steps to replace the outdated armistice system with a new mechanism.

On 4 April, a spokesman for the Panmunjom Mission of KPA (the new team set up by the DPRK in 1994 [YUN 1994, p. 4381 when it withdrew KPA's membership from MAC) announced [S/1996/253] that as the Republic of Korea, acting under United States protection, had persistently rejected the DPRK's proposals for peace and had turned the DMZ into an armed zone and a launching position for an attack on the North, KPA was taking self-defensive measures. It was giving up its duty under the Armistice Agreement with regard to the maintenance and administration of the DMZ, and KPA personnel and vehicles would no longer bear any distinctive insignia or markings when entering the joint security area and the DMZ.

Noting that the KPA announcement had led to worldwide concern, the European Union (EU), in a statement issued by its Presidency and transmitted on 15 April [S/1996/297], urged the Pyongyang authorities to cease all activities that could further increase tension on the peninsula and to abide by the terms of the Armistice Agreement—which it recognized as having been instrumental in maintaining peace and security on the peninsula—until such time as a peace treaty could be negotiated between all the parties concerned, including the Republic of Korea. The DPRK responded [S/1996/310] that it could not but take self-defensive measures in the face of the considerably enlarged joint military and naval exercises being conducted by the Republic of Korea and the United States, which were obviously preparations for war against the DPRK.

The EU, in a statement [S/1996/333] issued on 29 April by its Presidency in Rome, Italy and Brussels, Belgium, expressed support for the proposal advanced by the Republic of Korea and the United States that four-party talks be held among

China, the DPRK, the Republic of Korea and the United States with a view to achieving a stable and permanent peace on the Korean peninsula. The EU also expressed hope that a constructive dialogue could again be put on track. The DPRK, in a statement of 2 September [S/1996/718], referred to the four-party talks as a United States counter-proposal to its proposed interim agreement, regarding which it was still awaiting a reply. If the proposed talks were truly intended to initiate the process of a permanent peace agreement, as the United States had said in its Cheju Island declaration of 16 April, the key topic of those talks should be the withdrawal of United States troops from the Republic of Korea, the DPRK declared; otherwise such talks would be utterly useless.

On 12 September [S/1996/756], the DPRK charged that the United States was openly shipping large quantities of war equipment, including tanks, armoured vehicles and communications equipment, to the Republic of Korea, at a time when the United States had failed to implement its obligations to ease sanctions against the DPRK. That situation led DPRK to consider United States commitments as "hypocritical".

It was clear, DPRK said, that the United States had taken every opportunity and possibility systematically to carry out its arms build-up in the Republic of Korea in a planned way.

### **Submarine incident**

On 23 September [S/1996/774], the Republic of Korea drew attention to the 350-ton, 106-foot military submarine that had run aground about 100 feet offshore near the coastal city of Kangnung, a major port on its eastern coast, about 60 miles south of the DMZ. The Government's investigation of the incident revealed that the submarine belonged to the DPRK armed forces; its occupants, estimated to be 26, were all officers of the same armed forces who had gone ashore, infiltrating the territory of the Republic of Korea. One had been captured near Kangnung, 11 had been found dead and presumed to have been shot by their leader, 9 had been killed by exchanges of fire with the Republic's Army, and the rest remained at large. A written protest which UNC attempted to deliver to the DPRK side had not been accepted. While the incident had been the subject of Security Council consultations on 20 September, the Republic of Korea reserved its right to raise the issue in the Council upon completion of its investigation.

Also on 23 September [S/1996/768], the DPRK claimed that the vessel was a small training submarine on routine training exercises and armed only with small firearms, but had drifted and run

aground due to engine trouble. The DPRK demanded the immediate and unconditional return of the submarine, its survivors and the dead. On 27 September [S/1996/800], the DPRK wrote that if its demand was not met, it would be forced to take strong countermeasures; it annexed a report of a 26 September emergency meeting of its political parties and social organizations, which had adopted a decision on countermeasures against what it called the Republic of Korea's provocative misuse of the submarine incident to aggravate confrontation and drive the peninsula to the brink of war.

On 3 October [S/1996/824], the Republic of Korea asserted that the incident reflected a clear pattern of the DPRK's military provocations and part of its larger scheme not only to dismantle the Armistice Agreement but also to destabilize the Republic. As it had made clear during Council consultations on 20 and 24 September, it was time to formally bring the incident before the Council so as to send a clear and strong signal from the international community that further DPRK provocations would not be tolerated. For that purpose, the National Assembly of the Republic of Korea had adopted a resolution on 23 September [S/1996/847] calling on the international community to take a serious view of the Korean situation and to cooperate in restraining the DPRK from further acts of provocation, as well as urging that country to abandon its irrational goal of communizing the Republic by force, immediately to cease acts of provocation and to respond positively to the Republic's initiatives to build a genuine national community on the Korean peninsula.

#### SECURITY COUNCIL ACTION

The Security Council convened on 15 October and, following its consideration of the exchange of correspondence between the DPRK and the Republic of Korea over the submarine incident, authorized its President to make the statement below [S/PRST/1996/42] on its behalf:

The Security Council has considered the letters of the Permanent Representative of the Republic of Korea and the letters of the Permanent Representative of the Democratic People's Republic of Korea, regarding the incident of a submarine of the Democratic People's Republic of Korea on 18 September 1996.

The Security Council expresses its serious concern over this incident. The Council urges that the Korean Armistice Agreement should be fully observed and that no action should be taken that might increase tension or undermine peace and stability on the Korean peninsula.

The Security Council stresses that the Armistice Agreement shall remain in force until it is replaced by a new peace mechanism.

The Security Council encourages both sides of the Korean peninsula to settle their outstanding issues by peaceful means through dialogue, so that peace and security on the peninsula will be strengthened.

Meeting number. SC 3704.

#### IAEA inspections agreements

During 1996, IAEA transmitted to the Security Council through the Secretary-General two reports by the IAEA Director General, Hans Blix, on developments in the DPRK's implementation of its agreement with IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (safeguards agreement), in force since 1992. In that regard, the DPRK linked its compliance with certain safeguards requirements to progress in implementation of the "Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea" [YUN 1994, p. 442].

IAEA continued to dispatch its inspection teams to the DPRK from Vienna, but maintained the continuous presence of two inspectors in the Nyongbyon area.

**IAEA reports.** The IAEA Director General's first report of 1996, transmitted on 7 May [S/1996/338], described the fourth round of technical discussions (Pyongyang, 23-29 January) between an IAEA team and the DPRK, held with a view to resolving issues that were outstanding at the conclusion of the third (1995) round of technical discussions [YUN 1995, p. 465]. It was reported that the discussions had yielded limited progress. The DPRK reconfirmed certain previously agreed safeguards measures and monitoring activities (remaining unimplemented, however, due to new objections and preconditions imposed by the DPRK operator), and finally agreed to their implementation according to written procedures endorsed at the discussions. It reconfirmed that IAEA inspectors would continue baseline photographing at all facilities subject to the freeze, and that the DPRK would provide, as required under the freeze, advance notice to the inspectors of any maintenance work involving facility equipment. The DPRK further reconfirmed that short-notice inspections by inspectors already in the DPRK would continue to take place at different parts of facilities subject to the freeze, pending agreement on the installation of containment and surveillance equipment and other monitoring devices. There was also agreement that IAEA would provide two weeks' advance notice of inspections

to allow the timely issuance in Vienna of visas for the inspectors.

The DPRK continued to decline a number of important inspection measures, however. The fundamental difference of view between IAEA and the DPRK about the current status of the latter's safeguards agreement remained: the DPRK regarded acceptance of measures required by IAEA to monitor the freeze (of its graphite-moderated reactors and related facilities) in the context only of the 1994 Agreed Framework and not of implementation of the safeguards agreement, which the DPRK considered inoperative at the current stage. The DPRK announced that IAEA could resume the ad hoc and routine inspections required by the safeguards agreement, but only at the small facilities not subject to the freeze—the IRT Research Reactor, the Critical Assembly, the Sub-Critical Assembly and the Nuclear Fuel Rod Storage facility. It agreed to provide IAEA, by the end of February, with accounting reports of the nuclear material at those facilities, as well as an updated list of locations outside facilities, together with the required relevant accounting reports. It was also agreed that IAEA inspections at those locations would start in March. The DPRK declined, however, to provide reports pertaining to nuclear material at facilities subject to the freeze.

Also discussed were inspection activities to be carried out at specific locations. Among those were the measurements scheduled to take place between March and July of irradiated fuel rods in the spent fuel pond at the 5-MWe Experimental Reactor, regarding which the DPRK reiterated that it was not prepared to provide operating and plutonium production records for IAEA examination. As to the suggested modifications to the fuel rack design, which, at the DPRK's request, were to be confirmed with the United States canning team and the DPRK operator, most had been implemented by the reporting date. The DPRK reconfirmed its agreement to the installation, expected in March, of an integral monitoring system, consisting of vibration and magnetic sensors, on the motors of the mixer settlers in the solvent recovery area of the Radiochemical Laboratory, the DPRK reprocessing plant. That would enable continuous detection of any operation of the mixer settlers and of any maintenance work involving the motors. Subject to a month's performance evaluation and discussions with the operator, installation would continue on the Laboratory's other mixer settlers. The DPRK continued to refuse installation of electrometers at the Laboratory's liquid waste tanks. That equipment, together with the containment and surveillance equipment previously installed, would en-

able IAEA to monitor the freeze related to such waste by verifying, on a continuous basis, any movement or operation involving the liquid nuclear waste. The DPRK had still not agreed to IAEA's request to perform non-destructive measurements and/or sampling at selected locations in the Laboratory. Nor was agreement reached on the monitoring of nuclear-related equipment and components for the 50-MWe (Nyongbyon Nuclear Power Plant) and the 200-MWe (Taechon Nuclear Power Plant) reactors under construction at the inception of the freeze.

Other issues on which agreement remained to be reached included: IAEA's 1995 paper conveyed to the DPRK, containing proposals for preserving information required to verify the correctness and completeness of the initial (1992) declaration [YUN 1992, p. 73] submitted by the DPRK under its safeguards agreement, concerning which IAEA reiterated that, unless there was early agreement on those proposals, any possibility for future verification of the initial declaration might be lost; measures to improve current communication procedures between IAEA and the DPRK to facilitate inspection and monitoring activities; the increased operating costs at facilities subject to the freeze; and the DPRK requirement that IAEA provide its own power supply to operate the safeguards and monitoring equipment it had installed.

The IAEA Director General's second report, transmitted on 4 November [S/1996/906], covered the fifth and sixth rounds of technical talks (Pyongyang, 25-28 June; Vienna, 23-27 September). According to that report, the June talks, as in the case of the January talks, resulted in progress in some areas, but the DPRK still did not accept certain important verification measures, including the installation of monitoring equipment to allow monitoring of nuclear waste tanks and measuring or taking samples at locations in the Radiochemical Laboratory. Although there was some discussion on the 1995 Agency paper, the DPRK commented, *inter alia*, that IAEA proposals on the preservation of information should be linked to progress in implementation of the 1994 Agreed Framework; that verification of the correctness and completeness of the initial declaration of the DPRK's nuclear material would be carried out following consultations between the DPRK and IAEA upon completion of a significant portion of the light-water reactor project foreseen in the Agreed Framework, but prior to the delivery of key nuclear components; and that the DPRK was ready to discuss verification measures at facilities subject or not to the freeze, but that issues related to "other" facilities would be discussed when "the time comes". IAEA pointed out that its 1995 paper

applied to all comprehensive safeguards agreements. It made clear, *inter alia*, that information about "other" facilities, such as nuclear waste sites and a pilot plant at which the first core of the 5-MWe reactor had been manufactured and which reportedly had been dismantled, was crucial to verifying the correctness and completeness of the DPRK's initial declaration. IAEA could not agree to the DPRK's intention to split provision of the information into two parts. The data required, IAEA stressed, needed to be preserved urgently and in their entirety. The DPRK was thus urged to take all steps necessary to do so by a 20 September resolution of the IAEA General Conference.

The report noted, however, that the DPRK agreed to measures to improve communications to IAEA and to accept the designation of more inspectors.

The September talks made no progress on any of the outstanding key technical issues, particularly the important one of the preservation of information relevant to verifying the accuracy and completeness of the initial DPRK declaration. There was tentative agreement that a further round of talks should be held in January 1997 in Pyongyang.

#### GENERAL ASSEMBLY ACTION

By **resolution 51/10** of 29 October on the report of IAEA, the General Assembly commended IAEA for its continuing impartial efforts to implement the safeguards agreement still in force between IAEA and the DPRK, including its efforts to monitor the freeze of specified facilities in the DPRK as requested by the Security Council. The Assembly expressed concern over the continuing non-compliance of the DPRK with the safeguards agreement and urged it to take the steps deemed necessary by IAEA to preserve all information relevant to verifying the accuracy and completeness of the initial report of the DPRK on the inventory of nuclear material subject to safeguards until that country's full compliance with its safeguards agreement.

**Statement.** On 12 February [S/1996/107], the DPRK drew attention to what it called "provocative remarks" by the Republic of Korea in a statement before the Security Council on 31 January. That statement, made in connection with the agenda item on the extradition of suspects wanted in the 1995 assassination attempt on the life of the President of Egypt, recalled the Republic of Korea's 1983 experience [YUN 1984, p. 213] when an attempt had been made on the life of its President, and the fact that the State sponsor of that act of terrorism had gone unpunished. The DPRK stated that the reference to an issue that was

neither on the agenda nor had any link with the DPRK raised concern that the Council "might be abused vis-a-vis selective countries, thus damaging" its credibility. The DPRK also expressed concern over the possible negative impact on the Korean peninsula, where the ceasefire remained intact, should the Republic of Korea become a Council member.

## Other matters

### Iran-Iraq

Throughout 1996, in communications addressed to the Secretary-General, Iran and Iraq continued to charge each other with repeated violations of the 1988 ceasefire agreement [YUN 1988, p. 188] and the agreements reached in Tehran in 1991 on the area of separation between the two countries [YUN 1991, p. 163].

In two letters of 12 February [S/1996/98 & 111], Iraq denied claims made in 1994 [YUN 1994, p. 455] and 1995 [YUN 1995, p. 473] by Iran to the Secretary-General that Iraq had violated the ceasefire. By a 31 May letter [S/1996/403], Iran drew the Secretary-General's attention to what it called instances of Iraqi violations of the ceasefire that had taken place in September and October 1995. On 15 October 1996 [S/1996/856], Iraq responded to those allegations.

During the year, Iraq's charges of Iranian actions against its security and territorial integrity included interception of and firing upon fishing boats, detention of Iraqi naval vessels, construction and overflight in the agreed area of separation, boats entering Iraqi waters with armed passengers, dispatching agents into Iraq for espionage and sabotage purposes, searching vessels entering and leaving the Shatt al-Arab, establishing a control point near Iraq's border and violation of Iraqi airspace.

Iran made similar claims about Iraqi violations, including: construction and digging in the agreed no-man's land, indiscriminate firing and detonation of explosions by Iraqi forces in no-man's land, attacks on Iranian border posts, firing towards Iranian border police, overflying the separation zone, Iraqi patrols crossing into no-man's land, patrol boats violating Iranian waterways, and penetrations into the territory of Iran.

On 29 July [S/1996/602], Iran said that due to the fact that Iraq was unable to exercise effective control over its territory in the north, transborder armed attacks and sabotage operations by terrorist groups against Iranian border towns, originating from Iraqi territory, had intensified and esca-

lated, resulting in human casualties and material damages to the civilian population. Iran had taken immediate measures to curb such activities by pursuing the retreating armed groups that had attacked civilian targets in the border towns of Piranshahr, Mahabad and Oroumīyeh, and had targeted their training camps in Iraq.

In a 1 August letter [S/1996/617], Iraq said that on the night of 26-27 July, a unit of Iranian guards estimated at some 3,000 armed men, travelling in more than 100 vehicles and equipped with heavy weapons, infiltrated Iraqi territory and moved toward the town of Koi Sanjaq. The next day, Iranian forces engaged in heavy artillery shelling in the area and a number of civilians were killed or wounded. Iraq demanded that Iran immediately withdraw its forces from Iraqi territory.

On 28 December [S/1996/1076], Iraq advised the Secretary-General of an assassination attempt that was made on the Iraqi President's son, Uday Saddam Hussein, on 12 December by the Al-Da'wah Party, based in Iran and supported by the Iranian Government. Three days after the attempt, the military leader of the Al-Da'wah Party claimed responsibility for the attempt on behalf of his party. Iraq called on the Secretary-General to intervene with Iran and urge it to hand over the perpetrators of the crime so that they might be tried and punished. Alternatively, it suggested, Iran might try them in accordance with the rules of international law concerning terrorist activities.

On 2 July [S/1996/514], Iraq drew the attention of the Secretary-General to the plight of Iraqi prisoners of war in Iran, some of whom it said had been in captivity for more than 15 years. Iraq's efforts to secure their release had been to no avail and Iran had also refused to cooperate with the International Committee of the Red Cross (ICRC) in the matter, the letter stated. Iraq requested the United Nations, in cooperation with ICRC, to bring pressure to bear on Iran with a view to devising a solution that would secure the release and return of the Iraqi prisoners.

Iran responded on 31 July [S/1996/616], stating that Iraq had violated the 1949 Geneva Convention relative to the Treatment of Prisoners of War. According to Iran, Iraq continued to hold a number of Iranian prisoners of war incommunicado and still denied it was doing so. The letter said Iraq had also blocked, by procrastination and inaction, the implementation of a 14 September 1995 agreement to exchange complete lists of prisoners of war.

### **Iran-United States**

In letters to the Secretary-General, Iran charged that United States forces had violated Iranian territory numerous times in 1996 and, on one occasion, allied forces operating in Iraq had violated Iranian airspace. Iran described those activities as illegal and called for an end to them.

Iran, on 10 June [S/1996/427], transmitted the text of two notes verbales that it had sent through Pakistan to the United States. In the first, Iran said that on 27 January a United States warship's radar had locked on an Iranian battleship for one minute, and at the same time a United States aircraft's radar had locked on an Iranian battleship for the same length of time. Iran protested those activities. By the second note, Iran said that United States violations of Iran's airspace and territorial sea had hindered Iran's normal patrolling of its territory.

On 20 June [S/1996/454], Iran listed four violations of Iranian airspace by aircraft of the allied forces operating in Iraq, which had occurred in December 1995 and January 1996. By a 5 August letter [S/1996/627], Iran listed three more such violations of Iranian airspace, all on 3 August, by American fighter aircraft. On 20 August [S/1996/680], Iran transmitted two notes verbales in which it protested two occurrences in April when American warships were in or near Iranian territorial waters, and of the activities of a United States helicopter in that area. On 2 December [S/1996/1001], Iran transmitted three notes verbales, which stated that in August an Iranian helicopter was forced to return to an oil platform after receiving warnings from United States forces conducting military exercises in the vicinity, action which Iran said was illegal. Iran further complained that in July American ships had jammed the system of an Iranian patrolling unit and that a United States aircraft had overflown an Iranian patrolling flotilla. On a third occasion, in May, two United States helicopters had flown over and photographed an Iranian exploratory hydrographic vessel.

### **Iran-United Arab Emirates**

In 1996, both Iran and the United Arab Emirates, in letters to the Secretary-General, affirmed that the three islands of Greater Tunb, Lesser Tunb and Abu Musa in the Arabian Gulf were part of their sovereign territory and challenged the other's claims.

On 26 August [S/1996/692], the United Arab Emirates referred to a letter from Iran [S/1996/627] protesting that United States aircraft had violated Iranian airspace over the island of Abu Musa. The United Arab Emirates protested that the airspace over the island did not belong to

Iran and charged that Iran was attempting to dominate the island and annex it by force. Furthermore, the United Arab Emirates said it was fully disposed to settle the question of sovereignty of the three islands through peaceful means, including recourse to the International Court of Justice.

Asserting that the islands were an inalienable part of its territory, the United Arab Emirates, on 11 September [S/1996/741], transmitted a section of the report of the Ministerial Council of the Cooperation Council for the Arab States of the Arabian Gulf on its sixteenth session (Riyadh, Saudi Arabia, 7-8 September). The Council stated that Iran continued to take measures to consolidate its occupation of the three islands and that such actions threatened regional peace and security. The Council reaffirmed the sovereignty of the United Arab Emirates over the three islands and its support for the peaceful measures being taken to recover that sovereignty.

By a 19 September letter [S/1996/769], Saudi Arabia transmitted a 15 September resolution adopted by the Council of the League of Arab States concerning Iran's occupation of the Arab islands belonging to the United Arab Emirates. Condemning Iran's measures to consolidate its occupation of the three islands, the Council called on Iran to end its occupation, suspend its policy of using force to impose the status quo, remove any installations and employ peaceful means to resolve the conflict.

Iran responded to those letters on 1 October [S/1996/818], emphasizing its sovereignty over the three islands and rejecting any claim to the contrary. It added that any measures it had undertaken were in conformity with arrangements made in 1971 [YUN 1971, p. 209], the year the British forces withdrew. Iran said it continued to be prepared to resolve any misunderstandings with the United Arab Emirates through bilateral dialogue and negotiations on the basis of the existing agreements.

On 11 December [A/51/717-S/1996/1030], Qatar forwarded the final communiqué of the Supreme Council of the Gulf Cooperation Council's seventeenth session (Doha, Qatar, 7-9 December), which included a section on the "occupied islands" belonging to the United Arab Emirates. The Council stated that the Iranian Government was continuing to take measures aimed at perpetuating its occupation of the three islands by pursuing a policy of imposing *faits accomplis* by the use of force. Such action, the Council said, jeopardized security and stability in the region, and it called on Iran to settle the matter peacefully and to remove any facilities

unilaterally installed on the islands. By a letter of 18 December [A/51/757-S/1996/1057], the United Arab Emirates also forwarded the Council's text on Greater Tunb, Lesser Tunb and Abu Musa to the Secretary-General and to the President of the Security Council.

In a 26 August letter [A/50/1033] to the Secretary-General, the United Arab Emirates objected to certain provisions of Iran's 1993 Act on the Marine Areas, which, it said, were inconsistent with international law and would impede navigation in the Gulf, including transit through the Strait of Hormuz. The United Arab Emirates also declined to recognize any provisions of the Act that called into question its sovereignty over the three islands and their territorial waters. Iran, on 18 October [A/51/547], stated that its 1993 Act consolidated and supplemented existing acts and decrees pertaining to Iran's rights and jurisdiction over its marine areas. There was no provision in it to impede navigation in the Persian Gulf and the Sea of Oman, Iran said, adding that it reserved the right to make comments on certain laws in respect of the delimitation of the United Arab Emirates maritime zones that contravened the relevant rules and provisions of the international law of the sea.

### Cambodia

The Office of the Secretary-General's Representative in Cambodia, set up in 1994 [YUN 1994, p. 450], remained in place in Phnom Penh in 1996. The Special Representative, Benny Widyono, was assisted by one military adviser in carrying out his mandate in accordance with the spirit and principles of the 1991 Paris Agreements [YUN 1991, p. 155]. By decision of the Secretary-General, Mr. Widyono's term was extended twice during the year, both times for a six-month period. The Secretary-General informed the Security Council of each extension, on 8 April and on 13 November [S/1996/266], with which the Council agreed, on 11 April and on 15 November [S/1996/267], respectively.

The General Assembly, by **decision 50/497** of 16 September 1996, included in the draft agenda of its fifty-first session an item entitled "Financing and liquidation of the United Nations Transitional Authority in Cambodia". By **decision 51/460** of 18 December, the Assembly further decided that, at its resumed fifty-first session, the Fifth (Administrative and Budgetary) Committee should continue its consideration of that agenda item, along with 26 other agenda items and one sub-item.



**India-Pakistan**

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) continued to monitor the situation regarding Jammu and Kashmir during 1996. Following a formal ceasefire of 15 January 1949, a plan was developed to deploy military observers in the area, which was put into effect in February 1949. Those observers, under the command of a Military Adviser, formed the nucleus of UNMOGIP. By resolution 91(1951) of 30 March 1951 [YUN 1951, p. 343], the Security Council decided that UNMOGIP should continue to supervise the ceasefire and requested the two Governments concerned to ensure that their agreement regarding the ceasefire would continue to be faithfully observed.

In 1996, UNMOGIP consisted of 44 observers from eight countries: Belgium, Chile, Denmark, Finland, Italy, the Republic of Korea, Sweden and Uruguay. It continued to be financed under the UN regular budget.

The Secretary-General, in his September 1996 report [A/51/1], said that the search for a political solution to the issue of Jammu and Kashmir

through a meaningful dialogue was a matter of urgency. Reports of incidents of violence had increased considerably in recent years, and the number of casualties along the line of control remained high. Both countries had affirmed their commitment to respect the ceasefire line and to resolve the issue peacefully, he stated. He welcomed the readiness recently expressed by both Governments to resume official bilateral talks and hoped that the positive atmosphere would facilitate an early and peaceful resolution of differences between them, including Kashmir. He remained ready to render whatever assistance might be needed in that regard, should both countries find that useful.

During 1996, communications were received transmitting the text of a statement of the Contact Group on Jammu and Kashmir of the Organization of the Islamic Conference (OIC) [A/50/927-S/1996/262], dated 2 April; a statement by the official spokesman of the Government of India on 3 April [A/50/943]; and a Declaration on Jammu and Kashmir, adopted by the Ministerial Meeting of the Contact Group of the OIC on 13 August [S/1996/678].

## Chapter V

## Europe and the Mediterranean

The United Nations in 1996 continued to play an important role in handling the complexities emanating from the break-up of the former Socialist Federal Republic of Yugoslavia, still dominant among its concerns in the region of Europe and the Mediterranean. Other situations in Europe in which the United Nations was involved during the year included those relating to Abkhazia in Georgia, Nagorny Karabakh in Azerbaijan, and the Mediterranean island of Cyprus.

UN peacekeeping operations continued to function in parts of the territory of the former Yugoslavia, which now comprised five independent nations—Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY), the former Yugoslav Republic of Macedonia (FYROM), and Slovenia.

Major activities in 1996 were focused on Bosnia and Herzegovina, many connected with the implementation of two major agreements signed late in 1995. The General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes Thereto (also known as the Dayton-Paris Agreement or the Peace Agreement) was initiated in Dayton, Ohio, United States, on 21 November 1995, and signed in Paris three weeks later, on 14 December 1995, by the representatives of Bosnia and Herzegovina, Croatia and FRY. A separate Dayton Agreement on implementing the Federation of Bosnia and Herzegovina—one of two entities of the Republic of Bosnia and Herzegovina (the other being the Serb-dominated Republika Srpska)—was signed on 10 November 1995. The Federation was comprised primarily of Bosnian Muslim (Bosniac) and Bosnian Croat citizens.

The new multinational military Implementation Force (IFOR) at the outset of 1996 succeeded the United Nations Protection Force (UNPROFOR) in Bosnia and Herzegovina. IFOR, with some 60,000 troops from 34 countries, led by the North Atlantic Treaty Organization, was replaced at year's end by the new Stabilization Force (SFOR). The United Nations Peace Forces (UNPF), with headquarters in Zagreb, Croatia—which had overseen UN peacekeeping activities in Bosnia and Herzegovina, Croatia and FYROM for most of 1995—was also phased out in early 1996, as was the Office of the Special Coordinator for Sarajevo.

Two new peacekeeping operations for Croatia—the United Nations Transitional Authority for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the United Nations Mission of Observers for Prevlaka (UNMOP)—were established on the basis of the signing on 12 November 1995 of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium. The United Nations Preventive Deployment Force (UNPREDEP) continued to monitor borders of FYROM in 1996.

The International Conference on the Former Yugoslavia (ICFY), established in 1992 to facilitate the peace process, ceased to exist on 31 January 1996. A new body—the Peace Implementation Council (PIC)—was established as the overall structure to supervise the peace process for Bosnia and Herzegovina, superseding ICFY. Carl Bildt of Sweden was appointed as High Representative by the Peace Implementation Conference to monitor and coordinate implementation of the civilian aspects of the 1995 Dayton-Paris Peace Agreement.

During the year, elections were held in Bosnia and Herzegovina, sanctions were terminated for FRY, and State succession issues continued to be addressed and resolved. Refugee problems persisted throughout the area, as did human rights concerns.

Regarding Cyprus, the Secretary-General stepped up his endeavours to convince the Greek Cypriots and Turkish Cypriots to resume negotiations and to find a final political solution. The Security Council extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) until 30 June 1997.

No significant progress was achieved during the year towards a comprehensive settlement of the conflict in Georgia, including on the political status of Abkhazia. The United Nations Observer Mission in Georgia (UNOMIG) continued to monitor compliance with the 1994 ceasefire agreement. A new UN office monitored the human rights situation in Abkhazia.

The United Nations supported peacemaking efforts by the Organization for Security and Co-operation in Europe (OSCE) to obtain agreement between Armenia and Azerbaijan to end the armed conflict in Nagorny Karabakh.

In other action, the General Assembly commended the efforts by the Mediterranean countries in meeting common challenges through coordinated responses and encouraged them to strengthen their cooperation, particularly in combating terrorism, international crime, illicit arms transfers and illicit drug trafficking.

## The former Yugoslavia

In 1996, peacekeeping activities and implementation of negotiated agreements dominated the work of the United Nations in the region. There were signs of progress—elections aimed at securing unified, multi-ethnic societies, the creation of common institutions, restructuring and integration of local police forces, among them. But problems related to return of refugees to their homes and human rights concerns persisted.

Three strife-torn countries of the former Yugoslavia—Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY)—appeared poised on the threshold of peace. Those new nations—since 1992 beset by violence, ethnic conflicts and uncertainties—continued to suffer tremendously from the consequences of massive population displacements, devastated infrastructures and centuries-old hatred and distrust. But the political situation in the area, according to the UN Secretary-General [A/51/1], changed dramatically during the year, in many aspects for the better.

The United Nations, together with other parties, remained committed to finding long-term solutions to the regional conflicts that had engendered so much misery and destruction. Political realities on the ground, the Secretary-General stated, warranted a departure from the past approach to peacekeeping in the area; new strategies were adopted, including the restructuring of the components of previous peacekeeping operations, which were either made independent or closed down.

A new start for many peoples of the region—Serbs, Muslims and Croats predominant among them—was signalled in the implementation in 1996 of the General Framework Agreement for Peace in Bosnia and Herzegovina (known as the Dayton-Paris Agreement). Other agreements reached in 1995 also influenced events in 1996—the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (for Croatia), and the Interim Accord

between Greece and the former Yugoslav Republic of Macedonia (FYROM).

The termination of sanctions against FRY was another signal of progress achieved, as were continuing advances with regard to State succession issues.

On 12 December, the General Assembly adopted three resolutions concerning human rights situations in the former Yugoslavia—**resolution 51/111**, on the situation of human rights in Kosovo; **resolution 51/115**, on the rape and abuse of women in the areas of armed conflict in the former Yugoslavia; and **resolution 51/116**, on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro).

(For full texts of resolutions, see PART TWO, Chapter III.)

### Peacekeeping activities

Major shifts in peacekeeping activities occurred in 1996 in countries of the former Yugoslavia. The United Nations Protection Force (UNPROFOR) had originally been established in February 1992 [SC res. 743 (1992)] to deal with the situation in Croatia, and later in Bosnia and Herzegovina and in FYROM. The restructuring of UNPROFOR in March 1995 resulted in the creation of three separate but interlinked operations: a new United Nations Confidence Restoration Operation in Croatia (UNCRO); a continued UNPROFOR for Bosnia and Herzegovina; and an extended United Nations Preventive Deployment Force (UNPREDEP) for FYROM. They were known collectively as the United Nations Peace Forces (UNPF), with headquarters in Zagreb, Croatia.

At the end of 1995, when major peace accords were signed for the region, the mandates of UNPROFOR and UNCRO were terminated. UNPROFOR was terminated on 20 December 1995, and replaced by a multinational military Implementation Force (IFOR), under the command of the North Atlantic Treaty Organization (NATO), and incorporating some elements of the former UNPROFOR. Later in 1996, IFOR was replaced by the Stabilization Force (SFOR).

The Security Council in December 1995 had authorized the establishment of an International Police Task Force (IPTF) and a United Nations civilian office with certain responsibilities, including assisting the parties in maintaining civilian law enforcement agencies in accordance with internationally accepted standards. On 6 February 1996, the Secretary-General reported that that operation would henceforth be known as the

United Nations Mission in Bosnia and Herzegovina (UNMIBH).

UNCRO was succeeded in early 1996 by two new operations for Croatia: the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the United Nations Mission of Observers in Prevlaka (UNMOP). UNPREDEP continued its work as an independent mission, beginning on 1 February 1996.

Under-Secretary-General Kofi Annan was appointed on 1 November 1995, on a temporary basis, as Special Representative of the Secretary-General in the Former Yugoslavia. His mandate was to coordinate the complex activities associated with winding up two existing peacekeeping missions—UNPROFOR and UNCRO—and establishing three new ones—UNMIBH, UNTAES and UNMOP. A fourth peacekeeping operation for the region—UNPREDEP—continued in 1996 to monitor the situation in FYROM.

Mr. Annan also had the task of ensuring a smooth transfer of responsibilities from the United Nations to IFOR, which had been authorized by the Security Council to ensure compliance with the military aspects of the Peace Agreement. His headquarters was located in Zagreb, alongside the United Nations Peace Forces headquarters (UNPF-HQ), which had overseen the work of UNPROFOR, UNPREDEP and UNCRO in 1995, and was phased out in 1996.

To provide policy direction, a Steering Committee on Transition of Responsibilities in the Former Yugoslavia was established during the transition period. Composed of UN civilian and military personnel and the NATO liaison officer to UNPF, it assisted the Special Representative in matters pertaining to UN agencies and programmes involved in implementing the Peace Agreement, as well as the transition of responsibilities from UNPROFOR to IFOR. Upon Mr. Annan's departure on 29 February 1996, a small Transition Office for the Former Yugoslavia took over responsibility for the liquidation of the former UNPF mission and for the continued provision of common support services to the four successor operations—UNMIBH, UNTAES, UNMOP and UNPREDEP. (For more information on activities of peacekeeping operations, see under "Bosnia and Herzegovina", "Croatia" and "The former Yugoslav Republic of Macedonia". Financing details and resolutions follow.)

### **Combined financing of UN operations**

During its resumed fiftieth session, on 28 February 1996, the General Assembly, responding to requests from the Secretary-General

[A/50/238/Rev.1, A/50/239, A/50/240], adopted **decision 50/402 B**. By that decision, the Assembly included in the agenda of its fiftieth session three items—on the financing of UNMIBH, of UNTAES and of UNPREDEP—and allocated them to the Fifth (Administrative and Budgetary) Committee.

In March, the Secretary-General presented cost estimates [A/50/696/Add.4 & Corr.1] for UN operations in Bosnia and Herzegovina for the period 1 January to 30 June 1996. The estimates covered the phasing-out costs of UNPROFOR, UNCRO and UNPF-HQ; start-up and maintenance costs of UNMIBH and UNTAES; as well as maintenance costs of UNPREDEP. For administrative and budgetary purposes, the estimates for UNMOP and the Office of the Special Coordinator for Sarajevo were included with those of UNMIBH; estimates for the liaison offices in Belgrade and Zagreb were included with those of UNTAES. The related recommendation of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/50/903] was for a commitment authority, pending its detailed consideration of those estimates.

### **GENERAL ASSEMBLY ACTION (April)**

As an interim action, therefore, the General Assembly in April adopted **decision 50/481**.

**Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters; financing of the United Nations Mission in Bosnia and Herzegovina; financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium; and financing of the United Nations Preventive Deployment Force**

At its 104th plenary meeting, on 11 April 1996, the General Assembly, on the recommendation of the Fifth Committee, having considered the report of the Advisory Committee on Administrative and Budgetary Questions:

(a) Authorized the Secretary-General, on an exceptional basis, to enter into commitments for the preliquidation of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia and the United Nations Peace Forces headquarters, as well as the maintenance of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, the United Nations Mission in Bosnia and Herzegovina and the United Nations Preventive Deployment Force for the period from 1 January to 31 May 1996 in the amount of 100 million United States dollars gross (98,430,700 dollars net);

(b) Decided, as an ad hoc arrangement, to assess the amount of 50 million dollars gross (49,215,350 dollars net) to the Special Account established by the General

Assembly in its resolution 46/233 of 19 March 1992, consisting of 14 million dollars gross (13,780,300 dollars net) for the United Nations Mission in Bosnia and Herzegovina, 29.5 million dollars gross (29,037,100 dollars net) for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and 6.5 million dollars gross (6,397,950 dollars net) for the United Nations Preventive Deployment Force, for the period from 1 January to 31 May 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995 and 49/249 B of 14 September 1995 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996;

(c) Also decided that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there should be set off against the apportionment among Member States, as provided for in paragraph (b) above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 784,650 dollars approved for the operations for the period from 1 January to 31 May 1996;

(d) Further decided to undertake a detailed review of the cost estimates for those operations for the period from 1 January to 30 June 1996 at the second part of its resumed session, before 10 May 1996.

General Assembly decision 50/481

Adopted without vote

Approved by Fifth Committee (A/50/796/Add.2) without vote, 4 April (meeting 55); draft by Vice-Chairman (A/C.5/50/L.37), based on informal consultations; agenda items 128, 167, 168 & 169.  
Meeting numbers. GA 50th session: 5th Committee 52, 55; plenary 104.

#### GENERAL ASSEMBLY ACTION (June)

ACABQ subsequently examined the Secretary-General's 1 January-30 June 1996 estimates [A/50/696/Add.4 & Corr.1], together with a later addendum [A/50/696/Add.5] containing estimated liquidation costs of UNPROFOR, UNCRO and UNPF-HQ for an eight-month period, from 1 July 1996 to 28 February 1997, and central support costs (communications, transport and air operations) for UNTAES, UNMIBH and UNPREDEP for a 12-month period from 1 July 1996 to 30 June 1997.

On the basis of the Fifth Committee's consideration of the Secretary-General's cost estimates and of ACABQ's related report [A/50/903/Add.1], the Assembly on 7 June 1996 adopted **resolution 50/235**.

#### **Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Protec-

tion Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 727(1992) of 8 January 1992 and 740(1992) of 7 February 1992, in which the Council endorsed the sending of a group of military liaison officers to Yugoslavia to promote maintenance of the ceasefire,

Recalling also Security Council resolution 743(1992) of 21 February 1992, by which the Council established the United Nations Protection Force, and the subsequent resolutions by which the Council extended and expanded its mandate,

Recalling further Security Council resolution 981(1995) of 31 March 1995, by which the Council established the United Nations Confidence Restoration Operation in Croatia, to be known as UNCRO,

Recalling Security Council resolution 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force,

Recalling also Security Council resolution 1025(1995) of 30 November 1995, by which the Council decided to terminate the mandate of the United Nations Confidence Restoration Operation in Croatia on 15 January 1996,

Recalling further Security Council resolution 1031(1995) of 15 December 1995, in which the Council decided to terminate the mandate of the United Nations Protection Force on the date on which the Secretary-General reported that the transfer of authority from the United Nations Protection Force to the Implementation Force had taken place,

Recalling the letter dated 1 February 1996 from the President of the Security Council to the Secretary-General informing him of the Council's concurrence in principle that the United Nations Preventive Deployment Force become an independent mission,

Recalling also its resolution 46/233 of 19 March 1992 on the financing of the United Nations Protection Force and its subsequent resolutions and decisions thereon, the latest of which was decision 50/481 of 11 April 1996,

Reaffirming that the costs of the combined Forces are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling further its previous decisions regarding the fact that, in order to meet the expenditures caused by the combined Forces, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the combined Forces by certain Governments,

Mindful of the fact that it is essential to provide the combined Forces with the necessary financial resources to enable them to fulfil their responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the combined Forces as at 21 May 1996, including the contributions unpaid in the amount of 738.4 million United States dollars, representing 16 per cent of the total assessed contributions from the inception of the United Nations Protection Force to the period ending 31 March 1996, notes that some 22 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the combined Forces in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Requests the Secretary-General to take all necessary action to ensure that the combined Forces are administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General to submit the performance report covering the period from 1 July to 31 December 1995, through the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly by 15 August 1996;

8. Further requests the Secretary-General to clarify, in consultation with the Member State(s) concerned, the value, calculated according to standard United Nations procedures, of those budgeted contributions in kind which served to reduce the amount assessed on Member States for the rapid reaction capacity, and to report thereon to the General Assembly as soon as possible;

9. Decides that all expenses for the rapid reaction capacity of the United Nations Protection Force, including the agreed value of such budgeted contributions in kind, should be included within the assessed budget for the combined Forces;

10. Decides also to review the resource requirements of the United Nations Protection Force in the light of the performance report requested in paragraph 7 and the information requested in paragraph 8 above;

11. Requests the Secretary-General to return to the Member States concerned the unspent cash contributions made to the sub-account for the rapid reaction capacity established pursuant to paragraph 15 of General Assembly resolution 49/248 of 20 July 1995, and also requests him to take the necessary steps to close the sub-account;

12. Takes note of the comments of the Advisory Committee on Administrative and Budgetary Questions, as contained in paragraph 18 of its report, on provisions for reimbursement for contingent-owned equipment;

13. Welcomes the ongoing efforts of the Secretary-General to process outstanding contingent-owned equipment reimbursement claims, and requests him to take urgent steps to clear the backlog of such claims to enable speedier liquidation of the combined Forces;

14. Decides to keep the amounts budgeted for provision for reimbursement of contingent-owned equipment under review, pending completion of the process noted in paragraph 13 above;

15. Urges the Secretary-General to review, on an urgent basis, the concerns regarding decentralization of administrative functions, such as recruitment and placement, movement control, training, repatriation and procurement, and reducing the overall number of administrative staff, which were raised in the report of the Advisory Committee on Administrative and Budgetary Questions, and to report thereon by 1 July 1996 to the General Assembly;

16. Requests the Secretary-General to develop revised cost estimates for third-party claims and adjustments, following completion of the thorough study to be completed by the Legal Counsel and taking into account the issues raised in the report of the Advisory Committee on Administrative and Budgetary Questions, and to submit them, through the Advisory Committee, to the General Assembly;

17. Decides that any expenditures for disposal of hazardous wastes, such as contaminated petrol, oil and lubricants, batteries, used tyres and other wastes, shall be consistent with prior practice in other missions;

18. Decides also to appropriate to the special account referred to in General Assembly resolution 46/233 the amount of 100 million dollars gross (99,569,800 dollars net) already authorized and apportioned under the terms of Assembly resolution 49/248 for the period from 1 July to 30 November 1995;

19. Decides further to appropriate the amount of 115,373,000 dollars gross (113,866,300 dollars net) already authorized by the General Assembly in its decision 50/410 A of 4 December 1995 for the period from 1 to 31 December 1995;

20. Authorizes the Secretary-General to enter into additional commitments in the amount of 90,562,100 dollars gross (89,826,050 dollars net) for the pre-liquidation of the combined Forces for the period from 1 January to 30 June 1996, taking into account the amount of 100 million dollars gross (98,430,700 dollars net) already authorized by the General Assembly in its decision 50/410 B of 23 December 1995 and the amount of 50 million dollars gross (49,215,350 dollars net) already authorized by the Assembly in its decision 50/481 of 11 April 1996 for the period from 1 January to 31 May 1996;

21. Also authorizes the Secretary-General to enter into commitments for the liquidation of the combined Forces and the provision of common support for the three-month period from 1 July to 30 September 1996 at a monthly rate not to exceed 6,231,150 dollars gross (5,787,200 dollars net), inclusive of the amount of 99,400 dollars for the support account for peacekeeping operations;

22. Invites voluntary contributions to the combined Forces in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

23. Decides to revert to the agenda item entitled "Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters" at its resumed fiftieth session.

General Assembly resolution 50/235

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/796/Add.3) without vote, 3 June (meeting 64, resumed); draft by Vice-Chairman (A/C.5/50/L.60), based on informal consultations and orally revised; agenda item 128.

Meeting numbers. GA 50th session: 5th Committee 59, 64 (resumed); plenary 120.

#### GENERAL ASSEMBLY ACTION (November)

Because of the late issuance of the requested UNPF performance report for the second half of 1995, thus precluding its immediate review by ACABQ, and given that paragraph 21 of **resolution 50/235** provided for financial arrangements only to 30 September 1996 for liquidation and common support purposes, the Assembly, on the recommendation of the Fifth Committee [A/50/796/Add.4], adopted **decision 50/410 C** on 17 September. By that decision, the Assembly authorized the Secretary-General to enter into commitments for the liquidation of the combined Forces and the provision of common support for the period 1 to 31 October 1996 in the amount of \$6,231,150 gross (\$5,787,200 net).

In October, the Fifth Committee considered, in addition to the financial performance report of UNPROFOR, UNCRO, UNPREDEP and UNPF-HQ for 1 July to 31 December 1995 [A/50/696/Add.7], a further report by the Secretary-General on the results of an in-depth review undertaken in June [A/50/696/Add.6] of ACABQ's concerns [A/50/903/Add.1] regarding decentralization of additional administrative support functions (recruitment and placement, movement control, training, repatriation, procurement) of UNMIBH, UNTAES and UNPREDEP, as well as reducing the overall number of administrative staff. Accompanying those reports were ACABQ's related comments and observations [A/51/497]. Also considered was a report by the Secretariat's Office of Internal Oversight Services [A/51/305] on its review of the management structure in the civilian staff component of UNPF.

On 4 November, the Assembly adopted **resolution 51/12 A**.

#### **Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Having considered also the report of the Office of Internal Oversight Services on the review of the management structure in the civilian staff component of the United Nations Peace Forces,

Recalling Security Council resolutions 727(1992) of 8 January 1992 and 740(1992) of 7 February 1992, in which the Council endorsed the sending of a group of military liaison officers to Yugoslavia to promote maintenance of the ceasefire,

Recalling also Security Council resolution 743(1992) of 21 February 1992, by which the Council established the United Nations Protection Force, and the subsequent resolutions by which the Council extended and expanded its mandate,

Recalling further Security Council resolution 981(1995) of 31 March 1995, by which the Council established the United Nations Confidence Restoration Operation in Croatia, to be known as UNCRO,

Recalling Security Council resolution 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force,

Recalling also Security Council resolution 1025(1995) of 30 November 1995, in which the Council decided to terminate the mandate of the United Nations Confidence Restoration Operation in Croatia on 15 January 1996,

Recalling further Security Council resolution 1031(1995) of 15 December 1995, in which the Council decided to terminate the mandate of the United Nations Protection Force on the date on which the Secretary-General reported that the transfer of authority from the United Nations Protection Force to the Implementation Force had taken place,

Recalling the letter dated 1 February 1996 from the President of the Security Council to the Secretary-General informing him of the Council's concurrence in principle that the United Nations Preventive Deployment Force become an independent mission,

Recalling also its resolution 46/233 of 19 March 1992 on the financing of the United Nations Protection Force and its subsequent resolutions and decisions thereon, the latest of which was decision 50/410 C of 17 September 1996,

Reaffirming that the costs of the combined Forces are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the combined Forces, a different procedure is required

from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the combined Forces by certain Governments,

Mindful of the fact that it is essential to provide the combined Forces with the necessary financial resources to enable them to fulfil their responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the combined Forces as at 23 October 1996, including the contributions outstanding in the amount of 731.8 million United States dollars, representing 16 per cent of the total assessed contributions from the inception of the United Nations Protection Force to the period ending 31 March 1996, notes that some 32 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the combined Forces in full and on time;

5. Endorses the observations and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Endorses also the recommendations made by the Office of Internal Oversight Services in its report on the review of the management structure in the civilian staff component of the United Nations Peace Forces, and requests the Secretary-General to ensure that those recommendations are fully taken into account in the future planning of United Nations peacekeeping missions;

7. Requests the Secretary-General to issue no later than 8 December 1996 the performance report for the period from 1 January to 30 June 1996;

8. Also requests the Secretary-General to include in his next report on the financing of the combined Forces updated information on the status of liquidation of the United Nations Protection Force and the United Nations Confidence Restoration Operation in Croatia, including costs, staffing levels, a description of difficulties that have been encountered, the Secretary-General's assessment of the progress of liquidation and projections regarding its completion;

9. Expresses its concern about the payment by the combined Forces of charges for items that should have

been provided without cost under the status-of-forces agreements;

10. Urges the Secretary-General to convey the concerns of the General Assembly to the Governments concerned, as well as the request by the Assembly that the Governments reimburse the combined Forces for those expenditures, and requests the Secretary-General to withhold settlement of claims submitted by the Governments concerned until the matter of the expenditures is resolved and to include information on efforts to obtain reimbursement in the next report on the financing of the combined Forces;

11. Reminds all Member States that are host to a United Nations peacekeeping mission of the importance of concluding a status-of-forces agreement with the United Nations when a mission has been authorized and of their obligation to comply fully with the terms of such agreements, when concluded;

12. Requests the Secretary-General to take all necessary action to ensure that the combined Forces are administered with a maximum of efficiency and economy;

13. Decides, as an ad hoc arrangement, to apportion the amount of 115,373,000 dollars gross (113,866,300 dollars net), already appropriated by the General Assembly in its resolution 50/235 of 7 June 1996, for the period from 1 to 31 December 1995 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1995 as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

14. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,506,700 dollars approved for the period from 1 to 31 December 1995;

15. Decides further that, for Member States that have fulfilled their financial obligations to the combined Forces, there shall be set off against the apportionment, as provided for in paragraph 13 above, their respective share in the amount of 115,373,000 dollars gross (113,866,300 dollars net) from the unencumbered balance of 227,406,878 dollars gross (227,911,279 dollars net) in respect of the period ending 31 December 1995;

16. Decides that, for Member States that have not fulfilled their obligations to the combined Forces, their share in the amount of 115,373,000 dollars gross (113,866,300 dollars net) from the unencumbered balance of 227,406,878 dollars gross (227,911,279 dollars net) for the period ending 31 December 1995 shall be set off against their outstanding obligations;

17. Authorizes the Secretary-General to enter into commitments for the liquidation of the combined Forces and the provision of common support for the



period from 1 November to 31 December 1996 in the amount of 12,462,300 dollars gross (11,574,400 dollars net);

18. Invites voluntary contributions to the combined Forces in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

19. Decides to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters".

General Assembly resolution 51/12 A

4 November 1996 Meeting 50 Adopted without vote

Approved by Fifth Committee (A/51/639) without vote, 31 October (meeting 17); draft by Chairman (A/C.5/51/L.7), based on informal consultations; agenda item 129.

Meeting numbers. GA 51st session: 5th Committee 14, 17; plenary 50.

#### GENERAL ASSEMBLY ACTION (December)

In December, the Assembly, having considered the Secretary-General's report [A/51/701] on the financial performance of UNPROFOR, UNCRO, UNPREDEP and UNPF-HQ for the six-month period from 1 January to 30 June 1996, adopted **decision 51/457**.

#### **Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters**

At its 89th plenary meeting, on 18 December 1996, the General Assembly, on the recommendation of the Fifth Committee, recalling its resolution 51/12 A of 4 November 1996 on the financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters and pending its review of the performance report on the combined Forces for the period from 1 January to 30 June 1996:

(a) Authorized the Secretary-General to enter into additional commitments for the liquidation of the combined Forces and the provision of common support for the period from 1 July 1996 to 30 June 1997 in the amount of 12,860,300 United States dollars gross (12,227,800 dollars net), inclusive of the additional amount of 895,000 dollars for the support account for peacekeeping operations;

(b) Requested the Secretary-General to take all necessary action to address the relevant findings and recommendations of the Advisory Committee on Administrative and Budgetary Questions, the Office of Internal Oversight Services and the Board of Auditors in respect of the combined Forces.

General Assembly decision 51/457

Adopted without vote

Approved by Fifth Committee (A/51/639/Add.1) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.26), based on informal consultations; agenda item 129.

Meeting numbers. GA 51st session: 5th Committee 41, 46; plenary 89.

By **decision 51/460** of 18 December, the Assembly decided that, at its resumed fifty-first session, the Fifth Committee should continue its consideration of the agenda item on the financing of the combined UN Peace Forces along with 26 other agenda items and one sub-item.

#### **UNMIBH financing**

In February, at its resumed fiftieth session, the General Assembly included in its agenda an item on the financing of UNMIBH, and in April acted to provide for its initial financing from inception to 30 June 1996 (see above).

#### **GENERAL ASSEMBLY ACTION (June)**

On the basis of the Fifth Committee's consideration of the Secretary-General's report on budget estimates for the maintenance of UNMIBH for the 12-month period from 1 July 1996 to 30 June 1997 [A/50/906], together with the observations and consequent recommendations of ACABQ [A/50/903/Add.1], the Assembly, on 7 June, adopted **resolution 50/241**.

#### **Financing of the United Nations Mission in Bosnia and Herzegovina**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission in Bosnia and Herzegovina and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1035(1995) of 21 December 1995, by which the Council established the United Nations Mission in Bosnia and Herzegovina for a period of one year,

Recalling also Security Council resolution 1038(1996) of 15 January 1996, by which the Council authorized the United Nations military observers to continue to monitor the demilitarization of the Prevlaka peninsula,

Recalling further its decision 50/481 of 11 April 1996 on the financing of the Mission,

Recognizing that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

2. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

3. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Mission in Bosnia and Herzegovina in full and on time;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

6. Decides to appropriate the amount of 43,849,300 United States dollars gross (42,662,500 dollars net) for the maintenance of the Mission for the period from 1 January to 30 June 1996, inclusive of the amount of 14 million dollars gross (13,780,300 dollars net) authorized for the period from 1 January to 31 May 1996 under the provisions of General Assembly decision 50/481, and requests the Secretary-General to establish a special account for the Mission in accordance with paragraph 46 of his report;

7. Decides also, as an ad hoc arrangement, and taking into account the amount of 14 million dollars gross (13,780,300 dollars net) already apportioned in accordance with General Assembly decision 50/481, to apportion the additional amount of 29,849,300 dollars gross (28,882,200 dollars net) for the period from 1 January to 30 June 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 967,100 dollars approved for the period from 1 January to 30 June 1996;

9. Takes note of the cost estimate of the Secretary-General in the amount of 158,799,600 dollars gross (150,854,700 dollars net) for the maintenance of the

Mission for the period from 1 July 1996 to 30 June 1997;

10. Decides to appropriate the amount of 75,619,800 dollars gross (72,225,600 dollars net) for the maintenance of the Mission for the period from 1 July to 31 December 1996, inclusive of the amount of 1,918,300 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 12,603,300 dollars gross (12,037,600 dollars net) in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Mission beyond 20 December 1996;

11. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3,394,200 dollars approved for the period from 1 July to 31 December 1996;

12. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

13. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina".

General Assembly resolution 50/241

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/966) without vote, 3 June (meeting 64, resumed); draft by Vice-Chairman (A/C.5/50/L.58), based on informal consultations; agenda item 167.

Meeting numbers. GA 50th session: 5th Committee 59, 64 (resumed); plenary 120.

#### GENERAL ASSEMBLY ACTION (December)

On 16 December 1996, during the Assembly's fifty-first session, following the Fifth Committee's consideration of the Secretary-General's updated cost estimates for UNMIBH for the same 12-month period above [A/51/519 & Corr.1] showing a 1.1 per cent decrease in gross terms from his original estimates, together with the related observations of ACABQ [A/51/681], the Assembly adopted **resolution 51/152 A**.

#### Financing of the United Nations Mission in Bosnia and Herzegovina

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in Bosnia and Herzegovina and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1035(1995) of 21 December 1995, by which the Council established the United Nations Mission in Bosnia and Herzegovina for a period of one year,

Recalling also Security Council resolution 1066(1996) of 15 July 1996, in which the Council authorized the United Nations military observers to continue to monitor the demilitarization of the Prevlaka peninsula,

Recalling further its decision 50/481 of 11 April 1996 and its resolution 50/241 of 7 June 1996 on the financing of the Mission,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission in Bosnia and Herzegovina as at 30 November 1996, including the contributions outstanding in the amount of 13.7 million United States dollars, representing 12 per cent of the total assessed contributions from the inception of the Mission to the period ending 20 December 1996, notes that some 27 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

7. Decides to appropriate the amount of 75,619,800 dollars gross (72,225,600 dollars net) for the maintenance of the Mission for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 1,918,300 dollars for the support account for peacekeeping operations, in addition to the amount of 75,619,800 dollars gross (72,225,600 dollars net) already appropriated for the period from 1 July to 31 December 1996 under the provisions of General Assembly resolution 50/241;

8. Decides also, as an ad hoc arrangement, and taking into account the amount of 75,619,800 dollars gross (72,225,600 dollars net) already apportioned in accordance with General Assembly resolution 50/241, to ap-

portion the additional amount of 75,619,800 dollars gross (72,225,600 dollars net) for the period from 1 July 1996 to 30 June 1997 among Member States at a monthly rate of 12,603,300 dollars gross (12,037,600 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the decision of the Security Council to extend the mandate of the Mission beyond 20 December 1996;

9. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 3,394,200 dollars approved for the period from 1 July 1996 to 30 June 1997;

10. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

11. Decides to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina".

General Assembly resolution 51/152 A

16 December 1996 Meeting 85 Adopted without vote

Approved by Fifth Committee (A/51/710) without vote, 6 December (meeting 37); draft by Chairman (A/C.5/51/L.12), based on informal consultations; agenda item 153.

Meeting numbers. GA 51st session: 5th Committee, 35, 37; plenary 85.

On 4 December, the Secretary-General submitted budget estimates for the maintenance of UNMIBH for a further 12-month period, from 1 July 1997 to 30 June 1998 [A/51/519/Add.1]. In that connection, the Assembly, by **decision 51/460** of 18 December, decided that, at its resumed fifty-first session, the Fifth Committee should continue its consideration of the agenda item on the financing of UNMIBH, along with 26 other items and one sub-item.

### UNTAES financing

As a follow-up to his 1995 recommendations [YUN 1995, p. 589] for a UN transitional administration and peacekeeping force to oversee implementation of the Basic Agreement, the Secretary-General, on 15 January 1996 [S/1995/1028/Add.1], submitted a preliminary cost estimate of approximately \$128.5 million associated with

the emplacement and maintenance of such an operation for six months. That would provide for 5,000 contingent personnel, 600 UN civilian police, 469 international civilian staff and 681 locally recruited staff. A breakdown of the estimate by main categories of expenditure was also submitted.

The Secretary-General recommended that the cost should be considered an expense of the Organization to be borne by Member States and that the corresponding assessments to be levied on them be credited to a special account to be set up for the purpose.

#### GENERAL ASSEMBLY ACTION (February and April)

At its resumed fiftieth session, the General Assembly, by **decision** 50/402 B of 28 February 1996, included in the agenda of that session an item entitled "Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium" and allocated it to the Fifth Committee. By **decision** 50/481 of 11 April, the Assembly authorized the Secretary-General, on an exceptional basis, to enter into commitments for the maintenance of UNTAES, among other UN operations.

In March and April, the Secretary-General presented budget estimates for the maintenance of UNTAES from 1 January to 30 June 1996 [A/50/696/Add.4 & Corr.1] and from 1 July 1996 to 30 June 1997 [A/50/909]. For administrative and budgetary purposes, the estimates included the requirements for the liaison offices in Belgrade and Zagreb, although they were independent offices reporting directly to UN Headquarters.

#### GENERAL ASSEMBLY ACTION (June)

On the basis of the cost estimates and of the related ACABQ observations and recommendations [A/50/903/Add.1], the Assembly on 7 June adopted **resolution** 50/242.

#### **Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium**

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1037(1996) of 15 January 1996, by which the Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium for an initial period of twelve months,

Recalling also its decision 50/481 of 11 April 1996 on the financing of the Transitional Administration,

Recognizing that the costs of the Transitional Administration are expenses of the Organization to be borne

by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Transitional Administration, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Transitional Administration with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

2. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

3. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium in full and on time;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that the Transitional Administration is administered with a maximum of efficiency and economy;

6. Decides to appropriate an amount of 94,269,700 United States dollars gross (93,073,300 dollars net) for the maintenance of the Transitional Administration for the period from 15 January to 30 June 1996, inclusive of the amount of 29,500,000 dollars gross (29,037,100 dollars net) authorized for the period from 15 January to 31 May 1996 under the provisions of General Assembly decision 50/481, and requests the Secretary-General to establish a special account for the Transitional Administration in accordance with paragraph 46 of his report;

7. Decides also, as an ad hoc arrangement, and taking into account the amount of 29,500,000 dollars gross (29,037,100 dollars net) already apportioned in accordance with General Assembly decision 50/481, to apportion an additional amount of 64,769,700 dollars gross (64,036,200 dollars net) for the period from 15 January to 30 June 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993

and 50/451/B of 23 December 1995, and taking into account the scale of assessments for the year 1996 as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 733,500 dollars approved for the period from 15 January to 30 June 1996;

9. Takes note of the cost estimate of the Secretary-General in the amount of 284,776,500 dollars gross (275,350,500 dollars net) for the maintenance of the Transitional Administration for the period from 1 July 1996 to 30 June 1997;

10. Decides to appropriate the amount of 140,484,350 dollars gross (136,087,550 dollars net) for the maintenance of the Transitional Administration for the period from 1 July to 31 December 1996, inclusive of the amount of 3,440,050 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 23,414,100 dollars gross (22,681,300 dollars net), in accordance with the scheme set out in the present resolution;

11. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 4,396,800 dollars approved for the period from 1 July to 31 December 1996;

12. Invites voluntary contributions to the Transitional Administration in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

13. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium".

General Assembly resolution 50/242

7 June 1996      Meeting 120      Adopted without vote

Approved by Fifth Committee (A/50/967) without vote, 3 June (meeting 64, resumed); draft by Vice-Chairman (A/C.5/50/L.57), based on informal consultations; agenda item 168.

Meeting numbers. GA 50th session: 5th Committee 59, 64 (resumed); plenary 120.

#### GENERAL ASSEMBLY ACTION (December)

Subsequently, during the fifty-first session, the Secretary-General revised the cost estimates for the maintenance of UNTAES and the Belgrade and Zagreb liaison offices for 1 July 1996 to 30 June 1997 [A/51/520]. In the light of the revised estimates and of the related ACABQ comments and recommendations [A/51/681], the Assembly, on 16 December 1996, adopted **resolution 51/153 A**.

#### Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 1037(1996) of 15 January 1996, by which the Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium for an initial period of twelve months, and 1079(1996) of 15 November 1996, in which the Council extended the mandate of the Transitional Administration to 15 July 1997,

Recalling also its decision 50/481 of 11 April 1996 and its resolution 50/242 of 7 June 1996 on the financing of the Transitional Administration,

Reaffirming that the costs of the Transitional Administration are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Transitional Administration, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that a voluntary contribution has been made to the Transitional Administration by a Government,

Mindful of the fact that it is essential to provide the Transitional Administration with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium as at 30 November 1996, including the contributions outstanding in the amount of 53.6 million United States dollars, representing 23 per cent of the total assessed contributions from the inception of the Transitional Administration to the period ending 31 December 1996, notes that some 27 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Transitional Administration in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Transitional Administration is administered with a maximum of efficiency and economy;

7. Decides to appropriate the amount of 140,484,350 dollars gross (136,087,550 dollars net) for the maintenance of the Transitional Administration for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 3,440,050 dollars for the support account for peacekeeping operations, in addition to the amount of 140,484,350 dollars gross (136,087,550 dollars net) already appropriated for the period from 1 July to 31 December 1996 under the provisions of General Assembly resolution 50/242;

8. Decides also, as an ad hoc arrangement, and taking into account the amount of 140,484,350 dollars gross (136,087,550 dollars net) already apportioned in accordance with General Assembly resolution 50/242, to apportion an additional amount of 140,484,350 dollars gross (136,087,550 dollars net) for the period from 1 July 1996 to 30 June 1997 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997 as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

9. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 4,396,800 dollars approved for the period from 1 July 1996 to 30 June 1997;

10. Invites voluntary contributions to the Transitional Administration in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

11. Decides to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium".

General Assembly resolution 51/153 A  
16 December 1996 Meeting 85 Adopted without vote

Approved by Fifth Committee (A/51/711) without vote, 6 December (meeting 37); draft by Chairman (A/C.5/51/L.11), based on informal consultations; agenda item 154.

Meeting numbers. GA 51st session: 5th Committee 35, 37; plenary 85.

By **decision 51/462** of 18 December, the Assembly decided that the agenda item on the financing of UNTAES remained for consideration during the fifty-first session.

### UNMOP financing

Although an independent mission, for administrative and budgetary purposes, UNMOP was treated as part of UNMIBH. Therefore, on 29 March, the Secretary-General reported on UNMIBH financing [A/50/906], including cost estimates of \$2 million for maintaining UNMOP for a 12-month period beginning on 1 July 1996. On 3 July [S/1996/502/Add.1], the Secretary-General submitted cost estimates of \$500,000 for a three-month extension of UNMOP until 15 October 1996.

### UNPREDEP financing

By **decision 50/402 B** of 28 February, the General Assembly included in its agenda an item on the financing of UNPREDEP, and, on 11 April, granted the Secretary-General authority to enter into commitments required for its maintenance from 1 January to 31 May 1996 (**decision 50/481**).

### GENERAL ASSEMBLY ACTION (June)

On 7 June, following a review of cost estimates for UNPREDEP for the six-month period from 1 January to 30 June 1996 [A/50/696/Add.4 & Corr.1], and for the 12-month period from 1 July 1996 to 30 June 1997 [A/50/895], together with related observations and recommendations of ACABQ [A/50/903/Add.1], the Assembly adopted **resolution 50/243**.

### Financing of the United Nations Preventive Deployment Force

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Preventive Deployment Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force, and 1027(1995) of 30 November 1995, by which the Council extended the mandate of the Force until 30 May 1996,

Recalling also its decision 50/481 of 11 April 1996 on the financing of the Force,

Recognizing that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

2. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

3. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Preventive Deployment Force in full and on time;

4. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

5. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

6. Decides to appropriate the amount of 20,914,200 United States dollars gross (20,562,300 dollars net) for the maintenance of the Force for the period from 1 January to 30 May 1996, inclusive of the amount of 6,500,000 dollars gross (6,397,950 dollars net) authorized for the period from 1 January to 30 May 1996 under the provisions of General Assembly decision 50/481, and requests the Secretary-General to establish a special account for the Force in accordance with paragraph 46 of his report;

7. Decides also, as an ad hoc arrangement, and taking into account the amount of 6,500,000 dollars gross (6,397,950 dollars net) already apportioned in accordance with General Assembly decision 50/481, to apportion an additional amount of 14,414,200 dollars gross (14,164,350 dollars net) for the period from 1 January to 30 May 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of

249,850 dollars approved for the period from 1 January to 30 May 1996;

9. Decides to authorize the Secretary-General to enter into commitments in the amount of 4,237,100 dollars gross (4,132,500 dollars net) for the maintenance of the Force for the period from 31 May to 30 June 1996, to be apportioned among Member States in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 May 1996;

10. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 104,600 dollars approved for the period from 31 May to 30 June 1996;

11. Takes note of the cost estimate of the Secretary-General in the amount of 52,351,500 dollars gross (50,835,900 dollars net) for the maintenance of the Force for the period from 1 July 1996 to 30 June 1997;

12. Decides to appropriate the amount of 26,296,200 dollars gross (25,538,400 dollars net) for the maintenance of the Force for the period from 1 July to 31 December 1996, inclusive of the amount of 632,400 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 4,382,700 dollars gross (4,256,400 dollars net), in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 May 1996;

13. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 757,800 dollars approved for the period from 1 July to 31 December 1996;

14. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

15. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Preventive Deployment Force".

General Assembly resolution 50/243

7 June 1996                      Meeting 120                      Adopted without vote

Approved by Fifth Committee (A/50/968) without vote, 3 June (meeting 64, resumed); draft by Vice-Chairman (A/C.5/50/L.59), based on informal consultations; agenda item 169.

Meeting numbers. GA 50th session: 5th Committee 59, 64 (resumed); plenary 120.

#### GENERAL ASSEMBLY ACTION (December)

On 16 December, the Assembly, having considered the Secretary-General's revised cost estimates for UNPREDEP for the 12-month period from 1 July 1996 to 30 June 1997 [A/51/508 & Corr.1], together with ACABQ's observations [A/51/681], adopted **resolution 51/154 A**.

### **Financing of the United Nations Preventive Deployment Force**

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Preventive Deployment Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force, and 1082(1996) of 27 November 1996, in which the Council extended the mandate of the Force until 31 May 1997,

Recalling also its decision 50/481 of 11 April 1996 and its resolution 50/243 of 7 June 1996 on the financing of the Force,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the United Nations Preventive Deployment Force by certain Governments,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Preventive Deployment Force as at 30 November 1996, including the contributions outstanding in the amount of 10.6 million United States dollars, representing 23 per cent of the total assessed contributions from the inception of the Force to the period ending 30 November 1996, notes that some 28 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States that have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Decides to appropriate the amount of 4,237,100 dollars gross (4,132,500 dollars net) already authorized and apportioned in accordance with General Assembly resolution 50/243 for the maintenance of the Force for the period from 31 May to 30 June 1996;

8. Decides also to appropriate the amount of 25,373,400 dollars gross (24,615,600 dollars net) for the maintenance of the Force for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 632,400 dollars for the support account for peacekeeping operations, in addition to the amount of 26,296,200 dollars gross (25,538,400 dollars net), already appropriated for the period from 1 July to 31 December 1996 under the provisions of General Assembly resolution 50/243;

9. Decides further, as an ad hoc arrangement, and taking into account the amount of 26,296,200 dollars gross (25,538,400 dollars net) already apportioned in accordance with General Assembly resolution 50/243, to apportion an additional amount of 25,373,400 dollars gross (24,615,600 dollars net) for the period from 1 July 1996 to 30 June 1997 among Member States at a monthly rate of 4,228,900 dollars gross (4,102,600 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 May 1997;

10. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 757,800 dollars approved for the period from 1 July 1996 to 30 June 1997;

11. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

12. Decides to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Preventive Deployment Force".



General Assembly resolution 51/154 A

16 December 1996 Meeting 85 Adopted without vote

Approved by Fifth Committee (A/51/712) without vote, 6 December (meeting 37); draft by Chairman (A/C.5/51/L.13), based on informal consultations; agenda item 155.

Meeting numbers. GA 51st session: 5th Committee 35, 37; plenary 85.

### State succession issues

The High Representative, appointed by the 1995 London Peace Implementation Conference (see below, under "Bosnia and Herzegovina") [S/1996/542, S/1996/814], reported that the Special Negotiator on State Succession Issues held separate discussions with each of the five successor States of the former Yugoslavia—Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY), the former Yugoslav Republic of Macedonia (FYROM), and Slovenia—in several rounds of talks between April and September.

Pending resolution of the succession issues, FRY concluded three separate agreements—with FYROM, on 8 April [S/1996/291]; with Croatia, on 23 August [A/51/318-S/1996/706]; and with Bosnia and Herzegovina, on 3 October [A/51/461-S/1996/830]. The agreements took the form of joint declarations aimed at normalizing relations between the countries, and were transmitted to the Security Council and the Secretary-General. By them, the parties undertook, *inter alia*, to respect each other as independent States within their international borders; to respect each other's sovereignty, territorial integrity and political independence; to establish diplomatic relations at the ambassadorial level; and to resolve issues of succession on the basis of the rules of international law on succession of States and through agreement.

FRY stated that it undertook to respect the integrity of Bosnia and Herzegovina in accordance with the Peace Agreement, "which affirmed the continuity of various forms of statal organization of Bosnia and Herzegovina and that the peoples of Bosnia and Herzegovina had during their history". For its part, Bosnia and Herzegovina accepted "the State continuity of the Federal Republic of Yugoslavia".

Following the conclusion of the agreement between FRY and FYROM, the European Union (EU) Presidency issued a statement [S/1996/296] by which, *inter alia*, it stated that it regarded that development as opening the way to recognition by EU member States, in accordance with their respective procedures, of FRY as one of the successor States to the former Socialist Federal Republic of Yugoslavia, and that, hereafter, the position of FRY within the international community would depend on its constructive approach to-

wards, among other issues, the question of State succession.

**Communication.** By a letter [A/51/564-S/1996/885] dated 28 October 1996 from Bosnia and Herzegovina, Croatia, FYROM and Slovenia addressed to the Secretary-General, the States declared their position with respect to questions resulting from the dissolution of the former Socialist Federal Republic of Yugoslavia which related to the membership of the successor States in the United Nations. Those questions constituted a part of the issue of State succession and had to be settled in accordance with international law and the relevant decisions taken by the competent organs of the United Nations, they said.

The relevant decisions in the case of the former Socialist Federal Republic of Yugoslavia were contained in Security Council resolution 777(1992) [YUN 1992, p. 138] and, most recently, resolution 1022(1995) [YUN 1995, p. 545], as well as in General Assembly resolution 47/1 [YUN 1992, p. 139]. In its resolution 777(1992), the Security Council stated that the State formerly known as the Socialist Federal Republic of Yugoslavia had ceased to exist, and that the Federal Republic of Yugoslavia (Serbia and Montenegro) had to apply for membership in the United Nations. Those resolutions continued to be applicable and had to be strictly adhered to.

All States that had emerged from the dissolution of the former Socialist Federal Republic of Yugoslavia, which had ceased to exist, were equal successor States, the four States declared. FRY also had to follow the procedure for admission of new Member States to the United Nations, which would enable the Organization to make its judgement on whether the conditions set out in Article 4 of the Charter of the United Nations had been met.

### End of sanctions

In tandem with progress in the peace process, the Security Council in November 1995, by resolution 1022(1995) [YUN 1995, p. 545], had suspended indefinitely most sanctions imposed as a result of conflicts in the former Yugoslavia. Measures that had been imposed with regard to the Bosnian Serb party were suspended indefinitely starting on 27 February 1996, after the Council had been informed the day before that the Commander of IFOR had determined that Bosnian Serb forces had withdrawn from the zones of separation established in the Dayton-Paris Peace Agreement. The High Representative on 29 September had reported [S/1996/814] that elections called for by the Peace Agreement, which were considered an essential step towards

achieving the Agreement's objectives, had taken place on 14 September.

Resolution 1022(1995) had specified that sanctions against FRY would be terminated on the tenth day following the occurrence of the first free and fair elections provided for in Annex 3 of the Peace Agreement.

On 1 October, the Security Council, in unanimously adopting **resolution 1074(1996)**, terminated, with immediate effect, the sanctions imposed in 1995, under resolution 1022(1995), against the Federal Republic of Yugoslavia (see under "Federal Republic of Yugoslavia (Serbia and Montenegro)" below).

## Bosnia and Herzegovina

With the signing of the Dayton-Paris Peace Agreement in December 1995 [YUN 1995, p. 544], the situation in Bosnia and Herzegovina entered into a new phase of shared responsibilities in 1996 between the United Nations and other segments of the international community, the Secretary-General reported in August 1996 [A/51/1]. Over the course of the year, a major transition was required on a number of levels, relating to negotiating and implementation machinery, international military and UN peacekeeping operations, and oversight of civilian aspects of the Peace Agreement, including elections, refugees and human rights violations, among others.

The Secretary-General declared that there were credible prospects for a viable and lasting peace in Bosnia and Herzegovina, provided that all parties cooperated in the Agreement's implementation. Despite encouraging results in the implementation of its military aspects, serious efforts were still required to achieve progress in other areas, and it would be wrong to underestimate the difficulties that lay ahead, he said.

Restrictions on freedom of movement and the intolerance demonstrated by all parties remained serious obstacles to the process of reconciliation and reconstruction, he went on. The peace process had not yet become irreversible. A real danger remained that the country would be partitioned along ethnic lines and that that could lead to resumption of hostilities in Bosnia and Herzegovina.

Joint efforts by the international community and the genuine cooperation of all parties were required to restore the multi-ethnic character of Bosnia and Herzegovina and to overcome the pain and hatred built up over the past four years, the Secretary-General concluded.

As the new multinational military Implementation Force (IFOR) was deployed in early 1996, the United Nations role in Bosnia and Herzegovina, in keeping with the Dayton-Paris Peace Agreement, was limited to two key tasks: the work of the International Police Task Force (IPTF)—primarily monitoring and training local law enforcement officials to help create a secure environment and prevent human rights violations—and the return of refugees and displaced persons.

In December 1995, the Security Council had authorized the creation of IFOR and the transfer to it of the authority and functions of the main UN peacekeeping operation for Bosnia and Herzegovina—the United Nations Protection Force (UNPROFOR). Led by the North Atlantic Treaty Organization (NATO), IFOR was deployed early in 1996, following the termination of UNPROFOR on 20 December 1995. Of 21,000 UNPROFOR troops, about 18,500 were designated to stay on as part of IFOR. By the end of 1996, IFOR consisted of 60,000 troops from 16 NATO countries and 18 non-NATO countries. It was succeeded on 12 December by the new Stabilization Force (SFOR).

During 1996, IFOR worked closely with the newly created IPTF, the major component of the new United Nations Mission in Bosnia and Herzegovina (UNMIBH), which also comprised a civilian affairs office and the Mine Action Centre.

The International Conference on the Former Yugoslavia (ICFY), established in 1992 [YUN 1992, p. 327] to guide the peace process for the entire region, was terminated on 31 January 1996 and succeeded by a Peace Implementation Council (PIC) and its Steering Board, with the main function of overseeing the Peace Agreement for Bosnia and Herzegovina.

The PIC Steering Board members included Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom, the United States, the Presidency of the European Union (EU), the European Commission and the Organization of the Islamic Conference (OIC).

A Peace Implementation Conference had been convened in London on 8 and 9 December 1995, just before the signing of the Peace Agreement, to mobilize the international community in support of a new start for the people of Bosnia and Herzegovina. In addition to establishing PIC and its Steering Board, the Conference appointed Carl Bildt, former Co-Chairman of the ICFY Steering Committee, as the High Representative to oversee civilian aspects of the Agreement.

A second Peace Implementation Conference was held in London in December 1996 to review the first year of implementation of the Agreement (see below).

On 1 February 1996, Iqbal Riza was appointed as Special Representative and Coordinator of the United Nations Operations in Bosnia and Herzegovina, succeeding Antonio Pedauye, who in January had served as Interim UN Coordinator. Mr. Riza had authority over IPTF and the UN civilian office and also coordinated other UN activities, including those relating to humanitarian relief and refugees, demining, human rights and economic rehabilitation. He also coordinated with the High Representative and with international organizations working in the field.

The High Representative established his main headquarters in Sarajevo, where he also served as head of UNMIBH. In April 1996, the Office of the United Nations Special Coordinator for Sarajevo, William Eagleton, was closed.

During the year, the Organization for Security and Cooperation in Europe (OSCE) was called on to assist in fostering regional stabilization, and to oversee elections in Bosnia and Herzegovina, as called for in the Peace Agreement. The voting took place on 14 September.

The Office of the United Nations High Commissioner for Refugees (UNHCR) was asked to develop a repatriation plan for the early, peaceful, orderly and phased return of refugees and displaced persons. Other UN agencies and programmes—including the World Bank, UNDP, WFP, WHO, ILO, UNESCO and UNICEF—contributed to the launching of economic reconstruction and rehabilitation—another goal of the Peace Agreement.

On 9 December, the Secretary-General reported [S/1996/1017] that many positive developments had occurred in Bosnia and Herzegovina during 1996: the massive presence of IFOR had ended the fighting; 2.4 million persons had participated in elections; and joint institutions had been established.

However, he warned, the country was still very far from the unified society in which all peoples would enjoy the widespread freedoms envisaged in the Peace Agreement. The three parties had failed to implement in good faith those aspects of the Agreement that would bind together the communities in the country.

Freedom of movement and the return of refugees and displaced persons to their homes of origin were far from being secured. Harassment of minorities persisted. Nationalist leaders of Republika Srpska, as well as some Croat leaders, had continued to advocate complete separation of their territories from Bosnia and Herzegovina. Unless those nationalistic aspirations were abandoned soon, the prospect of restoring a united Bosnia and Herzegovina, for which the in-

ternational community had made such an enormous effort, would fade.

### Background

The General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes Thereto [A/50/790-S/1995/999] was initialled in Dayton, Ohio, United States, on 21 November 1995 by three parties: the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro).

On the eve of the signing of the Agreement, which took place on 14 December 1995 in Paris, the Secretary-General stated [S/1995/1031] that the Agreement offered real hope of bringing to an end the tragic conflict in Bosnia and Herzegovina. Its implementation, together with that of other negotiated agreements for the region, would end the terrible suffering inflicted on its peoples for so many years, and a major source of instability in Europe would be removed.

By the 11-article Peace Agreement, known as the Dayton-Paris Agreement, the parties recognized the need for a comprehensive settlement to bring an end to the tragic conflict in the region, as well as their desire to contribute towards that end and to promote an enduring peace and stability.

Under the Agreement, the Republic of Bosnia and Herzegovina assumed the official name of "Bosnia and Herzegovina"; continued its legal existence under international law as a State, with its internationally recognized borders; and modified its structure to consist of two entities: the Federation of Bosnia and Herzegovina—where resided mainly Bosnian Muslims (Bosniacs) and Bosnian Croats—and the Bosnian Serb-dominated Republika Srpska.

Among other things, the parties welcomed and endorsed the arrangements made concerning specific elements of the peace settlement as set out in the Agreement's 11 annexes, including: its military aspects (Annex 1-A); regional stabilization (Annex 1-B); the boundary demarcation between the two entities (the Federation of Bosnia and Herzegovina and Republika Srpska) (Annex 2); elections (Annex 3); the Constitution of Bosnia and Herzegovina (Annex 4); arbitration (Annex 5); human rights (Annex 6); refugees (Annex 7); preservation of national monuments (Annex 8); public corporations (Annex 9); civilian implementation of the Agreement (Annex 10); and the International Police Task Force (IPTF) (Annex 11).

The Dayton-Paris Peace Agreement, negotiated intensively over a three-week period in No-

vember 1995 in Dayton, in a diplomatic effort led by the United States, had been preceded by the signing on 10 November 1995 of the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina, with an annex concerning agreed principles for an interim statute for the divided city of Mostar [A/50/810-S/1995/1021, YUN 1995, p. 551]. It set forth the general principles relating to the governance of the Federation and provided for the transfer of governmental functions from the former Government of the Republic to the Government of the Federation. At the beginning of January 1996, the two entities comprising the Republic of Bosnia and Herzegovina—the Federation of Bosnia and Herzegovina and Republika Srpska—confirmed their intention to draw up the necessary amendments to their respective constitutions and laws in conformity with the State Constitution, which had entered into force upon signature of the Dayton-Paris Peace Agreement.

On 1 March 1994 [YUN 1994, p. 550], a Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croat Population [S/1994/255] had been signed in Washington, D.C., by representatives of Bosnia and Herzegovina, Croatia and the Bosnian Croats.

On 18 March 1994, the Constitution of the Federation of Bosnia and Herzegovina was signed, also in Washington, D.C., by the same parties. The Constitution stated that Bosniacs and Croats, as constituent peoples of the Republic of Bosnia and Herzegovina, in the exercise of their sovereign rights, transformed the international structure of the territories with a majority of Bosniac and Croat populations in the Republic of Bosnia and Herzegovina into a Federation, which was composed of federal units with equal rights and responsibilities. Sarajevo served as the capital of both the Republic and the Federation.

The Federation—with its Bosnian Muslim and Bosnian Croat populations—was one of two constituent entities of the Republic, the other being Republika Srpska, established in areas of the Republic which had not been under its control and where primarily Bosnian Serbs resided. Pale was its capital.

The parties to the 10 November Dayton Agreement were the Republic of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina, with the endorsement of the Republic of Croatia. Representatives of Germany, the United States and the European Union (EU) witnessed the signing.

The parties agreed that the complete establishment of the Federation of Bosnia and Herzego-

vina was an essential prerequisite for peace in Bosnia and Herzegovina.

Among other things, the 10 November Dayton Agreement dealt with the transfer of certain responsibilities from the Republic to the Federation, including those related to defence, internal affairs, justice, energy and industry, traffic and communications, commerce, agriculture, education, science and culture, refugees, displaced persons and social policy, health, and city planning, resources and environment.

The Republic was to maintain responsibility for foreign policy, foreign trade, customs, monetary policy, immigration regulation, international criminal law enforcement, common telecommunications, air traffic control and civilian coordination of the activities of the armed forces in the whole territory of Bosnia and Herzegovina. Finance matters were to be handled by both the Republic and the Federation as they related to each.

The Agreed Principles for Mostar, annexed to the 10 November Agreement, called for the divided city to be restructured with six separate city-municipalities. The Mayors of East and West Mostar signed the document, as did the EU Administrator, with witnesses from the Republic of Bosnia and Herzegovina, Croatia, Germany and the EU Presidency.

### **Implementation of Dayton-Paris Peace Agreement**

In 1996, the implementation of the Dayton-Paris Peace Agreement was a major focus of United Nations work with regard to Bosnia and Herzegovina. At the end of the year, the second Peace Implementation Conference (London, 4-5 December) issued a report, the "London Conclusions" [S/1996/1012], on developments during the year.

The Conference reported that a two-year civilian consolidation plan had been adopted in Paris at the 14 November meeting of the Peace Implementation Council (PIC) Steering Board, and that the Council, at the second London Conference, had approved a 12-month action plan, dealing with matters related to regional stabilization, human rights, war crimes, democratization, refugees and displaced persons, freedom of movement, municipal elections, policing, a market economy, reconstruction, the Central Bank, mine removal, reconciliation, media, education, the Brcko area and customs.

Conference participants declared that the future of Bosnia and Herzegovina was as an independent and democratic State within internationally recognized borders, with guaranteed

human rights and fundamental freedoms for all, and with a restructured market-oriented economy, a commitment to free trade, strong economic and political relations with its neighbours, and developing links with the European Union.

Peace had taken root, the Conference declared. In 1996, no Bosnian had died in military conflict; elections had been held, with the participation of 2.4 million citizens; barriers to freedom of movement had begun to be dismantled; the establishment of the new multi-ethnic common institutions, most recently the setting up of the Council of Ministers, had begun; and reconstruction was under way.

Over the next 12 months, in 1997, the objectives would be to consolidate peace; encourage reconciliation and economic, political and social regeneration; and take radical steps to restore a multi-ethnic Bosnia and Herzegovina to economic health and prosperity and to enable it to take its place in the region and in Europe.

Those goals required the full commitment of all the leaders of Bosnia and Herzegovina and its two entities, the Conference stated. There were important areas of the Agreement where little progress had been made. For example, only 250,000 of 2.1 million citizens who had been displaced or become refugees had returned. Human rights abuses continued. People were still being expelled from their home areas for ethnic reasons and homes were still being destroyed.

People were still being harassed when exercising their right to move around the country freely. Progress in reconstruction had been hampered by the failure of the authorities in Bosnia and Herzegovina to provide all the mechanisms and structures to maximize the effectiveness of the international community's efforts. Some indicted persons had not been surrendered to stand trial at the International Criminal Tribunal for the Former Yugoslavia at The Hague. Agreed weapons reductions had still not been implemented. Mines had not been cleared.

As before, it was stressed that while PIC was committed to the peace process, responsibility for reconciliation lay with the authorities and citizens of Bosnia and Herzegovina, who must progressively take charge of their own affairs.

### **Military aspects**

Under Annex 1-A of the Peace Agreement, the parties undertook to recreate as quickly as possible normal conditions of life in Bosnia and Herzegovina. They welcomed the willingness of the international community to dispatch to the region a multinational military Implementation Force (IFOR), composed of ground, air and maritime units from NATO and non-NATO nations, to

help ensure compliance with the Agreement, in particular a durable cessation of hostilities. Among other provisions of Annex 1-A were those calling for withdrawal of foreign forces from Bosnia and Herzegovina, redeployment of forces of the parties behind a zone of separation, and establishment of a Joint Military Commission (JMC) to serve as a central body for any military complaints, questions or problems, and prisoner exchanges.

IFOR was to have the right to monitor and help ensure compliance by all parties, in particular withdrawal and redeployment of forces; to supervise the agreed ceasefire line, zone of separation, and the Inter-Entity Boundary Line (IEBL) between the Federation of Bosnia and Herzegovina and Republika Srpska; to establish liaison arrangements with local civilian and military authorities; to create secure conditions for elections; to assist humanitarian missions; to assist refugee operations; to observe and prevent interference with freedom of movement; and to monitor the clearing of minefields and obstacles, among other things.

IFOR was authorized, under Security Council resolution 1031(1995), to take such actions as required, including the use of necessary force, to ensure compliance with the military aspects of the Agreement, and to ensure its own protection. IFOR was to have the unimpeded right to observe and monitor, and unimpeded freedom of movement by ground, air and water throughout Bosnia and Herzegovina. Furthermore, the IFOR Commander was to have sole authority to establish rules and procedures governing command and control of airspace over Bosnia and Herzegovina.

### **Implementation Force (IFOR)**

The multinational military Implementation Force (IFOR)—established under the authority conferred upon UN Member States by Security Council resolution 1031(1995) [YUN 1995, p. 548]—began deploying troops in Bosnia and Herzegovina on 20 December 1995 [ibid., p. 551]. IFOR, operating under the chain of command of NATO, concluded its mission of overseeing the country's demilitarization a year later, on 20 December 1996, and was replaced by the Stabilization Force (SFOR) (see below). IFOR at its peak comprised more than 60,000 personnel from 34 nations.

IFOR's primary responsibility was to oversee implementation of the military aspects of the Dayton-Paris Peace Agreement. As called for by the Agreement, a Joint Military Commission (JMC) was established to function as a consultative body for the IFOR Commander, who was its

Chairman. JMC also comprised the senior military commander and two civilian representatives from each of the three parties, the High Representative, and other persons designated by the Chairman.

**IFOR reports.** Progress in implementing the Peace Agreement's military aspects was recorded in monthly IFOR reports transmitted by the NATO Secretary-General to the UN Secretary-General, who in turn brought them to the attention of the Security Council. IFOR reported on 23 January [S/1996/49], 26 February [S/1996/131], 22 March [S/1996/215], 23 April [S/1996/315], 23 May [S/1996/375], 21 June [S/1996/465], 25 July [S/1996/600], 22 August [S/1996/696], 24 September [S/1996/7831], 24 October [S/1996/880], 22 November [S/1996/970] and 23 December [S/1996/1066].

The NATO Secretary-General also addressed separate communications to the UN Secretary-General (reporting the fulfilment of certain conditions calling for the lifting of sanctions) [S/1996/87; S/1996/131], as provided for in Council resolution 1022(1995) of 22 November 1995 [YUN 1995, p. 545] (see under "The former Yugoslavia" above).

In its final report [S/1996/1066], IFOR stated that, upon the completion of its mandate on 20 December 1996, it had, with great success, monitored the cessation of hostilities, ensured the withdrawal from the zone of separation of forces and weapons belonging to the former warring factions, and also ensured compliance with the requirement to store aircraft, air defence and heavy weapons in IFOR-approved cantonments. In the process, it had monitored 805 sites throughout Bosnia and Herzegovina. It had also contributed substantially to encouraging freedom of movement through its many civil engineering projects: approximately 2,500 kilometres of roads had been opened up, four bridge projects had been completed or were under way, railways had been re-established, thereby linking the country to the rest of Europe since 13 September, and air operations had been restored at a number of airports, among them Sarajevo International Airport, which was reopened to civilian air traffic on 15 August, after being closed for four years.

IFOR acknowledged, however, the continued presence of unauthorized individuals in the zone of separation, the continued discovery of weapons, mainly small arms, and the persistent restrictions to freedom of movement.

IFOR attributed the success of its operation to the commitment and efficiency of the more than 60,000 troops contributed by 16 NATO and 18 non-NATO countries, to the more than 300 aircraft (assigned from 11 NATO countries) that had flown over 29,700 sorties, to some 20 ships (also

from 11 NATO countries) that had been routinely involved in the joint NATO/Western European Union (WEU) arms embargo enforcement operation, and to some 10 ships (from 5 NATO countries) engaged in countermine operations.

In other IFOR reports during the year, it was stated that: a phased transition had been completed by the specified 90-day period of the five designated Sarajevo suburbs to Federation control; that all prisoners had been released for whom the International Tribunal for the Former Yugoslavia had determined that there was insufficient evidence to warrant further detention; and that distrust and tension between all parties continued, that there had been difficulties in establishing common institutions, and confrontations continued to occur in various villages in the zone of separation.

IFOR stated that it had taken firm action to defuse all incidents and prevent further ones, but military measures were no substitute for a longer-term political strategy to bring about co-operation and reconciliation. Therefore, the international community should continue to bring pressure to bear on the Bosnian Presidency to translate into concrete agreements the political commitments they had entered into.

IFOR also reported that it had extended its patrol activities throughout Bosnia and Herzegovina to enhance the security in which the various civilian organizations operated. It worked with OSCE on subregional arms control and development of confidence-building measures, sharing data on weapons holdings inside Bosnia and Herzegovina. It had also conducted extensive aerial and ground surveillance of alleged mass grave sites to which the International Tribunal for the Former Yugoslavia had given priority status, and provided security and logistical support to Tribunal teams investigating those sites.

Assistance had been extended to the High Representative with respect to transportation, logistics, communications, security and administration, and to UNHCR to facilitate the return of refugees and displaced persons, especially refugee group crossings of the IEBL (see below), and in maintaining the UNHCR inter-entity bus service. IFOR had provided security and other support during the June elections in Mostar, and increased its presence there during the transfer of police responsibilities from WEU police to the IPTF-monitored Federation Police Force, beginning on 15 October.

#### Inter-Entity Boundary Line

Under Annex 2, the parties agreed on a boundary between the Federation of Bosnia and Herzegovina and Republika Srpska—the Inter-

Entity Boundary Line (IEBL)—and also agreed to binding arbitration of the disputed portion of the IEBL in the Brcko area.

Following meetings of a JMC Subcommission under IFOR auspices, the parties, on 17 July, signed a formal agreement resolving most of the adjustments to the IEBL that had been outstanding as of the signing of the Peace Agreement. Discussions on the last remaining sections, in particular the sensitive Sarajevo district of Dobrinja, were still in progress at the end of September 1996.

By then, a tribunal of three arbitrators had been appointed—one by the Federation, a second by Republika Srpska and a third by the President of the International Court of Justice—in connection with the parties' agreement to a binding arbitration of the disputed portion of the IEBL in an area of the strategically located town of Brcko connecting the eastern and northern parts of the Serb entity. As Republika Srpska's participation in the arbitration process had been unclear and no acceptable solution had been arrived at, the time limit for the completion of arbitral proceedings was extended to 15 February 1997.

#### Stabilization Force (SFOR)

On 9 December 1996, the UN Secretary-General transmitted to the Security Council a 2 December letter [S/1996/1025] from the NATO Secretary-General, informing him that NATO was preparing for a follow-on force to IFOR in Bosnia and Herzegovina, to be named the Stabilization Force (SFOR). The NATO Secretary-General on 29 November had sent identical letters to the three-member Presidency of Bosnia and Herzegovina, to Croatia and to FRY, setting forth NATO's understandings relating to SFOR; he reported he had received positive replies from each.

Those replies confirmed NATO's understanding that the three countries welcomed the organization of SFOR as a NATO-led force, and they invited the Council to continue the authorization granted in paragraphs 14 to 17 of resolution 1031(1995) of 15 December 1995 [YUN 1995, p. 548] that SFOR was the legal successor to IFOR, entitled to the same rights, immunities, privileges and facilities for all purposes, and that all references to IFOR in the Peace Agreement, particularly its annexes 1-A and 2, and in all other relevant documents, would be read as references to SFOR.

In its reply, FRY provided a document entitled "Understandings regarding certain provisions of the Agreement between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organization concerning Transit Arrangements for Peace Plan Operations", with a reminder that it

was still seeking mutually acceptable interpretations of the provisions of the Transit Agreement, pending which it would implement the agreement in question, on a temporary basis.

The Security Council, in **resolution 1088(1996)** of 12 December, authorized the establishment of SFOR (see p. 312).

#### Civilian aspects

By Annex 10, the parties agreed on how to implement the civilian aspects of the Dayton-Paris Agreement, which entailed a wide range of activities, including continuation of humanitarian aid, rehabilitation of infrastructure and economic reconstruction, establishment of political and constitutional institutions, promotion of respect for human rights, and holding of free and fair elections.

They requested the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions, to facilitate the parties' own efforts and to mobilize and coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement.

#### High Representative

Carl Bildt of Sweden, former Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, was named High Representative by the first London Peace Implementation Conference, in December 1995.

The Agreement specified that his tasks should include maintaining close contact with the parties, facilitating the resolution of any difficulties, and providing guidance to and receiving reports from IPTF. He also was to convene and chair a Joint Civilian Commission (JCC), and to establish subordinate Joint Civilian Commissions at the local level. In addition, he was to provide support and assistance to the International Tribunal for the Former Yugoslavia.

The High Representative was to be the final authority with regard to implementation of civilian aspects of the Peace Agreement. His headquarters was in Sarajevo, with a subsidiary office in Brussels, Belgium, and a regional office in Banja Luka. The High Representative also chaired the PIC Steering Board, meetings of principal parties in Sarajevo, the Economic Task Force, and other meetings of key implementation bodies.

In 1996, the High Representative, pursuant to Security Council resolution 1031(1995) of 15 December 1995 [YUN 1995, p. 548], reported four times to the President of the Security Council—on 13

March [S/1996/190], 9 July [S/1996/542], 1 October [S/1996/814], and 9 December [S/1996/1024]. He described progress in the civilian implementation of the Agreement, which he had been mandated to monitor, mobilize and coordinate. (For details see below, under specific subjects.)

The 9 July report appended the conclusions of the PIC Mid-Term Review Conference (see below) and the results of its special review of implementation of the Peace Agreement's human rights provisions. The 1 October report attached two statements by the OSCE Coordinator for International Monitoring regarding the September elections.

By the end of March, the commissions called for under the Peace Agreement had been constituted and had begun holding regular sessions, under the chairmanship of the High Representative, or of the lead agency in a specific area of endeavour, with his participation. These included commissions on human rights, on real property claims of refugees and displaced persons, to preserve national monuments, and on public corporations.

The Joint Interim Commission (JIC) and JCC, each composed of government representatives from Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska, were chaired by the High Representative or a designee. JIC, mandated to deal with the political and constitutional aspects of the Peace Agreement, held its first meeting in Sarajevo on 24 January, and subsequently met alternately in Sarajevo and Banja Luka. JCC met fortnightly in Sarajevo to address matters relating to economic reconstruction, freedom of movement and the return of refugees and displaced persons.

#### UN Mission in Bosnia and Herzegovina (UNMIBH)

On 21 December 1995, the Security Council, by its resolution 1035(1995), authorized the establishment for one year of an International Police Task Force (IPTF) (see below), and a United Nations civilian office, placing them both under the authority of the UN Secretary-General through the United Nations Coordinator. In a 6 February 1996 report, the Secretary-General stated that henceforth that operation would be referred to as the United Nations Mission in Bosnia and Herzegovina (UNMIBH).

An integral and distinct unit of UNMIBH was the Mine Action Centre (MAC)—the central repository for landmine information, originally established by UNPF, which assisted Bosnia and Herzegovina in formulating and establishing a mine-clearance programme and a national mine-awareness campaign (see below).

Headquartered in Sarajevo, UNMIBH maintained two regional headquarters, in Banja Luka and in Tuzla; two liaison offices, in Gornji Vakuf and in Mostar; and 17 central police districts and 109 police stations. In addition, it retained a civilian police training and support unit in Zagreb for the reception and administration of incoming police monitors.

IPTF and the civilian office functioned under the authority of the United Nations Coordinator, who was also the Special Representative of the Secretary-General and the Head of Mission of UNMIBH.

The civilian law office reported on political and human rights developments, and provided good offices to promote confidence between the entities—the Federation of Bosnia and Herzegovina and Republika Srpska—and resolve problems between the parties. It worked in coordination with IFOR, and in collaboration with UNHCR, monitoring population movements and assessing their political implications. It shared its assessments with the High Representative, who relied on UNMIBH to report on the situation in the entities.

**During 1996, the Secretary-General reported on the activities of UNMIBH** [S/1996/210, 460, 820 & 1017].

In his 9 December report [S/1996/1017], the Secretary-General stated that IPTF numbered 1,704 monitors from 34 countries, operating from 62 locations within the mission area. The level of cooperation between police forces from the different entities and IPTF monitors had been reasonable, he said. Among other things, joint patrols were conducted to introduce principles of democratic policing by example. Training and restructuring of the Federation Police continued; some problems remained with the restructuring of the Republika Srpska police.

UNMIBH civil affairs officers performed three main tasks: support for IPTF, analysis and reporting on local political events and trends, and making available good offices for local confidence-building and problem-solving. Civil affairs officers' close contacts with local authorities had facilitated cross-IEBL meetings of officials on several occasions, contributing to reductions in tensions and possible violence.

The Secretary-General proposed the extension of the mandate for an additional year. During the consolidation period in 1997 and 1998, the Secretary-General said a paramount task would be the creation of suitable conditions for the early, safe and orderly return of refugees and displaced persons, as well as reconstruction and rehabilitation. Work would also have to continue with regard to the promotion of democratic po-



licing, human rights violations and mine clearance. The Special Representative in Bosnia and Herzegovina would be retained, combining the functions of United Nations Coordinator and Chief of UNMIBH, the Secretary-General stated. IPTF would add to its mandate the task of investigating allegations of human rights abuses, as well as building law enforcement institutions. The activities of MAC would be expanded.

In his concluding observations, the Secretary-General recommended that the Security Council extend the mandate of UNMIBH for a further year, until 21 December 1997, and that IPTF have added to its mandate the task of investigating allegations of human rights abuses by police officers or other law enforcement officials of the various authorities of Bosnia and Herzegovina (see Security Council **resolution** 1088(1996), p. 312).

#### International Police Task Force (IPTF)

Annex 11 of the Dayton-Paris Peace Agreement dealt with the establishment of the International Police Task Force (IPTF). By it, the parties agreed to provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms. IPTF was to be headed by a Commissioner and be composed of persons of high moral standing who had experience in law enforcement. Task Force monitors were to be unarmed. The parties were not to impede the movement of IPTF personnel or in any way hinder them in their duties.

Peter FitzGerald of Ireland was named IPTF Commissioner. His main headquarters was in Sarajevo, with five regional headquarters, in Sarajevo, Banja Luka, Gornji Vakuf, Mostar and Tuzla. Those headquarters, when possible, were to be co-located with IFOR offices. A ratio of 1 monitor to 30 local officers was recommended; a total of 1,721 police monitors was therefore required.

At the beginning of 1996, there were some 44,750 active police officers in the territory of the Republic of Bosnia and Herzegovina; of those, 32,750 belonged to the Federation, 3,000 deployed in areas controlled by the Bosnian Croat authorities. Republika Srpska had 12,000 police officers. The Secretary-General had reported great apprehension that the transfer to Federation authority might cause an exodus of the majority of the Serb population in Sarajevo, or even a renewal of fighting.

The keystone of UNMIBH, IPTF had the mandate of: monitoring, observing and inspecting law enforcement activities and facilities, including associated judicial organizations, structures and proceedings; advising and training law enforcement personnel and forces; assessing threats to public order; advising governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies; and accompanying Bosnian law enforcement personnel, when needed, as they carried out their responsibilities. IPTF also was to assist the parties to ensure the social conditions necessary for free and fair elections, including the protection of international personnel involved in those elections. As an unarmed Task Force, it was not mandated to engage in enforcement activities; it relied on IFOR and local authorities for security.

Agreement was reached on 26 April on the reorganization and reduction of the police of the Federation of Bosnia and Herzegovina—to 11,500. A parallel reduction was under discussion with Republika Srpska authorities.

On 21 June, the Secretary-General reported [S/1996/460] that IPTF had begun assisting the parties in planning the reduction, restructuring and training of their police forces. In coordination with the UN Centre for Human Rights, it had conducted a training programme for its own police monitors in human rights and humanitarian law. It had also launched a database to facilitate the tracking of detained persons from arrest to trial. Difficulties in establishing freedom of movement for the civilian population persisted, despite the elimination by IPTF and IFOR of unauthorized checkpoints, a major obstruction to such movements. Those principally affected were the Bosniacs, for it was reportedly the Serb and Croat authorities who opposed freedom of movement.

Nevertheless, individuals and families were increasingly able to cross the IEHL into Republika Srpska without harassment. IPTF also participated in working groups on issues related to freedom of movement, property and detention.

The Secretary-General reported on 9 December that IPTF numbered 1,704 civilian police monitors from 34 countries, operating from 62 locations. In addition, there were 379 international staff and 902 locally recruited staff. IPTF had successfully introduced community policing into a number of areas. It had also developed a school programme on civic responsibility, and on principles of democratic policing, as well as a comprehensive training programme for various police forces throughout the country. Of 12,500 applicants tested for the Federation Police, 7,000

(from seven cantons) had been vetted with regard to their human rights record. Training and restructuring of the Republika Srpska police had yet to begin, as no formal agreement had been concluded between the Republika Srpska authorities and IPTF.

In Mostar, a smooth transfer of authority from WEU police to IPTF had taken place on 15 October. IPTF had taken steps to disband a number of Bosnian Croat para-police forces there. At the insistence of the IPTF Commissioner, the Special Police Force had been disbanded, as had various groups of armed civilian security guards. Other special police units throughout the Federation were also in the process of being disbanded.

IPTF would remain a crucial element in the coming consolidation period, the Secretary-General believed, and its role would continue to be particularly important in building law enforcement institutions that operated in accordance with democratic standards and formed the basis of an open and free society.

#### Mine Action Centre (MAC)

An estimated 3 million landmines lay scattered throughout Bosnia and Herzegovina, mostly along former confrontation lines, the Secretary-General reported on 29 March [S/1996/210 & Corr.1]. The Mine Action Centre (MAC) at UNPF-HQ, which was incorporated as an integral part of UNMIBH, had accumulated a wealth of information as a result of its mine information networks for both Bosnia and Herzegovina and Croatia. Four military mines information officers remained in Bosnia and Herzegovina to maintain accurate and up-to-date records under the direction of the Coordinator. The database was also maintained. The mines officers would be part of the UN Coordinator's office, but were located with IPTF headquarters in various parts of the country.

A Mine Clearance Policy Group, to operate under the Joint Civilian Commission, had been established in Sarajevo on 6 March to function as a clearing house for policy matters and priorities related to mine clearance in Bosnia and Herzegovina. The Group was to provide guidelines to MAC.

MAC was officially opened in Sarajevo on 20 May; regional offices were planned for Mostar, Banja Luka, Bihac and Tuzla; only the Mostar office had been partially set up by the end of the year.

While the overall goal of the to the civilian population MAC programme was to eliminate the risks posed to the civilian population by mines and unexploded ordnance, its immediate goal was to develop the capacity to address priority

tasks so that refugees and displaced persons could return to their homes and reconstruction projects could be rapidly implemented. A mine action plan was discussed with the Government of Bosnia and Herzegovina and prospective donors. Plans were under way for the development of a national mine-clearance training capacity and an employment mechanism to make available up to 2,000 deminers by April 1997.

By December, a national management training programme to assist the Government to assume full responsibility for mine-clearance activities was in place. A UN mine action programme designed to meet the expected shortfall in the number of deminers required had also been developed for inclusion in the inter-agency humanitarian assistance appeal for 1997.

On 9 December, the Secretary-General warned [S/1996/1017] that unless sufficient funds were made available, activities programmed for 1997 would be in jeopardy, thus further delaying implementation of reconstruction programmes and the return of refugees.

According to World Bank estimates, all mine-clearance activities in Bosnia and Herzegovina—including the operations of MAC, the conduct of a mine survey, the establishment of a field operation with a training component, mine-awareness activities, and mine clearance in support of reconstruction—required \$70 million in the first 12 months. A World Bank-sponsored donors' conference was held in Sarajevo (16-17 March), at which funding for mine clearance was discussed.

The NATO Secretary-General on 23 December reported [S/1996/1066] that minefields continued to pose a great problem, and that mine-clearing was one of the major obstacles to economic reconstruction, freedom of movement and freedom to return. Only an estimated 10 to 11 per cent of known minefields had been cleared so far, and given the weather it was not likely that mine-clearing operations could resume before the spring of 1997.

#### Constitution

Annex 4 of the Agreement set out a 12-article Constitution of Bosnia and Herzegovina, together with a preamble and two annexes, on human rights arrangements and transitional arrangements. In separate declarations appended to Annex 4, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska approved the Constitution.

In the preamble, it was stated that Bosniacs (Bosnian Muslims), Bosnian Croats and Bosnian Serbs, as constituent peoples, along with others,

and citizens of Bosnia and Herzegovina declared their conviction that democratic governmental institutions and fair procedures best produced peaceful relations within a pluralist society, and that they desired to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy.

The Constitution's articles dealt with, among other things, human rights and fundamental freedoms, division of responsibilities, the parliamentary assembly, the presidency, the constitutional court, the Central Bank, finances and transitional arrangements.

On 24 January 1996, at the first JIC meeting, the two entities comprising the State of Bosnia and Herzegovina—the Federation of Bosnia and Herzegovina and Republika Srpska—confirmed their intention to draw up the necessary amendments to their respective constitutions and laws in conformity with the State Constitution, which had entered into force upon signature of the Peace Agreement on 14 December 1995. On 27 February, the entities stated they would provide the High Representative with proposed amendments in March, but failed to do so.

The High Representative on 19 September announced transitional arrangements to stimulate formation of the agreed common legislative and executive institutions and to prevent a power vacuum or any ambiguity as to the continuity of the legal existence of Bosnia and Herzegovina as a State. Under those arrangements, from the moment the newly elected three-member Presidency of the State assumed office, following certification of the 14 September election results, all existing governmental bodies within the territory of Bosnia and Herzegovina would perform their functions on a caretaker basis until replaced by new bodies. To facilitate the initial functioning of the common institutions, a minimal legislative basis for the operation of the Government of Bosnia and Herzegovina was prepared, including, among other laws, those governing citizenship and passport issuance, foreign economic relations, the duration of the parliamentary mandate, the immunity and succession of the Presidency, the structure and responsibilities of the Central Bank of Bosnia and Herzegovina, air traffic and the Government's 1997 budget.

#### Federation issues

Regular informal meetings were instituted in 1996 to expedite the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina [YUN 1995, p. 551]. Hampering efforts towards that goal, beginning with setting up the

necessary Federation structures, were the differing procedural approaches of the Federation partners (the Bosniacs and the Croats) to the dissolution of existing administrative arrangements in the territory under the control of the Croatian Defence Council, namely, the "Croat Republic of Herzeg-Bosna", and to the parallel establishment of Federation structures and their merger with the institutions of the Republic of Bosnia and Herzegovina.

In 1996, the Federation partners concluded several supporting agreements, the first being the Agreement on the Federation of Bosnia and Herzegovina of 30 March, also referred to as the Sarajevo Agreement (see below), which resulted in a unified customs administration and financial system. Its text [S/1996/244] spelled out specific steps for the transfer of government structures in finance, internal affairs and defence, and for implementing the Federation institutions; it also detailed the consequences of non-implementation. Later agreements included the Petersberg Agreement of 25 April, aimed at setting up new democratic police structures; the Blair House Agreement of 14 May, which paved the way for unifying existing defence structures; and the Geneva Agreed Measures of 14 August, which increased international pressure to dissolve the "Croat Republic of Herzeg-Bosna" and to finalize establishment of operative structures within the Federation.

A model cantonal police law was elaborated, and steps were taken to transform existing police structures in accordance with the Constitution. The Federation Supreme Court was constituted, as were all cantonal assemblies, which then designated delegates to the House of Peoples of the Federation. In October, the partners reached agreement on Sarajevo's future administrative organization, opening the way for convening the constituent session of both Houses of the Federation Assembly (the House of Peoples and the House of Representatives) on 6 November, which designated 10 Federation delegates (5 Bosniacs and 5 Croats) to the House of Peoples of Bosnia and Herzegovina, and adopted the Federation flag and coat of arms.

#### Sarajevo Agreement

On 30 March, an Agreement on the Federation of Bosnia and Herzegovina [S/1996/244] was signed at Sarajevo by representatives of the Republic of Bosnia and Herzegovina and of the Federation of Bosnia and Herzegovina, deciding upon concrete measures to implement the Federation. These concerned transfer of governmental structures, freedom of movement, transportation routes, organization of the city of

Sarajevo, a joint customs system, and budget matters, among others. It also set out consequences for non-implementation, including that cantons would not receive any financial resources from shared taxes and transfers until they had elected a government, and that assistance for reconstruction would be withheld from communities that failed to permit the return of displaced persons and refugees. It called for the removal from office of officials responsible for implementation delays.

Following the parties' 30 March agreement in respect of Sarajevo, steps were taken to secure the transfer of civil authority in the five suburbs previously under the control of Republika Srpska from that entity to the Federation, and thus to reintegrate Sarajevo as an open, united, democratic and multi-ethnic city. IPTF was to monitor the transfer of authority to an integrated police force reflecting the 1991 ethnic composition of those areas. Under a plan worked out by the High Representative, IFOR and IPTF, and agreed to by the Federation government, the transfer was made between 23 February and 19 March.

Under the plan, local Serbs were provided with security and given equal treatment and opportunity to participate in the governing of the city. Discussions were held regarding the future administrative status of Sarajevo, within the provisions of the Federation constitution. The High Representative expressed concern that while gradual reintegration had been proceeding, a large number of Sarajevo's Serb inhabitants had chosen to leave.

UNMIBH's efforts to ensure an orderly transfer was largely attained in three suburbs, but in some other areas it was not possible to reassure the Bosnian Serb residents, over 90 per cent of whom left in a poorly organized exodus. The Secretary-General reported that thousands of Bosniacs from Sarajevo had poured into Ilidza following its handover. There were reports that Bosnian Serbs who remained had been harassed, intimidated and robbed, and that their apartments had been looted. UNMIBH civil affairs and UNHCR field offices there were also robbed and set on fire.

There were strong indications, however, that the Bosnian Serb leadership in Pale had decided that Bosnian Serbs, including long-time residents of Sarajevo, should not be allowed to remain in the five suburbs. It appeared that an overt campaign of pressure had been undertaken to induce them to leave, hastening their departure in organized truck convoys for pre-determined destinations where provisional housing had been arranged, and intimidating the un-

decided into leaving, using menacing Bosnian Serb gangs.

The economic infrastructure in all five suburbs had been dismantled before the handover dates, it was reported. Hospitals, clinics, schools, factories, and water, electricity and gas plants had been completely stripped. The Secretary-General stated that it appeared that the Government of Bosnia and Herzegovina had done little to encourage the Bosnian Serb residents to stay.

### Regional stabilization

Annex 1-B of the Dayton-Paris Peace Agreement contained an agreement on regional stabilization, by which the parties agreed to establish progressive measures for regional stability and arms control as essential to creating a stable peace in the region. To that end, they agreed on the importance of devising new forms of cooperation in the field of security aimed at building transparency and confidence, and achieving balanced and stable defense force levels at the lowest number consistent with the parties' respective security and the need to avoid an arms race in the region.

Negotiations among the parties took place under the auspices of the Organization for Security and Cooperation in Europe (OSCE). Among other things, the goals were to suspend arms imports, including heavy weapons and ammunition, mines, military aircraft and helicopters, before establishing numerical limits, and to establish a commission to facilitate the resolution of any disputes.

On the basis of negotiations begun under OSCE auspices early in the year, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and Republika Srpska signed the Vienna Agreement on Confidence- and Security-Building Measures on 26 January. At the conclusion of the PIC Mid-Term Review Conference, on 14 June (see below), the parties signed the Agreement on Subregional Arms Control [S/1996/442], setting numerical limits on holdings of specific armaments. Owing to problems and delays, however, the 31 October 1996 deadline for completing some 96 baseline validation inspections was not met, nor was the extended deadline of 1 January 1997 expected to be met. By the beginning of December 1996, a Special Representative of the OSCE Chairman-in-Office had been appointed to assist the parties to organize and conduct negotiations on regional arms control.

### Elections

Under Annex 3 of the Peace Agreement, the parties agreed to a number of conditions to pro-

mote free, fair and democratic elections and to lay the foundation for representative government and ensure the progressive achievement of democratic goals throughout Bosnia and Herzegovina. Among those were a politically neutral environment, the right to vote in secret without fear of intimidation, and the right to freedom of expression and the press, freedom of association, and freedom of movement. OSCE was to adopt and put in place an elections programme, as well as to supervise the preparation and conduct of elections.

To those ends, OSCE was to establish a Provisional Election Commission (PEC). The Commission was to determine voter registration provisions, ensure compliance with election rules, remedy any violations, and accredit observers.

Elections for the three-member Presidency (one Bosniac, one Croat, one Serb) and House of Representatives for Bosnia and Herzegovina, the Presidency and House of Representatives for the Federation, and a National Assembly for Republika Srpska were held on 14 September. PEC was constituted on 30 January by the OSCE Mission in Bosnia and Herzegovina, which adopted electoral rules and regulations governing the registration of political parties and independent candidates, candidate and voter eligibility, the role of domestic and international election observers, the conduct of campaigns, access to the State media, and publication and certification of definitive election results.

Election preparations included establishing local election commissions and an Elections Appeals Subcommission, voter registration, arranging for refugee participation and for voting by absentee ballot, party and candidate registration, and screening of registration applications (which resulted in PEC's approval of 49 parties and 33 independent candidates). A round table, held in Brussels on 12 March, examined ways to develop free and independent media and ensure their accessibility to all registered parties. An Open Broadcast Network started operations on 7 September, funded by international donors. It was to serve as an independent, cross-entity television network, building on existing stations and drawing upon talents from both entities. Steps were taken to dismantle permanent roadblocks and checkpoints to enhance freedom of movement essential for the conduct of the elections.

The international community's collective effort, notably that of OSCE, which played the leading role in the elections processes, as well as that of UNMIBH, UNHCR and IFOR, made possible the holding of elections at the State, entity and cantonal levels on 14 September, the end of the time-

frame set by the Peace Agreement. Municipal elections were held in Mostar on 30 June.

PEC decided on 19 July to make ineligible to participate in the elections any political party maintaining in a party position or function any person under indictment by the International Tribunal for the Former Yugoslavia and not in compliance with an order to appear before it. As a result, Radovan Karadzic, President of Republika Srpska and under indictment by the Tribunal, was not eligible as a candidate.

The September elections were conducted in a calm, orderly and dignified fashion, with no acts of violence or serious restrictions to freedom of movement, it was reported. The polling was monitored by almost 1,000 international observers under the supervision of OSCE Coordinator Eduard van Thijn, who issued his assessment of the election cycle in statements on 16 and 24 September.

Nearly 3,000 polling stations reported that the elections had gone well technically, but several of the June 1990 OSCE Copenhagen Commitments had been met only partially. Although significant problems had occurred with regard to three major areas of the election process—voter registration, absentee polling stations and freedom of movement—none had seriously compromised the elections. Problems also occurred relating to out-of-country voting, the right to campaign, Republika Srpska's use of its campaigns to deliver secessionist messages, and media obstruction.

The elections were confirmed by the OSCE Coordinator as having been carried out properly in 97 per cent of the polling stations. On 29 September, PEC officially certified the results of the elections as specified in the Dayton-Paris Agreement. A final report, based on further analysis of more than 4,000 forms and reports from election observers, made recommendations to remedy deficiencies and to forestall a repetition of the irregularities and violations noted in connection with the postponed municipal elections.

The winners in the presidential polls were the candidates from the ruling parties: Alija Izetbegovic, who, having won the largest number of votes, would chair the Bosnian Presidency, Momcilo Krajisnik and Kresimir Zubak. Figures compiled by IPTF and IFOR indicated that, to cast their votes, approximately 20,000 voters had crossed from the Federation's Bosniac-controlled areas to Republika Srpska, while approximately 1,200 voters from the latter had crossed into the Federation; an estimated 25,000 to 30,000 voters crossed the international border from FRY to vote in Republika Srpska.

In October, the Secretary-General reported [S/1996/820] that IPTF had helped to secure 19

voter routes between the two entities and to establish plans for transportation by bus, search procedures and additional polling locations. To facilitate freedom of movement on election day, 1,692 IPTF monitors, together with IFOR troops, supervised voter movement throughout the country in a closely coordinated security operation.

On 30 November 1996, it was announced that Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska had requested OSCE and PEC to extend their mission until the end of 1997, so as to supervise the preparations for and conduct of the municipal elections to be held by the summer of that year. A declaration adopted by the 1996 OSCE summit (Lisbon, Portugal, 3 December) confirmed OSCE's agreement to the request. The agreement was accompanied by a separate memorandum of understanding between the President of Republika Srpska and OSCE.

#### Refugees and displaced persons

Annex 7 of the Agreement stated that all refugees and displaced persons had the right freely to return to their homes of origin. They had the right to have restored to them their property of which they had been deprived in the course of hostilities since 1991, and to be compensated for any property that could not be restored. It was stated that the early return of refugees and displaced persons was an important objective of the settlement of the conflict in Bosnia and Herzegovina. The parties confirmed that they would accept the return of such persons who had left their territory, including those who had been accorded temporary protection by third countries.

All refugees and displaced persons should be permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief or political opinion, it was specified. Amnesty was to be given to refugees charged with common crimes, and in no case should charges for crimes imposed for political or other inappropriate reasons circumvent the application of amnesty. An independent commission for displaced persons and refugees was to be headquartered in Sarajevo.

At the outset of 1996, it was reported that there were 1.2 million refugees and displaced persons inside Bosnia and Herzegovina, and 900,000 more outside the country.

UNHCR, as lead agency to coordinate humanitarian relief and the return of refugees and displaced persons, planned their voluntary and phased return. In May, it estimated that only a quarter of the 2 million refugees and displaced persons would be able to return by year's end. To

facilitate the process, UNHCR organized bus services between the entities—the Federation of Bosnia and Herzegovina and Republika Srpska—to permit refugees to visit their homes, an endeavour which faced serious difficulties owing to the lack of cooperation from the parties.

Initial strategic planning for implementing the return or repatriation of refugees and displaced persons was discussed at a meeting of the Working Group on Humanitarian Issues convened by UNHCR (Geneva, 16 January). A more detailed plan of operations was subsequently discussed at a high-level meeting (Oslo, Norway, 8 March). The UNHCR action plan, adopted at a further meeting of the Working Group (Geneva, 13 May), provided for the phased return of three categories of refugees over a two-year period: those wishing to return to their home areas where they currently constituted the majority; those wishing to relocate to new areas where they would constitute the majority; and those wishing to return to their homes of origin where their ethnic groups were currently in the minority. By July, the Commission on Real Property Claims of Displaced Persons and Refugees, established in Sarajevo in March, was ready to proceed with registering property claims, thereby assuring property owners that their rights would be preserved.

Efforts to implement refugee return continued to be hampered by a segregationist reality on the ground. UNHCR, whose activities also included housing reconstruction and confidence-building measures, was in the process of developing a two-year regional plan aimed at durable solutions.

WFP emergency food aid had been provided to refugees, internally displaced persons and the war-affected population since November 1991. The UN revised consolidated inter-agency appeal of 1 March 1996 (see PART THREE, Chapter III) maintained the same provisional estimates of food aid needs for Bosnia and Herzegovina in 1996, with a target volume of 23,000 metric tons per month, based on the assumption that most of the displaced persons would continue to be dependent on food aid for some six months after returning to their place of choice but that, as economic recovery accelerated and social security measures were being established, relief food aid to other war-affected beneficiaries, such as minorities and unemployed and vulnerable persons, could be phased out gradually.

As at 21 June [S/1996/460], only 70,000 refugees and displaced persons had returned home; UNHCR provided aid to those returnees, including shelter materials. To streamline the repatriation process and facilitate return, a joint Memorandum of Understanding between the International

Organization for Migration (IOM) and UNHCR had been signed on 26 April. To address ongoing operational aspects of return movements to and within Bosnia and Herzegovina, a Repatriation Working Group was established, consisting of government and Federation representatives and international organizations.

In order to allow refugees and displaced persons to vote in the September elections at their place of current residence, UNHCR, in coordination with OSCE, was working out appropriate arrangements. A UNHCR initiative launched in June, under which some 22 priority return areas were identified where inadequate infrastructure, rather than security and political constraints, was an obstacle, elicited positive donor response, with commitments of over \$50 million.

The Secretary-General reported on 9 December [S/1996/1017] that some 250,000 refugees and displaced persons had returned of more than 2 million people uprooted during the war. UNHCR provided assistance to many of those returning, while at the same time laying the foundation for large-scale returns through its "target areas" initiative, as well as its confidence-building measures, such as local working groups on return, inter-entity bus services and visits by displaced persons to their home areas. It was also involved in implementing the Procedure for Return to the Zone of Separation, adopted in October by the High Representative, UNHCR, IFOR, IPTF, the European Commission and the parties. UNHCR set up five international housing commissions to process applications. In July, it had formally started an initiative to develop a plan of action for durable solutions to the problem of refugees and displaced persons in the region as a whole, including the neighbouring States of Croatia and the Federal Republic of Yugoslavia, to be implemented within a two-year period.

In concluding observations, the Secretary-General underlined the importance of the return of refugees and displaced persons and expressed regret that the pace of return had so far been extremely slow. UNHCR, along with other UN agencies and programmes, would strive to ensure that conditions for the return were in place, thus speeding the rate of return. (For further details on refugees and displaced persons in the territory of the former Yugoslavia, see PART THREE, Chapter XII.)

#### Human rights

Annex 6 of the Peace Agreement set out specific human rights to be observed and called for the parties to establish a Commission on Human Rights, consisting of the Office of the Ombudsman and the Human Rights Chamber. The Om-

budsman was to investigate allegations of human rights violations and issue findings. The Chamber was to deal with referrals from the Ombudsman, as well as receive complaints from individuals or any party acting on behalf of alleged victims who were deceased or missing.

A Special Rapporteur of the Commission on Human Rights also reported in 1996 on the situation in the former Yugoslavia. (See PART TWO, Chapter III).

The General Assembly pronounced itself on the situation of human rights in Bosnia and Herzegovina, as well as in other nations of the former Yugoslavia, in **resolution** 51/116, adopted on 12 December 1996. Among other things, the Assembly insisted that authorities in Bosnia and Herzegovina cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, and it demanded that Republika Srpska cease its pattern of non-cooperation with the Commission. That Commission was also called on to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind. The Assembly also strongly condemned the continuing refusal of the authorities of Republika Srpska and certain other elements within the Federation to arrest and surrender indicted war criminals known to be present in their territories.

(For full text of resolution 51/116 and other information on human rights in Bosnia and Herzegovina, see PART TWO, Chapter III.)

An International Round Table on Human Rights in Bosnia and Herzegovina was held in Vienna on 4 and 5 March 1996 [A/50/894-S/1996/203].

A Human Rights Coordination Centre was created on 14 March to coordinate human rights activities and monitor the overall human rights situation in close cooperation with the United Nations High Commissioner for Human Rights, UNHCR, IPTF, OSCE, the International Committee of the Red Cross (ICRC) and the European Community Monitoring Mission.

A special assessment by the PIC Mid-Term Review Conference in June of implementation of the Peace Agreement's human rights provisions indicated that, some progress notwithstanding, authorities of both entities had contributed to ethnic division by committing, inciting or sanctioning human rights violations and by failing to deter or correct abuses of ethnic minorities. They had, moreover, failed to adopt amnesty laws, to bring property legislation in line with the right of return, to permit freedom of movement and to release arbitrarily detained persons.

Echoing that assessment, the High Representative observed that the Peace Agreement's stipulation that authorities of Bosnia and Herzego-

vina, the Federation and Republika Srpska secure to all persons within their jurisdiction the highest level of internationally recognized human rights remained substantially unmet. He characterized the current human rights situation throughout Bosnia and Herzegovina as deeply unsatisfactory, marked as it was by police abuse despite IPTF monitoring, frequent arbitrary arrests, obstruction of the right of refugees to return, and violations of the rights of opposition parties and political figures. Widespread abuse of ethnic minorities continued in the form of harassment, intimidation, forced evictions, destruction of hundreds of their homes in the zone of separation and in both entities, and discrimination in employment, education and access to government services.

Efforts to secure the release of persons detained as a result of the conflict remained incomplete. Although all ICRC-registered prisoners had been released, evidence existed that an unknown number of persons arrested prior to 19 December 1995 continued to be held in "hidden" detention. The parties' failure to implement the "Rules of the Road", agreed to in Rome on 18 February, constituted an impediment to freedom of movement and fostered arbitrary arrest, in particular of persons suspected of war crimes, often for "exchange" purposes.

Certain authorities, except for those of Bosnia and Herzegovina, were also not in compliance with their obligation to cooperate with the International Tribunal for the Former Yugoslavia by refusing to arrest persons indicted for war crimes (see PART FOUR, Chapter II). According to reports received by the High Representative, 50 indictees were likely to be found in Republika Srpska, which remained firm in its refusal to make arrests on the basis of legislation already superseded by the Constitution of Bosnia and Herzegovina and by relevant annexes of the Peace Agreement; 15 indictees were in residence alternately in the Federation and in Croatia; and 3 in FRY.

A collective effort to establish the fate of missing persons, including of those presumed buried in mass grave sites, was undertaken during the year by the Expert Group on Exhumation and Missing Persons, of which ICRC was a member; the Special Rapporteur of the UN Commission on Human Rights; the expert member of the Working Group on Enforced or Involuntary Disappearances, responsible for the special process on missing persons in the territory of the former Yugoslavia (the UN Expert on Missing Persons); and the Working Group on Unaccounted for Persons. A set of guidelines on exhumations had

been agreed on by the parties. The Expert on Missing Persons had launched a worldwide fund-raising campaign to finance the development of an antemortem database on missing persons and the establishment of a team of forensic experts to monitor and supervise exhumations.

In all, ICRC had received 16,000 tracing requests for missing persons. Joint exhumation by the parties had been completed at three mass graves; however, collection of mortal remains at two other sites could not be completed owing to political difficulties and severely constrained resources. Information gathered for the antemortem database being jointly created by the Expert on Missing Persons, ICRC, Physicians for Human Rights and the Boltzman Institute included data provided by more than 2,200 families of the missing.

#### SECURITY COUNCIL ACTION

The Council met on 10 October 1996 to follow up its resolution 1034(1995) of 21 December 1995 [YUN 1995, p. 562], demanding that the Bosnian Serb party give relevant UN and other international organizations and institutions immediate and unrestricted access to certain areas in Srebrenica, Zepa, Banja Luka and Sanski Most for the purpose of investigating reported atrocities committed by the Bosnian Serbs against the Bosnian Muslim population there, and that all parties cooperate fully with the International Tribunal for the Former Yugoslavia in this regard. That demand had been based on the Secretary-General's 1995 report [YUN 1995, p. 561] noting the existence of substantial evidence of a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances perpetrated in those places when they were being overrun by the Bosnian Serbs.

In that regard, the Council drew attention to a letter of 8 October 1996 [S/1996/834] from Bosnia and Herzegovina, asking the Council to take into consideration the 16 August report [A/51/292-S/1996/665] of the International Tribunal for the Former Yugoslavia noting that, while Bosnia and Herzegovina had been the most cooperative party by far, Republika Srpska had not executed any of the scores of arrest warrants addressed to it, or explained its inability or failure to do so; FRY, which was responsible for Republika Srpska's cooperation and compliance as well as its own, had failed to arrest any indictees in its territory and had further allowed prominent indictees to appear publicly in Belgrade with impunity.

After consultations among its members, the Council authorized its President to issue the



statement below [S/PRST/1996/41] on the Council's behalf:

The Security Council has considered, in the light of its resolution 1034(1995) of 21 December 1995, the current situation with regard to the investigation of violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most as well as in the areas of Glamoc, Ozren and elsewhere throughout the territory of Bosnia and Herzegovina.

The Security Council recalls the report of the Secretary-General of 27 November 1995.

The Security Council expresses deep concern about the very little progress achieved so far in these investigations and strongly appeals to all the parties of Bosnia and Herzegovina to make every effort to identify the fate of the missing persons, both for humanitarian and legal purposes.

The Security Council is concerned that endeavours by the relevant international authorities to identify the fate of the missing by inter alia carrying out exhumations has met with limited success largely due to obstruction by Republika Srpska. It notes with concern that the fate of only a few hundred missing persons has been so far established.

The Security Council welcomes the recent visit by the delegation from Republika Srpska to the International Tribunal for the Former Yugoslavia in The Hague and expresses hope that this visit marks a turning point in relations between Republika Srpska and the International Tribunal and will facilitate co-operation with regard to investigations conducted by personnel of the International Tribunal.

The Security Council condemns all attempts to obstruct the investigations or to destroy, alter, conceal or damage any related evidence. The Council stresses again the obligations of all the parties to co-operate fully and unconditionally with the relevant international authorities and among themselves with respect to such investigations and reminds the parties of their commitment under the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement).

The Security Council reaffirms that the violations of international humanitarian law throughout the territory of Bosnia and Herzegovina as described in resolution 1034(1995) must be fully and properly investigated. The Council reiterates that all States and concerned parties have an obligation, in accordance with resolution 827(1993) of 25 May 1993, other relevant resolutions and the Peace Agreement, to co-operate fully with the International Tribunal and to comply without exception with requests for assistance or orders issued by a trial chamber. The Council expresses again its support for the endeavours of the international agencies and authorities involved in these investigations and invites them to pursue and intensify their efforts. It encourages Member States to continue to provide the necessary financial and other support.

The Security Council will continue to follow this issue closely. It requests the Secretary-General to keep it regularly informed on progress reached in the investigation of the violations of international

humanitarian law referred to in the report mentioned above.

Meeting number. SC 3701.

### Economic rehabilitation and reconstruction

A Priority Reconstruction Programme amounting to \$5.1 billion had been prepared by the European Commission, the European Bank for Reconstruction and Development and the World Bank and endorsed by Bosnia and Herzegovina. Pledges of financial support totalling \$ 1.8 billion had been obtained through two donor conferences, of which \$1 billion would be made available for planned programmes in 1996. Reconstruction priorities included rehabilitation of the infrastructure (main power plants and transmission lines, rail tracks, bridges, telecommunication facilities) and job creation. Regular coordination meetings in which major civilian implementation agencies participated defined the practical modalities for the use of IFOR assets and resources for some telecommunication and infrastructure restoration projects.

Major pieces of legislation relating to foreign trade and investment, customs tariff and the Central Bank had been drafted to provide the legislative framework for the transition to a market economy.

In March, the United Nations Development Programme (UNDP) fielded an inter-agency mission in Bosnia and Herzegovina to establish a programming framework for available resources and project proposals. In July, a UNDP country office was established in Sarajevo. UNDP supported local authorities in community development and emergency rehabilitation, and assisted the Government in elaborating an economic and social transition strategy and in strengthening governmental and local institutions. For 1996, it made \$5.7 million available. In addition, Japan pledged \$30.8 million for 1996-1998.

Assistance for the reconstruction of Bosnia and Herzegovina was also provided by the World Bank. In order to finance urgently needed projects, a \$150 million trust fund was set up and formally approved by the Governors of the Bank in February. The World Bank provided particular support to UNHCR for its priority refugee return programme (see above).

The World Food Programme (WFP) in 1996 took over UNHCR's task in the programming and management of food aid. In August, a further 37,000 tonnes of wheat grain arrived and another 25,000 tonnes were received in November, for processing and onward distribution. The World Health Organization (WHO) focused on: coordination of the health sector; public health monitoring; mental health and psychosocial rehabili-

tation; physical rehabilitation; and health care reform and reconstruction. UNICEF worked in the areas of health, education and psychosocial rehabilitation, and water and sanitation programmes, and also helped to create contingency plans for possible emergency areas throughout the country. ILO promoted emergency employment programmes and assisted in the formulation of a post-war labour code. UNESCO helped repair and reconstruct cultural and educational institutions, among them the National Museum in Sarajevo; it also supported educational and cultural activities, and prepared for the rehabilitation of the old town in Mostar.

### **Implementation meetings**

The successes of the efforts to implement important agreements, as well as objectives yet to be achieved and the parties' shortcomings, were underscored during reviews conducted in 1996—in March by the Contact Group, in June and November by the Peace Implementation Council (PIC), and in December by the second Peace Implementation Conference. The Conference endorsed the guiding principles for a two-year consolidation period developed at the November PIC Steering Board meeting, and it adopted a 12-month action plan for the implementation process.

In connection with those reviews, the Security Council issued two Presidential statements—in April and in August—and adopted one resolution (1088(1996)) in December. Also, the General Assembly adopted on 12 December an overall resolution (51/203) on the situation in Bosnia and Herzegovina.

### **Contact Group review (March)**

Progress during the first three months of the implementation process for the Dayton-Paris Peace Agreement was reviewed by the Contact Group at its ministerial meeting in Moscow on 23 March. The Group, composed of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States, transmitted the meeting's final document [A/50/899-S/1996/220] to the Secretary-General on 26 March.

The Group—which had played a key role in the negotiations leading up to the Dayton-Paris Peace Agreement—reconfirmed its commitment to a strict, just and even-handed approach to the Agreement's implementation. It said the peace process was entering a new stage, in which primary responsibility would be on the parties to give substance to the civilian provisions of the Agreement. A climate of genuine trust and cooperation had to be created, and the parties had to

show political will and a sense of initiative in that regard. An important threshold had been reached with the transfer of territories between the two entities of the Republic of Bosnia and Herzegovina.

Having considered the parties' compliance with their obligations under the Peace Agreement as reported by the High Representative and IFOR, the Group drew the parties' attention to problems relating to the release of prisoners; implementation of the constitutional framework; withdrawal of foreign forces; ensuring freedom of movement, of expression and of the press; and cooperation with the International Tribunal for the Former Yugoslavia.

The Group agreed that failure to release prisoners was a serious case of non-compliance and that, unless the prisoners were released, it would not be possible to confirm the pledging conference for economic reconstruction scheduled for 12 and 13 April. The Group demanded that the parties fulfil their obligation to withdraw all foreign forces immediately. Noting that the entities' constitutions had not been amended to conform with the Constitution of Bosnia and Herzegovina, it emphasized that provisions of those constitutions not in line with the State's Constitution were null and void.

The Group enjoined the parties to abide by the election rules and regulations adopted by PEC, called on UN Member States urgently to fulfil their commitments to contribute qualified police personnel to IPTF, stressed the need to facilitate the exercise of the right of return of refugees and displaced persons and urgently to elaborate a uniform methodology of collecting and assessing human rights information, and stressed also the importance of the parties' full cooperation with the ICRC Working Group on Missing Persons.

The Group further emphasized to the parties the importance of settling the disputed portion of the Inter-Entity Boundary Line in the Brcko area and of promptly concluding an agreement on subregional arms control. Underscoring the key importance of the economic rehabilitation and reintegration of Bosnia and Herzegovina and the direct responsibility which the parties had in that regard, the Group expected the parties actively to contribute to that effort. It urged Republika Srpska to arrange, with technical assistance from the international agencies, for the reconnection of water and electricity supplies to Gorazde without delay.

The Group stressed that, for the civilian implementation of the Peace Agreement to be successful, strong support should be given to the High Representative, the UN and OSCE missions, UNHCR, ICRC and all other international organi-

zations operating in the country, whose funding requirements were significant. It thus called attention to the critical importance of the forthcoming April pledging conference and the need for all participants to come prepared to fulfil existing commitments and make substantial contributions.

#### SECURITY COUNCIL ACTION (April)

The Council met on 4 April after considering the High Representative's report of 13 March [S/1996/190], the IFOR report transmitted on 22 March [S/1996/215], the conclusions of the review conducted by the Contact Group ministerial meeting of 23 March [A/50/899-S/1996/220], the Secretary-General's report of 29 March [S/1996/210 & Corr.1] (see below), related comments from Bosnia and Herzegovina [S/1996/242], and the 30 March Agreement on the Federation (Sarajevo Agreement) [S/1996/244].

Following consultations among its members, the Council authorized its President to make a statement [S/PRST/1996/15] on the Council's behalf:

The Security Council has considered the report of the Secretary-General of 29 March 1996, submitted pursuant to its resolution 1035(1995) of 21 December 1995, and the report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, annexed to the letter from the Secretary-General to the President of the Security Council of 13 March 1996. The Council welcomes both reports.

The Security Council notes that, on the whole, the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and annexes thereto (collectively the Peace Agreement) is proceeding according to the timetable established by this Agreement. It also notes, in general, satisfactory compliance with the military aspects of the Peace Agreement as confirmed in the most recent report to the Council on IFOR operations and stresses that now the main emphasis in implementation efforts by the international community and the Bosnian parties themselves should shift to the civil aspects of the Agreement.

The Security Council stresses that the responsibility for implementing the Peace Agreement rests primarily with the parties to that Agreement. It demands that they fully implement the Peace Agreement, and demonstrate a genuine commitment to confidence- and security-building measures, regional arms control, reconciliation and the building of a common future. In that context, it demands that the parties comply fully, unconditionally and without any further delay with their commitments regarding the release of prisoners, implementation of the constitutional framework, withdrawal of foreign forces, ensuring freedom of movement, cooperation with the International Tribunal for the Former Yugoslavia, return of refugees, and respect for human rights and international humanitarian

law. It calls upon the authorities concerned with the Federation of Bosnia and Herzegovina to move forward vigorously on measures to strengthen that Federation and, to that end, to implement in full the Sarajevo Agreement concluded on 30 March 1996.

The Security Council is particularly concerned at the failure to date by all parties to comply fully with the provisions of the Peace Agreement concerning the release of prisoners, in spite of the repeated commitments by the parties to do so. The Council stresses that the obligation to release the prisoners is unconditional. Failure to do so constitutes a serious case of non-compliance. In this context the Council affirms its support for the conclusions of the Contact Group ministerial meeting of 23 March 1996 and notes the readiness of the High Representative to propose measures to be taken against any party that fails to comply.

The Security Council expresses its full support for the High Representative, who is in charge of monitoring the implementation of the Peace Agreement and mobilizing and, as appropriate, giving guidance to, and coordinating the activities of, the civilian organizations and agencies involved, in accordance with resolution 1031(1995). It also expresses its full support for the United Nations Mission in Bosnia and Herzegovina (UNMIBH), and other international institutions and organizations involved in the implementation of the Peace Agreement. It affirms that the implementation of the Peace Agreement must be strict, just and impartial.

The Security Council expresses its strong support for UNMIBH's International Police Task Force in Bosnia and Herzegovina (IPTF). It notes that an effective United Nations civilian police operation is vital to the implementation of the Peace Agreement and encourages IPTF to implement its mandate as actively as possible consistent with annex 11 of the Peace Agreement as referred to in resolution 1035(1995). The Council, bearing in mind the agreement of the parties in annex 11 of the Peace Agreement not to impede the movement of IPTF personnel or in any way hinder, obstruct or delay IPTF personnel in the performance of their responsibilities, calls upon the parties to allow IPTF personnel immediate and complete access to any site, person, activity, proceeding, record, or other item or event in Bosnia and Herzegovina as IPTF may request. It notes with appreciation the participation of Member States in the staffing of IPTF and urges those Member States which have agreed to provide civilian police to dispatch expeditiously fully qualified personnel to enable IPTF to reach full deployment by mid-April. It encourages IPTF to accelerate the deployment of police monitors, consistent with maintaining their high quality. The Council also expresses its strong support for the Mine Action Centre of UNMIBH and encourages States to contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

The Security Council recognizes that economic reconstruction and rehabilitation throughout the territory of Bosnia and Herzegovina are key factors for the overall success of the peace implementation process, reconciliation and reintegration. These tasks require the political will of and consistent ef-

forts by the Bosnian parties as well as substantial international assistance. The Council urges that priority be given to projects aimed at facilitating the process of reconciliation and the economic reintegration of the whole country. It notes with appreciation the resources that have already been made available in this respect. It calls upon States and international institutions to honour fully their commitments regarding economic and financial assistance to Bosnia and Herzegovina. The Council recalls the relationship, as described in the London Conference [YUN 1995, p. 546], between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development. It affirms that it is the parties themselves that have the most important role in re-establishing the economy of their country.

The Security Council expresses its deep concern over recent developments in the Sarajevo area which caused thousands of Bosnian Serb civilians to leave their homes. The Council calls on the parties to make greater efforts towards reconciliation and the reconstitution of a multicultural and multi-ethnic Sarajevo, as a city of Bosniacs, Serbs, Croats and others, and as the capital and seat of the future common institutions of Bosnia and Herzegovina. It further calls on the parties to put in place additional measures to ensure security, freedom of movement and conditions for the return of people affected in Sarajevo and all other transferred areas. The Council calls on the parties to reverse the trend of population movements and partition efforts in Bosnia and Herzegovina along ethnic lines.

The Security Council pays tribute to all those who have given their lives in the cause of peace in the former Yugoslavia and expresses its condolences to their families, including to the family of the Secretary of Commerce of the United States of America.

The Security Council requests the Secretary-General and the High Representative to continue to keep the Council regularly informed on the situation in Bosnia and Herzegovina and on the implementation of the Peace Agreement.

Meeting number. SC 3647.

### **PIC Mid-Term Review Conference (June)**

In Florence, Italy, on 13 and 14 June 1996, PIC conducted a Mid-Term Review Conference to assess progress made in the first six months of the Peace Agreement's implementation.

Participants included representatives of Bosnia and Herzegovina and of its two entities—the Federation of Bosnia and Herzegovina and Republika Srpska—as well as the Foreign Ministers of the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) and of Croatia. The Council heard reports from the High Representative, the NATO Deputy Secretary-General and military commanders, the Special Representative of the UN Secretary-General, and heads of international organizations or agencies involved in implementing the Peace Agreement.

In its summary conclusions [S/1996/446], the Council declared that considerable progress had been made in the first six months of the Agreement's implementation. The parties had complied with their military commitments, but on the civilian side there had been serious shortcomings. Everyday life was improving all the time at an accelerating rate for the vast majority of people of Bosnia and Herzegovina. The country was at peace, opposing forces had been separated and a background of secure conditions had been created. Gradual progress was being made in strengthening the Federation, and there had been extensive rehabilitation at the local level.

At the same time, the Council underlined that the parties were erecting obstacles to cooperation between themselves and, with the international community and in the way of achieving a single, democratic and pluralistic Bosnia and Herzegovina. The situation was burdened by fear and mistrust and a continuing trend towards separation. That inhibited freedom of movement on the part of ordinary citizens, especially across the Inter-Entity Boundary Line (IEBL).

Elections were the basis for setting up all the institutions of the country, which were an essential element in reversing the trend towards separation and giving the country a future, PIC declared. It deplored reports of continuing human rights violations and underscored the importance of a strong economic reconstruction programme. It drew attention to the \$1.8 billion pledged by the international community for the first year's needs within the framework of the Priority Reconstruction Programme.

Regarding war crimes, PIC called on the parties expeditiously to implement the 18 February "Rules of the Road", adopted in Rome, specifically, to submit immediately for review to the International Tribunal for the Former Yugoslavia lists of persons suspected of having committed violations of international humanitarian law and case files on those arrested in contravention of the "Rules" on suspicion of war crimes, and immediately release all such persons for whom files had not been submitted or in relation to whom the Tribunal determined that the evidence presented was insufficient to warrant further detention.

Stating that PIC and the parties considered the Peace Agreement and the obligations under it to be an integral whole, it was stressed that there could be neither derogation nor partial or conditional compliance. PIC made clear that receipt of political and economic benefits and fulfilment of obligations were linked, and that sanctions would be reimposed in accordance with Security Council resolution 1022(1995) of 22 November

1995 [YUN 1995, p. 545], should circumstances make such action necessary.

Finally, strict adherence to the implementation timetable was essential. PIC stated that it would not permit delaying tactics and it wanted to inject as much certainty as possible into forward planning so that all concerned would know what was expected of them and when.

#### SECURITY COUNCIL ACTION (August)

The Council met again on 8 August following receipt of the conclusions of the PIC Mid-Term Review Conference and of the High Representative's second report [S/1996/542] describing, among other implementation activities, preparations for the September elections in Bosnia and Herzegovina and drawing attention to the parties' lack of cooperation with the International Tribunal for the Former Yugoslavia.

In that connection, the Council had before it a number of communications, including an 11 July letter from the Tribunal President [S/1996/556], notifying it that the Trial Chamber had issued international arrest warrants against Serb leaders Radovan Karadzic and Ratko Mladic, to be transmitted to all States, Interpol (International Criminal Police Organization) and IFOR; and, further, that the failure to execute the initial arrest warrants issued in 1995 [YUN 1995, p. 1314] against those two accused was wholly due to the refusal of Republika Srpska and FRY to cooperate with the Tribunal (see PART FOUR, Chapter II).

The Contact Group of the Organization of the Islamic Conference (OIC) [S/1996/510, S/1996/535] pointed out that only Bosnia and Herzegovina had fully complied with the Tribunal's orders. It stated that the logic behind the Tribunal was the comprehensive application of justice, from apprehension and arrest to investigation and trial, and that, therefore, the removal of war criminals from positions of nominal power was not enough. The Council should promptly sanction the non-compliant parties and call on IFOR to arrest and extradite the indicted war criminals to The Hague. Elections held while the Tribunal's orders were ignored could not be considered legal, free or fair, OIC said.

Bosnia and Herzegovina, in a letter to the Council [S/1996/523], drew attention to a law, enacted by what it called the "self-appointed assembly" of Republika Srpska, creating a special war crimes court of its own. It also pressed the Council [S/1996/565] to compel the arrest and extradition of indicted war criminals, regardless of the success or failure to remove them from positions of authority. In another letter [S/1996/576], Bosnia and Herzegovina acknowledged the subsequent removal of Mr. Karadzic from his post as party

leader of SDS, the ruling Bosnian Serb party, but stressed that mere removal from public office did not satisfy the demands of the Tribunal, the Council or the Peace Agreement. The Council should move forward with sanctions on non-complying parties and with the arrest and extradition of the indictees, Bosnia and Herzegovina believed.

Following consultations among its members, the Council on 8 August authorized its President to make the statement below [S/PRST/1996/34] on the Council's behalf:

The Security Council has considered the report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina annexed to the letter from the Secretary-General to the President of the Council of 9 July 1996.

The Security Council expresses its full support for the conclusions reached at the Peace Implementation Council in Florence, Italy, on 13-14 June 1996. It stresses the importance of the forthcoming elections in Bosnia and Herzegovina, to be carried out in accordance with the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement), which will allow for the establishment of the common institutions and which will be an important milestone for normalization in Bosnia and Herzegovina. It calls upon the parties to ensure the prompt functioning of these institutions after the elections. It supports the preparatory work done in this regard.

The Security Council expects the parties to increase their efforts towards the maintenance and further enhancement of conditions necessary to ensure democratic elections, as provided for in article I of annex 3 of the Peace Agreement, and to abide fully by the results of those elections. In that context, the Council stresses the importance of the agreement reached by the Bosniac and Bosnian Croat leaderships in Mostar, and facilitated by the European Union Administration of Mostar (EUAM), that has at last secured Bosnian Croat participation in a unified city administration in Mostar on the basis of the election results of 30 June 1996. The Council expects the Bosniac and Bosnian Croat leaderships in Mostar to implement this agreement fully and without delay, and stresses that failure to do so would seriously undermine crucial efforts to ensure lasting peace and stability in Bosnia and Herzegovina. It expresses its full support for the international organizations which are currently working in Mostar, and in particular for the EUAM, and calls on both leaderships to cooperate fully with the EUAM. It calls on the Government of the Republic of Croatia, which bears a special responsibility in this context, to continue to use its influence on the Bosnian Croat leadership to ensure full compliance with its obligations. The Council will continue to follow closely the situation in Mostar.

The Security Council underlines that the continued lack of progress in transferring authority and resources to the Federation of Bosnia and Herzegovina is a potential danger for the peace implementation process. The Council calls upon the Federation

partners to accelerate their efforts for the establishment of a fully functioning Federation, which is an essential prerequisite for peace in Bosnia and Herzegovina.

The Security Council notes with particular concern the conclusions of the report of the High Representative on the implementation of the human rights provisions of the Peace Agreement that the parties are not implementing their commitments in respect of human rights, and that this failure is impeding the return of refugees. It condemns all acts of ethnic harassment. It calls upon the parties to the Peace Agreement to take immediately the measures identified in the report to stop the trend of ethnic separation in the country and in its capital, Sarajevo, and to preserve their multicultural and multi-ethnic heritage. The Council deeply regrets the undue delay in implementing measures regarding, inter alia, the development or creation of new independent media and the preservation of property rights, and calls upon each party to implement them immediately. The Council is ready to consider further reports by the Office of the High Representative on all aspects of the implementation of the Peace Agreement, including those mentioned above.

The Security Council stresses that, under the Peace Agreement, persons indicted by the International Tribunal for the Former Yugoslavia who have failed to comply with an order to appear before the Tribunal may not stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina. Any continued holding of such an office is unacceptable. In this context the Council notes the fact that, as a first step, Radovan Karadzic, after officially handing over his executive powers in Republika Srpska on 30 June 1996, agreed on 19 July 1996 to cease definitively all political and official activities, thus facilitating the electoral process in Bosnia and Herzegovina. The Council expects this undertaking to be implemented fully and in good faith, and will closely monitor further developments.

The Security Council stresses that all States and concerned parties have an obligation, in accordance with resolution 827(1993) of 25 May 1993, other relevant resolutions and the Peace Agreement, to cooperate fully with the International Tribunal and to comply without exception with requests for assistance or orders issued by a trial chamber. The Council has considered the letter from the President of the International Tribunal of 11 July 1996, which referred to the conclusion of the Trial Chamber of the International Tribunal regarding the failure to execute the warrants of arrest issued against Radovan Karadzic and Ratko Mladic due to the refusal of the Republika Srpska and the Federal Republic of Yugoslavia to cooperate with the Tribunal. It condemns this failure to execute these arrest warrants. The Council notes the recent visit by the delegation from the Republika Srpska to the International Tribunal in The Hague for the purpose of discussing all aspects of cooperation with the Tribunal, and expects that cooperation with the Tribunal to bring to justice all persons indicted will be realized. The Council condemns the failure to date of the Bosnian Croat leadership and the Croatian Government to comply

with the orders of the International Tribunal regarding several persons indicted for war crimes. The Council demands the full cooperation of all parties concerned in the immediate execution of all warrants of arrest and the transfer to the Tribunal of all persons indicted, in accordance with article 29 of the statute of the Tribunal. The Council further condemns any attempt to challenge the authority of the International Tribunal. The Council underlines the importance of the obligations undertaken by the parties to the Peace Agreement to cooperate fully with the International Tribunal and stresses that failure to arrest and transfer persons indicted by the Tribunal is a violation of these obligations. The Council stresses that compliance with the requests and orders of the International Tribunal constitutes an essential aspect of implementing the Peace Agreement, as provided by previous resolutions; the Council is ready to consider the application of economic enforcement measures to ensure compliance by all parties with their obligations under the Peace Agreement.

The Security Council condemns any threat or act of violence directed against international personnel in Bosnia and Herzegovina, in particular those directed against personnel belonging to the United Nations International Police Task Force on the territory of the Republika Srpska. It condemns also the obstacles put in the way of forensic investigations carried out by international organizations on the territory of the Republika Srpska as well as on the territory of the Federation of Bosnia and Herzegovina. It calls upon all parties to lift those obstacles and to ensure full freedom of movement and safety for all international personnel.

The Security Council reiterates its full support for the High Representative and for all international organizations currently working in Bosnia and Herzegovina for the implementation of the Peace Agreement. The Council stands ready to consider the need for further action in order to continue and consolidate the efforts made for full implementation of the Peace Agreement. The Council welcomes all initiatives which will lead to a greater degree of stability and cooperation in the whole region.

Meeting number. SC 3687.

### **Civilian consolidation plan**

In Paris, on 14 November, the PIC Steering Board held a ministerial meeting to define the principles for the consolidation of the civilian peace implementation process in Bosnia and Herzegovina. At the meeting were the Foreign Ministers of France, Canada, Germany, Italy, Japan, the Russian Federation, the United Kingdom and the United States, and representatives of the Presidency of the EU, the Netherlands, the European Commission, OIC, the United Nations, UNHCR, OSCE, NATO, the High Representative, as Chairman of PIC, the Presidency of Bosnia and Herzegovina, and the Foreign Ministers of Croatia and of the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY).

In its conclusions [S/1996/968], the Presidency of Bosnia and Herzegovina reaffirmed, in the name of the country's three constituent peoples (Bosniacs, Croats, Serbs), its commitment fully to pursue the peace implementation process. Accordingly, it undertook to establish, as a high priority, all the joint institutions provided for in the State's Constitution (the Council of Ministers, the Parliamentary Assembly, the Central Bank, the Constitutional Court, the Standing Committee on Military Matters), and to ensure that the duration of the first term of each of the bodies elected on 14 September aligned with the two-year first term of the Presidency, in accordance with the Peace Agreement.

To ensure the continued success of the peace agenda, the Steering Board and the Presidency concluded that the priorities of the two-year consolidation period were: regional stabilization, which called for full implementation, with OSCE assistance, of the 26 January Vienna Agreement on Confidence- and Security-Building Measures and the 14 June Florence Agreement on Sub-regional Arms Control; creating a secure environment, which required the strengthening of IPTF; ensuring full respect for human rights; building a genuine democracy; municipal elections in 1997 and general elections in 1998; ensuring freedom of movement for all persons, goods and services; facilitating the return and resettlement of refugees and displaced persons; full cooperation with the International Tribunal for the Former Yugoslavia in surrendering persons indicted for war crimes; reconstruction that fostered links among the different parts of the country; creating the best conditions for economic aid by constructing a market economy; promoting reconciliation; re-establishing the educational systems; and mine removal in coordination with the Mine Action Centre.

The consolidation period was to be divided into two 12-month action plans, with a mid-term review. The Steering Board invited the High Representative to prepare the first action plan for approval by the second Peace Implementation Conference, to be held in December 1996. OSCE was requested to continue to provide assistance for the municipal elections and for setting up a Permanent Election Commission.

The conclusions stressed that responsibility for consolidating the peace lay primarily with the authorities of Bosnia and Herzegovina, who understood that the extent of international support depended on the strength of their own efforts and who, along with the other parties to the Peace Agreement (Croatia and FRY), understood that the Security Council, in accordance with its **resolution 1074(1996)**, would consider reimpos-

ing sanctions should any party fail significantly to meet its obligations under the Agreement. The Steering Board and the authorities of Bosnia and Herzegovina recognized the need for the High Representative to continue to perform his tasks throughout the entire consolidation period. Finally, the meeting welcomed the ongoing NATO study of options for securing the environment to enable civilian implementation to continue.

### **Peace Implementation Conference (December)**

The second Peace Implementation Conference (composed of all the members of PIC) was held in London on 4 and 5 December 1996. Its conclusions [S/1996/1012] set out in detail the goals and targets for peace implementation during the next two years, agreed to by Bosnia and Herzegovina and its two entities, the Federation of Bosnia and Herzegovina and Republika Srpska, and endorsed by Croatia and FRY.

The Conference recapitulated the progress made during the first year's implementation of the Peace Agreement. Peace had taken root, it declared, elections had been held, barriers to freedom of movement had begun to be dismantled, new multi-ethnic common institutions were being established, the Council of Ministers had begun work, and reconstruction was under way.

The aim of the next stage was to build upon those achievements in order to consolidate peace, encourage reconciliation and economic, political and social regeneration and restore a multi-ethnic Bosnia and Herzegovina to economic health and prosperity. Pursuit of those objectives was primarily the responsibility of the authorities in Bosnia and Herzegovina, the Conference emphasized, adding that PIC's willingness to continue to devote human and financial resources was dependent on their strengthened commitment to implement the Peace Agreement.

The Conference endorsed the guiding principles for a two-year consolidation period developed at the 14 November ministerial meeting of the PIC Steering Board. It adopted the first 12-month action plan for the consolidation phase, which, in addition to the priorities outlined under the guiding principles, also called for: the execution of arrest warrants against indictees and their surrender to the International Tribunal for the Former Yugoslavia; ensuring that the Central Bank was operational by early 1997; developing a media regulatory framework consistent with OSCE standards, unequivocal support for the arbitration of the Brcko area and full implementation of the arbitration decision; and adoption of a customs law and a customs tariff law.

Reaffirming its strong support for the International Tribunal, the Conference charged the Steering Board to consider what further measures could be taken to facilitate the delivery of indictments to the Tribunal for trial and reminded the authorities in Bosnia and Herzegovina that their obligations under international law took precedence over any provisions in their local or national legislation.

The Conference welcomed the UNHCR decision to convene a meeting of the Humanitarian Issues Working Group on 16 December to discuss a two-year strategic plan to facilitate the return of refugees and displaced persons. It noted the conclusions of the EU Council of Ministers of 16 October concerning future relations between the EU and countries of the former Yugoslavia and welcomed the EU intention to consider proposals from the European Commission for a contractual relationship between the EU and Bosnia and Herzegovina.

The Conference decided that PIC and its Steering Board would continue in 1997. It agreed to the continuation also of the authority it had granted to the High Representative, as well as to the current institutional, reporting and other procedural arrangements for the effective functioning and maintenance of his Office.

The Conference welcomed Bosnia and Herzegovina's request that the Security Council extend the IPTF mandate for a further year and called on the international community to provide the personnel, equipment and support required to maintain IPTF. In noting the successful completion of IFOR's mission, the Conference welcomed the confirmation by the Presidency of Bosnia and Herzegovina, Croatia and FRY of the set of understandings conveyed to them by NATO on 29 November 1996 relating to a follow-on stabilization force which it would organize and lead (see Security Council **resolution** 1088(1996), part II, below).

#### SECURITY COUNCIL ACTION (December)

The Security Council convened on 12 December to consider the 9 December report of the Secretary-General recommending extension of the UNMIBH mandate [S/1996/1017] (see below); his 21 November letter [S/1996/968] transmitting the guiding principles of the civilian consolidation plan, adopted by the ministerial meeting of the PIC Steering Board; the conclusions of the 4-5 December Peace Implementation Conference [S/1996/1012], transmitted by the United Kingdom; the High Representative's December report [S/1996/1024], transmitted by the Secretary-General on 9 December; and his communication

of the same date [S/1996/1025] conveying letter exchanges between NATO and each of the signatories to the Peace Agreement confirming understandings relating to a NATO-led successor force to IFOR, the Stabilization Force (SFOR).

At the same meeting, the Council adopted **resolution** 1088(1996).

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031(1995) of 15 December 1995 and 1035(1995) of 21 December 1995,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the conclusions of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris (the Paris Conference) on 14 November 1996, and the guiding principles of the two-year civilian consolidation plan of the peace process referred to in those conclusions,

Welcoming also the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (the London Conference), which, following the conclusions of the Paris Conference, approved an action plan for the first twelve-month period of the civilian consolidation plan of the peace process,

Welcoming the progress in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement), and expressing its appreciation to the High Representative, the Commander and personnel of the multinational Implementation Force (IFOR), and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Noting with satisfaction the holding of the elections called for in annex 3 of the Peace Agreement, and welcoming the progress in establishing the common institutions in accordance with the provisions of the Constitution of Bosnia and Herzegovina,

Underlining also the important role for the Republic of Croatia and the Federal Republic of Yugoslavia to play in the successful development of the peace process in Bosnia and Herzegovina,

Having considered the report of the Secretary-General of 9 December 1996,

Noting the report of the High Representative of 9 December 1996,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

#### I

1. Reaffirms its support for the Peace Agreement, as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their



obligations under those Agreements, and expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review;

2. Expresses its support for the conclusions of the Paris and London Conferences;

3. Underlines that the primary responsibility for the further successful implementation of the peace process lies with the authorities in Bosnia and Herzegovina themselves, which during the next two years should assume increasingly a greater responsibility for the functions now undertaken or coordinated by the international community, and stresses that without compliance and active participation by all the authorities in Bosnia and Herzegovina in rebuilding a civil society they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts;

4. Underlines the link, as agreed by the Presidency of Bosnia and Herzegovina in the conclusions of the Paris Conference, between the availability of international financial assistance and the degree to which all the authorities in Bosnia and Herzegovina implement the Peace Agreement, including cooperation with the International Tribunal for the Former Yugoslavia and cooperation with the action plan which has been approved by the London Conference;

5. Welcomes the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stresses the importance of full normalization of relations, including the immediate establishment of diplomatic relations, among those States;

6. Welcomes the reaffirmation by the Presidency of Bosnia and Herzegovina in the conclusions of the Paris Conference of its commitment to fully pursuing, in the name of the three constituent peoples of Bosnia and Herzegovina, the peace process, in accordance with the Peace Agreement and the sovereignty and territorial integrity of the country, including the development of a Bosnian State based on the principles of democracy and consisting of the two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, and underlines in this respect the importance of establishing the remaining common institutions provided for in the Constitution of Bosnia and Herzegovina without delay, as well as the importance of the commitment by the authorities in Bosnia and Herzegovina to cooperate in the working of these institutions at all levels;

7. Reminds the parties that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the International Tribunal includes, *inter alia*, the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

8. Recognizes that the parties have authorized the multinational force referred to in paragraph 18 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

9. Welcomes the agreement of the authorities in Bosnia and Herzegovina to supervision by the Organization for Security and Cooperation in Europe (OSCE) of the preparation and conduct of the municipal elections to be held in 1997, and also welcomes the decision of the OSCE to extend the mandate of its mission in Bosnia and Herzegovina to take forward its work on elections, as well as that on human rights and regional stabilization;

10. Underlines the obligation of the parties under the Peace Agreement to secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, calls upon them to cooperate fully with the work of the Human Rights Ombudsman and the Human Rights Chamber and to implement their conclusions and decisions, and calls upon the authorities in Bosnia and Herzegovina to cooperate fully with the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina;

11. Welcomes the commitment of the parties to the right of all refugees and displaced persons freely to return to their homes of origin or to other places of their choice in Bosnia and Herzegovina in safety, notes the leading humanitarian role which has been given by the Peace Agreement to the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, in assisting with the repatriation and relief of refugees and displaced persons, and stresses the importance of facilitating the return or resettlement of refugees and displaced persons which should be gradual and orderly and carried out through progressive, coordinated programmes that address the need for local security, housing and jobs, while ensuring full compliance with annex 7 of the Peace Agreement as well as other established procedures;

12. Emphasizes the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina, encourages Member States to provide assistance for the programme of reconstruction in that country, and welcomes in this respect the important contribution already made by the European Union, the World Bank and bilateral donors;

13. Underlines the importance of control of armaments in the region at the lowest possible level of weapons, calls upon the Bosnian parties to implement fully and without further delay the agreements signed in Vienna on 26 January 1996 and in Florence on 14 June 1996 and, following satisfactory progress in the implementation of the article II and article IV agreements, calls for efforts to continue to promote the implementation of article V of annex 1-B on regional arms control of the Peace Agreement;

14. Stresses the importance it attaches to the continuation on a reinforced basis as agreed at the Paris and London Conferences of the role of the High Representative in monitoring the implementation of the

Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make his recommendations, including to the authorities of Bosnia and Herzegovina or its entities, and make them known publicly;

15. Reaffirms its intention to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 26 and 34 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

## II

16. Pays tribute to those Member States who participated in the multinational force established in accordance with its resolution 1031(1995), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational implementation force;

17. Notes the confirmations by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, and by the Republic of Croatia and the Federal Republic of Yugoslavia of the understandings set out in the letters dated 29 November 1996 from the Secretary-General of the organization referred to in annex 1-A of the Peace Agreement;

18. Authorizes the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to establish for a planned period of 18 months a multinational stabilization force (SFOR) as the legal successor to IFOR under unified command and control in order to fulfil the role specified in annex 1-A and annex 2 of the Peace Agreement;

19. Authorizes the Member States acting under paragraph 18 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by SFOR as may be necessary to ensure implementation of that annex and the protection of SFOR, and notes that the parties have consented to SFOR's taking such measures;

20. Authorizes Member States to take all necessary measures, at the request of SFOR, either in defence of SFOR or to assist the force in carrying out its mission, and recognizes the right of the force to take all necessary measures to defend itself from attack or threat of attack;

21. Authorizes the Member States acting under paragraph 18 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the Commander of SFOR, governing command and control of airspace over Bosnia and Her-

zegovina with respect to all civilian and military air traffic;

22. Requests the authorities in Bosnia and Herzegovina to cooperate with the Commander of SFOR to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on SFOR by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

23. Demands that the parties respect the security and freedom of movement of SFOR and other international personnel;

24. Invites all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 18 above;

25. Recalls all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

26. Requests the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to report to the Council, through the appropriate channels and at least at monthly intervals;

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Noting the request of the authorities in Bosnia and Herzegovina that the mandate of the United Nations civilian police force known as the International Police Task Force (IPTF), which is a part of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), be renewed,

Reaffirming the legal basis in the Charter of the United Nations on which the IPTF was given its mandate in resolution 1035(1995),

Expressing its appreciation to the personnel of UNMIBH for their contribution to the implementation of the Peace Agreement,

## III

27. Decides to extend the mandate of UNMIBH, which includes the IPTF, for an additional period terminating on 21 December 1997, and also decides that the IPTF shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the London Conference and agreed by the authorities in Bosnia and Herzegovina;

28. Requests the Secretary-General to keep the Council regularly informed on the work of the IPTF and its progress in assisting the restructuring of law enforcement agencies, and to report every three months on the implementation of the mandate of UNMIBH as a whole, and, in this context, also requests the Secretary-General to report to the Council by 16 June 1997 on the IPTF, in particular its work in assisting the restructuring of law enforcement agencies, coordinating assistance in training and providing equipment, advising law enforcement agencies on guidelines on democratic policing principles with full support for human rights, and investigating or assisting with investigations into human rights abuses by law enforcement personnel, as well as to report on progress by the authorities in Bosnia and Herzegovina in regard to such issues, in particular their compliance with IPTF-prescribed guidelines including their taking prompt and effective

action, which could include dismissal where appropriate, in respect of any officer notified to them by the IPTF Commissioner as failing to cooperate with the IPTF or adhere to democratic policing principles;

29. Stresses that the successful implementation of the tasks of the IPTF rests on the quality, experience and professional skills of its personnel, and urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

30. Reaffirms the responsibility of the parties to cooperate fully with, and instruct their respective responsible officials and authorities to provide their full support to, the IPTF on all relevant matters;

31. Expresses appreciation for the efforts under way to enhance and strengthen the logistical and support capabilities of UNMIBH by the Secretary-General, and urges that those efforts be increased;

32. Calls upon all concerned to ensure the closest possible coordination between the High Representative, SFOR, UNMIBH and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of IPTF personnel;

33. Encourages Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to assist the parties, through the IPTF, in following up the United Nations programme of assistance for the local police forces;

34. Also requests the Secretary-General to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

35. Decides to remain seized of the matter.

Security Council resolution 1088(1996)

12 December 1996 Meeting 3723 Adopted unanimously

6-nation draft (S/1996/1032).

Sponsors: France, Germany, Italy, Russian Federation, United Kingdom, United States.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly, having reviewed the situation in Bosnia and Herzegovina—an item inscribed in its agenda by **decision 50/492** of 16 September—adopted **resolution 51/203**.

#### The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994 and all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes

thereto (collectively the "Peace Agreement"), signed at Paris on 14 December 1995,

Welcoming also the efforts for the respect, promotion and protection of human rights in all of Bosnia and Herzegovina and for the establishment of the new common institutions of Bosnia and Herzegovina, in accordance with the relevant provisions of the Peace Agreement,

Supporting those institutions and organizations of Bosnia and Herzegovina which are engaged in the implementation of the Peace Agreement and the process of reconciliation and reintegration,

Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their homes, emphasizing the need for all parties and the relevant States and international organizations to enhance the conditions necessary to facilitate return, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Welcoming the foundation on 30 October 1996 of the Coalition for Return, composed of refugees and displaced persons from within and outside Bosnia and Herzegovina, including members of all communities, and expressing support for its efforts in facilitating the objectives of annex 7 of the Peace Agreement,

Welcoming also the Agreement on Subregional Arms Control negotiated at Vienna and Florence, as a vital instrument in ensuring regional stability, and alarmed by reports of uneven levels of compliance with provisions of the Agreement,

Having considered the third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and noting the varying degrees of cooperation and compliance described therein and stressing the importance and urgency of the work of the International Tribunal as an element of the process of reconciliation in Bosnia and Herzegovina and in the region,

Supporting fully the efforts of the International Tribunal aimed at the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, and demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827(1993) of 25 May 1993 and 1022(1995) of 22 November 1995, including with respect to surrendering persons sought by the Tribunal,

Welcoming the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations, including the immediate establishment of diplomatic relations, among those States, in accordance with the Peace Agreement,

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon the Governments and the authorities in the region, as well as relevant international organizations, to facilitate such full respect,

Noting that democratization in the region will enhance the prospects for a lasting peace and help to

guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Welcoming the holding of elections under the supervision of the Organization for Security and Cooperation in Europe on 14 September 1996 for State, Entity and canton level offices, and calling upon all parties to further cooperate with the organization in the preparation and holding of free and fair elections throughout all of Bosnia and Herzegovina at the municipal/local level,

Noting the positive impact of the two previous pledging conferences, held respectively on 21 December 1995 and 13 and 14 April 1996 and chaired by the World Bank and the European Union on the peace process and reintegration of the country as well as the reconstruction effort, stressing the importance and urgency of providing the pledged financial assistance and technical cooperation in reconstruction efforts and the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region, and encouraging an early convening of the next pledging conference,

Welcoming in particular the important efforts of the European Union, bilateral and other donors to provide humanitarian and economic assistance for reconstruction,

Underlining that the full, comprehensive and consistent implementation of the Peace Agreement is vital for the maintenance of international peace and security,

1. Expresses its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), which constitutes the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. Welcomes the successful implementation of certain aspects of the Peace Agreement, including the establishment of a lasting cessation of hostilities, the establishment of the military zones of separation, national elections held on 14 September 1996, and the formation and functioning of certain common institutions of Bosnia and Herzegovina;

3. Underlines the responsibility of the parties to cooperate fully and in good faith in the prompt formation and functioning of all the new common institutions of Bosnia and Herzegovina and in establishing the necessary conditions for holding democratic, free and fair local elections in accordance with the relevant provisions of the Peace Agreement;

4. Demands the full, comprehensive and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina;

5. Welcomes the conclusions of the meeting of the ministerial Steering Board and the Presidency of Bosnia and Herzegovina, held in Paris on 14 November 1996, in order to define the guiding principles of the civilian consolidation plan of the peace process in Bosnia and Herzegovina in accordance with the Peace Agreement;

6. Welcomes also the conclusions of the London Peace Implementation Conference, held on 4 and 5 December 1996, at which the Bosnian parties and the international community committed themselves to a

detailed action plan to implement the Peace Agreement, and calls upon all parties, as signatories to the Peace Agreement and immediate neighbours, to continue to work for a peaceful, reintegrated and stable Bosnia and Herzegovina in accordance with the Peace Agreement;

7. Recognizes that responsibility for consolidating the peace lies primarily with the authorities of Bosnia and Herzegovina, as was confirmed in particular in the joint declaration adopted at Geneva on 14 August 1996;

8. Also recognizes that the role of the international community remains essential, and welcomes the readiness of the international community to continue its efforts;

9. Underlines the relationship between the fulfilment by the parties of their commitments under the Peace Agreement and the readiness of the international community to commit resources for reconstruction and development;

10. Welcomes the formation of the multinational Stabilization Force authorized by the Security Council as the successor to the Implementation Force, and calls upon all parties to cooperate fully with it;

11. Stresses the importance of the full, comprehensive and consistent implementation of the Peace Agreement, including cooperation and compliance with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the establishment of the necessary conditions for the voluntary return of refugees and displaced persons, and the establishment of the necessary conditions for freedom of movement;

12. Calls upon all the parties to cooperate fully, and in good faith, in the prompt formation and functioning of all of the new common institutions of Bosnia and Herzegovina and in establishing the necessary conditions for holding democratic, free and fair local elections at the municipal level in accordance with the relevant provisions of the Peace Agreement, and urges the relevant international organizations to consider the provision of assistance to meet the infrastructural needs of the new common institutions of Bosnia and Herzegovina, particularly in Sarajevo, the capital of the State and Federation of Bosnia and Herzegovina;

13. Insists upon the need to deliver all indictees to the International Tribunal to trial, notes that the International Tribunal has the authority to address individual responsibility for the perpetration of the crime of genocide, crimes against humanity and other serious violations of international humanitarian law committed, including in Bosnia and Herzegovina, and reiterates that all parties should arrest and surrender to the Tribunal all indicted persons on territories under their control, and to otherwise fully comply with the orders of the Tribunal and to cooperate with the work of the Tribunal, including with exhumations and other investigative acts, in accordance with article 29 of the statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina;

14. Urges Member States, taking into account the orders and requests of the International Tribunal, to offer the Tribunal their full support, including financial support, in order to ensure the completion of the Tri-

bunal's purpose, and to carry out their obligations under the statute of the Tribunal and all relevant Security Council resolutions;

15. Reaffirms once again the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with the Peace Agreement, in particular annex 7 of the Agreement, and the realization of same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to immediately establish the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication for all the citizens of Bosnia and Herzegovina, and upon the relevant international organizations to enhance the conditions to facilitate return, in accordance with relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina, and welcomes efforts by the European Union, bilateral and other donors, United Nations agencies and non-governmental organizations in establishing projects designed to facilitate the voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina;

16. Strongly condemns all acts of intimidation designed to discourage the voluntary return of refugees and displaced persons, in particular the destruction of housing units;

17. Reaffirms once again its support for the principle that all statements and commitments made under duress, particularly those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and supports the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, in compliance with its mandate;

18. Emphasizes the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina;

19. Calls upon the parties to cooperate fully with the arbitration process in Brcko and to respect the decisions reached through the arbitration process, in accordance with the relevant provisions of the Peace Agreement;

20. Demands that all parties comply fully with the Agreement on Subregional Arms Control, including the accurate reporting of existing levels of armaments and the destruction of the required amounts of armaments, in accordance with the relevant provisions of the Peace Agreement, and urges Member States and the appropriate regional organizations to assist in the implementation and verification of the Agreement on Subregional Arms Control, in accordance with the relevant provisions of the Peace Agreement;

21. Stresses the need for timely information about the level of cooperation and compliance with the International Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina, and the status and implementation of the Agreement on Subregional Arms Control;

22. Commends the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross,

the International Monetary Fund, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the Islamic Development Bank, the multinational Implementation Force led by the North Atlantic Treaty Organization, non-governmental organizations, the office of the High Representative, the office of the Special Rapporteur for Human Rights of the Commission on Human Rights, the Office of the United Nations High Commissioner for Refugees, the office of the United Nations High Commissioner for Human Rights, the Organization of the Islamic Conference, the Organization for Security and Cooperation in Europe, the Peace Implementation Council, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina and the World Bank, in their roles in the implementation of the Peace Agreement;

23. Decides to include in the provisional agenda at its fifty-second session the item entitled "The situation in Bosnia and Herzegovina".

#### General Assembly resolution 51/203

17 December 1996 Meeting 88 149-0-2 (recorded vote)

27-nation draft (A/51/L.62/Rev.1 & Add.1); agenda item 56.

Meeting numbers. GA 51st session: plenary 85, 86, 88.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Belarus, Russian Federation.

The Russian Federation noted that, unlike the clear formulations of Security Council **resolution 1088(1996)**, which gave impetus to a further stage in the international community's implementation efforts, the Assembly resolution contained imprecise and unclear language, besides being too detailed in some of its provisions while failing to mention other aspects. It reasoned that, as the Council was actively seized of the situation in Bosnia and Herzegovina, the Assembly had no need to adopt a resolution on that item, which it could have deferred to its fifty-second session.

## Federal Republic of Yugoslavia (Serbia and Montenegro)

The Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY), as one of the five nations that emerged from the break-up of the former Yugoslavia, remained involved in 1996 in ongoing regional and international efforts to resolve the situations affecting the area (see also "Bosnia and Herzegovina", "Croatia", and "FYROM".)

In the area of human rights, the General Assembly, in **resolution 51/116**, adopted in December 1996, called on the Government of FRY to undertake substantially greater efforts to institute democratic norms, especially in regard to the protection of free and independent media, and full respect for human rights and fundamental freedoms. It also strongly urged the FRY Government to revoke all discriminatory legislation and to apply all other legislation without discrimination and to take urgent action to prevent arbitrary eviction and dismissals and discrimination against any ethnic or national, religious or linguistic group. It also strongly condemned the continuing refusal of FRY to arrest and surrender indicted war criminals known to be in its territory.

The Assembly also urgently demanded that authorities in FRY take immediate action to end the repression of and prevent violence against non-Serb populations in Kosovo. (For full text of **resolution 51/116** and other information on human rights in FRY, see PART TWO, Chapter III.) In 1996, proceedings continued with regard to a case before the International Court of Justice, brought by Bosnia and Herzegovina against FRY in 1993 (see PART FOUR, Chapter I).

Also during 1996, the Security Council, in a presidential statement [S/PRST/1996/23], expressed profound concern over instances of the failure of FRY to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (see PART FOUR, Chapter II, for full text and further details).

Following the initialling of the Dayton-Paris Peace Agreement, the Security Council on 22 November 1995 had adopted resolution 1022(1995), suspending indefinitely the sanctions that had been imposed, beginning in 1992, as a result of the conflict in the former Yugoslavia.

Sanctions against FRY were terminated with immediate effect on 1 October 1996 by a unani-

mous vote of the Security Council, in adopting resolution 1074(1996) (see full text below). The Council had specified in resolution 1022(1995) that those measures would be lifted on the tenth day following the conclusion of the first free and fair elections called for under the Peace Agreement.

In resolution 1074(1996), the Council also welcomed the process of mutual recognition and stressed the importance of full normalization of relations, including the establishment of diplomatic relations, among all successor States to the former Socialist Federal Republic of Yugoslavia. During 1996, FRY had concluded three separate agreements—with the former Yugoslav Republic of Macedonia, Croatia, and Bosnia and Herzegovina—aimed at normalizing relations with those countries. (See above, under "The former Yugoslavia", for details on State succession issues.)

### SECURITY COUNCIL ACTION

The Council met on 1 October and adopted **resolution 1074(1996)**, formally terminating all sanctions it had imposed in May 1992, under resolution 757(1992) [YUN 1992, p. 352], against FRY.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and reaffirming, in particular, its resolution 1022(1995) of 22 November 1995,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Expressing its appreciation to the High Representative, the Commander and personnel of the multinational Implementation Force, personnel of the United Nations and the Organization for Security and Cooperation in Europe, as well as other international personnel in Bosnia and Herzegovina for their contributions to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement),

Welcoming the progress in the implementation of the Peace Agreement,

Welcoming also the process of mutual recognition and stressing the importance of full normalization of relations, including the establishment of diplomatic relations, among all successor States to the former Socialist Federal Republic of Yugoslavia,

Noting with satisfaction that the elections called for in annex 3 to the Peace Agreement have taken place in Bosnia and Herzegovina,

Underlining the need for full cooperation by States and entities with the International Tribunal for the Former Yugoslavia, which constitutes an essential aspect of implementing the Peace Agreement,

Reminding the parties of the relationship between the fulfilment by them of their commitments in the Peace Agreement and the readiness of the international

community to commit financial resources for reconstruction and development.

Acting under Chapter VII of the Charter of the United Nations,

1. Notes with satisfaction that the elections called for in annex 3 to the Peace Agreement took place on 14 September 1996 in Bosnia and Herzegovina, and notes that their holding constituted an essential step towards achieving the objectives of the Peace Agreement;

2. Decides, in accordance with paragraph 4 of its resolution 1022(1995), to terminate, with immediate effect, the measures referred to in paragraph 1 of that resolution;

3. Calls upon all parties to comply strictly with all their commitments under the Peace Agreement;

4. Decides to keep the situation under close review taking into account the reports submitted pursuant to paragraphs 25 and 32 of its resolution 1031(1995) of 15 December 1995 and any recommendations those reports might include;

5. Further decides to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

6. Further decides to dissolve the Committee established by its resolution 724(1991) of 15 December 1991 once its report has been finalized and expresses its gratitude for the work of the Committee;

7. Decides to remain seized of the matter.

Security Council resolution 1074(1996)

1 October 1996 Meeting 3700 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/815).

The Committee established pursuant to Council resolution 724(1991) [YUN 1991, p. 219], in a 15 November report [S/1996/946], presented a concise account of its work since 1993 until the termination of sanctions, and made recommendations to help the Council refine the instrument of sanctions, increase its effectiveness as a peaceful means of conflict management and preventive action and minimize its collateral humanitarian effects. Having finalized its report, the Committee was dissolved in accordance with **resolution 1074 (1996)**.

## Croatia

United Nations mandates in the Republic of Croatia in 1996 related mainly to the implementation of the 1995 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the Basic Agreement) [YUN 1995, p. 587]—which sought the peaceful reintegration of Serb-held territory into Croatia—as well as to the monitoring of the demilitarization of the Prevlaka peninsula.

In keeping with arrangements to assist the parties in fulfilling their commitments under the

Basic Agreement, the Security Council on 15 January 1996 established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), for an initial period of 12 months. The United Nations Confidence Restoration Operation in Croatia (UNCRO) was terminated on the same date in accordance with Council resolution 1025(1995) of 30 November 1995 [YUN 1995, p. 589] relating to the Transitional Administration.

As a result of the Council decision to terminate UNCRO, all UN military units and their accompanying civilian components, including UNCRO political and humanitarian officers and UN civilian police, departed from the former Sectors West, North and South in Croatia. The last civil affairs personnel were withdrawn from those Sectors on 17 January 1996, resulting in a drastic reduction in the international community's ability to monitor the human rights and humanitarian situation in those areas, the Secretary-General said in his report on the work of the Organization [A/51/1]. Human rights concerns in Croatia were addressed throughout the year (see PART TWO, Chapter III).

As described by the Secretary-General in a 26 June report [S/1996/472], the objectives of the new mission were to bring the region, demilitarized and secure, under the sovereign control of the Government of Croatia; to retain the region's multi-ethnic character; to promote an atmosphere of confidence among all local residents irrespective of their origin; to enable refugees and displaced persons to enjoy the right to return to their homes and live there in conditions of security; to promote respect for the highest standards of human rights and fundamental freedoms; to promote redevelopment and reconstruction of the region in harmony with the overall plans of Croatia; and to organize free and fair local elections no later than 30 days before the end of the transitional period.

As full implementation of the Basic Agreement had not been achieved by mid-November, in particular the elections that were envisaged, the Council, on the recommendation of the Secretary-General, extended the UNTAES mandate for six months, from 16 January to 15 July 1997. The six-month deployment of 100 military observers as part of UNTAES, authorized by the Council on 31 January 1996, was subsequently extended until 15 January 1997.

The monitoring of the demilitarization of Prevlaka, a strategic peninsula, which was south-east of Dubrovnik and controlled the entrance to Kotorska Bay, remained on the agenda of the Security Council in 1996. Responsibility for such monitoring, first assumed by the United Nations Protection Force (UNPROFOR) in 1992 by authori-

ty of Security Council resolution 779(1992) [YUN 1992, p. 343], was in keeping with arrangements elaborated by UNPROFOR and accepted by Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY). Those arrangements, which provided for the complete withdrawal of the Yugoslav People's Army from Croatia, the demilitarization of the Prevlaka peninsula and the removal of heavy weapons from neighbouring areas of Croatia and Montenegro, were based on the concept of the establishment of a demilitarized zone on either side of the Croatia-Montenegro border called the "blue zone" and an area free of heavy weapons and fortifications called the "yellow zone".

Since the case regarding the delineation of the State borders submitted by FRY to the International Conference on the Former Yugoslavia (ICFY) remained unresolved, and as the demilitarization called for had never been fully achieved, the area had been a source of dispute and thus of intermittent tension between FRY and Croatia.

Monitoring of the peninsula was incorporated in the UNCRO mandate in March 1995, by Security Council resolution 981(1995) [YUN 1995, p. 569]. In keeping with the Secretary-General's 1995 recommendation [YUN 1995, p. 590] that monitoring of the demilitarization of the Prevlaka peninsula be continued beyond the termination of UNCRO on 15 January 1996 as an independent mission, the Council, on that date, authorized continuation of such monitoring by UN military observers (UNMOs) for a three-month period, subject to extension as necessary for a similar period (**resolution 1038(1996)**). The Secretary-General subsequently decided that the operation be known as the United Nations Mission of Observers in Prevlaka (UNMOP) and comprise 28 UNMOs under the command of a Chief Military Observer, who would report directly to UN Headquarters.

On 15 July, the Council authorized the UNMOs to continue monitoring the demilitarization of the Prevlaka peninsula until 15 January 1997.

On 13 December, the General Assembly adopted **decision 51/428** deferring consideration of the agenda item entitled "The situation in the occupied territories of Croatia" for inclusion in the provisional agenda of its fifty-second (1997) session.

#### **UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES)**

On 15 January, the Security Council, by **resolution 1037(1996)** (see below), authorized the creation of the United Nations Transitional Adminis-

tration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), for an initial 12-month period, with the overall responsibility of helping the parties implement the November 1995 Basic Agreement between Croatia and the local Serb authorities. The Council also urged Member States, acting nationally or in concert with regional organizations, to take all necessary measures, including close air support, to defend or help UNTAES withdraw if necessary, and it requested UNTAES, on its part, to cooperate with the multinational Implementation Force (IFOR) and the High Representative. The Council decided that the UNTAES military component would consist of up to 5,000 troops initially.

The UNTAES area of operation, located at the easternmost tip of Croatia bordering the Serbian province of Vojvodina, extended approximately 30 kilometres from east to west and 140 kilometres north to south, its main cities being Vukovar, Beli Manastir, Darda, Tenja, Klisa and Vinkovci.

The authorized strength of UNTAES included up to 5,000 troops, 100 UN Military Observers (UNMOs) and 600 police monitors. Also budgeted for were 448 international staff and 664 locally recruited staff. As authorized by **resolution 1037(1996)**, arrangements had been made with IFOR, based in Bosnia and Herzegovina, to provide UNTAES with close air and other support in an emergency.

On 31 January, the Council authorized the deployment of 100 UNMOs as part of UNTAES for a six-month period ending 15 July 1996 (**resolution 1043(1996)**), subsequently extended for a further six months to 15 January 1997 (**resolution 1069(1996)**). The UNMOs were charged with identifying items to be demilitarized, monitoring and verifying demilitarization undertaken by the parties, and reporting developments relevant to the maintenance of peace and security.

UNTAES was headed by the Transitional Administrator, Jacques Paul Klein (United States). Appointed by an exchange of letters on 16 and 17 January between the Secretary-General and the Council [S/1996/38, S/1996/39], the Transitional Administrator assumed office on 11 February. The military component was under the command of Major-General Jozef Schoups (Belgium), who was appointed Force Commander with effect from 1 March, also by an exchange of letters between the Secretary-General and the Council, on 9 and 13 February [S/1996/101, S/1996/102]. He assumed command on 14 March.

The interim military headquarters at Erdut moved to Vukovar on 1 April, while UNTAES headquarters, which had begun operating from existing UN facilities in Zagreb, relocated to Vukovar on 22 April.



The military component, numbering close to 5,000 combat troops and support units, completed deployment on 5 May. By 22 June, 432 police monitors had arrived in the mission area.

The military component was mandated to facilitate the demilitarization of the region of Eastern Slavonia, Baranja and Western Sirmium within 30 days of becoming operational, monitor the safe return of refugees and displaced persons to their homes, and contribute to the maintenance of peace and security in the region.

The civilian staff included a civil affairs unit responsible for the staffing, chairing and coordination of a number of joint implementation committees. It consisted of 44 civil affairs officers, of whom 17 operated from UNTAES headquarters and 27 from six field offices, in Beli Manastir, Osijek, Vukovar City, Vinkovci, Erdut and Ilok.

The civilian component was mandated to: establish a temporary police force and develop a police training programme; undertake tasks relating to civil administration and to the functioning of public services; facilitate the return of refugees; organize elections, assist in their conduct and certify the results; assist in the coordination of plans for the region's development and economic reconstruction; monitor compliance with the parties' commitment to respect human rights and fundamental freedoms; facilitate the demining of the region; and maintain an active public affairs element.

The Schedule and Procedures for the Demilitarization of the Region of Eastern Slavonia were signed on 15 April. The process, which was to last no more than 30 days, entailed disarmament and demobilization of all military, paramilitary and police forces, units and personnel, as well as the elimination of all their command structures. It was completed on 20 June, by which time all heavy weapons belonging to local Serb forces had either been removed from the region or handed over to UNTAES. An international inspection team was formed by UNTAES to confirm that the demilitarization had been carried out, and comprehensive inspections of all known and suspected military/police locations took place between 24 and 27 June, at which date a Certificate of Demilitarization was signed at UNTAES headquarters in Vukovar between the UNTAES Force Commander and the Commander of the Baranja-Eastern Slavonia Corps. However, there had been little handing over of small arms and ammunition, the Secretary-General observed in his annual report on the work of the Organization [A/51/1]; while many of those might have been removed from the region, it was likely that considerable quantities had stayed in private

hands. As a result of the anxiety felt by some residents of the region about long-term security, UNTAES developed a procedure for registering non-military weapons of persons entitled to hold them.

The UNTAES military component established observation posts in the zone of separation between the Croatian and Serb forces prior to and during the process of demilitarization; it also monitored demining efforts by the parties. UNTAES soldiers provided support to preventing the illegal removal of resources from the region, such as cut timber, and on 14 May they assumed control of the strategic Djeletovici oilfield.

Progress was made in training a temporary police force consisting of Croatian and local Serb police officers. The local Transitional Police Force, established on 1 July 1996, was to have an estimated strength of 1,300 personnel; it had primary responsibility for maintaining law and order, operating under the authority of the Transitional Administrator and monitored by UN civilian police. Selected officers from both sides were being trained at the International Law Enforcement Academy in Budapest, Hungary, with the assistance of UN civilian police monitors and the United States International Criminal Investigation and Training Assistance Programme.

#### SECURITY COUNCIL ACTION (January)

On 15 January 1996, the Security Council adopted **resolution 1037(1996)**, establishing UNTAES.

The Security Council,

Recalling its earlier relevant resolutions, and in particular its resolutions 1023(1995) of 22 November 1995 and 1025(1995) of 30 November 1995,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Stressing the importance it attaches to full respect for human rights and fundamental freedom of all in those territories,

Expressing its support for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 between the Government of the Republic of Croatia and the local Serbian community (the Basic Agreement),

Having considered the report of the Secretary-General of 13 December 1995,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Desiring to support the parties in their effort to provide for a peaceful settlement of their disputes, and thus to contribute to achievement of peace in the region as a whole,

Stressing the obligations of Member States to meet all their commitments to the United Nations in relation to the United Nations peacekeeping operations in the former Yugoslavia,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operation in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. Decides to establish for an initial period of 12 months a United Nations peacekeeping operation for the region referred to in the Basic Agreement, with both military and civilian components, under the name "United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium" (UNTAES);

2. Requests the Secretary-General to appoint, in consultation with the parties and with the Security Council, a Transitional Administrator, who will have overall authority over the civilian and military components of UNTAES and who will exercise the authority given to it in the Basic Agreement;

3. Decides that the demilitarization of the region, as provided in the Basic Agreement, shall be completed within 30 days from the date the Secretary-General informs the Council, based on the assessment of the Transitional Administrator, that the military component of UNTAES has been deployed and is ready to undertake its mission;

4. Requests the Secretary-General to report monthly to the Council, the first such report to be submitted within one week after the date on which the demilitarization is scheduled to be completed pursuant to paragraph 3 above, regarding the activities of UNTAES and the implementation of the Basic Agreement by the parties;

5. Strongly urges the parties to refrain from any unilateral actions which could hinder the handover from UNCRO to UNTAES or the implementation of the Basic Agreement, and encourages them to continue to adopt confidence-building measures to promote an environment of mutual trust;

6. Decides that, no later than 14 days after the date on which demilitarization is scheduled to be completed pursuant to paragraph 3 above, it will review whether the parties have shown a willingness to implement the Basic Agreement, taking into consideration the parties' actions and information provided to the Council by the Secretary-General;

7. Calls upon the parties to comply strictly with their obligations under the Basic Agreement and to cooperate fully with UNTAES;

8. Decides to reconsider the mandate of UNTAES if at any time it receives a report from the Secretary-General that the parties have significantly failed to comply with their obligations under the Basic Agreement;

9. Requests the Secretary-General to report to the Council no later than 15 December 1996 on UNTAES and the implementation of the Basic Agreement, and expresses its readiness to review the situation in the light of that report and to take appropriate action;

10. Decides that the military component of UNTAES shall consist of a force with an initial deployment of up to 5,000 troops, which will have the following mandate:

(a) To supervise and facilitate the demilitarization as undertaken by the parties to the Basic Agreement, according to the schedule and procedures to be established by UNTAES;

(b) To monitor the voluntary and safe return of refugees and displaced persons to their home of origin in cooperation with the United Nations High Commissioner for Refugees, as provided for in the Basic Agreement;

(c) To contribute, by its presence, to the maintenance of peace and security in the region; and

(d) Otherwise to assist in implementation of the Basic Agreement;

11. Decides that, consistent with the objectives and functions set out in paragraphs 12 to 17 of the Secretary-General's report of 13 December 1995, the civilian component of UNTAES shall have the following mandate:

(a) To establish a temporary police force, define its structure and size, develop a training programme and oversee its implementation, and monitor treatment of offenders and the prison system, as quickly as possible, as set out in paragraph 16 (a) of the Secretary-General's report;

(b) To undertake tasks relating to civil administration as set out in paragraph 16 (b) of the Secretary-General's report;

(c) To undertake tasks relating to the functioning of public services as set out in paragraph 16 (c) of the Secretary-General's report;

(d) To facilitate the return of refugees as set out in paragraph 16 (e) of the Secretary-General's report;

(e) To organize elections, to assist in their conduct, and to certify the results as set out in paragraph 16 (g) of the Secretary-General's report and in paragraph 12 of the Basic Agreement; and

(f) To undertake the other activities described in the Secretary-General's report, including assistance in the coordination of plans for the development and economic reconstruction of the region, and those described in paragraph 12 below;

12. Decides that UNTAES shall also monitor the parties' compliance with their commitment, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms, promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, monitor and facilitate the demining of territory within the region, and maintain an active public affairs element;

13. Calls upon the Government of the Republic of Croatia to include UNTAES and the United Nations Liaison Office in Zagreb in the definition of "United Nations Peace Forces and Operations in Croatia" in the present status-of-forces agreement with the United Nations and requests the Secretary-General to confirm urgently, and no later than the date referred to in paragraph 3 above, on whether this has been done;

14. Decides that Member States, acting nationally or through regional organizations or arrangements, may, at the request of UNTAES and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in

defence of UNTAES and, as appropriate, to assist in the withdrawal of UNTAES;

15. Requests that UNTAES and the multinational Implementation Force (IFOR) authorized by the Council in its resolution 1031(1995) of 15 December 1995 cooperate, as appropriate, with each other, as well as with the High Representative;

16. Calls upon the parties to the Basic Agreement to cooperate with all agencies and organizations assisting in the activities related to implementation of the Basic Agreement, consistent with the mandate of UNTAES;

17. Requests all international organizations and agencies active in the region to coordinate closely with UNTAES;

18. Calls upon States and international financial institutions to support and cooperate with efforts to promote the development and economic reconstruction of the region;

19. Underlines the relationship between the fulfilment by the parties of their commitments in the Basic Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

20. Reaffirms that all States shall cooperate fully with the International Tribunal for the Former Yugoslavia and its organs in accordance with the provisions of resolution 827(1993) of 25 May 1993 and the statute of the International Tribunal and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute;

21. Stresses that UNTAES shall cooperate with the International Tribunal in the performance of its mandate, including with regard to the protection of the sites identified by the Prosecutor and persons conducting investigations for the International Tribunal;

22. Requests the Secretary-General to submit for consideration by the Council at the earliest possible date a report on the possibilities for contributions from the host country in offsetting the costs of the operation;

23. Decides to remain actively seized of the matter.

Security Council resolution 1037(1996)

15 January 1996 Meeting 3619 Adopted unanimously

8-nation draft (S/1996/23).

Sponsors: France, Germany, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom, United States.

By a 26 January letter [S/1996/66] to the Security Council, the Secretary-General recalled that his recommendation had been for a force of 9,300 combat troops to ensure security in the region and to supervise its demilitarization through a visible, credible presence. Given the smaller force of up to 5,000 troops authorized by the Council, he sought authorization—on the advice of the Transitional Administrator and military staff at UN Headquarters in New York and at the United Nations Peace Forces headquarters (UNPF-HQ) in Zagreb—for the additional deployment of 100 UNMOs, as part of UNTAES, for a period of six months in order to enable UNTAES to supervise and facilitate the demilitarization called for in the Basic Agreement. The UNMOs

would identify the units and equipment to be demilitarized, and monitor and verify the demilitarization undertaken by the parties; they would also report on any developments relevant to the maintenance of peace and security in the region.

The Secretary-General notified the Council on the same date [S/1996/66/Add.1] that the costs associated with the deployment of the UNMOs for the period indicated were estimated at approximately \$2.3 million and provided a breakdown by main categories of expenditure.

The Security Council met again on 31 January and, following consideration of the Secretary-General's additional proposal and associated cost estimate, adopted **resolution 1043(1996)**.

The Security Council,

Recalling its resolution 1037(1996) of 15 January 1996 establishing the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES),

Having considered the letter dated 26 January 1996 from the Secretary-General to the President of the Security Council,

1. Decides to authorize, as part of UNTAES, and in accordance with the provisions of resolution 1037(1996), the deployment of 100 military observers for a period of six months;

2. Decides to remain seized of the matter.

Security Council resolution 1043(1996)

31 January 1996 Meeting 3626 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/70).

#### SECURITY COUNCIL ACTION (May)

The Secretary-General notified the Security Council on 20 May [S/1996/363] of the Transitional Administrator's assessment that the military component of UNTAES had been deployed and was ready to undertake its mission of demilitarization of the region of Eastern Slavonia, Baranja and Western Sirmium and that other arrangements to support that operation were in place. The Transitional Administrator had reported his intention to begin demilitarization at 1200 hours on Tuesday, 21 May.

The Security Council met on 22 May to consider the Secretary-General's notification. Also before the Council was a letter from Croatia [S/1996/357] stating that, on 17 May, the Croatian Sabor had adopted an amnesty law entitled "Act Applicable to Perpetrators of Criminal Acts in the Area of Eastern Slavonia, Baranja and Western Sirmium". The letter added that the law referred to criminal acts committed between 17 August 1990 and 1 June 1996 and excluded persons "suspected of violations of international humanitarian law and the laws of war".

Following consultations among its members, the Council authorized its President to make the

statement below [S/PRST/1996/26] on the Council's behalf:

The Security Council has considered the letter of the Secretary-General to its President of 20 May 1996 in which he informed the Council of the assessment of the Transitional Administrator that the military component of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) had been deployed and was ready to undertake its mission of demilitarization of the region. That mission of demilitarization began on 21 May 1996.

The Security Council calls upon the parties to comply strictly with their obligations under the Basic Agreement of 12 November 1995 on the Region of Eastern Slavonia, Baranja and Western Sirmium and to cooperate fully with UNTAES. It stresses that they must refrain from any unilateral action which could hinder the implementation of the Basic Agreement, including the process of demilitarization.

The Security Council reminds the parties that the successful implementation of the Basic Agreement requires the respect by them of the highest level of internationally recognized human rights and fundamental freedoms. It calls upon the parties to continue to cooperate with UNTAES in adopting confidence-building measures to promote an environment of mutual trust.

The Security Council calls upon the Government of the Republic of Croatia to grant amnesty to all persons who, either voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas with the exception of those who committed war crimes as defined in international law. It notes that the law on amnesty recently passed in the Republic of Croatia is a step in this direction. The Council calls upon the Government of the Republic of Croatia to make this amnesty comprehensive as soon as possible and stresses the importance such a measure would have for maintaining public confidence and stability during the demilitarization and demobilization process.

The Security Council underlines the key importance of attention to the need for economic reconstruction and rehabilitation of the region of Eastern Slavonia, Baranja and Western Sirmium and encourages Member States to contribute to this end.

The Security Council will remain seized of the matter and requests the Secretary-General to keep it regularly informed of developments in the situation.

Meeting number. SC 3666.

**Report of Secretary-General (June).** In keeping with Security Council **resolution 1037(1996)**, the Secretary-General, on 26 June, submitted the first [S/1996/472] of a series of monthly progress reports on UNTAES activities and the parties' implementation of the Basic Agreement. The report gave a detailed description of the political, civilian and humanitarian aspects of the implementation. It also provided information on the

composition and deployment of UNTAES (see above).

The report noted that the Transitional Administrator had held meetings with Croatia's cabinet and President Franjo Tudjman to discuss implementation matters. He had maintained regular contact with senior government officials and representatives of the local Serb population, as well as with the local Executive Council, instrumental in coordinating implementation activities. In view of the significant role played by the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) in the conclusion of the Basic Agreement and of its continuing interest in the successful discharge of the UNTAES mandate, the Transitional Administrator had briefed FRY President Slobodan Milosevic and other Yugoslav authorities on relevant developments on a number of occasions. A visit to Zagreb on 11 March by the FRY Minister for Foreign Affairs had resulted in agreements between Croatia and FRY covering the reopening of the Adriatic oil pipeline, consular matters, and the restoration of highway, railway, air-corridor and telecommunication links between the two countries.

In addition, UNTAES had set up joint implementation committees, chaired by UNTAES and attended by Croatian and local Serb representatives. Fifteen such committees and subcommittees had begun work in the areas of public services, education and culture, health, civil administration, human rights, pensions, police matters, prisoners of war, missing persons, refugees and displaced persons, and confidence-building.

Of major significance was the reported completion of the demilitarization of the region on 20 June, which, in accordance with the Basic Agreement, had been accomplished within 30 days of its start at 1200 hours on 21 May. All heavy weapons belonging to local Serb forces had either been removed or handed over to UNTAES for disposal. Since March, UNTAES was reported to have monitored the removal of 93 tanks, 11 armoured personnel carriers, 35 anti-tank systems, 107 artillery pieces, 123 mortars and 42 anti-aircraft guns. Additionally, UNTAES was engaged in halting incursions into the zone of separation near the Lipovac highway by elements of the Croatian Special Police and Army. The local police had also been demilitarized as part of the region's overall demilitarization. Maintenance of law and order would thus devolve on the Transitional Police Force envisaged under the Basic Agreement, which was in the process of being established and expected to be operational on 1 July.

In the economic sector, the UNTAES military had assisted in preventing the illegal removal of resources, such as timber, from the region. On 14 May, it assumed control of the strategic Djeletovci oilfield, the region's single most important economic resource, and secured the departure from the area of the "Scorpion" paramilitary unit, which mined the area as it left. The oilfield's closure since 16 April had resulted in the rapid fall of the region's revenues.

UNTAES legal officers remained engaged in encouraging Croatia to produce a short, comprehensive and clear amnesty law, since, according to the report, the law as finally enacted by Croatia on 31 May lacked the specificity required in a penal enactment, provided amnesty not to all Croatian citizens but only to those in the region, and included possible prosecution in Croatian courts of persons accused of "most serious crimes"—a categorization leading to confusion and uncertainty as to whom it might be applied.

The Secretary-General observed that in less than six months UNTAES had achieved significant progress in the discharge of its mandate. It had contributed towards bringing divided populations together through confidence-building measures such as family reunions, town hall meetings, village visits and church services, as well as towards the gradual normalization of relations between Croatia and FRY. He noted that demilitarization had been completed with relative ease but that quantities of small arms and ammunition had nevertheless been retained by people anxious about their future security.

The Secretary-General pointed to the daunting tasks of enabling the return to and resettlement in the region of several thousand Croat refugees and displaced persons, which required two key conditions: the urgent clearance of mines (estimated to number some 350,000) and the rebuilding or repair of housing and infrastructure. He further drew attention not only to the considerable resources required for such tasks, but, more importantly, to the region's precarious financial situation.

Concurring with the Force Commander's opinion that the continued presence of the UNMOs would enhance the ability of UNTAES to monitor the post-demilitarization situation in the region, the Secretary-General recommended extending the UNMO mandate to 15 January 1997, the end of the current UNTAES mandate.

In a later addendum to his report [S/1996/472/Add.1], the Secretary-General estimated that the cost of maintaining the 100 UNMOs for a further six months would be \$1.9 million. On 28 June [A/51/184-S/1996/500], Croatia, referring to the

Secretary-General's comment in his report that the recently enacted Croatian amnesty law was unclear as to whom it applied, stated that, on the previous day, the Government had issued a list of 811 persons who would not be protected by that law.

As to the Secretary-General's reference to "several thousand displaced Croats" waiting to return to the region, Croatia cited the 1991 official census indicating that the region had been home to 193,538 Croatian citizens: 125,510 of non-Serb and 68,028 of Serb ethnic backgrounds. Croatia claimed that since then almost all of the non-Serb Croatian citizens had been ethnically cleansed from the region and thousands had been killed, adding that, in addition to the 76,669 registered non-Serbs who had been displaced from there and were currently under government care, almost all of a significant number of non-Serb Croats in refuge in asylum countries had expressed the intention to return. By government estimates, therefore, close to 100,000 Croats were waiting to return.

#### SECURITY COUNCIL ACTION (July)

The Security Council met twice in connection with the Secretary-General's report. On 3 July, the Council, after consultations among its members, authorized its President to make the statement below [S/PRST/1996/30] on the Council's behalf:

The Security Council, in accordance with paragraph 6 of resolution 1037(1995), has considered the report of the Secretary-General of 26 June 1996 submitted pursuant to this resolution on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES).

The Council notes that the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 (the Basic Agreement), is proceeding according to the timetable established by this Agreement. In particular it notes with appreciation that the demilitarization proceeded smoothly and was completed on 20 June 1996. It expresses its satisfaction at the cooperation that both parties have shown in this respect. It calls upon both sides to refrain from any action that might raise tension and to continue to cooperate closely with UNTAES on all aspects of the Basic Agreement to maintain peace and security in the region. It expresses its readiness to consider favourably the extension of the mandate of the United Nations military observers in UNTAES as recommended in the report.

The Council expresses its satisfaction with the work already achieved by UNTAES, in particular through its operational joint implementation committees, for the re-establishment of normal conditions of life for all the inhabitants of the region. The Council welcomes the efforts now in train to begin the return of displaced persons and refugees to their

homes in the region. It notes that it is equally important that persons who fled from their homes in Western Slavonia and elsewhere in Croatia, in particular in the Krajina, should be permitted to return to their homes of origin. The Council calls upon both parties to cooperate fully with UNTAES in that respect.

The Council recalls the statement of its President of 22 May 1996. The Council regrets that the Government of the Republic of Croatia has not yet taken steps to adopt a comprehensive amnesty law concerning all persons who, either voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. The Council urges that this action should be taken as soon as possible and calls on the Croatian Government to cooperate with UNTAES to that end.

The Council expresses its concern at the worsening economic situation in the region, particularly since the closure in April of the Djeletovci oilfields, which constitute the region's most important economic resource, and at the subsequent lack of revenue available to the local administration to meet salaries and other operating costs of the region. The Council urges the Government of the Republic of Croatia to cooperate closely with UNTAES to identify and provide funding for the local administration and public services. It also underlines the importance of economic development in stabilizing the region.

The Council expresses its support for the efforts of UNTAES to establish and train a Transitional Police Force which will have the primary responsibility for the maintenance of law and order, operating under the authority of the Transitional Administrator and monitored by the United Nations civilian police. The Council also supports the efforts of UNTAES and the United Nations High Commissioner for Refugees to facilitate mine clearing for humanitarian purposes. It calls upon States and others concerned urgently to contribute in support of such activities.

The Council commends the Transitional Administrator and all the personnel of UNTAES for the impressive results they have achieved so far and expresses its full support for them.

The Council will remain seized of the matter.

Meeting number. SC 3678.

The Council met again on 30 July and, following consideration of the Secretary-General's recommendation for an extension of the UNMOs, together with the associated cost estimates, adopted **resolution 1069(1996)**.

The Security Council, Recalling its resolution 1037(1996) of 15 January 1996 establishing the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and its resolution 1043(1996) of 31 January 1996 authorizing the deployment of military observers as part of UNTAES,

Having considered the report of the Secretary-General of 26 June 1996,

1. Decides to authorize, as part of UNTAES, and in accordance with the provisions of resolution 1037(1996), the deployment of 100 military observers for an additional period of six months, ending on 15 January 1997;
2. Decides to remain seized of the matter.

Security Council resolution 1069(1996)

30 July 1996 Meeting 3686 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/601).

**Communications from Secretary-General (2, 12 August).** The Secretary-General, on 2 August, communicated [S/1996/632] to the Security Council his deep concerns over the difficulties confronting UNTAES in securing funding for the operation of existing local administrative structures in its area of operations. Recalling his June report on the closure of the Djeletovci oilfield—which, he explained, was a condition agreed upon between Croatia and FRY for reopening the Adriatic oil pipeline—the Secretary-General noted that the resultant steady deterioration of the local administration's revenue base had been worsening, so that even the one-time government commitment of \$1.2 million was insufficient to meet operational costs, including fuel and utilities, which Serbian companies were threatening to cut off on 5 August if arrears were not paid. That precarious financial state, besides leading to a depletion of the local civil service and to a possible breakdown of region-wide law and order, had begun to erode public confidence in UNTAES.

In the Secretary-General's assessment, extraordinary financial support was urgently required for up to six months beginning on 1 August, pending a reliable source of funding from the Government. Such support would maintain local administration and public services during the transition period to avoid a collapse of local government, ensure reasonable stability in the region, establish and exercise control over the Transitional Police Force, launch a package of reconstruction projects to reduce unemployment and absorb demobilized ex-combatants into the economy.

On 12 August [S/1996/648], the Secretary-General transmitted to the Council the text of the "Agreement on Interim Co-financing of Public Services on the Territory Administered by UNTAES, by the Government of the Republic of Croatia", concluded on 8 August between Croatia and UNTAES.

Under the Agreement, Croatia would provide for regular monthly co-financing of public services on the territory of Croatia administered by UNTAES in the amount of 4.5 million kuna, to be deposited in kuna to the UNTAES account by the tenth of each month; the proportion of the funds

to be used for the Transitional Police Force was to be defined by separate agreement between the Ministry of the Interior and UNTAES; and UNTAES was to provide the Government with a monthly financial report on expenditures and was to ensure the official introduction of the kuna in the territory under its administration no later than 1 October 1996. The Agreement was to remain in force until 15 January 1997.

**Report of Secretary-General (5 August).** In a report of 5 August [S/1996/622], the Secretary-General stated that, following the successful demilitarization of the region, UNTAES had shifted its focus to implementing the civilian and political aspects of its mandate, the key achievements of which included the opening of the Drava River to navigation, the restoration of the main railway line between Croatia and FRY, and the facilitation of demining for humanitarian purposes in priority areas, especially in and around Lipovac. The Transitional Administrator had made strenuous efforts to build confidence in the region and to maintain the full support of the authorities of Croatia and FRY. He had continued to meet regularly with Presidents Tudjman and Milosevic and had advised the Organization for Security and Cooperation in Europe (OSCE) on developments in the region.

The Secretary-General reported that UNTAES remained unsuccessful in removing the Croatian Special Police stationed at several points in the zone of demilitarization (formerly the zone of separation), but that operational monitoring of eight international crossing points between Croatia and FRY had been instituted in early July, with 37 border monitors deployed by the end of that month. Agreement in principle had been reached on a project for the centralized issuance of identity documents for two months, beginning in August. According to ongoing discussions regarding the opening of the Djeletovci oilfield, demining of the area would begin in early August and oil production would resume by the middle of the month. Human rights training in the region had begun. The Transitional Police Force, established on 1 July and envisaged to have a strength of 1,300 personnel, had begun joint operations but had been hampered by delays in obtaining government clearances and new uniforms, fuel shortages and the unsettled question of salaries. Terms of reference for a collaborative approach to the return of displaced Serbs and Croats both to and from the region, including specific areas of coordination, were finalized between UNTAES and UNHCR on 29 July.

The Secretary-General further reported that, in the assessment of an electoral survey mission to the region undertaken by the Electoral Assist-

ance Division of the UN Secretariat, from 13 to 21 July, elections could be held in February or March 1997 at the earliest. That timing was predicated upon prior establishment of an appropriate legal framework, determination of criteria for voter and candidate eligibility, definition of boundaries of municipalities, districts and counties, and timely logistical preparations.

The Secretary-General observed that, as the region's reintegration progressed, the apprehensions of the local Serb population had increased—linked to the deteriorating economic situation, the absence of funding for local administration, delayed disbursements of international assistance, the growing pressure from Croatia not to extend the UNTAES mandate beyond 15 January 1997, and the absence of an adequate amnesty law. Drawing attention to the mass demonstrations held by local Serbs in Vukovar on 15 and 17 July, the Secretary-General said they indicated a growing uncertainty and political ferment whose causes, if unaddressed, could undermine the achievements of the implementation process and disrupt further progress.

The Secretary-General stated that, while the tasks of UNTAES were daunting, it was making encouraging progress in implementing all aspects of its mandate. Given current conditions in the region, however, he felt it was unrealistic to expect completion of those tasks by the end of the current mandate. He thus suggested that the Council might consider indicating its intention to extend the UNTAES mandate by up to a further 12 months.

#### SECURITY COUNCIL ACTION (15 August)

In the light of the Secretary-General's foregoing report, as well as of his 2 and 12 August communications, the Security Council met on 15 August and, following consultations among its members, authorized its President to make the statement below [S/PRST/1996/35] on its behalf:

The Security Council has considered the report of the Secretary-General of 5 August 1996 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the letter from the Secretary-General of 2 August 1996 concerning the funding of the existing local administrative structures in the area of operations of UNTAES.

The Council welcomes the progress made by UNTAES in implementing the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium signed on 12 November 1995 (the Basic Agreement), and in promoting the full and peaceful reintegration of the region of Eastern Slavonia into the Republic of Croatia. It stresses that the restoration and maintenance of the multi-ethnic character of Eastern Slavonia are important to international efforts to maintain peace and stability in the region

of the former Yugoslavia as a whole. It reminds both parties of their obligation to cooperate with UNTAES. It underlines the importance of economic rehabilitation of the region, the establishment of a Transitional Police Force and the return of displaced persons and refugees to their homes in the region, as well as the importance of the promotion by the Government of Croatia of the return of displaced persons and refugees to their homes of origin elsewhere in the Republic of Croatia. It further underlines the importance of the holding of elections in accordance with the Basic Agreement, once the necessary conditions have been established.

The Council reminds the Government of Croatia of its responsibility to cooperate with UNTAES and to create conditions conducive to maintaining stability in the region. It calls on the Government of Croatia to take the necessary action without further delay.

The Council recalls the statements of its President of 22 May and 3 July 1996 and again urges the Government of Croatia to adopt a comprehensive amnesty law concerning all persons who, voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. The Council notes with concern that the amnesty law and the action subsequently taken by the Government of Croatia, as described by the Secretary-General in his report of 5 August, have been insufficient to create confidence among the local Serb population in Eastern Slavonia. The Council notes the general agreement reached by President Tudjman and President Milosevic in Athens on 7 August 1996 that a general amnesty is an indispensable condition for the safe return of refugees and displaced persons. It expects this agreement to be followed up by corresponding concrete measures.

The Council notes with appreciation the agreement reached by the Government of Croatia and UNTAES on issues relating to the funding of public services on the territory administered by UNTAES. It notes, however, that this funding is not sufficient to cover all the costs of such services and it expects further funding to be made available by the Government of Croatia urgently and without conditions. It stresses the importance of ensuring a functioning civil administration so as to maintain stability in the region and help ensure the fulfilment of the mission objectives of UNTAES. The Council, having regard to its resolution 1037(1996), also reminds the Government of Croatia of the need to contribute towards the costs of the UNTAES operation.

The Council recalls that the Basic Agreement provides for a transitional period of 12 months which may be extended at most to another period of the same duration if so requested by one of the parties. It stresses the importance it attaches to UNTAES being able to complete its mandated tasks, including the organization of elections as provided for in the Basic Agreement, promptly and in full. These tasks are, as the Secretary-General notes, the building blocks for the difficult process of reconciliation. To that end, the Council affirms its readiness to con-

sider, at an appropriate time, extending the duration of the mandate of UNTAES, on the basis of the Basic Agreement, its resolution 1037(1996) and a recommendation from the Secretary-General.

The Council expresses its appreciation to the Transitional Administrator and his staff, and reaffirms its full support for the efforts of the Transitional Administrator.

The Council will remain seized of the matter.

Meeting number. SC 3688.

**Report of Secretary-General (28 August).** In a report of 28 August [S/1996/705], the Secretary-General highlighted several positive political developments. Among them was the 8 August Agreement on interim co-financing of public services of the region signed by Croatia and UNTAES (see above). Although only a partial solution to the estimated \$2 million required, the Agreement was a positive step towards the regular funding of public administration structures and hence towards defusing much of the recent weeks' political ferment. Another was the 23 August Agreement concluded between Croatia and FRY on the normalization of relations between them [A/51/318-S/1996/706], which stressed the need to implement the Basic Agreement consistently and to refrain from actions that could compromise full compliance with it. An additional agreement between the parties, to declare general amnesty for all acts committed in connection with armed conflicts, except for the gravest violations of humanitarian law characterized as war crimes, was, the Secretary-General observed, of great significance to the discharge of the UNTAES mandate.

Negative developments were also cited, however, such as increasing signs of polarization within the local Serb leadership, with hardline elements in the Regional Assembly and Regional Executive Council opposing reintegration and challenging the positions of those willing to cooperate with UNTAES. Hardliners made sustained attempts to prevent progress in nascent contacts between the local leadership and the Government and in strengthening cooperation between the local authorities and UNTAES. They had also sought to impede the functioning of the joint implementation committees and to hinder UNTAES efforts to facilitate government issuance of Croatian citizenship and identity documents to eligible residents.

Further noted was the overall negative impact on the implementation process of the uncertainty about the duration of the UNTAES mandate. While the Serb Regional Assembly had formally requested the Transitional Administrator on 18 July to seek a one-year extension of the mandate, Croatia maintained in public state-



ments that it would agree to only a three-month extension beyond 15 January 1997, conditional upon the holding of elections by 15 December 1996.

Opposition from hardliners notwithstanding, the first of three offices to process applications for identity documents (citizenship papers, birth certificates, identity cards and passports) opened on 20 August, in accordance with written instructions issued by the Transitional Administrator in the exercise of his authority over the region. Although subjected to some harassment, 233 persons registered during the first three days; the majority were non-Serbs, however.

The information programme developed by UNTAES consisted of radio broadcasts in the Croatian and Serbian languages and the thrice-monthly UNTAES Bulletin, featuring, besides world and other news items, information about UNTAES activities throughout the region in the context of the Basic Agreement, daily reports from UN spokesmen at Vukovar and Sarajevo and interviews with the Transitional Administrator.

**Report of Secretary-General (1 October).** The Secretary-General's report of 1 October [S/1996/821] recorded progress in several areas. The Transitional Administrator initiated a series of direct contacts between the parties as a means of resolving their differences and reducing mutual suspicion and mistrust. Such direct dialogue was instrumental in Croatia's enactment on 20 September of a revised amnesty law, which, if applied fairly and equitably, should provide a positive basis for further steps towards reconciliation. In cooperation with UNHCR, UNTAES had made steady progress in preparing for the return of refugees and displaced persons. Demining of the village centres in four pilot villages in the southern part of the region had been completed and reconstruction was under way, while modalities for joint Croat-Serb demining operations in the more populous central and northern villages were under negotiation.

At the eight international crossing points, a more efficient local enforcement of the customs regime, under UNTAES supervision, had increased regional revenue over the past three months, from 1.6 million to 3.7 million dinars (from about \$300,000 to about \$740,000). High-level technical discussions among Croatia, the local Serb authorities and UNTAES were ongoing, aimed at establishing a joint customs/immigration service beginning in November. The Saturday market days, introduced by UNTAES to foster reconciliation between Croats and Serbs, were re-

ported to have begun drawing up to 8,000 people each week.

Exhumation of the mass grave at Ovcara, begun on 1 September by staff engaged by the International Tribunal for the Former Yugoslavia and by Physicians for Human Rights, had uncovered between 25 and 30 bodies, which were to be transported to Zagreb for forensic examination.

However, the Secretary-General pointed out that, for the outstanding complex policy and administrative issues to be settled, the parties had to improve their level of cooperation with UNTAES and take steps to foster a constructive atmosphere. That required Croatia promptly to fulfil its financial commitments for the provision of public services, substantially to accelerate the issuance of citizenship documents, and to mount a clear information campaign to explain to its citizens the remaining steps required for a successful reintegration of the region and its population into Croatia. The Secretary-General expressed concern over the Government's unwillingness fully to inform the population of the obligations it had assumed under the Basic Agreement with regard to the UNTAES mandate and to the rights of the region's residents, as well as concern over the fact that unrealistic demands by politically active groups had not been challenged by the Government.

On the Serb side, the Secretary-General stated that obstructionist attitudes of some hardline elements in the local leadership were squandering opportunities to secure firm commitments for job security, economic development, the orderly return of Croat displaced persons, long-term protection of human rights and the preservation of the multi-ethnic character of the region.

**Report of Secretary-General (26 October).** In a 26 October report [S/1996/883], the Secretary-General expressed regret that he was not in a position to report an improvement in the level of the Government's cooperation with UNTAES. On 27 September, the House of Representatives of the Croatian Parliament unanimously adopted a non-binding resolution calling for the termination of UNTAES on 15 January 1997 and for elections to be held by 15 December 1996. Throughout October, there had been increasingly hostile and aggressive statements against UNTAES in the media and by the Government, including statements by the Minister of Defence threatening military action if the region was not returned by April 1997. Further instances of non-cooperation by the Croatian authorities were the last-minute withdrawal from joint Croat-Serb demining training and the prohibition of Croatian participation in the UNTAES market day on 12 October.

In efforts to seek the full cooperation of both parties, the Transitional Administrator, on 7 October, met with FRY President Milosevic, who expressed full support for UNTAES and his wish to see its mandate extended for an additional year, and undertook to meet with local hardline Serb leaders to urge them to cooperate with UNTAES. Nonetheless, the hardliners had continued to block progress, particularly in parts of Baranja. The Transitional Administrator then met with Croatian President Tudjman on 8 October and outlined his serious concerns about the confrontational atmosphere that had been developing and the orchestrated attack on UNTAES in the Croatian media. President Tudjman promised full cooperation, indicating his readiness to make significant conciliatory gestures towards Serbs in the region.

As in his preceding three reports on UNTAES activities, the Secretary-General, in the 26 October report, noted that the military situation within the region had remained quiet. The incidence of undisciplined small-arms fire, mostly in urban areas, had been low. UNTAES continued to ensure that the region remained demilitarized and, in cooperation with Croatian authorities, launched a weapons buy-back programme on 2 October. Over 6,000 rifles, automatic weapons, hand and rifle grenades, and portable anti-tank rocket launchers, as well as some 56,000 rounds of ammunition of various calibres, were exchanged for cash provided by the Government. Outside the region, activity by the armed forces of Croatia and FRY had been limited to routine training exercises. However, an unannounced deployment of several FRY tanks in the immediate vicinity of the border with Croatia east of Lipovac occurred on 9 October; following a protest from UNTAES, the tanks were promptly withdrawn.

On 16 October, after two months of negotiations in the Joint Implementation Committee on Agriculture, the parties signed a memorandum of understanding on the Government's financing of some \$3.7 million for the autumn planting season and for reintegrating the agricultural holding companies, thereby improving employment prospects. The Joint Implementation Committee on Public Services and Utilities secured agreement for the reintegration of the local Serb telecommunications and postal services into the Croatian national systems, with Croatia providing guarantees of continued employment of local Serbs. Similar progress had been achieved on railways. Discussions were under way regarding reintegrating the regional electricity company into the national company and on a mechanism

for the redress of individual cases of human rights violations.

Despite difficulties with respect to the payment of salaries, the operational efficiency of the Transitional Police Force had continued to improve. To enhance its professionalism, training courses on human rights and crowd control had been conducted by the International Criminal Investigation and Training Assistance Programme of the United States Government. As of 26 October, the Force had a strength of 1,512, consisting of 1,337 Serbs and 175 Croats.

Summing up, the Secretary-General stated that, in the six months since the full deployment of UNTAES in the region, demilitarization had been completed, the Transitional Police Force had been established, integration of waterways, railways and roads was in hand, and postal and telephone services had been reconnected with the national systems. That had permitted resumption of communication, travel and commerce between segments of the population who had been separated for five years. Strenuous efforts had been made to attract international financial assistance for economic reconstruction and revitalization, from which disbursements had begun. Government funding had also been secured for local agriculture.

The process of face-to-face political dialogue had been instrumental in the achievement of a satisfactory amnesty law. Over 10 per cent of residents had applied for Croatian citizenship and the number was increasing. More than 45,000 Serbs and Croats had participated at seven UNTAES market days, thus contributing to a reduction of individual hostility and suspicion. Over 13,000 family reunions had taken place. The first four pilot project villages with over 600 houses had been demined, and reconstruction was at a stage where Croat displaced persons might return in November. In the central part of the region, demining had begun in several villages, where there were over 1,000 houses, for returns expected in the spring.

Building on the progress achieved, UNTAES had set a realistic target plan for the fulfilment of the remaining tasks of its mandate within a specific timetable. They included decreasing the number of weapons remaining in the region; the continued development of a dependable multi-ethnic Transitional Police Force; creating a joint transitional customs and immigration service for deployment at all international border crossings; the continued reintegration of administrative systems; the reintroduction of Croatian laws and regulations and administration of justice; the registration of local vehicles with Croatian motor vehicle authorities; continued demining and re-

construction for the return of displaced Croats and Serbs; and establishment of the administrative and technical infrastructure required for the elections.

It was the assessment of UNTAES, the Secretary-General reported, that with full cooperation from both parties, it should be able to complete its primary tasks by the early summer of 1997. He therefore recommended that the Security Council extend the current UNTAES mandate for six months, ending on 15 July 1997, with a suggestion that the Council might at the same time consider making appropriate arrangements for a further six-month presence, making a two-year transitional period.

#### SECURITY COUNCIL ACTION (15 November)

The Security Council met on 15 November to consider the Secretary-General's 26 October report. The President drew attention to a 1 November letter [S/1996/899] from FRY, strongly supporting the view that, in order to preserve peace and security in the region, the UNTAES mandate should be continued until 15 January 1998 and enclosing a formal request, dated 18 July, for such an extension from the Serb leadership of the Regional Assembly of Eastern Slavonia, Baranja and Western Sirmium.

At the same meeting, the Council adopted **resolution 1079(1996)**.

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja and Western Sirmium of the Republic of Croatia, and in particular its resolutions 1023(1995) of 22 November 1995, 1025(1995) of 30 November 1995, 1037(1996) of 15 January 1996, 1043(1996) of 31 January 1996 and 1069(1996) of 30 July 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Welcoming the success the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) has had in facilitating the peaceful return of the territories to the control of the Republic of Croatia,

Recalling that the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb community (the Basic Agreement), requested the Security Council to establish a Transitional Administration to govern the region during the transitional period,

Recalling also that the Basic Agreement provided that the transitional period of twelve months may be extended at most to another period of the same duration if so requested by one of the parties,

Noting that the local Serb community has requested that the transitional period be extended by twelve months, as indicated by the Secretary-General in his report of 28 August 1996,

Welcoming the Secretary-General's report of 26 October 1996, and noting in particular the Secretary-General's recommendations that the mandate of UNTAES be extended by six months, until 15 July 1997; that early extension would avoid a period of pressure and political turmoil; and that the Council consider at this time the need for a further six-month presence of the United Nations,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the Republic of Croatia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. Expresses its full support for UNTAES and calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with UNTAES and to fulfil all obligations specified in the Basic Agreement and all relevant Security Council resolutions;

2. Calls upon the Government of the Republic of Croatia and the local Serb community to cooperate with UNTAES in creating the conditions and taking the other steps necessary for holding local elections in the region, in accordance with the Basic Agreement, the organization of which is the responsibility of UNTAES;

3. Reaffirms the importance of full compliance by the parties with their commitments as specified in the Basic Agreement to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, and, in this context, urges the Government of the Republic of Croatia to ensure respect for the rights of all national ethnic groups;

4. Urges furthermore the Republic of Croatia and the local Serb community to avoid actions which could lead to refugee movements and, in the context of the right of all refugees and displaced persons to return to their homes of origin, reaffirms the right of all persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia;

5. Emphasizes the responsibility of both the Republic of Croatia and the local Serb community to improve the reliability and effectiveness of the transitional police force, in cooperation with UNTAES and consistent with its mandate;

6. Requests the Secretary-General to keep the Council fully informed of developments and to report to the Council by 15 February 1997 and again by 1 July 1997 on the situation in the region;

7. Decides to maintain the United Nations presence in the region until the end of the extended transitional period as provided for in the Basic Agreement and:

(a) Decides to extend the mandate of UNTAES until 15 July 1997;

(b) Requests that, as soon as possible after the successful holding of elections, and in no case later than his report of 1 July 1997, the Secretary-General provide to the Council for its immediate action his recommen-

dations, in the light of the parties' progress towards fulfilling the Basic Agreement, for the further United Nations presence, possibly a restructured UNTAES, consistent with the fulfilment of the Basic Agreement, for the six-month period beginning on 16 July 1997;

8. Decides to remain actively seized of the matter.

Security Council resolution 1079(1996)

15 November 1996 Meeting 3712 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/938).

### UN Mission of Observers in Prevlaka (UNMOP)

On the basis of the Secretary-General's 1995 recommendations, the Security Council on 15 January 1996 authorized the UNMOs to continue monitoring the demilitarization of the Prevlaka peninsula for a three-month period. Until that date, UNCRO had been responsible for such monitoring.

In accordance with specifications set out by the Secretary-General in a report of 6 February [S/1996/83], the monitoring operation, consisting of 28 UNMOs, became a separate mission known as the United Nations Mission of Observers in Prevlaka (UNMOP), under the command of a Chief Military Observer who reported directly to UN Headquarters. Colonel Goran Gunnarsson (Sweden) was appointed to that post by an exchange of letters between the Secretary-General and the Security Council on 21 and 28 February [S/1996/142, S/1996/143]. He was succeeded on 27 November by Harold Mwakio Tangai (Kenya), also appointed by a similar exchange of letters, on 14 and 19 November [S/1996/957, S/1996/958].

Communications (January). Croatia informed the Security Council on 10 January [S/1996/13] that it would support a continued deployment of UNMOs in the Prevlaka peninsula, on the understanding that it would be a short-term, interim one, until its replacement by a regional arrangement. Croatia reaffirmed that it remained committed to confidence-building measures in the peninsula, including full demilitarization of the area on both sides of the international border and other aspects of preventive diplomacy based on OSCE principles. It supported further negotiations with FRY on such issues as maritime passage for vessels utilizing the Boka Kotorska harbour, but reiterated that it could not accept that country's claim that there was a "territorial dispute" between them.

FRY, in a reply transmitted on 11 January [S/1996/21], insisted on the existence of a territorial dispute between it and Croatia and asked the Council to call on the latter to resolve the dispute through diplomatic negotiations, pending which it also asked the Council to regulate the further

continuation of the UN monitoring mission in the disputed area.

#### SECURITY COUNCIL ACTION (January)

The Security Council met on 15 January 1996 to consider the December 1995 report [YUN 1995, p. 590] of the Secretary-General recommending, among other things, the continued UNMO monitoring of the demilitarization of the Prevlaka peninsula and setting forth the details of that mission. At the same meeting, the Council adopted **resolution 1038(1996)**.

The Security Council,

Recalling its earlier relevant resolutions, and in particular its resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995 and 1025(1995) of 30 November 1995,

Having considered the report of the Secretary-General of 13 December 1995,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula in accordance with Council resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 for a period of three months, to be extended for an additional period of three months upon a report by the Secretary-General that such extension would continue to contribute to the decrease of tension there;

2. Requests the Secretary-General to submit to the Council by 15 March 1996 a report for its early consideration on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences, and on the possibility that the existing mandate be extended or that another international organization may assume the task of monitoring the demilitarization of the Prevlaka peninsula;

3. Requests the United Nations military observers and the multinational Implementation Force authorized by the Council in its resolution 1031(1995) of 15 December 1995 to cooperate fully with each other;

4. Decides to remain actively seized of the matter.

Security Council resolution 1038(1996)

15 January 1996 Meeting 3619

Adopted unanimously

Draft prepared in consultations among Council members (S/1996/24).

**Report of Secretary-General (March).** Responding to the Security Council's request, the Secretary-General submitted a report dated 12 March [S/1996/180] in which he notified the Council that UNMOP had become a separate mission. Routine operational UNMOP activities included daily patrols, regular weekly meetings with local military and police commanders in Dubrovnik and Herceg-Novi and high-level meetings with the area's political, religious and cultural leaders and with general staff officers in Zagreb and Belgrade—all aimed at promoting confidence and improving prospects for a solution.

Although the situation in the Prevlaka remained stable, provocations from both sides continued, the Secretary-General observed. Monitoring had been seriously disrupted by violations within the "blue zone", an area intended to be controlled exclusively by the United Nations and access to which was to be denied to both parties. There, five military-type fortifications suitable for emplacing tanks and other heavy weapons had been put up and were manned by Croatian special police forces, four permanently and one intermittently. Access to those positions had been consistently denied to UNMOP, limiting its ability to discharge its mandate. Also threatening its safety and seriously restricting its movement were two mined areas on the Croatian side. On the Montenegrin side, a special police checkpoint had been permanently manned since October 1994, in retaliation, Montenegrin authorities claimed, for the Croatian checkpoint set up at Cipavica the month before.

Both parties continued to dispute the nature and extent of the "yellow zone", the Secretary-General noted, and to construct within it field defence fortifications. The stronger positions held a number of bunkers with wide fields of fire, accommodation bays and, in some cases, mortar-firing positions. In front of the forward positions were markers indicating the presence of mines. On the Croatian side in the northern part of the "yellow zone", UNMOP had observed deployment of military units in the Dubravka area, as well as tanks, artillery and anti-aircraft guns. The permanent restriction on movement in an area on the Montenegrin side had led UNMOP to believe that FRY forces were present there in significant numbers.

The Secretary-General stated that his Special Representative, Kofi Annan, had met with the Presidents of Croatia, Montenegro and Serbia in an effort to advance negotiations among them.

Croatia's President maintained that, historically, Prevlaka had been Croatian territory and that there was no question of disputing Croatia's sovereignty over it, nor border changes or territorial negotiations; nonetheless, Croatia had presented a number of proposals to decrease tension and solve the issue through bilateral negotiations. Serbia's President had indicated readiness to work on a "bridging" solution that would facilitate normal, but not fully normalized, relations with Croatia. Montenegro's President affirmed his commitment to a negotiated settlement, pending which the status quo should be maintained.

The Secretary-General drew attention to the parties' differences regarding which international organization should monitor the peninsula, pending a peaceful solution, to which they appeared committed. FRY had voiced satisfaction with the current arrangement and had appealed for renewal of the UNMOP mandate. Croatia's preference was for a mission under OSCE auspices, to dispel what it believed to be the impression created by the UN presence that the area was in dispute and under threat of military confrontation. Such a mission was unacceptable to Montenegro as long as FRY had no full membership in OSCE. In the meantime, OSCE had advised the Special Representative of its inability to assume such responsibility in the foreseeable future.

The Secretary-General thus concluded that, in the absence of progress towards a negotiated settlement or of agreement between the parties on an alternative organization to monitor the area, continued UNMOP presence would contribute to decreasing tension.

#### SECURITY COUNCIL ACTION (March)

The Security Council informed the Secretary-General on 14 March [S/1996/191] that, in the light of his view that the continued presence of UNMOP in the peninsula would contribute to the decrease of tension there, its mandate would continue in accordance with paragraph 1 of **resolution 1038 (1996)**, namely, for an additional period of three months ending on 15 July 1996. The Council asked for a further report on developments in advance of that date.

**Report of Secretary-General (June).** As requested, the Secretary-General on 27 June submitted a further report [S/1996/502] indicating an improvement in the situation in the Prevlaka. The Croatian army had cleared one of the two mined areas in the "blue zone", at the shoreline next to the road leading to UNMOP headquarters, and restriction on movement along the coastal road had been partially lifted. In the "yellow zone", Croatia had withdrawn its heavy weapons

from areas that UNMOP had been permitted to patrol; it had further replaced its military personnel with special police. FRY had also withdrawn its heavy weapons, although UNMOP could not confirm their complete removal from the zone. After negotiations with that country's authorities, the restriction on movement in the northern part of the "yellow zone" previously reported as permanent had eased. Additionally, UNMOP was currently allowed, with prior notification, to patrol the zone's eastern part. Apart from those positive developments, all other previously reported conditions remained unchanged.

In May, UNMOP presented to the parties a number of practical options and procedures for improving safety and security in the area so as to enable them to move from their current defensive military deployment to a normal border-security stance. The parties acknowledged those proposals as coinciding with their own views.

The Secretary-General believed that, while UNMOP could not continue indefinitely, its termination at that stage could lead to military tensions that could prove prejudicial to political negotiations. Given the continued absence of another international or regional organization to undertake full-time monitoring of the area, the Secretary-General recommended that UNMOP be extended for another three months, until 15 October 1996.

In an addendum to his report [S/1996/502/Add.1], the Secretary-General estimated that, should the Council decide to extend the UNMOP mandate for three months, the associated costs would amount to \$500,000.

#### SECURITY COUNCIL ACTION (July)

Acting on the Secretary-General's recommendation on 15 July, the Security Council adopted **resolution 1066(1996)**.

The Security Council,

Recalling its earlier relevant resolutions, and in particular its resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995, 1025(1995) of 30 November 1995 and 1038(1996) of 15 January 1996,

Having considered the report of the Secretary-General of 27 June 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of

Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1997;

2. Urges the parties to abide by their mutual commitments and to continue their negotiations with a view to normalizing fully their bilateral relations, which are critical for the establishment of peace and stability throughout the region;

3. Requests the Secretary-General to submit to the Council by 5 January 1997 a report for its early consideration on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences;

4. Encourages the parties to adopt the practical options proposed by the United Nations military observers to reduce tension, as referred to in the report of the Secretary-General of 27 June 1996;

5. Requests the United Nations military observers and the multinational Implementation Force authorized by the Council in resolution 1031(1995) of 15 December 1995 to continue to cooperate fully with each other;

6. Decides to remain actively seized of the matter.

Security Council resolution 1066(1996)

15 July 1996

Meeting 3681

Adopted unanimously

Draft prepared in consultations among Council members (S/1996/545).

**Communications (October/November).** By an aide-memoire issued in Belgrade in October [A/51/563-S/1996/884], the Federal Republic of Yugoslavia (Serbia and Montenegro) presented information arguing for the existence of a dispute with Croatia over Prevlaka (made up of the territory of Cape Ostri and a part of its natural hinterland) and explaining the nature of that dispute. It asserted that the dispute had been acknowledged by Croatia; traced the origins of the UN security regime on Prevlaka and how it had been violated by Croatia; enumerated the diplomatic negotiations it had undertaken with Croatia from 1991 to 13 May 1996, none of which had yielded results; and cited those portions of their recently concluded normalization agreement whereby they undertook to settle the dispute through negotiations, pending which they agreed to respect the existing security regime established through UN monitoring.

Also by the aide-memoire, FRY proposed a solution, which it said represented a new initiative

to settle the territorial dispute over Prevlaka and a measure of the agreement's implementation. In essence, the proposal called for a legal and just delimitation on Prevlaka, so that Cape Ostri and a part of its natural hinterland were recognized as an integral part of Boka Kotorska in Montenegro and, therefore, of FRY, on the basis of its continued exercise of jurisdiction on the area over a long period of history. In exchange for Croatia's recognition of that claim, FRY would make it possible for Croatia freely to use the southern air and road corridor.

Croatia, by an aide-memoire of 25 November [A/51/690-S/1996/974], stated at the outset that it would not elaborate on the "counter-productive" FRY aide-memoire. Instead, it highlighted "some basic facts relevant under international law" and advanced arguments in support of its own position that the Prevlaka peninsula was indisputably an integral part of Croatia. Regarding their 23 August agreement on normalization of relations between them, the article dealing exclusively with the Prevlaka peninsula did not mention Prevlaka as a territorial issue, Croatia pointed out, nor, *bona fide*, could there be any dispute about that.

Croatia said it had always been prepared to settle all disputes with its neighbours peacefully. However, as before, it would not cede any part of its territory as a price for peaceful settlement of outstanding issues; rather, it would defend its territory by all means available to all States equally under international law. In that regard, it was confident that it had the international community's support, based on the Charter of the United Nations.

**Further report of Secretary-General (December).** Pursuant to the Security Council resolution of 15 July, the Secretary-General issued a 31 December report [S/1996/1075] indicating that the situation in the Prevlaka had been generally stable, but that recent events had raised tensions. Croatia had allowed civilians access to the "blue zone", prompting continuous patrolling by FRY naval vessels at the entrance to Boka Kotorska Bay and subsequent air and naval exercises. That gave rise to Croatian allegations of airspace violations by FRY military aircraft. The parties had shown little willingness to adopt the practical options proposed by UNMOP in May for reducing tension and improving safety and security in the area, and the violations previously observed in the "blue zone" continued, as did the imposition of restrictions on UNMOP's freedom of movement in the northern part of the demilitarized zone. Minefields adjacent to patrol routes in the "yellow zone" remained a hazard to UNMOP.

Despite their 23 August agreement on normalization of relations, Croatia and FRY held different interpretations of the "disputed issue" and the "security regime" referred to in that agreement. For Croatia, the Prevlaka issue was one of security; for FRY, it was a question of territory. The latter wanted UNMOP to remain, while Croatia held that respect for the existing security regime established through UN monitoring, as agreed on in article 4 of the agreement, did not necessarily entail continued UNMOP presence.

The parties' divergent public pronouncements notwithstanding, the Secretary-General was optimistic that a settlement could be attained. Believing that the continued presence of UNMOP was indispensable, he recommended a six-month extension of the UNMOP mandate, to 15 July 1997.

### Human rights concerns

During Croatia's recovery of control in 1995 over those parts of its territory formerly known as Sector West (Western Slavonia), in May [YUN 1995, p. 573], and Sectors North and South (northern and southern Krajina), in August [YUN 1995, p. 580], large-scale violations of human rights and humanitarian law were reported to have been perpetrated against the local Serb populations. By resolutions 1009(1995) of 10 August and 1019(1995) of 9 November [YUN 1995, pp. 583 & 560], the Security Council demanded that Croatia take urgent measures to put an end to such violations.

In addition to responding with two 1995 reports [YUN 1995, pp. 592 & 593], the Secretary-General prepared four others [S/1996/100, 456, 691 & 1011] during 1996 on the basis of information provided by the European Community Monitoring Mission, UNHCR, ICRC, international and local non-governmental human rights organizations and the Special Rapporteur of the Commission on Human Rights.

The General Assembly, in its **resolution 51/116**, adopted on 12 December 1996, called on the Government of Croatia to fully respect human rights and fundamental freedoms, including the rights of persons belonging to any national, ethnic, religious or linguistic minority. It also asked Croatia to undertake greater efforts to adhere to democratic norms, and to cooperate fully with UNTAES to assure that the reintegration of Eastern Slavonia occurred peacefully and with respect for the human rights of all. (For full text, see PART TWO, Chapter III.)

### SECURITY COUNCIL ACTION (January)

The Security Council convened on 8 January 1996, in the light of the second 1995 report of the Secretary-General, dated 21 December, in which

he observed that violations of human rights in former Sectors West, North and South continued to be reported to the end of November 1995, albeit on a reduced scale. Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1996/2] on the Council's behalf:

The Security Council has considered the report of the Secretary-General of 21 December 1995 submitted pursuant to its resolution 1019(1995) of 9 November 1995 on Croatia and in particular the humanitarian situation and human rights violations described therein.

The Security Council strongly condemns the violations of international humanitarian law and human rights in the former sectors North and South in the Republic of Croatia, as described in the report of the Secretary-General, including killings of several hundreds of civilians, systematic and widespread looting and arson and other forms of destruction of property. The Council expresses its deep concern that there is a considerable discrepancy between the number of perpetrators that have so far been brought to justice and the number of reported violations of international humanitarian law and human rights. The Council urges the Government of the Republic of Croatia to make every effort to arrest all perpetrators and bring them promptly to trial.

The Security Council is disturbed by the humanitarian and security situation of the mostly elderly Serb population who have remained in the former sectors in the Republic of Croatia. The Council is gravely concerned at the information contained in the report on continuing extensive harassment and intimidation, looting of property and other forms of abuse. It reaffirms once again its demand that the Government of the Republic of Croatia take urgent measures to stop all such acts immediately and calls on the Government of the Republic of Croatia to provide urgently needed food, medical assistance and proper shelter to the Serb population.

The Security Council reaffirms that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. It recalls with dismay the failure to date of the Government of the Republic of Croatia to transfer to the custody of the International Tribunal established pursuant to its resolution 827(1993) persons indicted by the Tribunal and expresses its concern at the recent appointment of one of those indicted to a position in the Croatian army. The Council reiterates that all States must cooperate fully with the International Tribunal and its organs.

The Security Council expresses its deep concern at the situation of the refugees from the Republic of Croatia who wish to return. The Council shares the Secretary-General's view that the rights of the members of the Serb population who fled during the military operation to return to their homes in safety and dignity are being severely curtailed by the absence of constructive measures to facilitate their return. The Council reaffirms its demand that the Government of the Republic of Croatia respect fully the rights of the members of the local Serb popula-

tion, including their right to remain, leave or return in safety, and demands that that Government create conditions conducive to the return of those persons and urgently establish procedures to facilitate the processing of requests by persons wishing to return. It also urges the Government of the Republic of Croatia to refrain from any measure which would adversely affect the exercise of the right to return.

The Security Council reaffirms its call on the Republic of Croatia to lift any time limits placed on the return of refugees to reclaim their property. It notes the decision of the Government of the Republic of Croatia of 27 December 1995 to suspend the deadline set in the relevant Croatian law as a step in the right direction. The Council will follow closely whether the Republic of Croatia will lift any such time limit in a definitive manner.

The Security Council takes note with appreciation of the decision of the Government of the Republic of Croatia of 30 December 1995 to suspend criminal proceedings against and release 455 local Serbs detained on suspicion of armed rebellion. The Council calls on the Government of the Republic of Croatia to take appropriate measures to ensure that the right to a fair trial of those Serbs who remained and have been arrested and accused of war crimes or armed rebellion is safeguarded.

The Security Council affirms that it is necessary to ensure that the rights of persons belonging to the Serb minority are adequately safeguarded in the legal and constitutional framework of the Republic of Croatia. It urges the Government of Croatia to rescind its decision to suspend several articles of the "Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities in the Republic of Croatia" as described in the report of the Secretary-General. The Council stresses that strict respect for the rights of persons belonging to the Serb minority will also be of great importance to the implementation of the Basic Agreement of 12 November 1995 on the Region of Eastern Slavonia, Baranja and Western Sirmium.

The Security Council requests the Secretary-General to keep the Council regularly informed on the progress of measures taken by the Government of the Republic of Croatia to implement resolution 1019(1995) and the demands set out in the present statement, requests the Secretary-General to report to it no later than 15 February 1996 on this matter and expresses its intention to act as appropriate.

The Council will remain seized of the matter.

Meeting number. SC 3617.

**Report of Secretary-General (February).** The Secretary-General's report of 14 February [S/1996/109] covered developments in the former Sectors from the end of November 1995 to the end of January 1996, and took account of a 28 January report of the Government of Croatia updating information on its implementation of Security Council resolution 1019(1995) [YUN 1995, p. 560]. The Secretary-General noted that the incidence of human rights violations, including killings, arson and looting, had continued to decline,



with only isolated acts of killing and sporadic looting reported. He drew attention, however, to the unaccountably large discrepancies between the number of violations recorded by UN investigators and those acknowledged by the government report. To illustrate, the Government indicated that, as of 19 January, judicial proceedings had been instituted against 1,005 persons accused of crimes; of those, 352 were under pretrial investigation and 653 currently on trial. Although only 80 of the latter were said to be Croatian army personnel, the Secretary-General stated that international observers had witnessed many of the perpetrators to be soldiers of the Croatian army.

While Croatia had pursued prosecution in the most dramatic cases of violations of the right to life in the former Sector South—reporting four defendants in the widely publicized killing of nine elderly Serbs in Varivode on 28 September 1995 and six accused but not formally charged in the killing of seven Serbs in Gosic on 27 August of that year—there was little evidence of progress in resolving the other previously reported cases of individual killings numbering at least 150 by UN estimates. The government statement that Croatian police had inspected the site in Grubori, where five elderly Serbs had been killed on 25 August 1995, was contradicted by a UN team which had been informed by local residents that no such inspection had occurred.

Whereas the United Nations had estimated more than 5,000 houses destroyed during the massive campaign of arson in former Sectors North and South, the current government figure was 786 homes partly or totally destroyed by deliberate acts of arson—a downward revision from the 2,787 cases registered in 1995 [YUN 1995, p. 594]. With regard to looting, the Government stated that, of the reported 1,600 cases of grand larceny, 1,151 had been solved, and 935 persons charged with aggravated larceny had been brought to trial; of the reported 41 criminal acts of robbery, 26 had been solved by police, 55 persons had been charged with robbery and 36 were currently on trial. Here, too, current government figures showed fewer persons charged with larceny and robbery (990) than had been reported as similarly charged in late 1995 (1,260).

Regarding the Council's demand to ensure the security and well-being of the remaining Serb population, UN and non-governmental sources observed that police presence in the three former Sectors had been disturbingly thin.

According to the Secretary-General, significant progress appeared to have been made in providing humanitarian assistance to needy persons,

particularly Croatian Serbs. Reception centres for the sick and elderly and social work centres in 15 locations had been opened in former Sectors North and South, and similar centres had been opened in Pakrac and Daruva in former Sector West. The State welfare agency had provided financial assistance to 9,751 households and subsequently included them in the national welfare rolls. Nevertheless, UN and other agencies continued to receive sporadic reports of Croatian Serbs having problems in gaining access to basic humanitarian assistance, the Secretary-General noted, adding that, while pension and disability funds were available, distributions to beneficiaries had not been possible in most cases due to the required prepayment of arrears in contributions, which usually amounted to prohibitive and thus unpayable sums. Also noted was the continued suspension of several articles of a special constitutional law affecting the rights of national minorities, including one providing for the establishment of a provisional human rights court.

The Secretary-General reported little progress on the return of Croatian Serb refugees to Croatia, a matter which the Government indicated would be addressed in the course of initiatives to be taken for the normalization of relations between Croatia and FRY. Government offices responsible for expediting return requests had been uncooperative and obstructive. According to UNHCR, only some 200 refugees had returned through its intervention, with several hundred more believed to have returned on their own.

The Secretary-General regarded the Government's decision to grant amnesty to 451 Serbs alleged to have taken up arms in support of the "Republic of Serb Krajina" an important step towards the creation of conditions enabling former combatants to live in Croatia in peace. He pointed out, however, that 389 persons who had allegedly committed war crimes remained in detention, and mentioned in that connection the reported imminent introduction of Croatian legislation providing for full cooperation with the International Tribunal for the Former Yugoslavia.

Finally, the Secretary-General placed on record that, with the termination of UNCRO on 15 January, the number of international personnel in Croatia (outside the former Sector East) with a mandate to monitor human rights had been drastically reduced, thus limiting the ability of the United Nations to assess further developments on the important issues raised in the current report.

**SECURITY COUNCIL ACTION (February)**

Having received the Secretary-General's 14 February report, the Security Council met on 23 February. Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1996/8] on its behalf:

The Security Council has considered the further report of the Secretary-General of 14 February 1996 submitted pursuant to its resolution 1019(1995) on Croatia.

The Security Council recalls the statement by its President of 8 January 1996. The Council acknowledges that the incidence of human rights violations has been greatly reduced. However, it expresses concern that isolated incidents of killings and other violations of human rights have been reported. The Council also acknowledges the significant progress made by the Croatian Government in alleviating the humanitarian plight of the mostly elderly Serb population who remain in the former sectors in the Republic of Croatia. The Council looks to the Croatian Government to ensure the security and well-being of that population and to ensure the provision of basic humanitarian assistance, including access to medical facilities, pension allowances and property. The Council also looks to the Croatian Government to pursue vigorously prosecutions against those suspected of past violations of international humanitarian law and human rights against the local Serb minority.

The Security Council calls upon the Croatian Government to give due consideration to granting amnesty to local Serbs remaining in detention on charges arising from their alleged participation in the conflict.

The Security Council reiterates that all States must cooperate fully with the International Tribunal and its organs established pursuant to its resolution 827(1993). It notes that Croatian legislation providing for full cooperation with the International Tribunal is reported to be imminent. The Council urges the Government of the Republic of Croatia to uphold its obligations with respect to the International Tribunal unreservedly and without delay.

The Security Council remains deeply concerned at the situation of those refugees from the Republic of Croatia who wish to return. It condemns the fact that effective measures have not so far been taken in that respect. It calls upon the Croatian Government to ensure the expeditious processing of all requests from refugees. It underlines that the exercise by members of the local Serb population of their rights, including their right to remain, leave or return to their homes in safety and dignity, and reclaim possession of their property, cannot be made conditional upon an agreement on the normalization of relations between the Republic of Croatia and the Federal Republic of Yugoslavia. The Council demands that the Croatian Government take measures forthwith to ensure that those concerned may fully exercise these rights. The Council also calls upon the Croatian Government to rescind its earlier decision to suspend articles of the constitutional law affecting the rights of national minorities, and to proceed

with the establishment of a provisional human rights court. It reminds the Croatian Government once again that the promotion of strict respect for the rights of persons belonging to the Serb minority is relevant to the successful implementation of the Basic Agreement of 12 November 1995 on the Region of Eastern Slavonia, Baranja and Western Sirmium.

The Security Council welcomes and supports the Croatian Government's agreement to the establishment by the Organization for Security and Cooperation in Europe of a long-term mission with a view to monitoring respect for human rights throughout the Republic of Croatia. The Council pays tribute to the valuable work carried out by UNCRO and the European Community Monitoring Mission in this field over the past year.

The Security Council requests the Secretary-General to keep the Council regularly informed and to report in any case no later than 20 June 1996, drawing inter alia on information available from other relevant United Nations bodies, including the United Nations High Commissioner for Refugees, and the European Community Monitoring Mission, on the progress of measures undertaken by the Government of the Republic of Croatia in the light of this statement.

The Security Council will remain seized of the matter.

Meeting number. SC 3633.

**Report of Secretary-General (June).** The Secretary-General's report of 21 June [S/1996/456] covered developments from February to the beginning of June and took account of Croatia's implementation report of 10 June. At the outset, the Secretary-General highlighted a major change in the former Sectors: their repopulation by large numbers of Croats, including Croats displaced at the beginning of the war from those former Sectors and from the region of Eastern Slavonia, Croat refugees from Bosnia and Herzegovina and Croats from FRY, mainly from Vojvodina and Kosovo. Apart from altering the ethnic balance in those areas, that influx raised questions regarding the return of Croatian Serbs whose houses had become occupied by the new Croat residents.

The Secretary-General noted that the reports on Croatia's efforts to alleviate the humanitarian suffering in the former Sectors were generally positive, but that the situation varied from area to area depending on the attitude of the local authorities. Bolstering Croatia's efforts were humanitarian programmes of UNHCR, ICRC, the International Federation of Red Cross and Red Crescent Societies and other international NGOs. Basic survival requirements appeared to be adequately met through ongoing programmes, and government figures showed that 448 abandoned persons were currently receiving care in institutions for the elderly and infirm.

The Secretary-General underscored, however, the failure of Croatian authorities to take effective security measures to prevent harassment and victimization of the local Serbs, especially acute in the Knin area (former Sector South), where the prevailing climate, as described by international observers, was one of lawlessness. The incidence of killings and arson, while substantially lower than acts of physical intimidation and looting, continued to be a cause for concern, as was the continued occurrence of physical assault. According to a government report, of 845 cases of serious theft reported between 2 January and 1 May, 462 were resolved, resulting in criminal charges against 488 persons; 17 cases of robbery led to charges against 21 suspects. International observers and residents attributed the main causes of continuing lawlessness to lack of adequate police presence and to Croatian authorities' reluctance to take firm preventive action. The Government's report indicated that investigations of 621 persons had been initiated or completed, legal proceedings against 1,997 persons had been instituted and final verdicts had been reached against 231 persons.

It was evident, the Secretary-General stated, that the prevailing lawlessness in the former Sectors demanded that additional steps be taken and especially that police presence be strengthened. The Government's failure to provide reasonable security had not created conditions likely to encourage the return of Croatian Serbs. There was also concern over the lack of progress in the investigation and prosecution of numerous crimes committed against the local Serb population. Response to the basic needs of Croatian Serbs by government offices continued to be ineffective and sometimes hostile. Matters such as the allocation of property and provision of identity documents were frequently not handled consistently or in accordance with legal procedures.

The Secretary-General pointed to government data indicating that, as of 10 June, only 7,065 Croatian Serbs—of the estimated 200,000 who had fled to FRY—had returned to Croatia following government authorization. In contrast, a total of 36,766 displaced persons from within Croatia had been registered as returnees in the former Sectors, while some 14,000 refugees had also received temporary accommodation there, the majority of whom were Croats. Thus, while Croatia had embarked on a major programme to return displaced Croats to the former Sectors, there was no determined effort to facilitate the return of Croatian Serb refugees. As the Secretary-General had warned at the outset, the rapid repopulation of the area by displaced Croats and by Croat refu-

gees from elsewhere was likely to create major obstacles to the return of Croatian Serbs, unless the Government implemented vigorous policy measures to safeguard their rights. Further militating against the large-scale return of Croatian Serbs was the continued failure of the Government to enact a broad amnesty for former "Republic of Serb Krajina" soldiers and to rescind its suspension of the special constitutional provisions for the protection of minority rights.

The Secretary-General concluded that, overall, there was an absence of initiatives to encourage the return of Croatian Serb refugees to their homes, suggesting a continuing hostility to the presence of a significant Serb population on Croatia's territory.

#### SECURITY COUNCIL ACTION (July)

The Security Council met on 3 July to consider the Secretary-General's 21 June report. After consultations among its members, the Council authorized its President to make the statement below [S/PRST/1996/29] on the Council's behalf:

The Security Council has considered the further report of the Secretary-General of 21 June 1996 submitted pursuant to its resolution 1019(1995) on Croatia.

The Council is deeply concerned at the failure by the Croatian Government to take sufficient measures to safeguard the rights of the local Serb population and to ensure their safety and well-being. The Council is also deeply concerned at the Croatian Government's failure to promote conditions, including satisfactory procedures, facilitating the return of all Croatian Serbs who wish to do so. The Council strongly deplores such failure to act.

The Council notes that the Croatian Government has begun to cooperate with international human rights mechanisms, and that it has considered various initiatives for the protection of minority rights. Nevertheless the Council underlines that the Croatian Government must undertake determined and sustained efforts to ensure respect for and protection of the rights of Croatian Serbs and to provide for their safeguarding in the legal and constitutional framework of the Republic of Croatia, including by the reactivation of the relevant articles of its Constitutional Law. The Council reminds the Croatian Government that its obligation to promote respect for and protection of such rights cannot be made conditional upon other factors, including upon political negotiations with the Federal Republic of Yugoslavia.

The Council expects the Croatian Government to take steps forthwith to comply with the demands contained in its resolution 1019(1995) and in its statements of 8 January, 23 February and 22 May 1996.

The Council reiterates that all States must cooperate fully with the International Tribunal and its organs established pursuant to its resolution 827(1993). It notes the cooperation by the Croatian Government with the International Tribunal to date,

and reminds the Croatian Government of its obligation to execute arrest warrants in respect of any person in its territory indicted by the Tribunal. The Council calls upon the Croatian Government, with due respect to the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to use its influence with the Bosnian Croat leadership to ensure their cooperation with the Tribunal.

The Council will continue to follow this issue closely. It requests the Secretary-General to keep it regularly informed on measures taken by the Croatian Government in the light of this statement, and to report in any case no later than 1 September 1996.

Meeting number. SC 3677.

**Report of Secretary-General (August).** In a report of 23 August [S/1996/691], the Secretary-General considered developments in the former Sectors since his June report up to the beginning of August, taking account of a 30 July aide-memoire by the Government of Croatia, delivered to the UNHCR field office.

As reported, the general human rights situation in the former Sectors indicated that residents of the Krajina and Western Slavonia regions continued to suffer from inadequate security conditions and from a well-founded fear of falling victim to theft or physical attack at any time. Croatian Serbs remained by far the most common victims of violent assault. The climate of fear had been aggravated during the summer by several incidents in which explosives had been placed on properties of the remaining local Serb population. Looting and harassment by both uniformed personnel and civilians continued. A disturbing development had been a spate of attacks and threats against NGOs monitoring human rights and providing humanitarian relief in the area.

In the view of international and local observers, principal responsibility for the continuing insecurity lay with the local police, who were either unable or unwilling to take effective action to stop the ongoing wave of criminal activity against the Croatian Serbs.

According to the Secretary-General, the fact that many of the crimes committed against the local Serb minority in the summer of 1995 remained uninvestigated and unpunished by Croatian authorities was a persistent cause of concern. Of a total of at least 5,000 cases of arson reported by international observers in the former Sectors following the military operations at the beginning of August 1995, the so-called "Operation Storm" [YUN 1995, p. 580], government figures suggested that proceedings had been instituted against a mere 10 persons, with final verdicts rendered in two cases. Government investigations into the killings of five elderly Serbs at Grubori in

August 1995 had yielded no results and the trials of eight persons accused in the Varivode and Goscic murders had ended in acquittal due to deficient investigations, unreliable evidence and use of undue pressure or physical mistreatment to extract confessions. However, in concurrent trials of other murder cases, five defendants had been convicted and two were still on trial.

Although by 10 August 1996 Croatia had delivered to the International Tribunal for the Former Yugoslavia one indicted suspect who had voluntarily surrendered and was holding another inductee in prison, there was continuing concern over Croatia's failure to execute warrants in respect of prominent accused persons known or believed to be in areas under its control.

By most accounts, the government relief programme appeared effective in meeting the most urgent needs of food and medical care. For many Croatian Serbs, however, obtaining identity documents necessary for access to social benefits such as pensions continued to be met with hostility or inattention. Unlike the Croat communities which were being gradually rebuilt, Croatian Serb communities were said to be experiencing discrimination in terms of reconstruction assistance, restoration of public utilities and transportation services, and employment. Contradicting those reports, the Government's aide-memoire of 30 July asserted that Croatia implemented its domestic policies on a non-discriminatory basis and, indeed, followed the standards of ILO, notably those established by Convention No. 102, on minimum standards of social security.

The Secretary-General drew attention to other areas of continuing concern that required particular attention: the approximately 200 Croatian Serbs remaining in detention, rescision or replacement of the suspended special constitutional provisions in favour of minorities, the repossession of homes owned by Croatian Serbs but currently occupied by Croat refugees, prompt issuance of identity documents to Croatian Serbs to permit access to social benefits, employment discrimination based on ethnic origin and the Government's reluctance to enact a broad amnesty law.

#### SECURITY COUNCIL ACTION (September)

In the light of the Secretary-General's foregoing report, the Security Council met on 20 September and, following consultations among its members, authorized its President to make the statement below [S/PRST/1996/39] on its behalf:

The Security Council has considered the report of the Secretary-General of 23 August 1996, submitted pursuant to Security Council resolution 1019(1995) on Croatia.

The Council notes progress in the humanitarian and human rights situation in some areas. The Council regrets, however, that many of its previous requests have not been complied with by the Government of Croatia. Numerous incidents threatening the population in the formerly Serb-controlled areas are a continuing source of concern and could jeopardize the prospects for peaceful and substantial reintegration of refugees and displaced persons in Croatia.

The Council commends the Agreement between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, and expects the commitments contained therein to be implemented.

The Council recognizes steps taken by the Government of Croatia to reintegrate refugees and displaced persons into Croatia but urges the Government to expand its programme to accelerate the return of all such persons without preconditions or delay. The Council urges the Government of Croatia also to expand its humanitarian relief efforts, especially as winter approaches.

The Council in the statement of its President of 3 July 1996 highlighted the need for adoption of a comprehensive amnesty law, in cooperation with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). Since the report of the Secretary-General of 23 August 1996 which found no substantial progress in this regard since passage of the Government of Croatia's amnesty law of 17 May 1996, the Republic of Croatia on 20 September 1996 enacted a new amnesty law. The Council welcomes this development as a step towards addressing the concerns outlined in the statement of the President on 3 July 1996 and emphasizes that such a law must be implemented without delay and in a fair and equitable manner, with full respect for the rights of the individual. The Council will follow such implementation closely. The Council notes that a comprehensive new amnesty law and its equitable application are also vital elements in preparing for elections in Eastern Slavonia and important factors in the successful completion of the UNTAES mandate.

Despite some positive developments, the Council is deeply concerned that residents of the Krajina and Western Slavonia continue to suffer from inadequate security, including the danger of theft or assault at any time. The Council also notes with concern attacks and threats against those engaged in humanitarian relief activities and human rights monitoring in the area. In particular it deplores the reported involvement of Croatian uniformed military and police officials in acts of looting and harassment.

The Council urges the Croatian authorities to act immediately to improve the security situation in those regions. It urges that Croatian officials ensure that members of the military and police refrain from criminal and other unacceptable behaviour, and increase their efforts to protect the human rights of all persons present in Croatia, including the Serb population.

The Council welcomes the recommendations made by the Secretary-General in his report for specific action which must be taken to improve the hu-

man rights situation in the Republic of Croatia, *inter alia*, in the framework of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, as part of the peace process towards a comprehensive political settlement in the region. In this context, the Council calls upon the Government of Croatia to expand investigations of crimes committed against the Serb population in 1995. The Council again calls upon the Government of Croatia to rescind its decision of September 1995 suspending certain constitutional provisions affecting the rights of national minorities, principally Serbs.

The Council reminds the Government of Croatia of its obligation to cooperate with the International Tribunal for the Former Yugoslavia and, in particular, to execute the arrest warrants issued by the Tribunal regarding individuals under Croatian jurisdiction, including prominent accused persons known or believed to be in areas under its control, and to transfer to the Tribunal all indicted persons. In this context, the Security Council deplores the failure to date of the Republic of Croatia to execute the arrest warrants issued by the Tribunal against individuals indicted by the Tribunal, in particular the Bosnian Croats referred to in the letter of 16 September 1996 from the President of the Tribunal to the President of the Council, and calls for the execution of those arrest warrants without delay.

The Council recalls that no individual should be arrested and detained on the territory of the former Yugoslavia for serious violations of international humanitarian law until and unless the International Tribunal has reviewed the case and agreed that the warrant, order or indictment meets international legal standards.

The Council will remain seized of the matter and requests that the Secretary-General continue to report on the situation, in any case no later than 10 December 1996.

Meeting number. SC 3697.

**Further report of Secretary-General (December).** Developments in the former Sectors up to mid-November were covered by the Secretary-General's report of 5 December [S/1996/1011 & Corr.1], which took account of two October reports by the Special Rapporteur of the Commission on Human Rights (see PART TWO, Chapter III), as well as of information provided by Croatia, including an aide-memoire dated 15 November.

The Secretary-General reported a slight improvement in the security situation and of having received confirmation of the Government's assertion that it had taken numerous security measures, including deploying an additional 3,500 police officers in the former Sectors. Notable progress was also reported in the Government's programme of humanitarian assistance to vulnerable populations and in other humanitarian programmes undertaken in cooperation with local and international relief agencies aimed at providing individualized care, surveying the

population's general requirements, and meeting social security needs such as health insurance, pension and disability benefits, and specialized care facilities.

The Secretary-General felt that encouragement might be drawn from positive political developments. The 23 August agreement on normalization of relations between Croatia and FRY, under which both parties assumed the obligation to facilitate the free and safe return of refugees and internally displaced persons, permitted such persons to apply for return to Croatia at the Croatian Embassy in Belgrade, thus making for faster processing.

Under the new general amnesty law adopted by Croatia on 20 September, which entered into force on 3 October, 94 persons had been released from detention or imprisonment as of 15 November; a procedure for vacating the sentences of those tried in absentia was under way. The legislation, which applied to persons accused of or sentenced for criminal acts committed in Croatia in connection with aggression, rebellion or armed conflict between 17 August 1990 and 23 August 1996, exempted from its coverage alleged perpetrators of war crimes, which were explicitly listed in the law with reference to articles 119 to 137 of the Basic Penal Code of Croatia.

Upon its admission on 6 November to the Council of Europe as its fortieth member, Croatia signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment—undertakings which the Secretary-General hoped would have a significant impact on human rights affecting all citizens of Croatia, Croatian Serbs in particular.

At the same time, the Secretary-General pointed to continued incidents of looting, arson, demolition of houses and killings, to the lack of progress in the investigation and prosecution of crimes against the Croatian Serb population that had attended Croatia's 1995 offensives, and to the absence of any material increase in the number of refugee returns. It was clear, he observed, that, owing to the legacy of five years of hostilities, many Croatian authorities and residents in the former Sectors wished neither Croatian Serbs to return nor the resident Croatian Serbs to stay. Also militating against future returns were Croatia's continuing failure effectively to safeguard the property rights of Croatian Serbs, the continued suspension of certain provisions of the Constitutional Law on Human Rights, as well as the

rearrest on other charges of numerous persons almost immediately after their release under the new amnesty law.

As to cooperation with the International Tribunal, the new government Department for Relations with the Tribunal announced four months earlier had not become operational. While given access to a large number of case files, the Prosecutor's Liaison Office in Zagreb (which had been part of the larger UN presence in Croatia) had been unable to find evidence of any serious attempt by Croatia to investigate grave allegations made about the conduct of Croatian troops and civilians during and after the August 1995 offensive. Croatia had been cooperating fully with the Prosecutor, however, in allowing autopsies of bodies exhumed from Ovcara/Vukovar. Despite a number of recent diplomatic endeavours to impress on Croatia its duty to fulfil international obligations, indicted war-crime suspects Dario Kordic and Ivica Rajic remained at large (see PART FOUR, Chapter II). Croatia's failure to apprehend them, the Secretary-General stressed, overshadowed all other aspects of its cooperation with the International Tribunal.

#### SECURITY COUNCIL ACTION (December)

On 20 December, the Security Council met to consider the Secretary-General's foregoing report. After consultations among its members, the Council authorized its President to make the following statement [S/PRST/1996/48] on its behalf:

The Security Council has considered the report of the Secretary-General of 5 December 1996, submitted pursuant to Security Council resolution 1019(1995) on Croatia.

The Council acknowledges notable progress in the humanitarian situation, in particular measures taken by the Government of Croatia to meet the most urgent humanitarian needs of the Croatian Serb population.

Although the security situation has improved slightly, the Council, however, expresses its concern at continued acts of harassment, looting and physical attacks against Croatian Serbs and, in particular, involvement by Croatian uniformed military and police officials in a number of those incidents. It calls upon the Government of Croatia to intensify its efforts to improve the security situation and to ensure adequate security conditions for the local Serb population including the urgent re-establishment of a functioning court system in the former sectors North and South.

The Council is deeply concerned that in spite of its previous requests there has been little progress on the issue of the return of the Croatian Serb refugees and urges the Government of Croatia to adopt a comprehensive approach in order to facilitate the return of refugees originating from Croatia to their homes of origin throughout Croatia. It deplores the continued failure by the Government of Croatia to

safeguard effectively their property rights, especially the situation where many of those Serbs who have returned to the former sectors have been unable to regain possession of their properties. The Council calls upon the Government of Croatia to apply immediately proper procedures to the question of property rights and to stop all forms of discrimination against the Croatian Serb population in the provision of social benefits and reconstruction assistance.

The Council is deeply concerned at reports that the new amnesty law is not being implemented in a fair and equitable manner. It underlines that equitable application of that law is vital for building confidence and promoting reconciliation in Croatia as well as for the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium.

The Council stresses the importance of the commitments undertaken by the Government of Croatia in relation to the Council of Europe, including its signature of the Framework Convention for the Protection of National Minorities, and expects that the Government of Croatia will implement those commitments fully and without delay.

The Council reiterates its call upon the Government of Croatia to cooperate fully with the International Tribunal for the Former Yugoslavia and to conduct investigations into and the prosecution of all persons accused of serious violations of international humanitarian law, especially those committed in the course of military operations in 1995.

The Council will remain seized of the matter and requests that the Secretary-General continue to report on the situation, in any case no later than 10 March 1997.

Meeting number. SC 3727.

## **The former Yugoslav Republic of Macedonia (FYROM)**

The year 1996 was a period of relative tranquility for the former Yugoslav Republic of Macedonia (FYROM), where the United Nations Preventive Deployment Force (UNPREDEP), in place since 1993, continued to contribute to the peace and security of its area. With a significantly improved region-wide situation, no active hostilities posed a threat, either direct or immediate, to FYROM. Determined to resolve the dispute over its name, FYROM held continuous negotiations with Greece on the basis of their September 1995 Interim Accord [YUN 1995, p. 599], under the good offices of the Secretary-General's Personal Envoy, Cyrus R. Vance (United States). More significantly, FYROM concluded an agreement in April 1996 with the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) aimed at normalizing their relations and promoting cooperation between them.

FYROM President Kiro Gligorov's resumption of official duties in January, after an absence from the Presidency following an attempt on his life in October 1995, served to maintain political continuity in the country. Despite political and inter-ethnic tensions, participation of all political parties in the November 1996 local elections offered hopes for democratic processes to take hold. In addition to the significant contribution of UNPREDEP, the increasing number of other UN bodies, programmes and specialized agencies also contributed towards economic and social stability.

It was within the context of that overall improved climate that the Security Council, in extending the mandate of UNPREDEP until 31 May 1997, decided to reduce its strength by 300 before that date, with a view to concluding the mandate as and when circumstances permitted.

In accordance with article 5 of their 1995 Interim Accord, FYROM and Greece continued negotiations during 1996 with a view to reaching agreement on their differences over the name of the Republic. Under the auspices of the Secretary-General's Personal Envoy, the parties held 10 rounds of direct discussions between 12 January and 18 December. At their last meeting, they agreed to resume direct discussions towards the end of January 1997.

## **UN Preventive Deployment Force (UNPREDEP)**

The United Nations Preventive Deployment Force (UNPREDEP), restructured under Security Council resolution 938(1995) of 31 March 1995 as a distinct operating entity in FYROM [YUN 1995, p. 597], became an independent mission in February 1996, with the same mandate, strength and composition of forces [S/1996/76]. Consequently, the Secretary-General redesignated Henryk J. Sokalski, previously Chief of Mission of UNPREDEP, as his Special Representative for the former Yugoslav Republic of Macedonia, and appointed Brigadier-General Bo Lennart Wranger (Sweden) as Force Commander [S/1996/373]. The latter's appointment, which took effect on 1 March 1996, was made through an exchange of letters between the Secretary-General and the Security Council on 14 and 16 February [S/1996/118, S/1996/119]. The Special Representative and the Force Commander ensured the daily functioning of UNPREDEP and reported directly to UN Headquarters.

Its mandate, as defined by Security Council resolution 795(1992) of 11 December 1992 [YUN 1992, p. 386], was to monitor FYROM's borders with FRY and Albania and report on developments

that could undermine confidence and stability in the country or threaten its territory. It was broadened in March 1994 when the Council in its resolution 908(1994) [YUN 1994, p. 492] asked the former Special Representative of the Secretary-General for the Former Yugoslavia to use his good offices, as appropriate, to contribute to the maintenance of peace and stability within the country. UNPREDEP concerned itself with numerous aspects of the country's internal and external situation. It also initiated selected social and developmental projects in liaison with other bodies in the UN system, as well as with local and international NGOs.

The year began with UNPREDEP's infantry battalions operating 24 permanent and 33 temporary observation posts along a 420-kilometre stretch on the FYROM side of the border with FRY and Albania, conducting some 40 border and community patrols daily [S/1996/65]. By 30 September, the permanent observation posts had been reduced to 21. Complementing the infantry's work was monitoring by the 35 UN Military Observers (UNMOs) of some 5,000 square kilometres of territory to assess the military situation within it and by the 26 civilian police monitors (UNCIVPOLs) of local police work, especially in areas with high concentrations of minority groups [S/1996/373].

As of 19 November [S/1996/961], the military component of UNPREDEP consisted of two mechanized infantry battalions: a 500-strong Nordic composite battalion and a 500-strong United States Army task force, both supported by a 50-person heavy engineering platoon. Its authorized military strength was 1,050 troops and 35 UNMOs. In addition, there were 26 UNCIVPOLs. The authorized strength of the civilian component was 168. Both international civilian and military personnel were drawn from 50 countries.

## Activities

**Report of Secretary-General (January).** In a 30 January report [S/1996/65], prepared pursuant to Security Council resolution 1027(1995) [YUN 1995, p. 598], the Secretary-General stated that, in view of developments that had led to the establishment of independent UN missions in Bosnia and Herzegovina and in Croatia, the time had come to re-evaluate the status of UNPREDEP. In so doing, he took account of the Government's wish for UNPREDEP's continuance and strong preference for a longer mandate extension, beyond 10 May 1996, the date set by the Council for the termination of that mandate until three conditions were met: mutual recognition and normalization of relations with FRY, and the start of negotiations on the de-

marcation of their common border; full implementation of the 1995 Dayton-Paris Peace Agreement in Bosnia and Herzegovina, including regional confidence- and security-building measures and arms control; and attainment of a sufficient national indigenous defensive capability.

FYROM President Gligorov's resumption of official duties in January 1996 was regarded as propitious, not only for political continuity and stability, but also for defusing the tension and suspicions that followed the attempt on his life in October 1995 [YUN 1995, p. 598].

Notwithstanding considerable progress in many areas of the country's domestic life, the overall situation remained one of political uncertainty and social tensions, the Secretary-General stated. Fierce partisanship ran deep between the non-parliamentary opposition parties and the ruling coalition on the one hand, and between the ethnic Albanian community, the government coalition and the ethnic Macedonian parties on the other. Strife between Macedonians and ethnic Albanians and the claims and aspirations of other ethnic groups (Rhomas, Serbs, Turks, Vlachs) had created a complex network of ethnic problems. The Government maintained that, for reasons of time and constitutional constraints, the demands of the ethnic Albanian community (status as a constituent nation; university-level education in Albanian, including establishment of a special university at Tetovo; proportional representation in all public institutions; and recognition of Albanian as a second official language) could not be immediately fulfilled.

The state of the economy was such that many enterprises had been substantially reduced or brought to a standstill. Industrial production, which had decreased by nearly 50 per cent over the past five years, continued to decline, and close to half of the workforce continued to be unemployed. Only a few Member States had responded to appeals by the General Assembly and Security Council for technical, financial and material assistance for those States, including FYROM, whose economies had been adversely affected by their compliance with the enforcement of sanctions against FRY.

In the Secretary-General's view, UNPREDEP had contributed to alleviating the country's serious concerns about external security threats and had served as a substitute for its minimal deterrent capacity, as well as to the maintenance of regional peace and stability. He therefore recommended that UNPREDEP not only be continued but that, from 1 February 1996, it should become an independent mission reporting directly to UN Headquarters, with the same mandate, strength and composition. In broad terms, he proposed



that the mission be provided with permanent engineering capability, which meant an increase of approximately 50 military personnel; adequate communications infrastructure, including a satellite link with UN Headquarters and a communications repair workshop; an enhanced vehicle maintenance capability; hardware/software expertise and systems management; and other capabilities required by a "stand-alone" operation.

#### SECURITY COUNCIL ACTION (February)

The Security Council informed the Secretary-General on 1 February [S/1996/76] of its concurrence in principle with the recommended change in the status of UNPREDEP, which it would continue to consider in the light of specific proposals as to the financial and administrative aspects of that change.

Accordingly, the Secretary-General, on 6 February [S/1996/94], proposed and requested approval of the appointment of a Force Commander for UNPREDEP and an increase in its strength by 50 military personnel. He included a statement of related cost estimates amounting to \$29 million for a six-month period, to provide for 1,050 contingent personnel, 35 military observers, 26 civilian police, 73 international civilian staff and 127 locally recruited staff. He also gave a breakdown of the total amount by main categories of expenditure.

With the Secretary-General's request in hand, the Council on 13 February adopted **resolution 1046(1996)**.

The Security Council,

Recalling all its previous relevant resolutions and, in particular, resolution 1027(1995) of 30 November 1995 which extended the mandate of the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia until 30 May 1996,

Having considered the report of the Secretary-General of 30 January 1996 and his letter of 6 February 1996 to the President of the Council and the annex thereto,

1. Decides to authorize, for the duration of the present mandate, an increase in the strength of UNPREDEP by 50 military personnel in order to provide for a continued engineering capability in support of its operations;

2. Approves the establishment of the position of Force Commander of UNPREDEP;

3. Requests the Secretary-General to submit to the Council, not later than 20 May 1996, further recommendations on the composition, strength and mandate of UNPREDEP in the light of developments in the region;

4. Decides to remain seized of the matter.

**Report of Secretary-General (May).** In line with resolution 1046(1996), the Secretary-General submitted a report dated 23 May [S/1996/373] stating that UNPREDEP had maintained dialogue with all political parties and ethnic groups. The high visibility of UN troops patrolling the country's northern and western borders with FRY and Albania continued to have a stabilizing effect throughout the area, as well as a deterrent effect on illegal cross-border activities, thus reducing incidents of confrontation between the local border patrols and smugglers or illegal immigrants.

In addition, UNPREDEP maintained liaison with the country's Ministry of Defence, the FRY General Staff and relevant Albanian ministries. The battalion commanders had established direct channels of communication with their FRY and Albanian border counterparts so that the UN patrol line along the northern border had been clearly defined and as such had reduced the risk of incidents there. Subject to the performance of its main tasks, UNPREDEP's military interfaced with a number of civilian agencies, providing various community services and humanitarian assistance, as well as assistance for road construction and repair, telecommunication facilities and water distribution systems.

UNPREDEP continued to perform those tasks it had previously undertaken in cooperation with the International Conference on the Former Yugoslavia relating to humanitarian issues and to human rights of ethnic communities and national minorities. It also initiated a series of projects aimed primarily at building institutional capacity and strengthening governmental infrastructure. In connection with that endeavour, the Secretary-General described the activities of other UN bodies and specialized agencies, specifically UNICEF, UNHCR and WHO, as well as the World Bank, the International Development Association and the International Monetary Fund, in all three of which the Republic was a member.

The Secretary-General noted recent encouraging developments, including: the emergence of a parliamentary opposition in the form of the Liberal Party, as well as of two major non-parliamentary opposition parties that later organized a nationwide campaign for a referendum on early parliamentary elections; the inclusion in the new Government of five ministers and a number of other senior officials of ethnic Albanian origin; the Republic's 8 April agreement with FRY regulating relations and promoting cooperation between them; and its continuing talks with Greece aimed at resolving their differences.

Responding to the Security Council's request for recommendations on the composition, strength and mandate of UNPREDEP in the light of developments in the region, the Secretary-General presented the alternative of entrusting UNPREDEP's tasks to a minimum of 250 UNMOs who would either be located within driving distance of the monitored border areas or stationed on site, as was currently the case, but only at some observation posts. He outlined the logistical support required by those two options, as well as the advantages and disadvantages of each, taking into account the inclement weather prevailing in the country during eight months of the year. He felt that to replace UNPREDEP's formed infantry units with UNMOs, although operationally feasible, would achieve only modest savings while severely curtailing the mission's core function of border monitoring.

The Secretary-General noted, however, that, in the longer term, many of the activities of UNPREDEP's civilian component would be more effectively performed by UNDP and other UN bodies. Those included good offices in conflict-prone communities, information dissemination on UNPREDEP's role, daily monitoring by the 26-member UNCIVPOL team of border areas largely populated by ethnic minorities, and civilian logistics, transportation, communications and engineering support to the entire mission.

The Secretary-General drew attention to the Government's letter of 8 April [S/1996/389], transmitted to him on 11 April, advancing several arguments in support of its request to extend UNPREDEP for another 12 months: the peace implementation process in Bosnia and Herzegovina (see above) remained sensitive and was fraught with complications; potential regional threats to the Republic had not been overcome, as evidenced by the unresolved issues in its immediate neighbourhood, namely, the Kosovo situation and the still undemarcated border with FRY; the 12-month extension would afford the Republic that much more time in which to upgrade its national defence system; and UNPREDEP's significant contribution towards the establishment of democratic structures in the Republic and realization of its policy of good-neighbourliness.

On the strength of those arguments but at the same time mindful of the financial stringency within the United Nations, the Secretary-General said he would review the question at regular intervals; in the meantime, he recommended that the UNPREDEP mandate be extended for a further period of six months to 30 November 1996. He later [S/1996/373/Add.1] indicated that the cost of maintaining UNPREDEP for that period would be \$26.2 million.

#### SECURITY COUNCIL ACTION (May)

In the light of the Secretary-General's report and the 8 April letter of the former Yugoslav Republic of Macedonia, the Security Council met on 30 May and adopted **resolution 1058** (1996).

The Security Council,

Recalling all its previous relevant resolutions and in particular its resolutions 1027(1995) of 30 November 1995 and 1046(1996) of 13 February 1996,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Noting with appreciation the important role played by the United Nations Preventive Deployment Force (UNPREDEP) in contributing to the maintenance of peace and stability and paying tribute to its personnel in the performance of their mandate,

Noting that the security situation of the former Yugoslav Republic of Macedonia has improved, but recognizing that it is too early to be confident that stability has been established in the region, and expressing the hope that future developments in the region will not undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its security,

Welcoming the signing of the agreement between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia of 8 April 1996, and urging both parties to implement it in full, including the demarcation of their mutual border,

Welcoming also the progress achieved in improving relations between the former Yugoslav Republic of Macedonia and Greece on the basis of the Interim Accord of 13 September 1995,

Further welcoming the close cooperation between UNPREDEP and the mission of the Organization for Security and Cooperation in Europe,

Taking note of the letter of the Charge d'affaires a.i. of the former Yugoslav Republic of Macedonia to the Secretary-General of 11 April 1996,

Having considered the report of the Secretary-General of 23 May 1996 and in particular his assessment of the composition, strength and mandate of UNPREDEP,

1. Takes note with appreciation of the report of the Secretary-General of 23 May 1996;
2. Decides to extend the mandate of UNPREDEP for a period terminating on 30 November 1996;
3. Calls upon Member States to consider favourably requests by the Secretary-General for necessary assistance to UNPREDEP in the performance of its mandate;
4. Requests the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate, and further requests the Secretary-General to review the composition, strength and mandate of UNPREDEP and to report to the Council by 30 September 1996 for its consideration;
5. Decides to remain seized of the matter.

Security Council resolution 1058(1996)

30 May 1996

Meeting 3670

14-O-1

6-nation draft (S/1996/392).

Sponsors: France, Germany, Italy, Poland, United Kingdom, United States.

Vote in Council as follows:

In favour: Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, United Kingdom, United States.

Against: None.

Abstaining: Russian Federation.

The Russian Federation indicated that its abstention stemmed from the fact that its proposal for only a four-month extension of the UNPREDEP mandate had not been reflected in the draft text. It hoped that, at the Council's next consideration of the mandate, account would be taken of the Russian Federation's financial and political concerns, which were fundamental to the larger issue of UN peacekeeping.

**Reports of Secretary-General (September, November).** The Secretary-General on 30 September [S/1996/819] again examined UNPREDEP's role in the context of developments within the country and the region as a whole. He noted a continued improvement in FYROM's relations with its neighbours and in its defence capabilities through a number of bilateral military cooperation agreements with countries outside the region. However, he also noted that, despite a number of positive factors, the domestic scene remained characterized by political and inter-ethnic tensions and exacerbated by a precarious economy.

Responding to the Security Council's request that he review the composition, strength and mandate of UNPREDEP, the Secretary-General concluded that it was neither appropriate nor necessary to recommend a change in UNPREDEP's mandate only two months before its expiration on 30 November 1996. His Special Representative, the Force Commander and military advisers, having considered options for a possible reconfiguration of UNPREDEP, agreed that the least disruptive option would be to revert to the 1992 recommended infantry strength of 700 all ranks, plus a 50-person engineering unit. That would entail a reduction of manned border observation posts from 21 to 16, with the formed infantry units remaining on the northern border, a considerably reduced monitoring of the western border, a more limited reserve capacity and increased reliance on helicopter assets for logistical support. It was their unanimous view, however, that any troop reduction would have a negative impact on UNPREDEP's implementation of its mandate and thus on the international community's capacity to assess and respond to potential threats confronting FYROM.

The Secretary-General stated that his earlier assessments of the positive role of UNPREDEP in promoting peace and stability, both in the Republic and in the region, remained unchanged. He further drew attention to a letter of 6 August

from the Government expressing the view that the overall situation in the region had not changed to an extent that would allow ending the UNPREDEP mandate and reiterating the Government's previous arguments to support its request for a further six-month extension of UNPREDEP beyond the current mandate period. The Secretary-General also referred to his meeting with President Gligorov on 25 September, during which they reviewed the overall situation in the region.

In a further report of 19 November [S/1996/961], the Secretary-General gave a detailed history of the UN presence in the Republic, including the nature and scope of its mandate and the increases in its strength in June 1993, authorized by Council resolution 842(1993) [YUN 1993, p. 494], and February 1996 (**resolution 1046(1996)**). He also provided data on the composition and deployment of UNPREDEP as of the reporting date (see below).

The Secretary-General stated that, in addition to UNPREDEP's continued border monitoring, its civilian component, acting under the political mandate granted to the Special Representative, had assisted in bringing together various segments of the population in an effort to promote mutual understanding between communities, monitor human rights and ease political and inter-ethnic tensions within the country. That had been of special importance in view of the precarious social and economic situation, which had been compounded by the impact on the country of mandatory sanctions against FRY and the unilateral economic blockade from the south.

UNPREDEP's humanitarian assistance and other small but effective assistance programmes initiated with the support of external donors, besides fostering confidence between the host country and the mission, had paved the way for any successor arrangement that might be emplaced upon termination of the preventive deployment operation.

In updating the activities of other bodies and agencies of the UN system, the Secretary-General added those of the United Nations High Commissioner for Human Rights, the United Nations Conference on Trade and Development and UNDP.

According to information supplied by the Government, its affirmative policies on minority rights had had positive results, particularly in respect of minority-language education, including at the university level. The current quota system provided for student enrolment of a given ethnic group in proportion to that group's representation in the total population. State hiring practices

reflected an increase in the number of minority employees in its institutions.

Ethnic Albanians did not share the Government's assessment, however, the Secretary-General noted. Through political action and street demonstrations, they called on the Government to improve the political status of Albanians, officially to recognize the "University of Tetovo" as part of the educational system and to release all political prisoners, including that university's Rector. In the run-up to the local elections on 17 November, opposition parties voiced concern about a possible discrepancy in the number of eligible voters and about election preparations which they considered inadequate. Nonetheless, all major political parties, including those that had boycotted the second round of parliamentary elections in 1994 [YUN 1994, p. 571], were reported to have participated in the electoral campaigns; and, except for a few incidents, the first round of elections generally proceeded in an orderly manner.

In the Secretary-General's view, recent developments in the region and the Republic's enhanced international standing had rendered remote the possibility of an outside threat. Therefore, conscious that in the current period of relative tranquillity the Council might judge economies to be necessary, he informed the Council that a reconfiguration of UNPREDEP to the original infantry strength of 700 all ranks, plus an engineering platoon of 50, would offer savings of some \$400,000 a month. That would require a shift from a comprehensive and active patrolling to a more limited, and at times static, monitoring presence, particularly along the northern border where a number of observation posts would be eliminated.

Recalling the Government's 6 August request for a further six-month extension of the UNPREDEP mandate beyond 30 November 1996, the Secretary-General accordingly recommended such an extension, ending on 31 May 1997, with a phased reduction of the military component by 300 all ranks by 1 April 1997. That timing would allow for completing the reduction after the usually severe winter, as well as for the necessary consultations to be undertaken with the troop-contributing countries. He would consult with UN agencies and other relevant organizations on the modalities for continuing international support to FYROM, on the basis of which he would recommend to the Council the type of international presence that would be appropriate as from June 1997.

#### SECURITY COUNCIL ACTION (November)

The Security Council met on 27 November to consider the foregoing report of the Secretary-General. Also before it was a letter of 18 November [S/1996/983] from the former Yugoslav Republic of Macedonia, reiterating that the situation in the region had not so changed as to allow a reduction in UNPREDEP's strength or its termination. At the same meeting, the Council adopted **resolution 1082(1996)**.

The Security Council,

Recalling all its previous relevant resolutions and in particular its resolutions 1046(1996) of 13 February 1996 and 1058(1996) of 30 May 1996,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Noting with appreciation the important role played by the United Nations Preventive Deployment Force (UNPREDEP) in contributing to the maintenance of peace and stability, and paying tribute to its personnel in the performance of their mandate,

Taking into consideration that the security situation of the former Yugoslav Republic of Macedonia continues to improve, but that peace and stability in the broader region have not yet been fully achieved, and expressing the hope that developments in the region will contribute to increased confidence and stability in the former Yugoslav Republic of Macedonia, permitting the further drawing down of UNPREDEP towards its conclusion,

Welcoming the improvement in the relations between the former Yugoslav Republic of Macedonia and its neighbouring States,

Reiterating its call on the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to implement in full their agreement of 8 April 1996, in particular regarding the demarcation of their mutual border,

Welcoming the continued cooperation between UNPREDEP and the mission of the Organization for Security and Cooperation in Europe,

Taking note of the letter of 18 November 1996 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General requesting the extension of the mandate of UNPREDEP,

Having considered the report of the Secretary-General of 19 November 1996, and noting his assessment of the composition, strength and mandate of UNPREDEP,

1. Decides to extend the mandate of UNPREDEP for a period terminating on 31 May 1997, with a reduction of its military component by 300 all ranks by 30 April 1997, with a view to concluding the mandate as and when circumstances permit;

2. Calls upon Member States to consider favourably requests by the Secretary-General for necessary assistance to UNPREDEP in the performance of this mandate;

3. Requests the Secretary-General to keep the Council regularly informed about any developments and to report to the Council by 15 April 1997 with his recommendations on a subsequent international presence in the former Yugoslav Republic of Macedonia;

4. Decides to remain seized of the matter.

Security Council resolution 1082(1996)  
 27 November 1996 Meeting 3716 14-0-1  
 5-nation draft (S/1996/979).  
 Sponsors: France, Germany, Italy, United Kingdom, United States.  
 Vote in Council as follows:  
 In favour: Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, United Kingdom, United States.  
 Against: None.  
 Abstaining: Russian Federation.

The Russian Federation stated its belief that the original objective of the preventive mission in FYROM had been achieved and that the situation in the region had radically changed: hostilities had ceased and the process of stabilization was gaining momentum. Those positive changes were reflected in the significantly improved relations between the Republic and its neighbours, primarily FRY. While the draft resolution's call for a substantial reduction of the Force and oblique reference to its possible termination were definite steps forward, the Russian Federation saw no point in maintaining UNPREDEP beyond May 1997. The current extension must be the last. Failing inclusion of its proposal, the Russian Federation could not support the resolution.

FYROM transmitted its intended statement before the Council [S/1996/986], by which it would have requested a six-month extension of UNPREDEP and cautioned that any reduction in its strength would have a negative impact on the mission's effectiveness.

## Armenia-Azerbaijan

The Co-Chairmen (Finland, Russian Federation) of the Conference of the Organization for Security and Cooperation in Europe (OSCE), through the OSCE Minsk Group (Belarus, Czech Republic, France, Germany, Italy, Russian Federation, Slovakia, Sweden, Turkey, United States), accelerated efforts in 1996 to obtain a political agreement between Armenia and Azerbaijan on the cessation of armed conflict in Nagorny Karabakh, an enclave within the territory of Azerbaijan. (The Additional Meeting of the OSCE Council (Helsinki, Finland, 24 March 1992) had requested that a conference be convened in Minsk, Belarus, under OSCE auspices to provide a forum for negotiations towards a peaceful settlement of the crisis. It was to be attended by the two parties and the countries later known as the Minsk Group. The Group had since been spearheading the OSCE effort to promote a political agreement, the conclusion of which would permit convening the conference.)

Building on a draft text arrived at by the parties by the end of 1995, the Co-Chairmen in 1996 proposed three principles to form the basis of a final, unified peace settlement. Despite intensive discussions with the parties in two forums, the principles proved unacceptable to Armenia. That led the OSCE Chairman-in-Office to concede, at the conclusion of the OSCE Summit on 3 December, that progress had eluded the last two years' efforts to resolve the Nagorny Karabakh conflict and the issue of the territorial integrity of Azerbaijan.

(For the situation of refugees and displaced persons in Armenia and Azerbaijan, see PART THREE, Chapter XII.)

**Reports of Minsk Conference (9 April and 10 December).** The Co-Chairmen of the OSCE Minsk Conference submitted two reports to the Security Council in 1996 on the Nagorny Karabakh conflict: one on 9 April [S/1996/259], covering developments since their July 1995 report [YUN 1995, p. 611], and another on 10 December [S/1996/1031], updating developments to 3 December.

Both reports indicated that the Co-Chairmen, with the support and cooperation of the Minsk Group, continued to promote the observation of the 1994 ceasefire [YUN 1994, p. 577], the conclusion of a political agreement on the cessation of the armed conflict, and implementation of confidence-building measures, particularly in the humanitarian field. The reports noted that on the whole the parties had continued to observe the ceasefire and had repeatedly reconfirmed their commitment to continue to do so; that during the three rounds of talks in 1995 [YUN 1995, p. 610] progress had been achieved in hammering out the text of a political agreement reflecting certain key issues agreed upon by the parties; and that the Co-Chairmen, as well as individual members (Russian Federation, Turkey, United States) of the Minsk Group, had undertaken several visits to the region for high-level consultations in order to advance a political settlement.

The April report stated that the outlines of a settlement were emerging, with the parties having agreed on: dispute settlement by peaceful means only; measures to consolidate the ceasefire and cessation of hostilities; elaboration of the legal status of Nagorny Karabakh on the basis of a mutually acceptable compromise to be determined at the OSCE Minsk Conference; unimpeded delivery of humanitarian aid to the territories affected by the conflict; the safe, voluntary and balanced return of refugees and displaced persons to their homes, irrespective of nationality; evacuation of the territories occupied in the course of the armed conflict; establishment of lo-

cal and regional security measures, including unimpeded access from Nagorny Karabakh to Armenia; deployment of a multinational OSCE peacekeeping force to assist in implementation of the political agreement; and restoration of all normal links in the region.

The report further stated that, as a follow-up to the 1995 talks, the Chairman-in-Office of OSCE, during his visit to the region on 29 February and 1 March 1996, had presented to the parties a document prepared by the Co-Chairmen to serve as a basis for further negotiations on the draft text. The document outlined a package solution on the basis of the commitments undertaken by the parties on: evacuation of all occupied territories; unimpeded access to and from Nagorny Karabakh and Armenia; ensuring the security of Nagorny Karabakh and its population; the territorial integrity of Azerbaijan and the broadest possible self-rule for Nagorny Karabakh; the application to the population of Shusha and Shaumyan of the right of voluntary and safe return of all refugees and displaced persons to their permanent residence; observance of the norms of international humanitarian law; openness and transparency; and safeguarding mutual security in the region.

The December report noted that all 110 prisoners of war and detainees on the ICRC lists had been released and repatriated in May during the visit to the region by the Russian Federation's Foreign Minister. More significantly, the report noted that, at the last meeting of the Minsk Group (Helsinki, 18-22 November), attended also by the Co-Chairmen and the parties, as well as at the preparatory meeting for the 1996 OSCE Summit (Lisbon, Portugal, 25 November-3 December), discussion had centred on the three principles proposed by the Co-Chairmen for a settlement. The discussions had yielded no consensus, however.

On 3 December, the OSCE Chairman-in-Office issued a statement noting that no progress had been achieved in the last two years to resolve the Nagorny Karabakh conflict and the issue of the territorial integrity of Azerbaijan. He enumerated the three principles that should form part of a settlement of the conflict, as recommended by the Co-Chairmen and supported by the Minsk Group: the territorial integrity of Armenia and of Azerbaijan; the legal status of Nagorny Karabakh defined in an agreement based on self-determination, conferring on Nagorny Karabakh the highest degree of self-rule within Azerbaijan; and guaranteed security for Nagorny Karabakh and its whole population, including mutual obligations to ensure compliance with the provisions of a settlement by all the parties.

Finally, the Chairman-in-Office expressed regret that one delegation (Armenia) could not accept the principles, which had the support of all other participating States.

The report recorded the resolve of the OSCE Minsk Group to continue its efforts to achieve a settlement of the Nagorny Karabakh conflict in accordance with Security Council resolutions 822(1993) and 853(1993) [YUN 1993, p. 502] and OSCE decisions, in particular that of 1994 [YUN 1995, p. 610].

**Communications.** During the year, Azerbaijan addressed several letters to the Secretary-General drawing his attention to developments relating to Nagorny Karabakh. Azerbaijan repeatedly underscored that the Nagorny Karabakh region was part of its territory, that it was currently under occupation by Armenia, and that, contrary to Armenia's insistence on its non-involvement in the Nagorny Karabakh conflict, it had given all-out support to the separatists there.

On 5 March, Azerbaijan issued a statement [S/1996/170] drawing attention to an agreement on cooperation and coordination signed on 1 March between Armenia and what Azerbaijan referred to as the "illegal entity . . . established in the Nagorny Karabakh region of Azerbaijan". Azerbaijan called that step an act of "gross and undisguised interference" in its internal affairs and yet another infringement of its sovereignty and territorial integrity. Armenia's action, it said, was a challenge to the stand taken by OSCE and a most flagrant provocation intended to disrupt the international community's efforts to mediate a peaceful settlement of the Armenia-Azerbaijan conflict.

On 8 November, Azerbaijan informed [A/51/670-S/1996/934] the Secretary-General of "presidential elections" scheduled for 24 November in the "Nagorny Karabakh Republic", the highlands of the Karabakh region of Azerbaijan. On 26 November, it reported [S/1996/981] that the "elections", organized by Armenia, had taken place. Azerbaijan labelled those "elections" an unlawful act in defiance of the world community and of international public opinion, and another attempt to complicate ongoing negotiations. On 27 November, Azerbaijan issued a statement [A/51/697-S/1996/987], which it circulated to OSCE member States, containing its analysis of efforts to settle the Armenia-Azerbaijan conflict, including the OSCE principles and a text put forward by the OSCE President, which Armenia indicated it would not accept. On 4 December, Azerbaijan transmitted the statement [A/51/707-S/1996/1009] delivered the previous day by the OSCE Chairman-in-Office at the end of the OSCE Summit.

On 17 May, the Council of Heads of State of the Commonwealth of Independent States (CIS) issued a declaration [S/1996/371] in Moscow, by which the Council called on the parties to intensify efforts to find compromise solutions to the Nagorny Karabakh conflict.

## Georgia

The Special Envoy of the Secretary-General for Georgia, Edouard Brunner (Switzerland), in consultations with the Organization for Security and Cooperation in Europe (OSCE), and with the Russian Federation as facilitator, in 1996 continued to assist the Government of Georgia and the Abkhaz leadership in Abkhazia, Georgia, to explore and find compromise solutions to their key differences, with the aim of arriving at a comprehensive settlement of the conflict. The Security Council once again reaffirmed its commitment to the sovereignty and territorial integrity of Georgia, demanded that the Abkhaz side accelerate the process of voluntary return of refugees and displaced persons without delay, and extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) for an additional period terminating on 31 January 1997.

A new draft protocol on which such a settlement could be elaborated was presented to the parties in March. As in 1995, the draft proved unacceptable over the contentious issue of the future political status of Abkhazia, on which depended the return of some 300,000 refugees and displaced persons to their homes in that region of Georgia. Georgia's proposals for a united federal State of Georgia defining the status of Abkhazia within it likewise proved unacceptable to the Abkhaz leadership. Exacerbating the situation were "elections" held by the Abkhaz leadership on 23 November.

As consultations at all levels proceeded in efforts to break the protracted deadlock, the parties' compliance with their 1994 ceasefire and separation-of-forces agreement continued to be monitored and verified by UNOMIG throughout 1996.

### UN Observer Mission in Georgia

Established by the Security Council in 1993 [res. 858(1993)], the United Nations Observer Mission in Georgia (UNOMIG) continued in 1996 to discharge its mandate, as revised in 1994 [res. 937(1994)], to monitor and verify compliance with

the 1994 Agreement on a Ceasefire and Separation of Forces [YUN 1994, p. 583]; to observe the operation of the CIS peacekeeping force within the framework of the Agreement's implementation; to verify, through observation and patrolling, that the parties' troops and heavy military equipment remained outside the security zone and restricted weapons zone; to monitor the heavy-weapons storage areas and the weapons zone; to monitor Georgia's troop withdrawal from the Kodori valley to points beyond the boundaries of Abkhazia; to investigate and help resolve alleged violations of the 1994 Agreement; and to report regularly to the Secretary-General.

UNOMIG functioned under the authority of the resident Deputy Special Envoy and Head of Mission, Liviu Bota. Its mandate was extended by the Security Council twice during the year, the first time until 12 July 1996 (**resolution 1036(1996)**) and the second, until 31 January 1997 (**resolution 1065(1996)**).

### Composition

As of 2 January 1996, UNOMIG, under the command of the Chief Military Observer, Major-General Per Källström (Sweden), maintained its full authorized strength of 136 military observers, drawn from 23 countries, and supported by 55 international and 75 local civilian staff. By 10 October, that strength had been temporarily reduced to 124 military observers to accommodate an engineering unit that was to undertake mine clearing.

Besides its main headquarters in Sukhumi (Abkhazia, Georgia), UNOMIG maintained an administrative headquarters in Pitsunda. Some 54 observers were deployed in the Gali sector (north of the Inguri River) and 39 in the Zugdidi sector (south of the Inguri). UNOMIG operated from team bases in Gali, Inguri-Ges, Otobaya and Zemo-Bargevi (in the Gali sector); in Darcheli, Dzvari and Zugdidi (in the Zugdidi sector); and in Adjara (in the Kodori valley), from 16 April to 28 November. In addition, UNOMIG maintained a liaison office of four military observers in the Georgian capital of Tbilisi.

### Activities

In five reports submitted to the Security Council during 1996, the Secretary-General updated information on all aspects of the situation in Abkhazia, Georgia, and provided details of UNOMIG operations. Regular contacts had been maintained by the Secretary-General's Special Envoy for Georgia and his resident Deputy—with President Eduard Shevardnadze of Georgia, the Abkhaz leader, Vladislav Ardzinba, the heads of

the Georgian and Abkhaz delegations in Moscow, and other political and government figures of the Russian Federation—in an effort to assist the parties to arrive at compromise solutions.

The reports further noted the two forums at which UNOMIG and the CIS peacekeeping force discussed with local authorities of both sides various issues relevant to the effective discharge of their respective mandates: weekly meetings with the Georgian police and Abkhaz militia under the chairmanship of the Chief Military Observer of UNOMIG, which dealt with matters relating to the security and restricted weapons zones; and weekly quadripartite meetings under the chairmanship of the Commander of the CIS peacekeeping force, which dealt mainly with administrative and occasionally with security matters, criminal investigations, hostage exchanges and humanitarian issues.

**Report of Secretary-General (2 January).** Pursuant to a Security Council request in its resolution 993(1995) [YUN 1995, p. 616] for a report every three months on all aspects of the situation in Abkhazia, including the operations of UNOMIG, the Secretary-General submitted a report on 2 January 1996 [S/1996/5] containing updated information since his 8 November 1995 report [YUN 1995, p. 618] and recommendations on the UNOMIG mandate beyond its expiry on 12 January 1996.

He stated that the Georgian-Abkhaz peace process continued to be deadlocked over the issue of the future political status of Abkhazia. Strenuous efforts by the Russian Federation, in its capacity as facilitator and in consultation with the Special Envoy and Deputy, had failed to produce a draft protocol acceptable to both sides, the object of which was to establish a basic understanding of principles on which a detailed political agreement could be elaborated. It was the intention of Georgia's President to break the deadlock by raising the issue of the Abkhaz conflict at the meeting of the CIS Council of Heads of State scheduled for 19 January, as well as the possible enlargement of the CIS peacekeeping force to include deployment throughout the entire Abkhazian territory and not in the Gali district alone. The Abkhaz leader reiterated his position that talks would continue only on the basis of the 1994 Declaration on Measures for a Political Settlement of the Georgian/Abkhaz Conflict and the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons [YUN 1994, p. 582]; and that only a union agreement between Georgia and Abkhazia in which both sides enjoyed equal rights could prevent a renewal of hostilities.

The November 1995 presidential and parliamentary elections in Georgia, which had over-

whelmingly elected Eduard Shevardnadze (formerly Chairman of the Parliament and head of State) President, as well as a new Parliament [YUN 1995, p. 619], had not extended to Abkhazia, where the central Government of Georgia did not exercise de facto jurisdiction. By law, therefore, the mandates of the Abkhaz parliamentarians in the Georgian Parliament had been extended until such time as elections could be held in Abkhazia. In his inaugural address, the President emphasized that his paramount concerns were to resolve ethno-political conflicts and restore Georgian territorial integrity. He proposed that Georgia should have a federal territorial arrangement, part of which would be the "Republic of Abkhazia", which would have a broad political status, a constitution of its own compatible with that of the federal State, a parliament, a supreme court, an anthem, a state emblem and other symbols. He declared it imperative that the definition of Abkhazia's status and the return of refugees and displaced persons take place without delay. He affirmed that the Georgian side stood ready to engage in dialogue at all levels, including bilateral negotiations.

After a six-month hiatus, the weekly quadripartite meetings had resumed in October 1995, the Secretary-General reported. UNOMIG's cooperation with the CIS peacekeeping force continued to be satisfactory in terms of regular meetings, timely exchanges of information and joint patrolling of the security zone.

In the light of the situation prevailing in the region, the Secretary-General recommended a further six-month extension, ending on 12 July 1996, of the UNOMIG mandate. He further recommended an early review of the mandate in the event of changes to the CIS peacekeeping force mandate at the 19 January meeting of the CIS Council. Should the Security Council concur with the recommended extension, the Secretary-General confirmed that the monthly maintenance cost of UNOMIG would be limited to the commitment authority granted under General Assembly resolution 49/231 B in 1995 [YUN 1995, p. 619].

#### SECURITY COUNCIL ACTION (January)

The Security Council met on 12 January 1996 to consider the Secretary-General's report. Also before it was an 8 January letter from Georgia [S/1996/9], drawing attention to the torture and massacre of seven members of a family in the village of Sheshleti in the Gali region by Abkhaz boeviks, who also summarily executed two neighbours who had tried to prevent the massacre.

At the same meeting, the Council adopted **resolution 1036(1996)**.



The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 993(1995) of 12 May 1995,

Having considered the report of the Secretary-General of 2 January 1996,

Reaffirming its commitment to the sovereignty and territorial integrity of Georgia,

Stressing the need for the parties to intensify efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia, fully respecting the sovereignty and territorial integrity of Georgia,

Noting the holding of presidential and parliamentary elections in Georgia in November 1995 and expressing the hope that these will contribute positively to the achievement of a comprehensive political settlement of the conflict in Abkhazia, Georgia,

Reaffirming also the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement of 14 April 1994 on voluntary return of refugees and displaced persons,

Deploping the continued obstruction of such return by the Abkhaz authorities,

Deeply concerned at the deterioration in the humanitarian situation, in particular in the Gali region where there is a continued lack of a secure environment,

Deeply concerned also at the rising violence and at the killings being committed in the areas under the control of the Abkhaz side reported in the letter of 8 January 1996 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council,

Recalling the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia,

Reaffirming the necessity for the parties to comply strictly with international humanitarian law,

Noting that the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces has generally been respected by the parties with the assistance of the Commonwealth of Independent States (CIS) peacekeeping forces and the United Nations Observer Mission in Georgia (UNOMIG),

Expressing its satisfaction with the close cooperation and coordination between UNOMIG and the CIS peacekeeping force in the performance of their respective mandates and commending the contribution both have made to stabilize the situation in the zone of conflict,

Expressing concern about the safety and security of UNOMIG and CIS personnel and stressing the importance it attaches to their freedom of movement,

Noting that the forthcoming meeting of the Council of Heads of State of the CIS to be held in Moscow on 19 January 1996 will consider the extension of the mandate of the CIS peacekeeping force,

1. Welcomes the report of the Secretary-General of 2 January 1996;

2. Expresses its deep concern at the continued deadlock in the efforts to achieve a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. Reaffirms its full support for the efforts of the Secretary-General aimed at achieving a comprehen-

sive political settlement, of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of Georgia, as well as for the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to continue his efforts, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe (OSCE), to that end;

4. Calls upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement, and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General with the assistance of the Russian Federation as facilitator;

5. Demands that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in accordance with the Quadripartite Agreement;

6. Calls upon the Abkhaz side in that context to promote, as a first step, the return of refugees and displaced persons to the Gali region, in safety and dignity;

7. Condemns the ethnic killings and continuing human rights violations committed in Abkhazia, Georgia, and calls upon the Abkhaz side to ensure the safety of all persons in areas under its control;

8. Calls upon the parties to improve their cooperation with UNOMIG and the CIS peacekeeping force in order to provide a secure environment for the return of refugees and displaced persons, and also calls upon them to honour their commitments with regard to the security and freedom of movement of all United Nations and CIS personnel and with regard to UNOMIG inspections of heavy weapons storage sites;

9. Welcomes the additional measures implemented by UNOMIG and the CIS peacekeeping force in the Gali region aimed at improving conditions for the safe and orderly return of refugees and displaced persons, and all appropriate efforts in this regard;

10. Expresses its full support for the elaboration of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, as described in the Secretary-General's report of 2 January 1996, and calls upon the Abkhaz authorities to cooperate fully with the efforts to this end;

11. Decides to extend the mandate of UNOMIG for an additional period terminating on 12 July 1996, subject to a review by the Council of the mandate of UNOMIG in the event of any changes that may be made in the mandate of the CIS peacekeeping force;

12. Reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects including demining, as specified by the donors;

13. Requests the Secretary-General to continue to keep the Council regularly informed and to report after three months from the date of the adoption of this

resolution on all aspects of the situation in Abkhazia, Georgia, including the operations of UNOMIG;

14. Decides to remain actively seized of the matter.

Security Council resolution 1036(1996)

12 January 1996 Meeting 3618 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/16).

**Communications.** On 13 February, Georgia issued a statement [S/1996/114] reporting that, four days before, 70 Georgian nationals (former refugees who had returned to their homes in Gali, Abkhazia) had been taken hostage by an Abkhaz armed group. Georgia warned that continuous harassment of the Georgian population in Abkhazia would lead to dramatic consequences and would not promote settlement of the Georgian/Abkhaz conflict.

By a decree of 31 January, the President of Georgia imposed a series of measures tightening border and customs control in the sector of the State border between Georgia and the Russian Federation within the territory of Abkhazia, and in the seaport of Sukhumi, other port sites and the marine area. Consignments of humanitarian aid to Abkhazia were exempted from the decree, subject to government approval. The text was transmitted to the Security Council on 3 April, together with a statement of 25 March from Georgia's Ministry of Foreign Affairs [S/1996/240]. According to the statement, the decree was in conformity with the 19 January decision of the CIS Council of Heads of State (see below) and issued in the light of the difficult situation in Abkhazia and the Caucasus region as a whole, including the recent deterioration of conditions in the port of Sukhumi and other port sites within Abkhazia, which posed a threat to the State security of Georgia.

On 5 March, Georgia transmitted the Government's proposals [S/1996/165] regarding the status of Abkhazia within the framework of a federal State of Georgia, an idea that it said had been gaining momentum. The proposals provided for the establishment of a united federal State within the borders of what had been the Georgian Soviet Socialist Republic as at 21 December 1991. Abkhazia, as a subject of the federation, would exercise wide discretionary power and would have its own constitution, anthem, flag, emblem, parliament, the highest executive and judicial bodies, and other attributes of statehood, the competencies of which would be determined by both the federal and Abkhaz constitutions and through a formal agreement on the delimitation of competencies between the federal State and Abkhazia; in the territory of Abkhazia, the Abkhaz language would have the status of a State language along with Georgian.

The Government of Abkhazia would exercise full authority over: the formation of its supreme central and local state bodies and state management, of a supreme court and procuracy and of the budget; taxes and tax collection; issues related to the bar and notariate, and to culture, education and health care; trade; local roads and transport; social welfare, sports and physical training programmes; science; and use of natural resources. The competencies of the federal Government would include: foreign policy and economic relations; defence policy; armed forces and security; monetary system; customs service; federal budget; determination of the status and protection of State borders; energy, national transport and communications; environmental protection and natural disaster relief operations; protection of human rights, civil liberties and national minority rights; and other competencies crucial to the existence of a federal State, such as citizenship and criminal and civil legislation.

Other proposals related to international agreements that Abkhazia might enter into, Abkhaz representation in the federal legislature, decisions of that legislative body directly affecting Abkhaz interests, and questions related to the preparation of an agreement on delimitation of competencies, as well as the structures and functions of federal bodies.

**Report of Secretary-General (15 April).** The Secretary-General on 15 April reported [S/1996/284] that, in an effort to break the deadlock, the Special Envoy and his Deputy, in addition to their regular contacts with high-level officials of both sides, had held bilateral consultations with the Russian facilitator (Paris, 24-25 January), the OSCE Secretary-General (New York, 15-16 February) and the Foreign Minister of the Russian Federation (Moscow, 4-5 March). Acting for the Special Envoy, the Secretary-General's Special Adviser, Ismat Kittani, and the Deputy Special Envoy had held further consultations on a draft protocol with President Shevardnadze and other high officials, including the Russian Federation's First Deputy Foreign Minister (14-18 March). Neither side signed the draft protocol, although both reaffirmed their determination to continue negotiations until a comprehensive political settlement was achieved. Abkhazia had presented an alternative version of the draft protocol which envisaged that the "two sides shall enjoy equal rights" and would agree to live together in a "Federative Union".

On 19 January, the CIS Council of Heads of State adopted two decisions [A/51/62-S/1996/74] relating to Abkhazia. One extended the mandate of the CIS peacekeeping force until 19 April 1996, and asked relevant CIS councils to draft a new

mandate for the force by 19 February on the basis of the Georgian proposals, possibly with a further three-month extension of the mandate to 19 July. The second decision embodied a series of measures to influence the Abkhaz side to arrive at a settlement of the conflict. Abkhazia declared that it would not recognize a new mandate based on the Georgian proposals and that the current mandate could be changed only with the consent of the two parties.

Not only was a new mandate not drafted by 19 February, it also proved impossible to agree on one at a subsequent meeting of the CIS Council of Foreign Ministers, in Moscow on 2 April. Georgia's alternative proposal for the creation of a new monitoring force to oversee previous CIS decisions concerning, *inter alia*, sanctions against Abkhazia was not accepted. Georgia wanted neither the CIS peacekeeping force withdrawn nor its current mandate continued. It was decided that the force would remain and that the CIS Executive Secretary would examine the issue and report to the CIS Council of Heads of State by 19 April.

Also covered by the report were developments in the region with implications for Abkhazia. Apart from Georgia's recent ratification of the 1994 Treaty on Friendship, Cooperation and Good-Neighbourliness between Georgia and the Russian Federation, several initiatives had been put forward, for a "Great Caucasus" by the Russian Federation, "For a Peaceful Caucasus" by Georgia, and the "Declaration on Peace, Security and Cooperation in the Caucasus Region" signed by Azerbaijan and Georgia (Tbilisi, 8 March) [A/51/89].

The Russian Federation's President, Boris Yeltsin, and President Shevardnadze, in wide-ranging discussions on the situation in the Caucasus (Moscow, 18-19 March), reaffirmed their commitment to the principles of the territorial integrity of States and the inviolability of existing borders, and strongly condemned separatism and terrorism in all their aspects. They expressed their conviction that all possibilities for resolving the question of Abkhazia through peaceful means had not been exhausted. They stated that the negotiations under UN auspices, with the assistance of OSCE and with the Russian Federation acting as facilitator, had brought the sides closer to a comprehensive political settlement; and that the search for mutually acceptable solutions should take account of the relevant Security Council resolutions, OSCE documents, and the 1995 documents collectively drafted and adopted by CIS in Almaty, Kazakhstan (10 February), and Minsk, Belarus (26 May) [YUN 1995, p. 617]. Both

Presidents called on member States of CIS strictly to observe its 19 January decisions on Abkhazia.

As reported, the Russian authorities' subsequent enforcement of those decisions drew a statement from the "Government of the Republic of Abkhazia" on 21 March contending that "far-fetched pretexts" were being used to toughen the blockade on Sukhumi; and that, since there were no constitutional ties between Abkhazia and Georgia, agreements or treaties concluded with Georgia that affected Abkhazia's interests could not be legally binding on Abkhazia.

Tension rose in the port of Sukhumi on 23 March as a result of the enforcement measures, but subsided following consultations between the commanders of the Russian border troops and the Abkhaz leadership. On 27 March, the Abkhaz leadership issued a statement to the effect that, if the enforcement measures continued, a referendum would be called to determine whether the people of Abkhazia preferred to have ties with Georgia or the Russian Federation; meanwhile it would not participate in any negotiations with Georgia. It was reported, however, that Abkhazia's "Prime Minister" subsequently held talks in Moscow, during the first week of April, with the Russian Federation's Foreign Minister and other senior government officials.

The situation in the UNOMIG area of responsibility remained tense. UNOMIG temporarily suspended vehicle patrols in the security and restricted weapons zones in the Gali sector because of the danger posed by continued mine laying in the area, responsibility for which could not be determined. In addition, general lawlessness remained prevalent in that sector.

The Secretary-General said that UNOMIG's cooperation and communication with the Government and the Abkhaz authorities remained satisfactory, and weekly police meetings and quadripartite meetings continued.

Regarding ongoing consultations with Abkhazia on human rights issues, the United Nations High Commissioner for Human Rights sent a senior human rights officer to Sukhumi (21-24 February), following which the Abkhaz authorities agreed with a programme drawn up for the protection and promotion of human rights in Abkhazia. The text of the programme, annexed to the Secretary-General's report, set out its objectives, mechanisms of implementation, projects and activities, and organizational framework. The programme was to be carried out by the High Commissioner in cooperation with OSCE.

In summary, the Secretary-General observed that, while the Abkhaz leadership had recognized that Abkhazia would be part of a single Georgian State within the boundaries of the

former Georgian Soviet Socialist Republic as at 21 December 1991, and agreed that the State should be "federative" in nature, pronounced differences remained over the constitutional definition of the Georgian State; the Georgian side wanted the draft protocol to reflect Georgia as a single federal State within which Abkhazia enjoyed certain State powers and rights, and the Abkhaz side demanded that the protocol describe the State as a union resulting from a treaty between two subjects of equal status under international law. As long as the stalemate continued, there could be no significant improvement in the situation of refugees and displaced persons, the Secretary-General warned, whose plight was a cause of great concern.

Even should the draft protocol be signed in the near future, the Secretary-General felt it unlikely that it would clearly define the political status of Abkhazia. However, it would serve as a framework for further negotiations, not only on constitutional issues but also on economic matters, banking, finance, transport, communications, public policy (police, administration of justice, education), social affairs and military questions. It was in connection with that phase that the Secretary-General saw an important role for the United Nations, especially as both sides and the Russian Federation had recently asked the Special Envoy to strengthen the Organization's role in the search for a comprehensive settlement.

#### SECURITY COUNCIL ACTION (April)

The Security Council met on 25 April and, having considered the Secretary-General's foregoing report and the proposals of Georgia [S/1996/165], authorized its President to make the following statement [S/PRST/1996/20] on behalf of the Council:

The Security Council has considered the interim report of the Secretary-General concerning the situation in Abkhazia, Georgia, of 15 April 1996. It has also read with appreciation the letter of the Government of Georgia and the proposals on the political status of Abkhazia contained therein.

The Council notes with deep concern the continued failure of the parties to achieve a comprehensive political settlement. It also notes the adverse impact that this failure has on the humanitarian situation and economic development in the region. It calls upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay.

The Council reaffirms its full support for the efforts of the Secretary-General, his Special Envoy and of the Russian Federation as facilitator aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting the sovereignty and territorial integrity of Georgia. The Council stresses that the primary responsibility for achieving a comprehensive

political settlement rests upon the parties themselves.

The Council welcomes the efforts undertaken by the members of the Commonwealth of Independent States (CIS) as set out in S/1996/74, annex IV, in support of such a comprehensive political settlement.

The Council remains deeply concerned at the continued obstruction of the return of the refugees and displaced persons by the Abkhaz authorities, which is totally unacceptable.

The Council expresses its support for the Secretary-General's efforts to find ways of improving the observance of human rights in the region, as an integral part of the work towards a comprehensive political settlement.

The Council notes the important contribution made by the United Nations Observer Mission in Georgia (UNOMIG) and the CIS Collective Peacekeeping Forces to stabilization of the situation in the zone of conflict. The Council recalls its encouragement to Member States to make contributions, in cash or kind, to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces and/or humanitarian aspects including demining. It welcomes the contributions mentioned in the report of the Secretary-General.

The Council is, however, deeply concerned at the deterioration in security conditions in the Gali region, which has a negative effect on the ability of UNOMIG to meet its mandated tasks. The Council condemns mine laying in the Gali region, which has resulted in loss of life, including of a UNOMIG military observer. Such mine laying should cease. The Council calls on the parties to take all measures in their power to prevent it. The Council stresses that the international community's ability to assist depends on the full cooperation of the parties, especially the fulfilment of their obligations regarding the safety and freedom of movement of international personnel.

The Council invites the Secretary-General to continue to keep it informed of the situation.

Meeting number. SC 3658.

**CIS decision.** On 17 May, the CIS Council of Heads of State adopted a decision [S/1996/371] extending the mandate of the CIS Collective Peacekeeping Forces in Abkhazia to 19 July 1996 and, with the consent of the parties, adding the following task to it: demarcation of minefields and mine clearance in the territory of Abkhazia, Georgia, with UN assistance and in cooperation with the local authorities. The decision further instructed the CIS Council of Ministers for Foreign Affairs and Council of Ministers of Defence, together with the parties to the conflict, to amplify the mandate of the CIS peacekeeping force in accordance with the 19 January decision of the Council of Heads of State. It called on the parties, with the assistance of the CIS peacekeeping force, to take additional measures to ensure the

safety of UNOMIG in the performance of its duties.

**Report of Secretary-General (1 July).** The Secretary-General's report of 1 July [S/1996/507] noted that contacts with all concerned on the Georgian/Abkhaz conflict included consultations by the Secretary-General with Georgia's Foreign Minister (New York, 3 May) and with the Russian Federation's President and Foreign Minister (Moscow, 14-18 May). The Friends of the Secretary-General on Georgia (France, Germany, Russian Federation, United Kingdom, United States) also had met separately with President Shevardnadze and the Abkhaz leadership to deliver a demarche by which they: conveyed their concern at the lack of progress towards a political settlement in Abkhazia; reiterated their belief that the international community could help them resolve their differences only if they themselves were willing to do so; and declared that the safe and dignified return of displaced persons and refugees to their homes in Abkhazia, including those belonging to ethnic minorities, must be a humanitarian priority. The Friends further conveyed their concerns at the deterioration of security conditions in the Gali region and demanded that the parties take steps to prevent mine laying.

President Shevardnadze indicated the Government's interest in implementing all Security Council resolutions and presidential statements, and its readiness to establish contact with the Abkhaz leadership in order to reduce the level of criminality and violence in the Gali region and thus facilitate the return of refugees and displaced persons. The Abkhaz leadership expressed dissatisfaction with the Council resolutions, which it felt were not based on the factual reports of the Secretary-General. It asserted that no ethnic cleansing had been committed by the Abkhaz, that no large-scale repatriation of refugees and displaced persons to Abkhazia was possible, even if it were permitted, because the local population would not accept it, and that, moreover, such return required prior substantive progress towards a political settlement of the Georgian/Abkhaz conflict.

The Secretary-General cited certain developments reported as directly or indirectly affecting the Georgian/Abkhaz peace process, including a memorandum on measures for establishing security and strengthening mutual confidence among the parties to the Georgian-Ossetian conflict signed by Georgia and South Ossetia (Moscow, 16 May). Mediated by the Russian Federation, OSCE and North Ossetia-Alania, the memorandum provided for confidence-building measures, such as accelerating the return of refu-

gees and displaced persons, the establishment of a demilitarized zone and the holding of bilateral meetings on a number of issues. Another was a declaration entitled "For Inter-ethnic Accord, Peace, and Economic and Cultural Cooperation in the Caucasus" (Kislovodsk, Russian Federation, 3 June), adopted by Armenia, Azerbaijan, Georgia and the Russian Federation, declaring their resolve to promote lasting peace and stability in the Caucasus.

UN agencies, NGOs and ICRC continued to implement multisectoral humanitarian assistance programmes throughout Abkhazia, including immunization programmes (UNICEF) and food distribution (WFP). Launched on 31 May, the UN Consolidated Inter-Agency Appeal for the Caucasus for June 1996 to May 1997, which addressed the immediate needs of internally displaced persons and other vulnerable groups in the community, sought \$37 million for Georgia. (See also PART THREE, Chapter III.)

In response to a government appeal for assistance to revitalize and restructure the country's major economic sectors, the Bretton Woods institutions, the European Union (EU) and UN bodies agreed to support government programmes aimed at sustainable human development. A wide range of assistance and development initiatives, in addition to emergency relief, was being undertaken by UNCTAD, UNDP, UNEP, IMF and the World Bank, WHO and UNESCO, among others.

The Secretary-General declared that only the parties could establish peace, through dialogue and mutual accommodation. Unless they demonstrated the necessary will to cooperate, additional UN measures to improve conditions in the security and restricted weapons zones were unlikely to prove effective. The Organization's financial situation was such that he could not continue to request resources for peacemaking and peacekeeping in situations where there was little prospect of making progress. In the hope that the parties could still be persuaded to help reactivate the peace process, the Secretary-General recommended that the Security Council extend the UNOMIG mandate until 31 January 1997, subject to an early review should there be a change in the mandate of the CIS peacekeeping force prior to its expiration on 19 July 1996.

In an addendum [S/1996/507/Add.1], the Secretary-General stated that, should the Council agree to his proposals in respect of the human rights programme and the arrangements to deal with the mine threat in the mission area, he would recommend that the General Assembly consider the associated costs, estimated to amount to some \$970,000 for a 12-month period, as an expense of the Organization to be borne by

Member States and that assessments levied on those States should be credited to the UNOMIG Special Account.

#### SECURITY COUNCIL ACTION (July)

The Security Council met on 12 July to consider the Secretary-General's latest report. In addition, it had before it the 17 May decision of the CIS Council of Heads of State relating to the CIS peacekeeping force [S/1996/371] and a 6 July letter from Georgia stating that the process of resolving the conflict in Abkhazia must be invigorated [S/1996/527].

At the same meeting, the Council adopted **resolution 1065(1996)**.

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 1036(1996) of 12 January 1996,

Having considered the report of the Secretary-General of 1 July 1996,

Noting with deep concern the continued failure by the parties to resolve their differences due to the uncompromising position taken by the Abkhaz side, and underlining the necessity for them to intensify without delay their efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, and expressing its support for the Secretary-General's efforts to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement,

Noting that the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces has generally been respected by the parties with the assistance of the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) and the United Nations Observer Mission in Georgia (UNOMIG),

Commending the contribution UNOMIG and the CIS peacekeeping force have made to stabilize the situation in the zone of conflict and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Deeply concerned at the deterioration of the security conditions in the Gali region and of the safety and security of the local population, of the refugees and displaced persons returning to the region and of UNOMIG and CIS peacekeeping force personnel,

Reminding the parties that the international community's ability to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation, as well as their full cooperation with UNOMIG and the CIS peacekeeping force, including the fulfilment of their obligations regarding the safety and freedom of movement of international personnel,

Taking note of the decision taken by the Council of Heads of State of the CIS of 17 May 1996,

Noting that the heads of State of the CIS will consider the extension of the mandate of the peacekeeping force beyond 19 July 1996,

1. Welcomes the report of the Secretary-General of 1 July 1996;

2. Expresses its deep concern at the continued deadlock in the efforts to achieve a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. Reaffirms its commitment to the sovereignty and territorial integrity of Georgia, within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles, and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles;

4. Reaffirms its full support for the efforts of the Secretary-General and his Special Envoy aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, respecting fully the sovereignty and territorial integrity of Georgia, as well as for the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to continue to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to intensify his efforts, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe (OSCE), to that end;

5. Calls upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement, and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General, with the assistance of the Russian Federation as facilitator;

6. Reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement of 14 April 1994 on voluntary return of refugees and displaced persons, condemns the continued obstruction of that return by the Abkhaz side, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of Abkhazia, Georgia;

7. Demands that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions, in particular by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees (UNHCR), and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in cooperation with UNHCR and in accordance with the Quadripartite Agreement, in particular in the Gali region;

8. Recalls the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, and affirms the unacceptability of the demographic changes resulting from the conflict;

9. Condemns ethnically motivated killings and other ethnically related acts of violence;

10. Condemns the laying of mines in the Gali region, which has already caused several deaths and injuries among the civilian population and the peacekeepers

and observers of the international community, and calls upon the parties to take all measures in their power to prevent mine laying and to cooperate fully with UNOMIG and the CIS peacekeeping force in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the peacekeeping force and international humanitarian organizations;

11. Encourages the Secretary-General to take the necessary steps in response to the threat posed by the laying of mines in order to improve security conditions so as to minimize the danger to UNOMIG personnel and to create conditions for the effective performance of its mandate;

12. Decides to extend the mandate of UNOMIG for an additional period terminating on 31 January 1997 subject to a review by the Council of the mandate of UNOMIG in the event of any changes that may be made in the mandate of the peacekeeping force;

13. Expresses its full support for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, and requests the Secretary-General to report to the Council by 15 August 1996 on possible arrangements for the establishment of a human rights office at Sukhumi;

14. Reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects including demining, as specified by the donors;

15. Requests the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations;

16. Requests the Secretary-General to continue to keep the Council regularly informed and to report after three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia, including the operations of UNOMIG;

17. Decides to remain actively seized of the matter.

Security Council resolution 1065(1996)

12 July 1996 Meeting 3680 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/544).

**Report of Secretary-General (9 August).** In a 9 August report [S/1996/644], the Secretary-General detailed the human rights programme for Abkhazia and the proposed human rights office in Sukhumi. The programme's main objectives were to: promote respect for human rights, protect the human rights of the population in Abkhazia in the spirit of the 1948 Universal Declaration of Human Rights [YUN 1948-49, p. 535], contribute to a safe and dignified return of refugees and internally displaced persons, and report on human rights developments in conformity with UN and OSCE practices.

To achieve those objectives, the proposed office would: monitor the human rights situation in Abkhazia by collecting first-hand information from witnesses and other reliable sources; estab-

lish direct contacts in Abkhazia so as to advise the Tbilisi and Sukhumi authorities on how best to improve the human rights situation; report to the United Nations High Commissioner for Human Rights, who in turn would keep the Secretary-General and the OSCE Chairman-in-Office informed of the situation and its impact on possible solutions to the Georgian/Abkhaz conflict; and initiate projects to promote international human rights standards, including human rights education, establishment of human rights centres, training of key public officials, police, judges, prison officials and NGOs, and one-month fellowships in the International Institute of Human Rights (Strasbourg, France).

The office, to be located on the UNOMIG premises in Sukhumi, would consist of an officer deployed by the United Nations High Commissioner for Human Rights and another from OSCE.

#### SECURITY COUNCIL ACTION (October)

The Security Council met on 22 October to consider the Secretary-General's report, following which it adopted **resolution 1077(1996)**.

The Security Council,

Recalling its resolutions 937(1994) of 21 July 1994, 1036(1996) of 12 January 1996 and 1065(1996) of 12 July 1996,

Having considered the reports of the Secretary-General of 1 July 1996 and 9 August 1996,

Reiterating its full support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders,

1. Welcomes the report of the Secretary-General of 1 July 1996, and in particular its paragraph 18, and decides that the office referred to in this report shall form part of the United Nations Observer Mission in Georgia, under the authority of the Head of Mission, consistent with the arrangements described in paragraph 7 of the report of the Secretary-General of 9 August 1996;

2. Requests the Secretary-General to continue close cooperation with the Government of Georgia in determining the priorities of the programme referred to in the above-mentioned reports of the Secretary-General and close consultation in its implementation;

3. Further requests the Secretary-General to pursue the necessary follow-up arrangements with the Organization for Security and Cooperation in Europe.

Security Council resolution 1077(1996)

22 October 1996 Meeting 3707 14-O-1

5-nation draft (S/1996/866).

Sponsors: France, Germany, Russian Federation, United Kingdom, United States.

Vote in Council as follows:

In favour: Botswana, Chile, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom, United States.

Against: None.

Abstaining: China.

China pointed out that the peacekeeping mandate entrusted to UNOMIG should not be all-inclusive. Nor should UNOMIG overextend itself by assuming responsibilities of other agencies. China regretted that its amendments reflecting that position had not been accepted.

**Communication.** On 8 October [S/1996/835], Georgia informed the Security Council that the Abkhaz leadership, besides showing utter disregard for Council decisions and the efforts of the international community for a comprehensive settlement of the Abkhazia conflict, had exacerbated the situation by scheduling so-called presidential and parliamentary elections in Abkhazia in November.

In the face of the current demographic conditions in which 300,000 persons had been displaced from Abkhazia and had become "disenfranchised, homeless and humiliated", Georgia warned that the decision to hold those elections was not only unlawful and immoral, it could irrevocably shatter any hope for a negotiated settlement and spur the population to uncontrollable actions. Georgia called on the international community to denounce what it called an "adventurist step" and take measures to prevent another conflagration in Georgia.

**Report of Secretary-General (10 October).** On 10 October, the Secretary-General reported [S/1996/843] that, in addition to his meeting with Georgia's Foreign Minister (New York, 24 September), two further rounds of negotiations were held on the draft protocol with the special representatives of the two parties (Moscow, 16-19 July and 10-13 September). Since both had maintained their incompatible positions on the issue of the political status of Abkhazia, agreement on the draft protocol remained stalled, as it concerned the question of the return of refugees and displaced persons to Abkhazia. Subsequently, several direct, lower-level meetings took place between the parties' representatives. Diplomatic envoys of the Friends of the Secretary-General on Georgia also held consultations with the Abkhaz leadership in Sukhumi.

In August, the Abkhaz side announced its decision to hold "parliamentary elections" on 23 November. The Parliament of Georgia, by a 2 October resolution, declared the Abkhaz move to hold such elections illegal and its results null and void. In the meantime, contrary to an agreement (Vladikavkaz, 27 August) between President Shevardnadze and the South Ossetian leader, Ludwig Chibirov, on further measures for a settlement of the South Ossetia conflict, the "Supreme Soviet" of South Ossetia adopted a 6 September resolution to "create a presidency" and to that

end hold "presidential elections" on 10 November—a step with implications for the Georgian/Abkhaz peace process, the Secretary-General stated.

During the reporting period, UNOMIG continued to operate in parts of the security and restricted weapons zones and in the Kodori valley. The weekly police and quadripartite meetings continued, as did UNOMIG cooperation with UN agencies and NGOs working on both sides of the Inguri.

In the security and restricted weapons zones, many incidents of banditry, not only against the local population but also against the Abkhaz militia and the CIS peacekeeping force, continued to be reported, as were more kidnappings.

#### SECURITY COUNCIL ACTION (October)

At its 22 October meeting, the Security Council considered the Secretary-General's 10 October report, as well as the 8 October letter from Georgia. Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1996/43] on the Council's behalf:

The Security Council has considered the report of the Secretary-General concerning the situation in Abkhazia, Georgia, of 10 October 1996. It has also taken note of the letter from the Permanent Representative of Georgia to the President of the Security Council of 8 October 1996.

The Council notes with deep concern that no significant progress has yet been achieved towards a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

The Council reaffirms its full support for an active role of the United Nations, with the assistance of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement. In the context of the recent visit to the region of the Special Envoy of the Secretary-General, the Council requests the Secretary-General to undertake further efforts and make proposals to reinvigorate the stalled peace process.

The Council stresses that the primary responsibility for achieving such reinvigoration of the peace process rests upon the parties themselves and calls on them, in particular the Abkhaz side, to resume discussions and to reach substantive progress in the negotiations.

The Council is deeply concerned by the deterioration of the situation in the Gali region and its negative impact on the ability of the United Nations Observer Mission in Georgia (UNOMIG) to meet its mandated tasks. The Council condemns mine laying and other threats referred to in the Secretary-General's report against UNOMIG and the Collective Peacekeeping Force of the Commonwealth of Independent States (CIS peacekeeping force). The Coun-



cil calls on both parties to take all the necessary steps to prevent all such acts.

The Council calls on both parties to respect the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces and expresses its concern at the violations referred to in the Secretary-General's report, in particular the serious violations which recently occurred in the restricted weapons zone.

The Council stresses that the international community's ability to assist depends on the full cooperation of the parties, especially the fulfilment of their obligations regarding the safety and freedom of movement of international personnel.

The Council is deeply concerned at the announcement made by the Abkhaz side that so-called parliamentary elections would be held on 23 November 1996. The holding of such elections would only be possible after the determination through negotiations of the political status of Abkhazia respecting the sovereignty and territorial integrity of Georgia within its internationally recognized borders, within the framework of a comprehensive political settlement, and with the guaranteed possibility of full participation for all refugees and displaced persons. The Council notes that conditions for holding such elections are not met at present. It calls on the Abkhaz side to call off these elections and further calls on both sides to refrain from any action that could heighten tension.

The Council remains deeply concerned at the continued obstruction of the return of the refugees and displaced persons by the Abkhaz authorities, which is totally unacceptable.

The Council welcomes the good cooperation between UNOMIG and the CIS peacekeeping force and their efforts to promote stabilization of the situation in the zone of conflict.

The Council requests the Secretary-General to continue to keep it closely informed of the situation.

Meeting number. SC 3707.

**Further communications.** By a decision adopted by the CIS Council of Heads of State in Moscow on 17 October [S/1996/874], transmitted to the Secretary-General by the Russian Federation, the CIS Council, with the consent of the parties to the conflict, extended the mandate of the CIS peacekeeping force until 31 January 1997, or until such time as one of the parties called for its termination. That decision also expanded the mandate to include taking measures to terminate the activities of terrorist subversive formations and other armed groups positioned in or entering the region; and to ensure the security of the personnel of UNOMIG, OSCE and other international organizations at their request.

In two other communications, the Abkhaz leadership was called on to cancel the scheduled "parliamentary" elections in Abkhazia—a resolution adopted by the European Parliament on 12 November [S/1996/965] and a declaration of 21 November by the EU Presidency [S/1996/977]. On 4

December [S/1996/1005], the Chairman of the Supreme Council of Abkhazia, on behalf of the Abkhazian Autonomous Republic and hundreds of thousands of refugees who had been forced to leave Abkhazia, expressed gratitude to the United Nations for the firm position it had taken towards the illegal parliamentary elections held by the separatist leadership on 23 November. The Chairman stated that about 240,000 participants in the plebiscite (organized by the Government and held on the same date), among those forced to live outside Abkhazia, had condemned those elections and again confirmed the separatists' policy of genocide and ethnic cleansing.

**Further report of Secretary-General.** As later reported by the Secretary-General [S/1997/47], the Special Envoy held talks with President Shevardnadze, the Abkhaz leadership and a representative of the Russian Federation on ways to break the stalemate (8-10 October). While the Georgian side favoured changing the negotiation format, the Abkhaz side preferred retaining the current one, which the Russian representative argued had not been fully exhausted.

The Special Envoy's October talks were overshadowed, however, by the imminent "parliamentary elections" in Abkhazia, which were being held to replace the current parliament whose five-year term had expired. Notwithstanding the international community's calls against holding those elections, they took place as scheduled on 23 November, followed by a second round on 7 December. Also on 23 November, a plebiscite organized by Georgia to determine whether refugees and displaced persons from Abkhazia had supported the holding of those elections prior to their return to Abkhazia and to the restoration of Georgia's territorial integrity was reported to have responded overwhelmingly in the negative.

Meanwhile, the Friends of the Secretary-General on Georgia again met with President Shevardnadze to deliver a demarche (23 October), handing the same to the Abkhaz leadership through the resident Deputy Special Envoy (7 November). The demarche conveyed the Friends' concern about the serious deterioration of the Georgian/Abkhaz conflict and the failure of the parties to agree on its key issues. The Friends later had a lengthy exchange of views with Abkhaz officials on how to give fresh impetus to the peace process (10 December).

Also held were bilateral meetings between the two sides. The Abkhaz "Foreign Minister" held the first such meeting with President Shevardnadze (Tbilisi, 14 November), during which they agreed to continue bilateral contacts at both working and higher levels; with the Special Representative of the President of Georgia to the

Peace Process (Moscow, 4-7 December); and again with the same Special Representative, in the security zone in Gali (23-24 December) to discuss the resumption of the orderly repatriation of refugees and displaced persons, in particular to the Gali region. Attended also by representatives of the Russian Federation, UNHCR, UNOMIG, the CIS peacekeeping force and OSCE, the last meeting, although described as constructive, produced no specific agreements.

Between 3 October and 26 December, several murders, kidnappings and attacks, including on the Abkhaz militia and CIS peacekeeping force in the Gali sector, were reported. Georgian violations of the restricted weapons zone drew numerous protests from UNOMIG.

On 29 November, UNOMIG closed its Adjara team base in the Kodori valley for the winter, to be reopened the following spring. The Chief Military Observer suspended the weekly police meetings due to the non-attendance of representatives of the Abkhaz militia and security service since mid-October; the weekly quadripartite meetings continued, however.

On 10 December, the resident Deputy Special Envoy and Head of Mission formally opened in Sukhumi the UN office for the protection and promotion of human rights.

### Financing

On 7 June, during its resumed fiftieth session, the General Assembly, having considered the Secretary-General's budget estimates for UNOMIG for the 12-month period from 1 July 1996 to 30 June 1997 [A/50/731/Add.1 & Corr.1], together with the related comments and recommendations of ACABQ [A/50/890], adopted **resolution 50/237**.

#### Financing of the United Nations Observer Mission in Georgia

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Georgia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 854(1993) of 6 August 1993, by which the Council approved the deployment of an advance team of up to ten United Nations military observers for a period of three months and the incorporation of the advance team into a United Nations observer mission if such a mission was formally established by the Council,

Recalling also Security Council resolution 858(1993) of 24 August 1993, by which the Council decided to establish the United Nations Observer Mission in Georgia, and the subsequent resolutions by which the Council extended the mandate of the Observer Mission, the

most recent of which was resolution 1036(1996) of 12 January 1996,

Recalling further its decision 48/475 A of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was decision 50/449 of 22 December 1995,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Observer Mission,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission in Georgia as at 21 May 1996, including the contributions outstanding in the amount of 1.7 million United States dollars, representing 5 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 30 June 1996, notes that some 27 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Observer Mission in Georgia the amount of 7,606,650 dollars gross (7,102,200 dollars net), already authorized and assessed under the terms

of General Assembly resolution 49/231 B of 12 July 1995, for the period from 13 January to 30 June 1996;

8. Decides also to appropriate the amount of 17,089,600 dollars gross (16,023,400 dollars net) for the maintenance of the Observer Mission for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 413,500 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 1,424,100 dollars gross (1,335,300 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 12 July 1996;

9. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,066,200 dollars approved for the period from 1 July 1996 to 30 June 1997;

10. Decides that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share in the unencumbered balance of 512,136 dollars gross (339,846 dollars net) in respect of the period ending 15 May 1995;

11. Decides also that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share of the unencumbered balance of 512,136 dollars gross (339,846 dollars net) for the period ending 15 May 1995 shall be set off against their outstanding obligations;

12. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

13. Invites Member States to make voluntary contributions to the trust fund established in accordance with paragraph 10 of Security Council resolution 937(1994) of 21 July 1994;

14. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Observer Mission in Georgia".

General Assembly resolution 50/237

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/820/Add.1) without vote, 3 June (meeting 64, resumed); draft by Vice-Chairman (A/C.5/50/L.49), based on informal consultations; agenda item 132.

Meeting numbers. GA 50th session: 5th Committee 56, 64 (resumed); plenary 120.

In October, during its fifty-first session, the General Assembly, following its consideration of the Secretary-General's report on the financial performance of UNOMIG for the period 16 May 1995 to 12 January 1996 [A/50/731/Add.2] and the related ACABQ recommendation [A/51/448], adopted **decision 51/406**.

#### Financing of the United Nations Observer Mission in Georgia

At its 38th plenary meeting, on 17 October 1996, the General Assembly, on the recommendation of the Fifth Committee and having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Georgia and the related report of the Advisory Committee on Administrative and Budgetary Questions:

(a) Decided that, for Member States that have fulfilled their financial obligations to the Observer Mission, there should be set off against their future apportionment their respective share in the unencumbered balance of 1,970,718 United States dollars gross (1,718,168 dollars net) for the period from 16 May 1995 to 12 January 1996;

(b) Also decided that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share of the unencumbered balance of 1,970,718 dollars gross (1,718,168 dollars net) for the period from 16 May 1995 to 12 January 1996 should be set off against their outstanding obligations.

General Assembly decision 51/406

Adopted without vote

Approved by Fifth Committee (A/51/503) without vote, 11 October (meeting 6); draft by Chairman (A/C.5/51/L.2), based on informal consultations; agenda item 133.

Meeting numbers. GA 51st session: 5th Committee 4, 6; plenary 38.

By **decision 51/460** of 18 December, the Assembly decided that, at its resumed fifty-first session, the Fifth Committee should continue its consideration of the item on the financing of UNOMIG, along with 26 other agenda items and one sub-item.

## Cyprus

During 1996, the Secretary-General stepped up efforts to impress upon the leaders of the two communities in Cyprus the urgency of resuming their long deadlocked negotiations and, through mutual concessions, to arrive at a final political solution. The Secretary-General's Special Representative for Cyprus began preparations for such a resumption in 1997, building on already agreed-upon substantive elements and key principles. In the meantime, the Security Council extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) until 30 June 1997.

The question of Cyprus was included in the agenda of the General Assembly's fifty-first session by Assembly **decision** 50/494 of 16 September 1996. By **decision** 51/462 of 18 December, the Assembly decided that the item remained for consideration during that session.

The Secretary-General continued to exercise his mission of good offices in an effort to break the impasse between the leaders of the Greek Cypriot and Turkish Cypriot communities. The Secretary-General's new Special Representative for Cyprus, Han Sung-Joo, appointed from 1 May to succeed Joe Clark, visited Cyprus, Greece and Turkey three times in urgent attempts to establish a mutually acceptable basis for the resumption of direct talks early in 1997. To that end, intensive UN preparations were under way to review, update and expand on already agreed-upon key elements and principles to help the two leaders reach common positions during their negotiations. It was hoped that the decision of the European Union (EU) in March to begin negotiations with Cyprus in 1997 or 1998 on the latter's accession to EU membership would facilitate an overall settlement before then.

The Secretary-General urged the parties to cooperate with his Special Representative, as well as with the Deputy Special Representative resident in Cyprus, Gustave Feissel, who maintained regular contact with the two sides, in their efforts to promote conditions for direct talks to achieve an overall settlement. In the meantime, UNFICYP endeavoured with strenuous effort to prevent an escalation of the violent clashes that occurred between the two communities in August, to restore calm and to maintain the ceasefire and military status quo on the island.

### Incidents

**Communications.** Throughout 1996, the Secretary-General received numerous letters from the Greek Cypriot and Turkish Cypriot sides, as well as one from Greece, containing charges and countercharges, protests against actions or statements by one side and counter-protests or explanations by the other. Some of the letters from the Cyprus Government were addressed by the President, Glafcos Clerides. Those from the Turkish Cypriot side were addressed mostly by Rauf R. Denktash, under the title of "President of the Turkish Republic of Northern Cyprus", or by Osman Ertug, under the title of "Representative of the Turkish Republic of Northern Cyprus".

A number of letters related to violent incidents of 11 and 14 August provoked by a Greek Cypriot demonstration and to those that followed. The

Turkish Cypriot side attributed the unfortunate outcome of the 11 August demonstration to the irresponsible attitude of the Greek Cypriot administration and called for direct dialogue before the current trend became chronic or irreversible. Cyprus, citing the shooting of a Greek Cypriot on 14 August, asserted that a murder committed before many Turkish and Turkish Cypriot officials and with the participation of some of them could not be washed away by a meeting between the two sides and by an appeal for calm. On 4 September, Cyprus conveyed to the Security Council two dossiers [A/51/449-S/1996/826]: one contained information relating to the tragic events in the UN buffer zone near Dherinia, which it said reflected the political objectives of those who committed the brutal actions; the other alleged that the "terrorist activities" had taken place at the initiative of Mr. Denktash, with Turkey's endorsement.

The Turkish Cypriot side, referring to the 8 September shooting of two Turkish Cypriot soldiers, claimed that the shooting had been unprovoked, premeditated and perpetrated by the National Guard. Cyprus later charged that the 13 October shooting of a Greek Cypriot civilian by Turkish soldiers was aimed at furthering the partition of Cyprus and promoting the Turkish Cypriot position that it was impossible for the two communities to live together in a reunited Cyprus. Calling the allegation a distortion of facts and exploitation of unfortunate events, the Turkish Cypriot side stated that the civilian was a Greek Cypriot militiaman who continued his advance into a prohibited area despite warnings that included shots fired into the air. That had been followed by an appeal from the same side to the President of Cyprus to take steps to dissuade a group of Greek Cypriots, reportedly intent on avenging the dead Greek Cypriot, from carrying out their planned attack on Turkish Cypriot residents of Pyla; as well as by a clarification that Turkish Cypriot soldiers, not Turkish soldiers as alleged, had fired the shots that killed the Greek Cypriot.

In a number of letters, Cyprus protested against Turkish Air Force violations of its airspace and the Nicosia flight information region between 25 March and 27 December. In several replies, the Turkish Cypriot side rejected all such allegations, each time asserting that flights within the airspace of the "Turkish Republic of Northern Cyprus" had been with the full knowledge and consent of the appropriate authorities of the "Republic" over which the "Greek Cypriot regime" had no jurisdiction or right of say whatsoever.

Other communications concerned a military build-up by the Cypriot National Guard in pursuit of what the Turkish Cypriot side claimed was the Greek/Greek Cypriot "joint defence doctrine"; charges of systematic destruction of the cultural property of Cyprus, particularly of the Byzantine Church of Panagia Chrysotrimithiotissa; an 8 February resolution adopted by the House of Representatives of Cyprus, reportedly ruling out any negotiation or even discussion of the issue of sovereignty; and an alleged recent admission by the Turkish Cypriot side that most Greeks or Greek Cypriots considered still missing had in fact been murdered by Turkish Cypriot irregulars.

Also included were exchanges regarding the killing on 3 June of a National Guardsman in the buffer zone by "Turkish occupation forces"; the visit to northern Cyprus of dignitaries from Turkey led by the Prime Minister, on the occasion of the twenty-second anniversary of Turkey's 1974 invasion of Cyprus, referred to by the Turkish Cypriot side as the 20 July Peace and Freedom Day, when Turkey maintained it had intervened in order to rescue beleaguered Turkish Cypriots; and Turkish Cypriot objections to Cyprus references to the presence of a guarantor power in northern Cyprus as an "occupation".

In addition, the Turkish Cypriot side, in a letter of 22 September [A/51/500-S/1996/854], stated its position on EU membership: Cyprus, divided since 1963—and not having had a legitimate "Government of Cyprus" representing the two politically equal communities since—could evolve into a one-Cyprus State again only through a negotiated settlement before it could have a mandate from its component peoples to apply for EU membership; and it could do so only "within the limits accorded to it by the 1960 Agreement".

### **UNFICYP (December 1995-June 1996)**

The United Nations Peacekeeping Force in Cyprus (UNFICYP), established under Security Council resolution 186(1964) [YUN 1964, p. 165], with a mandate defined in the context of the confrontation that year between the Greek Cypriot and Turkish Cypriot communities and modified since 1974, continued in 1996 to monitor the ceasefire lines of the Turkish forces and the Cypriot National Guard; to maintain the military status quo and prevent a recurrence of fighting; and to undertake humanitarian and economic activities to promote a return to normal conditions. In the absence of a formal ceasefire agreement, the military status quo, as recorded by UNFICYP in 1974, remained the standard by which

the Force judged whether changes constituted violations of the status quo.

### **Composition and deployment**

UNFICYP, under the overall authority of the Deputy Special Representative and Chief of Mission, Gustave Feissel, remained deployed in the UN buffer zone, an area between the ceasefire line of the Turkish forces on the northern side and that of the Cypriot National Guard on the southern side. The lines, extending approximately 180 kilometres from east to west across the island and varying in width from less than 20 metres in the capital, Nicosia, to 7 kilometres near Athienou, covered about three per cent of the island, including some of the most fertile land. UNFICYP maintained constant surveillance of the buffer zone from 22 permanent observation posts, daylight surveillance from 2 additional posts and periodic daily surveillance from another 19 patrol bases; periodic surveillance of the remainder of the zone from another 118 observation posts and by vehicle, foot and air patrols; and surveillance of the seaward extension of the ceasefire lines for 5 kilometres.

The Force included a civilian police component, whose responsibility was to maintain close cooperation and liaison with Greek Cypriot and Turkish Cypriot police on matters of intercommunal interest, such as assisting investigations and contributing to law and order in the buffer zone, as well as assisting in the Force's humanitarian activities.

As of December 1996, UNFICYP troops, under the Command of Brigadier-General Ahti T. P. Vartiainen, numbered 1,162 (from Argentina, Austria, Canada, Finland, Hungary, Ireland and the United Kingdom), with an additional 35 civilian police, from Australia and Ireland. Its civilian complement numbered 339, of whom 40 had been recruited internationally and 299 locally.

### **Activities**

On 7 June, the Secretary-General submitted a report [S/1996/411 & Corr.1 & Add.1] covering developments and activities of UNFICYP from 11 December 1995 to 10 June 1996. According to the report, both sides generally respected the ceasefire and the military status quo. UNFICYP intervened in numerous incidents involving minor violations and, on a number of occasions, ensured withdrawal of military personnel and police who had moved forward from their ceasefire lines into the buffer zone.

The Secretary-General expressed serious concern at the excessive levels of military forces and armaments in Cyprus and at the rate at which

they were being expanded, upgraded and modernized. Despite continuous efforts by UNFICYP and contrary to the urgings of the Security Council, most recently in 1995 [YUN 1995, p. 607], that both sides reduce the level of their forces and defence spending, they continued to improve their military capabilities.

In late January 1996, the Turkish forces replaced some 80 of their T1 battle tanks with 65 of the improved T2 version from Turkey and increased their armoured personnel carrier (APC) holdings by 80, raising the total to about 250. With those enhancements, and with more than 30,000 Turkish and 4,500 Turkish Cypriot troops, the northern part of Cyprus, 20 per cent of which had been reserved for military purposes, was one of the most densely militarized areas in the world. The National Guard, the weaker of the two forces, was likewise engaged in a comprehensive military upgrading programme. Since the beginning of the reporting period, it had increased the number of its BMP3 infantry fighting vehicles by 25 and the number of its Leonidas APCs by 84, from Greece.

Furthermore, the Secretary-General noted, the opposing forces still had not heeded the Council's repeated calls for reciprocal measures to prohibit live ammunition or weapons other than handheld ones along the ceasefire lines and also the firing of weapons within sight or hearing of the buffer zone, as well as for extending the 1989 unmanning agreement to cover all areas where the two sides were in close proximity to each other. The urgency to implement those measures was illustrated by three incidents of shooting in and around the buffer zone: the shootings at an UNFICYP helicopter and in the direction of an UNFICYP patrol in May, and the killing of a National Guardsman in June. The Secretary-General expressed dismay at the attempt (using the threat of force) by Turkish Cypriot Security Forces to prevent UNFICYP from fulfilling its duties in the buffer zone.

In the fenced area of Varosha, incidents of looting continued. On two occasions (late December 1995 and March 1996), Turkish forces had broken into a UN observation post. An unoccupied hotel, converted into student accommodations, had been occupied since 26 February. UNFICYP lodged protests regarding those incidents with the Turkish forces, who were again reminded that the United Nations held Turkey responsible for the maintenance of the status quo in the fenced area of Varosha. Turkey subsequently informed the United Nations that student dormitories were being built outside the fenced area to permit the hotel to be vacated within a few months.

UNFICYP reported having protested a total of 150 military constructions in the immediate vicinity of the buffer zone as violations of the spirit of the ceasefire resulting from the National Guard's continued strengthening of or adding to its military positions along the whole length of the ceasefire line. UNFICYP had also requested both sides on numerous occasions, but with no success, to have their forces clear the 39 minefields and booby-trapped areas inside the buffer zone, as well as 71 located on either side within 500 metres of the ceasefire lines.

A number of overflights of Cypriot airspace by military fixed-wing aircraft were observed during the reporting period, with protests against overflights by both sides. The Secretary-General said that UNFICYP continued to promote bicomunal events in efforts to increase communication and cooperation between the two communities and thus contribute to facilitating an overall settlement. The Turkish Cypriot authorities continued, however, to exercise tight control, often denying permission to Turkish Cypriots to participate in such events, not only in the southern part of the island but also in the buffer zone. The Secretary-General observed that the situation of the Greek Cypriots and Maronites in the northern part of the island continued to fall far short of the normal life they had been promised under the 1975 agreement [YUN 1975, p. 286] between the two sides. He welcomed measures taken by the Government of Cyprus towards normalizing the lives of the Turkish Cypriots living in the southern part of the island.

UNFICYP continued to act as intermediary between the two communities and to facilitate cooperation in such areas as the repair and equitable distribution of electricity and water supply. UNDP continued its activities in the framework of the Nicosia Master Plan, as well as the coordination of activities of other UN agencies in the country.

The main bicomunal projects of UNHCR were in the sectors of health and sanitation, and of restoration, conservation and rehabilitation of the Venetian Walls of Nicosia and the vacant houses adjacent to the buffer zone. It organized and sponsored 20 bicomunal activities, including: a seminar in cardiology and training of veterinary surgeons in modern techniques and regular meetings of the bicomunal coordination teams on disabled persons, forestry, plant protection, rat control, environment and sewerage.

In the belief that the presence of UNFICYP on the island remained indispensable to achieving the objects set out by the Council, the Secretary-General recommended the extension of its man-

date for a further six months, to 31 December 1996.

#### SECURITY COUNCIL ACTION

The Security Council met on 28 June and, having considered the Secretary-General's 7 and 25 June reports, adopted **resolution 1062(1996)**.

The Security Council,

Welcoming the report of the Secretary-General on the United Nations operation in Cyprus of 7 June 1996,

Welcoming also the report of the Secretary-General on his mission of good offices in Cyprus of 25 June 1996,

Taking note of the recommendation in his report of 7 June 1996 that the Security Council extend the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP),

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island that it is necessary to keep the force in Cyprus beyond 30 June 1996,

Reaffirming its earlier relevant resolutions on Cyprus, and in particular resolutions 186(1964) of 4 March 1964, 939(1994) of 29 July 1994 and 1032(1995) of 19 December 1995,

Reiterating its concern that there has been no progress towards a final political solution, and agreeing with the assessment of the Secretary-General that the negotiations have been at an impasse for too long,

Regretting that no progress has been made in introducing measures to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit the firing of weapons within sight or hearing of the buffer zone, or in extending the 1989 unmanning agreement,

Expressing concern about the restrictions placed upon the freedom of movement of UNFICYP in the northern part of the island, as described in paragraph 27 of the report of the Secretary-General of 7 June 1996,

1. Decides to extend the mandate of UNFICYP for a further period ending on 31 December 1996;

2. Welcomes the appointment of Mr. Han Sung-Joo as the new Special Representative of the Secretary-General for Cyprus and calls upon both parties to co-operate fully with him in his efforts to facilitate a comprehensive settlement of the Cyprus problem;

3. Deplores the tragic incident involving the fatal shooting of a Greek Cypriot National Guardsman inside the United Nations buffer zone on 3 June 1996, as well as the hindering by Turkish Cypriot soldiers of UNFICYP personnel attempting to assist the National Guardsman and investigate the incident, as documented in the report of the Secretary-General of 7 June 1996;

4. Expresses serious concern about the continuing modernization and upgrading of military forces in the Republic of Cyprus, the excessive levels of military forces and armaments and the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, urges once again all concerned to commit themselves to such a reduction and to a reduction in defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-

Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and calls upon the Secretary-General to continue to promote efforts in this direction;

5. Expresses serious concern also about recent military exercises in the region, including overflights in the airspace of Cyprus by military fixed-wing aircraft, which have increased tension;

6. Calls upon the military authorities on both sides:

(a) To respect the integrity of the United Nations buffer zone, ensure that no further incidents occur along the buffer zone, prevent hostile actions, including live fire against UNFICYP, grant UNFICYP complete freedom of movement and extend their full cooperation to UNFICYP;

(b) To enter immediately into discussions with UNFICYP, in line with paragraph 3 of resolution 839(1993) of 11 June 1993, with a view to adopting reciprocal measures to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone;

(c) To clear all minefields and booby-trapped areas inside the buffer zone without further delay, as requested by UNFICYP;

(d) To cease military construction in the immediate vicinity of the buffer zone;

(e) To enter immediately into intensive discussions with UNFICYP with a view to extending the 1989 unmanning agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other, on the basis of the updated proposals submitted by the UNFICYP Force Commander in June 1996;

7. Welcomes the measures that have been taken by the two parties in response to the humanitarian review conducted by UNFICYP, regrets that the Turkish Cypriot side has not responded more fully to the recommendations made by UNFICYP, calls upon the Turkish Cypriot side to respect fully the basic freedoms of the Greek Cypriots and Maronites living in the northern part of the island and to intensify its efforts to improve their daily lives, and calls upon the Government of Cyprus to continue its efforts to eliminate any discrimination against Turkish Cypriots living in the southern part of the island;

8. Welcomes the continuing efforts of the United Nations and diplomatic missions to promote bicomunal events, regrets the obstacles which have been placed in the way of such contacts, and strongly urges all concerned, and especially the Turkish Cypriot leadership, to lift and prevent all obstacles to such contacts;

9. Requests the Secretary-General to keep under review the structure and strength of UNFICYP with a view to its possible restructuring, and to present any new considerations he may have in this regard;

10. Reiterates that the status quo is unacceptable and calls upon the parties to demonstrate concretely their commitment to an overall political settlement;

11. Stresses its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

12. Urges the leaders of the two communities to respond positively and urgently to the Secretary-

General's call upon them to work with him and with the many countries that support his mission of good offices to break the present impasse and establish common ground on which direct negotiations can be resumed;

13. Recognizes that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important new development that should facilitate an overall settlement;

14. Requests the Secretary-General to submit a report by 10 December 1996 on the implementation of the present resolution;

15. Decides to remain actively seized of the matter.

Security Council resolution 1062(1996)

28 June 1996 Meeting 3675 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/477).

### **Good offices mission (June report)**

On 25 June, the Secretary-General submitted a report on his mission of good offices [S/1996/467], including a full assessment of his efforts towards reaching a settlement of the Cyprus situation. In tracing his good offices activities since last reporting on them in 1994 [YUN 1994, p. 601], he recalled that that year's series of direct informal talks—five intensive sessions in October and four more shortly thereafter—had been aimed at exploring ways in which progress might be made towards implementing the 1993 package of confidence-building measures [YUN 1993, p. 385] relating principally to reopening the fenced area of Varosha and Nicosia International Airport. The talks, which offered a good opportunity for the two leaders to explain their positions, turned out to be inconclusive. The Secretary-General regretted that his effort in that instance had not achieved concrete results, for he believed that the October 1994 informal talks had created unprecedented opportunities for making progress towards a comprehensive negotiated settlement.

At the Secretary-General's request, his Special Representative, Joe Clark, had visited Nicosia (Cyprus), Ankara (Turkey) and Athens (Greece) in March and May 1995, to try to bring the two leaders in face-to-face talks on an overall settlement on the basis that both would be willing to discuss possible mutual concessions or trade-offs, a concept that had emerged from the October 1994 talks. As Mr. Clark had informed the Council in June 1995 [YUN 1995, p. 602], he had not found it possible to define such a basis for the resumption of direct talks, nor did he see prospects for movement in the near future. The Secretary-General stated that since then numerous attempts by himself and interested Governments, both on and off the island, had not succeeded in breaking the impasse.

In 1996, the Secretary-General personally met with the Turkish Cypriot leader (Istanbul, Turkey, 6 June) and with the Greek Cypriot leader (Geneva, 11 June) to review key aspects of the Cyprus problem. He expressed to them his concern that his good offices mission had remained at a standstill for too long and pressed them to consider the negative consequences of the deadlock for both their communities.

The Greek Cypriot leader confirmed his commitment to a negotiated settlement through direct talks, but emphasized that to avoid yet another unproductive meeting, it would be necessary to ensure, through proximity talks, that sufficient common ground existed between the two sides before direct talks began. He identified five key areas: security, EU membership, territory, sovereignty and political equality. He underlined the need for an arrangement to address with equal effectiveness the security concerns of both communities. The 1960 Treaty of Guarantee (concluded by Cyprus, Greece, Turkey and the United Kingdom, by which they undertook to guarantee the independence of Cyprus and its Constitution and to retain a right of intervention to that end) had not met that objective and his community could not accept Turkey's right of unilateral intervention. He recalled his 1994 proposal for the demilitarization of Cyprus [YUN 1994, p. 601], coupled with an international force that could include Greek and Turkish troops, on the basis of a revised UN mandate providing for the right of direct intervention to guarantee the overall agreed settlement, as well as the security of each community.

The Turkish Cypriot leader reaffirmed his readiness to meet in direct talks within the parameters of equal partnership—which would treat the Greek Cypriot and Turkish Cypriot communities as equal in all aspects, including decision-making in the federal Government—and of the 1960 Treaty of Guarantee. He suggested that the 1992 set of ideas and map endorsed by the Security Council [YUN 1992, p. 268] in resolution 774(1992) should serve as the source of reference for direct talks. He voiced opposition to any change in the 1960 Treaty providing for Turkey's right of unilateral intervention, and to Cyprus joining the EU before Turkey, which he believed would negate both the Treaty and the bizonal and bicomunal foundation for a settlement in Cyprus.

The Secretary-General emphasized again the importance of creating as soon as possible a basis for the resumption of direct talks, which should consist of mutual acknowledgment of the concerns of each side and expression of a willingness to compromise. To that end, he called on both



leaders to cooperate with the efforts of his new Special Representative and his Deputy.

The Secretary-General noted several developments during the reporting period that could affect the prospects for achieving an overall settlement, among them the growing international interest in the Cyprus question, particularly among the permanent Security Council members and EU members. That was reflected by missions to Cyprus, Greece and Turkey undertaken by Italy in its capacity as EU President, the Russian Federation, the United Kingdom and the United States, as well as by a 1995 meeting between the representatives of the two Cypriot communities convened by the United States (London, 21-23 May 1995). More significant was the 6 March 1996 decision of the EU Council of Ministers to begin negotiations for the accession of Cyprus to the EU in late 1997 or early 1998. In that connection, the Council of Ministers called on the European Commission to organize contacts with the Turkish Cypriot community to explain the benefits of EU accession and to allay that community's concerns. In addition, representatives of the permanent Security Council members and senior Secretariat officials, at a meeting to exchange views on the situation (New York, 17 April 1996), reaffirmed that the status quo was unacceptable. They underlined the importance of a comprehensive approach to an overall settlement on the basis of the relevant Council resolutions, the 1977 [YUN 1977, p. 344] and 1979 [YUN 1979, p. 421] high-level agreements and the Secretary-General's good offices mission.

The Secretary-General observed that, 32 years after UN involvement in the Cyprus conflict and 22 years after the 1974 events [YUN 1974, p. 262], it was reasonable for the international community to demand evidence that both parties and others concerned were serious in their pursuit of an overall settlement based on the 1977 agreement. He drew attention to the Council's repeated statement that the existing status quo was unacceptable—a status quo that no one could objectively believe provided a viable basis for preserving the character and security of the two communities. Stressing that the main responsibility for resolving the Cyprus question rested with the Greek Cypriot and Turkish Cypriot communities, he called on both to break the current impasse and establish common ground on which to resume direct negotiations. Stressing also that Greece and Turkey bore a special responsibility, he said it was crucial for them actively to support the search for a settlement and also to ensure that relations between them did not so develop as to endanger that search.

**Communication.** The "Minister of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus" wrote to the Secretary-General on 17 June [A/50/975-S/1996/443 & Corr.1] to express regret that the Turkish Cypriot side, one of the two parties to the Cyprus dispute, had not been given the same opportunity accorded to the Foreign Minister of Cyprus to speak at an informal meeting on 14 June of the Security Council on the Cyprus question. The Turkish Cypriot "Minister" said that was against not only the principles of the political equality of the two communities in Cyprus and of "equal footing" under the UN-sponsored negotiating process, but also basic norms of justice.

### UNFICYP (June-December 1996)

Reporting on 10 December [S/1996/1016] on developments in Cyprus and on UNFICYP activities from 11 June to 10 December, the Secretary-General recounted the tension between the two sides that had erupted in violence along the ceasefire lines at levels unseen since 1974. That was provoked by a symbolic motorcycle demonstration organized in early August by the Greek Cypriots. The demonstration, first announced in January, was to originate in Berlin, Germany, and end in Kyrenia, Cyprus, on 11 August, a route that would take the demonstrators across the UN buffer zone and the Turkish forces' ceasefire line. In the period leading up to the demonstration, tension rose as the media on both sides publicized a number of increasingly inflammatory statements and counter-statements. The United Nations was in constant touch with government authorities, including the Cyprus police, urging them to prevent any violation of the ceasefire lines or of the buffer zone. The Secretary-General himself, on the eve of the demonstration, publicly appealed to the Cyprus Government to prevent any unauthorized entry into the buffer zone. In the meantime, a major counter-demonstration had been organized in north Nicosia involving a significant number of members of an ultra-nationalist Turkish organization called the Grey Wolves.

On the morning of 11 August, however, the demonstrators, who had assembled in the Nicosia Stadium, proceeded eastward of Nicosia, entered the UN buffer zone at several points and approached the Turkish ceasefire line, where they clashed with Turkish troops, Turkish Cypriot police and counter-demonstrators. The most serious clash occurred within the UN buffer zone near Dherinia, where Turkish Cypriot police and counter-demonstrators attacked an approaching group of Greek Cypriots with batons and iron

bars, killing one of them. Again at Dherinia, on 14 August, just as UNFICYP was about to escort a group of some 200 Greek Cypriots out of the buffer zone, one broke free and attempted to climb a flagpole flying a Turkish flag just behind the Turkish ceasefire line; he was shot five times from the Turkish/Turkish Cypriot side. Uniformed personnel from that side then proceeded indiscriminately to fire some 25 to 50 rounds at the crowd in the buffer zone, wounding two Greek Cypriots and two British UNFICYP soldiers. In all, 19 UNFICYP soldiers were injured during those August incidents.

Further acts of violence followed, despite strenuous efforts by the Deputy Special Representative to prevent them: on 8 September, the killing by gunfire of one Turkish Cypriot soldier and the serious wounding of another (which the Turkish Cypriot side attributed to the Greek or Greek Cypriot military); on 13 October, a similar killing by a Turkish Cypriot soldier of a Greek Cypriot who had crossed the Turkish forces' ceasefire line; and, on 29 October, the firing from a Turkish sentry post at a British military patrol that had inadvertently crossed the Turkish force ceasefire line.

UNFICYP, which had been on heightened alert since 11 August, had also been increasingly threatened at gunpoint by soldiers of either side and had been fired at on several occasions.

As in the past, the number of reported violations of the status quo were mainly the result of the annual exercises by the National Guard (4-7 October) and by the Turkish forces (4-7 November).

No progress was reported either on the question of reciprocal measures to prohibit live ammunition or weapons, other than hand-held ones, along the ceasefire lines or on extending the 1989 unmanning agreement. Nonetheless, discussions with the two sides were under way on a package of mutually reinforcing measures proposed by UNFICYP in October, calling for the extension of unmanning to the areas where the military on both sides of the ceasefire lines remained in close proximity to each other; the prohibition of loaded weapons along the ceasefire lines; and the adoption of a military code of conduct based on the concept of minimum force and proportionate response.

In reaction to construction in and around the Nicosia Central Prison, close to a sensitive area of the UN buffer zone, which appeared to be part of the National Guard's ongoing military construction programme, the Turkish forces began construction also of military positions in the same area. UNFICYP, which had protested against the National Guard construction, had so far been de-

nied access to the site. Its requests for the clearance of the previously reported minefields and booby-trapped areas had also gone unheeded, it was reported.

In its continued efforts to establish bicommunal contacts, UNFICYP held an open house on 24 October at the Ledra Palace Hotel in the buffer zone in Nicosia, at which more than 3,000 Greek and Turkish Cypriots joined UN personnel to celebrate United Nations Day. To allay the security concerns of the Turkish Cypriots in southern Cyprus in the wake of the August/September incidents, UNFICYP increased its visits there and, at the beginning of December, opened a liaison office in Limassol to facilitate their access to the Force. It had also urged the Government to ensure that the Turkish Cypriots, including those in the mixed village of Pyla, who had been suspended temporarily from their employment, be allowed to return to work without delay.

Referring to the August incidents, the Secretary-General pointed out that controlling the civilian population was the exclusive responsibility of the local authorities, who were perfectly capable of fulfilling the task. He underscored the urgent need for the leaders on both sides to make a serious effort to reverse the negative trend of the last six months and to build trust and goodwill between the two sides. He said prompt agreement on the proposed package of measures to reduce tension along the ceasefire lines, implementation of the 1995 measures recommended by UNFICYP to improve the living conditions of the Greek Cypriots and Maronites in the northern part of the island [YUN 1995, p. 607] and removal of all impediments, official and unofficial, to the movement of people and to the increased contacts and communication between the two sides would be significant steps forward.

In the continued belief that UNFICYP's presence on the island remained indispensable if the objectives set out by the Council were to be achieved, the Secretary-General recommended extending the UNFICYP mandate for a further six months, until 30 June 1997. He later informed the Council [S/1996/1016/Add.1] that Cyprus, Greece and the United Kingdom had indicated their concurrence with the proposed extension and that Turkey had also indicated its concurrence with and support of the Turkish Cypriot's position, as expressed at previous Council meetings on the subject.

#### SECURITY COUNCIL ACTION

The Security Council met on 23 December and, following consideration of the Secretary-General's 10 December and 17 December (see below) reports, adopted **resolution** 1092(1996).

The Security Council,

Welcoming the report of the Secretary-General on the United Nations operation in Cyprus of 10 December 1996,

Welcoming also the report of the Secretary-General on his mission of good offices in Cyprus of 17 December 1996,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus (UNFICYP) beyond 31 December 1996,

Reaffirming its earlier relevant resolutions on Cyprus, and in particular resolutions 186(1964) of 4 March 1964, 939(1994) of 29 July 1994 and 1062(1996) of 28 June 1996,

Gravely concerned by the deteriorating situation in Cyprus and by the fact that intercommunal tensions on the island have escalated and, over the last six-month period, violence along the ceasefire lines has reached a level not seen since 1974 as stated in the report of the Secretary-General of 10 December 1996,

Concerned also at the increased use of and threat to use violence against the personnel of UNFICYP,

Noting the beginning of indirect discussions through the UNFICYP Force Commander between the military authorities of both sides on measures aimed at reduction of military tensions,

Reiterating its concern that negotiations on a final political solution have been at an impasse for too long,

1. Decides to extend the mandate of UNFICYP for a further period ending on 30 June 1997;

2. Deplores the violent incidents of 11 and 14 August, 8 September and 15 October 1996, which resulted in the tragic deaths of three Greek Cypriot civilians and one member of the Turkish Cypriot Security Forces, as well as injuries to civilians and UNFICYP personnel, in particular the unnecessary and disproportionate use of force by the Turkish/Turkish Cypriot side, as well as the largely passive role played by the Cypriot police in response to civilian demonstrations;

3. Reminds both sides of their obligation to prevent violence directed against UNFICYP personnel, particularly those involving firearms, which inhibit UNFICYP from carrying out its mandated responsibilities, and demands that they ensure UNFICYP complete freedom of movement and extend their full cooperation to UNFICYP;

4. Emphasizes the need to maintain law and order and, in this context, demands that both parties prevent unauthorized incursions into the buffer zone, and respond immediately and responsibly to any demonstrations which violate the buffer zone and any demonstrations near the buffer zone that might lead to an increase in tensions;

5. Calls upon the parties to accept as a package, without delay or preconditions, the reciprocal measures proposed by UNFICYP, namely: (a) to extend the 1989 unmanning agreement to other areas where the two sides remain in close proximity to each other; (b) to prohibit loaded weapons along the ceasefire lines; and (c) to adopt a code of conduct, based on the concept of minimal force and proportional response, to be followed by troops on both sides along the ceasefire lines, and expresses its disappointment that no progress has been made towards implementing these measures thus far;

6. Further calls upon the military authorities on both sides:

(a) To clear all minefields and booby-trapped areas inside the buffer zone without further delay, as requested by UNFICYP;

(b) To cease military construction in the immediate vicinity of the buffer zone;

(c) To refrain from any military exercises along the buffer zone;

7. Reiterates grave concern about the excessive levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, as well as the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

8. Calls again upon all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and calls upon the Secretary-General to continue to promote efforts in this direction;

9. Expresses continuing concern about military exercises in the region, including overflights in the airspace of Cyprus by military fixed-wing aircraft, which have markedly increased political tension on the island and undermined efforts towards achieving a settlement;

10. Reiterates that the status quo is unacceptable and stresses its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

11. Welcomes the efforts of the Secretary-General's Special Representative, and of those working in support, to prepare the ground for open-ended direct negotiations in the first half of 1997 between the leaders of the two Cypriot communities in order to secure an overall settlement;

12. Calls upon the parties to cooperate with the Special Representative to that end, as well as with his intensified preparatory work in the first months of 1997 with the objective of clarifying the main elements of an overall settlement;

13. Underlines that the success of this process will require the creation of genuine mutual confidence on both sides and the avoidance of actions which increase tension and calls upon the leaders of both communities to create a climate of reconciliation and confidence;

14. Reaffirms its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

15. Welcomes the continuous efforts by UNFICYP to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and regrets that there has been no further progress on the implementation of recommendations arising out of the humanitarian review undertaken by UNFICYP in 1995;

16. Welcomes the continuing efforts of the United Nations and others in the international community to promote bicomunal events, regrets the obstacles which have been placed in the way of such contacts, and strongly urges all concerned, and especially the Turkish Cypriot community leadership, to lift all obstacles to such contacts;

17. Reaffirms that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important new development that should facilitate an overall settlement;

18. Requests the Secretary-General to keep under review the structure and strength of UNFICYP with a view to its possible restructuring, and to present any new considerations he may have in this regard;

19. Requests the Secretary-General to submit a report by 10 June 1997 on the implementation of this resolution;

20. Decides to remain actively seized of the matter.

Security Council resolution 1092(1996)

23 December 1996 Meeting 3728 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/1062).

## Financing

On 7 June, during its resumed fiftieth session, the General Assembly, on the basis of its consideration of the Secretary-General's proposed budget for UNFICYP for the 12-month period from 1 July 1996 to 30 June 1997 [A/50/722/Add.1] and of the related ACABQ report [A/50/889], adopted **resolution 50/236**.

### Financing of the United Nations Peacekeeping Force in Cyprus

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Peacekeeping Force in Cyprus and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 186(1964) of 4 March 1964, by which the Council established the United Nations Peacekeeping Force in Cyprus, and 1032(1995) of 19 December 1995, by which the Council further renewed the mandate of the Force until 30 June 1996,

Recalling also its resolution 49/230 of 23 December 1994 on the financing of the Force,

Reaffirming that the costs of the Force that are not covered by voluntary contributions are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling further its previous decisions regarding the fact that, in order to meet the expenditures caused by

the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Expressing its appreciation to all those Member States and observer States which have made voluntary contributions to the Special Account established for the financing of the Force for the period prior to 16 June 1993,

Noting that voluntary contributions were insufficient to cover all of the costs of the Force, including those incurred by troop-contributing Governments prior to 16 June 1993, and regretting the absence of an adequate response to appeals for voluntary contributions, including that contained in the letter dated 17 May 1994 from the Secretary-General to all Member States,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Peacekeeping Force in Cyprus as at 21 May 1996, including the contributions outstanding in the amount of 9,486,206 United States dollars, representing 14.5 per cent of the total assessed contributions from 16 June 1993 to the period ending 30 June 1996, notes that some 23 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. Endorses the recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and takes note of the observations therein and of the views expressed by Member States in the Fifth Committee;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Approves, on an exceptional basis, the special arrangements for the Force with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Force shall be retained beyond the period stipulated under finan-

cial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

8. Decides to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus an amount of 45,079,500 dollars gross (43,049,600 dollars net) for the period from 1 July 1996 to 30 June 1997, inclusive of an amount of 1,065,900 dollars for the support account for peacekeeping operations, taking into consideration the funding through voluntary contributions of the one-third share of the cost of the Force, equivalent to 14,349,867 dollars, from the Government of Cyprus and the annual pledge of 6.5 million dollars from the Government of Greece, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 June 1996 and the mandate periods to be decided upon by the Council;

9. Decides also, taking into consideration the funding through voluntary contributions of the one-third share of the cost of the Force, equivalent to 14,349,867 dollars, from the Government of Cyprus and the annual pledge of 6.5 million dollars from the Government of Greece, as an ad hoc arrangement, to apportion an amount of 24,229,633 dollars gross (22,199,733 dollars net) for the period from 1 July 1996 to 30 June 1997 among Member States at a monthly rate of 2,019,136 dollars gross (1,849,978 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 June 1996 and the mandate periods to be decided upon by the Council;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2,029,900 dollars approved for the period from 1 July 1996 to 30 June 1997;

11. Decides to continue to maintain as separate the account established for the period prior to 16 June 1993 for the Force, invites Member States to make voluntary contributions to that account, and requests the Secretary-General to continue his efforts in appealing for voluntary contributions to the account;

12. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

13. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Peacekeeping Force in Cyprus".

#### ANNEX

##### **Special arrangements with regard to the application of article IV of the financial regulations of the United Nations**

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Peacekeeping Force in Cyprus until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in financial regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

General Assembly resolution 50/236

7 June 1996

Meeting 120

Adopted without vote

Approved by Fifth Committee (A/50/827/Add.1) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.50), based on informal consultations; agenda item 131.

Meeting numbers. GA 50th session: 5th Committee 56, 64 (resumed); plenary 120.

On 18 December, during the Assembly's fifty-first session, the Secretary-General submitted the financial performance report of UNFICYP for the period from 1 July 1995 to 30 June 1996, together with action to be taken by the Assembly on the disposition of the unencumbered balance indicated for that period [A/51/755 & Corr.1].

By **decision** 51/460, also of 18 December, the Assembly decided that, at its resumed fifty-first session, the Fifth Committee should continue its consideration of the item on the financing of UNFICYP, along with 26 other agenda items and one sub-item.

#### **Good offices mission (December report)**

In a report of 17 December on his good offices mission [S/1996/1055], the Secretary-General noted that in the past six months efforts had been intensified to break the impasse and create conditions for successful direct negotiations between the leaders of the two communities. The Special Representative undertook an extensive familiarization mission during the last week in June and the first half of July, meeting with each of the two leaders, as well as with political party leaders, businessmen and trade unionists on both sides.

He also visited Athens and Ankara; the capitals of interested Governments, notably London, Moscow, Paris and Washington, D.C; and Dublin, Ireland, and Brussels, Belgium, for meetings with the EU Presidency and the European Commission, respectively. On subsequent occasions, he visited Bonn, London and Paris.

The Special Representative believed that, for the moment, direct talks would not yield positive results. The positions of the two leaders still remained far apart on a number of issues, and the two communities held a plurality of views and opinions. The EU decision to begin accession negotiations with Cyprus six months after the conclusion of its Intergovernmental Conference had in effect established a time-frame of approximately 18 months for the achievement of an overall settlement. The Special Representative urged all concerned to redouble their efforts, and stressed the critical importance of support from Greece and Turkey for negotiations to succeed.

The Special Representative's second visit to the area in mid-September was overshadowed by heightened tension between the two communities in the wake of the August incidents. His discussions with the two communities had focused on ways to reduce that tension, and he had built on the efforts of the Deputy Special Representative to encourage the issuance of a joint statement making clear that the incidents did not reflect the true sentiments of the communities and must never recur, that differences must be resolved through negotiation, and that efforts must be redoubled to work tirelessly for an overall settlement. The Turkish Cypriot leader agreed to such a joint statement. The Greek Cypriot leader stated it would be inappropriate, but subsequently issued a statement of his own to the effect that the incidents must not dissuade the parties from pursuing efforts to find an overall settlement under the Secretary-General's auspices; that they could not be interpreted to mean that the two communities could not live together in peace and prosperity in Cyprus, their common home; and that both communities should make every effort to defuse the existing tensions.

The Special Representative made a third visit to the area in mid-December to assess the situation. In Cyprus, he met separately with the two leaders and, in Athens and Ankara, with senior foreign ministry officials. He found that the gap in the positions of the two leaders had not narrowed and that each continued to express serious doubts about the true intentions of the other, thus making it difficult to be optimistic about prospects for direct talks. The Greek Cypriot leader had observed that, in view of the campaign for the February 1998 presidential elec-

tions in Cyprus, the window of opportunity for negotiations was likely to close by the autumn of 1997. The Special Representative reiterated to both leaders and to his interlocutors in Athens and Ankara the concern of the United Nations and the international community about the existing situation in Cyprus. He emphasized the urgency for direct negotiations on an overall settlement, for which intensified preparations should begin early in 1997, with the active support of Greece and Turkey.

As to the increasing international interest in the Cyprus problem, the Secretary-General said that all who had undertaken missions to Cyprus, Greece and Turkey in order to explore possible ways of bringing the positions of the two sides closer and to seek greater support from Greece and Turkey recognized the importance of ensuring, through appropriate consultations, that the efforts of interested Governments were coordinated with his mission of good offices.

The Secretary-General said it was widely believed that the accession of Cyprus to EU membership in a manner consistent with the agreed basis for an overall settlement would offer both communities the opportunity for enhanced prosperity and security. An urgent effort was accordingly required in 1997 to bring about early direct talks between the two leaders. To that end, the Secretariat was in the process of reviewing, updating and expanding the already extensive material on hand, as well as preparing additional material to enable the United Nations to help the two leaders reach common positions during their negotiations. In addition, more contacts with the two leaders and with Greece and Turkey were planned for 1997.

The Secretary-General called on the two leaders to give tangible indications that they were seeking an overall settlement on the basis of one country and that their words and deeds were in harmony with that objective. He said such change in attitude could not wait for a settlement; rather, it must precede it and should be adopted without delay. The emphasis in their public statements and in their communications with each other must shift from polemics and mutual accusations to their future relationship in a federal Cyprus.

The Secretary-General also called on both leaders to implement measures giving proof of their good intentions and to help create an atmosphere of confidence. Those measures could include: members of both communities crossing with minimal formality (presenting identity cards only) at the Ledra Palace checkpoint; facilitation of bicomunal contacts; cooperation and joint projects in areas of intercommunal concern, such as the environment, water, health, education

and the restoration of historic sites; youth and student exchanges; bicomunal sports events; elimination of provocative emblems and slogans; island-wide telephone communications; and bicomunal commercial activities and trade. The Secretary-General called on both leaders to cooperate with his Special Representative and Deputy Special Representative and with the Governments supporting his mission of good offices.

## Other issues

### Cooperation with OSCE

In keeping with General Assembly resolution 50/87 [YUN 1995, p. 623], the Secretary-General on 14 October 1996 submitted a report [A/51/489], according to which the United Nations and the Organization for Security and Cooperation in Europe (OSCE) continued to consolidate cooperation and coordination between them at a variety of levels within the agreed 1993 framework [YUN 1993, p. 518].

During the year, UNHCR, together with OSCE and the International Organization for Migration (IOM), organized a regional conference (Geneva, 30-31 May) to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in CIS countries and relevant neighbouring States. Attended by 87 States, 27 international organizations and 77 NGOs, the conference provided a forum for the countries of the region to discuss population displacement and refugee movements in CIS countries and to clarify areas of concern. It adopted a programme of action which included measures aimed at establishing national migration systems and developing appropriate policies and operational activities, as well as implementation and follow-up proposals.

UNHCR and the OSCE High Commissioner for National Minorities subsequently convened a joint workshop (Geneva, July) on the subject of return and reintegration of formerly deported peoples in CIS countries and examined areas of mutual interest, such as questions of nationality and citizenship in Europe.

Tripartite consultations among representatives of the United Nations Office at Geneva, OSCE and the Council of Europe had been held in December 1995 (Paris), with another series expected before the end of 1996 (Geneva). That supplementary informal process, initiated in 1994 [YUN 1994, p. 610], had proved effective in securing the participation of the Chairman-in-Office of OSCE and its institutions in a regular

dialogue with humanitarian organizations, thereby assuring an essential link between the processes for control and resolution of conflicts and humanitarian operations. Given the emphasis on the latter, other organizations, such as ICRC, IOM and the EU Commission, had been included in the consultations on the basis of their involvement in those areas under discussion. On the UN side, the Director-General of the United Nations Office at Geneva, the Department of Humanitarian Affairs, the United Nations High Commissioner for Human Rights, UNHCR and the Economic Commission for Europe were regularly represented; other UN entities involved in operations under discussion were also invited. In view of the usefulness of the process, it had been proposed that the consultations also cover social and economic matters in Europe.

As to cooperation in the field, the International Police Task Force, a component of the United Nations Mission in Bosnia and Herzegovina, provided security assistance to OSCE as it supervised the preparation and conduct of the September elections in Bosnia and Herzegovina. The Office of the United Nations High Commissioner for Human Rights conducted an introductory human-rights training course for OSCE monitors (Vienna, February) assigned to Bosnia and Herzegovina, supplemented by a more comprehensive training course there (July) in cooperation with the Council of Europe. The UN High Commissioner's field operation in the country also participated in drafting human rights-related election guidelines and proposed or evaluated responses to abuses of election rights.

The United Nations continued to support the ongoing peacemaking efforts of the OSCE Minsk Group in Nagorny Karabakh, Azerbaijan. UNHCR sent a mission to Baku and Yerevan (9-12 September) to discuss the humanitarian situations in Azerbaijan and Armenia, respectively, and the possibility of starting non-political negotiations on humanitarian issues, particularly the return of refugees and internally displaced persons. Consultations by the UN High Commissioner for Human Rights and OSCE with the authorities in Abkhazia, Georgia, had resulted in the acceptance of a programme for the promotion of human rights in Abkhazia; a human rights office was to be established in Sukhumi, staffed by two human rights officers, one from each of the two organizations (see above, under "Georgia").

In Tajikistan, where the United Nations was primarily responsible for peacemaking and peacekeeping, with OSCE concentrating on the promotion of human rights and democratic

institution-building, both organizations continued efforts to obtain a political solution to that conflict. The UN High Commissioner for Human Rights continued dialogue with the Russian Federation and pursued contacts with the OSCE Chairman-in-Office regarding implementation of his mandate in respect of the human rights situation in the Chechen Republic of the Russian Federation. The UN High Commissioner and OSCE remained in consultation regarding the former's plan to deploy a human rights officer to work with the OSCE Assistance Group in Grozny.

Other endeavours jointly undertaken by the two organizations during the reporting period included electoral observation missions in Azerbaijan (November 1995) and Kyrgyzstan (December 1995).

In a later addendum to his report [A/51/489/Add.1], the Secretary-General stated that, pursuant to the Assembly's 1993 request [res. 48/155], the UN High Commissioner for Human Rights had been in touch with the OSCE offices in Latvia and Estonia regarding the human rights situations in those countries and the analysis of institutional structures in Latvia by the High Commissioner's adviser on human rights institutions. In addition, the High Commissioner had been in touch with OSCE regarding technical cooperation activities in the Republic of Moldova.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/57**.

#### **Cooperation between the United Nations and the Organization for Security and Cooperation in Europe**

The General Assembly,

Recalling its resolution 48/5 of 13 October 1993 on observer status for the Conference on Security and Cooperation in Europe and the framework for cooperation and coordination between the United Nations and the Conference on Security and Cooperation in Europe signed on 26 May 1993, as well as its resolution 50/87 of 18 December 1995 on cooperation between the two organizations,

Recalling also the declaration at the 1992 Helsinki Summit by the heads of State or Government of the participating States of the Conference on Security and Cooperation in Europe of their understanding that the Conference is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and as such provides an important link between European and global security,

Acknowledging the increasing contribution of the Organization for Security and Cooperation in Europe to the establishment and maintenance of international peace and security in its region through activities in early warning and preventive diplomacy, including through the activities of the High Commissioner for National Minorities, crisis management, arms control and disarmament, post-crisis stabilization and reha-

bilitation measures, and its efforts in supporting the economic dimension, as well as its crucial role in the human dimension,

Welcoming the meeting held on 15 and 16 February 1996 on the invitation of the Secretary-General between the United Nations and the regional and other organizations, and noting the importance of continuing and further developing the practice of convening such meetings,

Recalling the special ties between the Organization for Security and Cooperation in Europe and the Mediterranean Partners for Cooperation,

Underlining the continued importance of enhanced coordination and cooperation between the United Nations and the Organization for Security and Cooperation in Europe,

1. Welcomes the report of the Secretary-General;
2. Also welcomes the progress in common work in the field between the United Nations and the Organization for Security and Cooperation in Europe;
3. Further welcomes the Summit Declaration and the decisions adopted by the heads of State or Government of the Organization for Security and Cooperation in Europe on 3 December 1996 at Lisbon, in particular the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century, which, as such, complements the mutually reinforcing efforts of other European and transatlantic institutions and organizations in this field;
4. Commends the Organization for Security and Cooperation in Europe for the fulfilment, in cooperation with the United Nations, of the role assigned to it by the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively, "the Peace Agreement"), in particular for:
  - (a) The successful supervision of the preparation and the conduct of the elections held on 14 September 1996;
  - (b) The monitoring, together with other international organizations, of the development of human rights standards;
  - (c) The support offered to the Human Rights Commission of Bosnia and Herzegovina;
  - (d) The agreements concluded under its auspices on confidence- and security-building measures, as well as on subregional arms control;
5. Welcomes the decision of the Organization for Security and Cooperation in Europe to continue its engagement in Bosnia and Herzegovina and to contribute to the building of democratic structures and to the fostering of civil society, including the promotion of human rights standards, and welcomes in this context further cooperation between the United Nations and the Organization for Security and Cooperation in Europe;
6. Underlines the responsibility of the parties to organize free and fair municipal elections in Bosnia and Herzegovina and, in this regard, welcomes the confirmation that the Organization for Security and Cooperation in Europe will supervise the preparation and conduct of those elections;
7. Welcomes the readiness of the Organization for Security and Cooperation in Europe to continue to contribute in and around Bosnia and Herzegovina to regional stabilization and, also in accordance with the Peace Agreement, to assist the implementation of the



agreements on confidence- and security-building measures, on subregional arms control, as well as to promote negotiations on regional arms control;

8. Also welcomes the readiness of the Organization for Security and Cooperation in Europe to support the Human Rights Office in Sukhumi, Georgia, which forms part of the United Nations Observer Mission in Georgia;

9. Fully supports the activities of the Organization for Security and Cooperation in Europe to achieve a peaceful solution to the conflict in and around the Nagorny Karabakh region of Azerbaijan, and welcomes cooperation between the United Nations and the Organization for Security and Cooperation in Europe in this regard;

10. Welcomes the intensified cooperation and coordination between the United Nations and the Organization for Security and Cooperation in Europe over the past year, for example in Tajikistan, Croatia and the former Yugoslav Republic of Macedonia, in the provision of human rights training courses in Bosnia and Herzegovina, and in collaboration on the subject of the return and reintegration of refugees and other involuntarily displaced persons in countries of the Commonwealth of Independent States;

11. Supports the activities of the Organization for Security and Cooperation in Europe aimed at contributing to stability and the maintenance of peace and security within its region, and stresses the importance of the work done by its field missions;

12. Requests the Secretary-General to continue exploring with the Chairman-in-Office of the Organization for Security and Cooperation in Europe possibilities for further enhancement of cooperation, information exchange and coordination between the United Nations and the Organization for Security and Cooperation in Europe, in accordance with Chapter VIII of the Charter of the United Nations and on the basis of the framework for cooperation and coordination between the United Nations and the Organization for Security and Cooperation in Europe, avoiding as much as possible duplication and overlapping in those areas where both organizations have their own respective roles to play;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe", and requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on cooperation between the United Nations and the Organization for Security and Cooperation in Europe in implementation of the present resolution.

General Assembly resolution 51/57

12 December 1996

Meeting 8115

8-0-4

40-nation draft (A/51/L.52 & Add.1), amended by Azerbaijan (A/51/L.54); agenda item 38.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea,

Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Armenia, Micronesia, Nepal, Papua New Guinea.

Before adoption of the resolution, an amendment by Azerbaijan was adopted by a recorded vote of 43 to 1, with 103 abstentions, and subsequently incorporated as paragraph 9.

Armenia, whose procedural motion for no action on the amendment had been rejected by a recorded vote of 38 to 2, with 106 abstentions, pointed out that the decisions of OSCE, adopted by consensus, expressed the common position of its membership and, in the case of Nagorny Karabakh, took account of the need to guarantee balance and objectivity in the mediation efforts of the OSCE Minsk Group. Precisely because the final Declaration of the 1996 OSCE Summit (Lisbon, 2-3 December) did not include any paragraph on the Nagorny Karabakh conflict, Armenia said, the sponsors of the original draft did not find it appropriate to include a reference to that conflict.

### Strengthening of security and cooperation in the Mediterranean region

As requested in General Assembly resolution 50/75 [YUN 1995, p. 624], the Secretary-General submitted a July report with later addendum [A/51/230], reproducing replies from six States to his note verbale, addressed to all Member States, requesting information on steps taken or envisaged in implementation of its resolution on the strengthening of security and cooperation in the Mediterranean region.

One of the six States was Italy, which replied on behalf of the EU and of the countries of Central and Eastern Europe associated with it (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia), as well as of the associated countries of Cyprus and Malta.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/50**.

### **Strengthening of security and cooperation in the Mediterranean region**

The General Assembly,

Recalling its previous resolutions on the subject, including resolution 50/75 of 12 December 1995,

Reaffirming the primary role of the Mediterranean countries in strengthening and promoting peace, security and cooperation in the Mediterranean region,

Bearing in mind all the previous declarations and commitments, as well as all the initiatives taken by the riparian countries at the recent summits, ministerial meetings and various forums concerning the question of the Mediterranean region,

Recognizing the efforts made so far and the determination of the Mediterranean countries to intensify the process of dialogue and consultations with a view to resolving the problems existing in the Mediterranean region and to eliminate the causes of tension and the consequent threat to peace and security,

Recognizing also the indivisible character of security in the Mediterranean and that the enhancement of cooperation among Mediterranean countries with a view to promoting the economic and social development of all peoples of the region will contribute significantly to stability, peace and security in the region,

Recognizing further that prospects for closer Euro-Mediterranean cooperation in all spheres can be enhanced by positive developments worldwide, in particular in Europe, in the Maghreb and in the Middle East,

Noting the developments in the Middle East peace process that will lead to achieving a comprehensive, just and lasting peace in the region and therefore to promoting confidence-building measures and a good-neighbourly spirit among the countries of the area,

Expressing satisfaction at the growing awareness of the need for more joint efforts by all Mediterranean countries so as to strengthen economic, social, cultural and environmental cooperation in the region,

Reaffirming the responsibility of all States to contribute to the stability and prosperity of the Mediterranean region and their commitment to respect the purposes and principles of the Charter of the United Nations, as well as the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Expressing its concern at the persistent tension and continuing military activities in parts of the Mediterranean that hinder efforts to strengthen security and cooperation in the region,

Taking note of the report of the Secretary-General on this item,

1. Reaffirms that security in the Mediterranean is closely linked to European security as well as to international peace and security;

2. Expresses its satisfaction at the continuing efforts by Mediterranean countries to contribute actively to the elimination of all causes of tension in the region and to the promotion of just and lasting solutions to the persistent problems of the region through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respecting the sovereignty, independence and territorial integrity of all countries of the Mediterranean and the right of peoples to self-

determination, and therefore calls for full adherence to the principles of non-interference, non-intervention, non-use of force or threat of use of force and the inadmissibility of the acquisition of territory by force, in accordance with the Charter and the relevant resolutions of the United Nations;

3. Commends the efforts by the Mediterranean countries in meeting common challenges through coordinated overall responses, based on a spirit of multilateral partnership, towards the general objective of turning the Mediterranean basin into an area of dialogue, exchanges and cooperation, guaranteeing peace, stability and prosperity;

4. Encourages Mediterranean countries to strengthen such efforts through, inter alia, a lasting, multilateral and action-oriented cooperative dialogue among States of the region;

5. Recognizes that the elimination of the economic and social disparities in levels of development as well as other obstacles in the Mediterranean area will contribute to enhancing peace, security and cooperation among Mediterranean countries through the existing forums;

6. Recognizes also that respect and greater understanding among cultures will contribute to enhancing peace, security and cooperation among Mediterranean countries;

7. Calls upon all States of the Mediterranean region that have not yet done so to adhere to all the multilaterally negotiated legal instruments related to the field of disarmament, thus creating the necessary conditions for strengthening peace and cooperation in the region;

8. Encourages all States of the region to favour the necessary conditions for strengthening the confidence-building measures among them by promoting genuine openness and transparency on all military matters, by participating, inter alia, in the United Nations system for the standardized reporting of military expenditures as well as by providing accurate data and information to the United Nations Register of Conventional Arms;

9. Encourages the Mediterranean countries to strengthen further their cooperation in combating terrorism, in all its forms and manifestations, which poses a serious threat to peace, security and stability in the region and therefore to the improvement of the current political, economic and social situation;

10. Invites all States of the region to address, through various forms of cooperation, problems and threats posed to the region, such as terrorism, international crime and illicit arms transfers, as well as illicit drug production, consumption and trafficking, which jeopardize the friendly relations among States, hinder the development of international cooperation and result in the destruction of human rights, fundamental freedoms and the democratic basis of pluralistic society;

11. Encourages the continued widespread support among the Mediterranean countries for the convening of a conference on security and cooperation in the Mediterranean, as well as the ongoing consultations to create the appropriate conditions for its convening;

12. Requests the Secretary-General to submit a report on means to strengthen security and cooperation in the Mediterranean region;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "Strengthening of security and cooperation in the Mediterranean region".

General Assembly resolution 51/50

10 December 1996      Meeting 79      Adopted without vote

Approved by First Committee (A/51/566/Add.16) without vote, 14 November (meeting 23); 34-nation draft (A/C.1/51/L.33); agenda item 76. Meeting numbers. GA 51st session: 1st Committee 14, 23; plenary 79.

## Chapter VI

## Middle East

In 1996, the United Nations continued to support efforts to keep the peace process on track and remained involved in the Middle East in a number of ways—through its peacekeeping operations and the good offices of the Secretary-General, as well as through significantly expanded programmes of economic, social and other forms of assistance. Promising developments, such as the withdrawal of Israeli troops from some West Bank cities, paved the way for the first general Palestinian elections in January. There were some setbacks, as well, including those linked to the delayed redeployment of Israeli troops from the city of Hebron, plans to expand Israeli settlements, seizure of Palestinian land and demolition of Palestinian homes.

The General Assembly in December stressed that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict would constitute a significant contribution to strengthening international peace and security. It stressed the need to achieve rapid progress on all tracks of the Arab-Israeli negotiations within the peace process. The Assembly reaffirmed the necessity of achieving a peaceful settlement of the question of Palestine, which it again acknowledged as the core of the Arab-Israeli conflict.

Negotiations on a permanent status for the Palestinian territory occupied by Israel were formally launched in May, raising hopes that tangible results would soon follow. Among the outstanding "final status" issues to be resolved was the status of Jerusalem, which again drew international attention in the wake of protests against Israel's decision to open an old tunnel under the Al-Aqsa Mosque, connecting sacred and archaeologically important sites in the Holy City. Bloody confrontations ensued, during which the Israeli army and Palestinian police faced each other for the first time, and fighting erupted in other cities of the occupied West Bank and Gaza Strip, resulting in a large number of casualties on both sides. After the Security Council called for immediate cessation and reversal of acts that had aggravated the situation, with negative implications for the peace process, Israel and the Palestinian side decided in October to resume negotiations aimed at resolving outstanding issues and implementing the 1993 Declaration of Principles on Interim Self-Government Arrangements.

The Secretary-General attended a "Summit of Peacemakers" in March, co-chaired by the Presidents of Egypt and the United States and convened to confront the acts of violence that threatened the Middle East peace process.

To redress the difficult economic situation of the Palestinians, the UN system responded with increased assistance, coordinated by the United Nations Special Coordinator in the Occupied Territories. At a Ministerial Conference on Economic Assistance to the Palestinian People, held in January, donors pledged more than \$800 million for investment projects in the West Bank and Gaza Strip.

UN initiatives were largely geared towards creating employment opportunities for Palestinians, developing infrastructure, expanding and encouraging the private sector, and assisting the young Palestinian Authority in building its institutions and in providing education and health services.

In 1996, the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) continued to mobilize international support for the Palestinians. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories reported to the General Assembly on the situations in the Golan Heights, the West Bank, including East Jerusalem, and the Gaza Strip.

Despite serious financial problems, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) continued to provide a wide-ranging programme of education, health and relief services to more than 3.3 million Palestinian refugees living both in and outside camps in the West Bank and Gaza Strip, as well as in Jordan, Lebanon and the Syrian Arab Republic.

The situation in southern Lebanon remained both tense and volatile, with hostilities between Israel and armed elements opposing Israeli occupation intensifying in early 1996. The Security Council and the General Assembly called for an immediate cessation of those hostilities. The United Nations Interim Force in Lebanon (UNIFIL) pursued its efforts to limit the conflict and protect inhabitants from its consequences. The

mandates of UNIFIL and of the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights were extended, and the United Nations Truce Supervision Organization UNTSO, headquartered in Jerusalem, continued to assist both peacekeeping operations in their tasks.

On 16 December, by **decision** 51/433, the General Assembly deferred consideration of the agenda item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security" and included it in the provisional agenda of its fifty-second (1997) session. The item had been inscribed yearly on the Assembly's agenda since 1981, following the bombing by Israel of a nuclear research centre near Baghdad [YUN 1981, p. 275].

## Peace process

### Overall situation

In a November report [A/51/678-S/1996/953], the Secretary-General observed that the Middle East peace process had been challenged during the year by a series of tragic incidents, by the urgency of translating signed agreements into peace and security for all, and by the need to find solutions to outstanding issues acceptable to the parties.

In accordance with the 1995 Interim Agreement on the West Bank and the Gaza Strip [YUN 1995, p. 626], Israeli troops were withdrawn from the major West Bank cities, with the exception of Hebron, paving the way for the holding of the first Palestinian general elections in January 1996. Negotiations on a permanent status were formally launched in May; subsequent terrorist acts had had a negative effect on the peace talks, while the prolonged closure of the occupied territories imposed by Israel to prevent further terrorist activities had severely affected the Palestinian economy and resulted in an increased level of unemployment, the Secretary-General stated.

The absence of progress in the peace process in the second half of 1996 had caused frustration and disappointment, he continued, leading to events that threatened to unravel the negotiating process and fomented a crisis of confidence between its parties—the Israelis and the Palestinians. Following Security Council action, the Prime Minister of Israel and the Chairman of the Palestine Liberation Organization (PLO) took the reassuring decision in October to resume negotiations.

From the outset, the Secretary-General said, it had been expected that the road to peace would not be easy. However, the only alternative to the negotiation process was a return to instability, endemic violence, regional tensions and uncertain economic prospects. All participants, therefore, had a duty to listen to reason and to show determination and flexibility to carry out negotiations in earnest, in accordance with the principles agreed at the Madrid Peace Conference in 1991 [YUN 1991, p. 221] and other agreements already reached, until a permanent settlement was achieved on the basis of Security Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]. It was also clear that for the Middle East peace process to produce truly comprehensive and lasting results, progress had to be made on the Israeli-Syrian and Israeli-Lebanese tracks of negotiation.

For its part, the United Nations would continue to support the peace process and to respond in an integrated way to the economic, social and other needs of the populations of the West Bank and Gaza. The coordinated approach to delivery of assistance to the Palestinians, implemented by the United Nations Special Coordinator in the Occupied Territories (see below), had proved effective, particularly in times of crisis. However, economic and social conditions in the West Bank and Gaza remained dire, and it was to be hoped that ways could be found to improve them in the near future, including by eventually lifting the order for closure of the territory.

In response to the Secretary-General's request for their views, Security Council members voiced grave concern about the developments, and stressed the necessity for the parties to pursue negotiations and to fulfil their obligations under the agreements achieved. They also expressed their determination to provide the needed backing to the Middle East peace process, fully supporting those agreements as well as their timely implementation.

Having sought also the positions of Egypt, Israel, Jordan, Lebanon, the Syrian Arab Republic and the PLO, the Secretary-General reported that he had received two replies.

The PLO stated there had been a further deterioration in both the situation on the ground and the status of the peace process since the new Israeli Government of Prime Minister Netanyahu had taken office in May. The PLO charged that the Government had adopted guidelines contradictory to the 1993 Declaration of Principles [YUN 1993, p. 521] and the September 1995 Interim Agreement [YUN 1995, p. 626]—the so-called Oslo agreements—and had persisted in violating those accords, through the continued siege of the Pal-

estinian territory and intentional delays in redeployment from Hebron, as well as its ongoing attempts to create new facts with regard to occupied East Jerusalem. Israel, the PLO charged, also had resumed its colonial settlement activities in the occupied territory, which could reverse the peace process as a whole. The Palestinian side believed that the international community, represented by the General Assembly, should uphold the principles of the Charter of the United Nations, international law and international humanitarian law, and the validity of the relevant Security Council resolutions.

In its reply, Egypt fully supported principles set out by the Assembly in a 1995 resolution [YUN 1995, p. 646, GA res. 50/84] and said it was working tirelessly towards a final settlement. Israel, however, had adopted policies which clearly contradicted those principles, by delaying agreed troop withdrawal and redeployment; attempting to establish new facts that would change the situation on the ground in occupied East Jerusalem; resuming settlement activities in the occupied territories; and delaying negotiations on issues of a final settlement, Egypt declared.

### **Palestinian elections**

The 1995 Interim Agreement had set the stage for free elections in the West Bank and Gaza Strip on 20 January 1996, during which Palestinians elected 88 members and a President for a legislative council entrusted with drawing up a constitution for the work of the Palestinian Authority, as well as establishing the necessary legislation. The elections were held under fair conditions, according to international observers, with the participation of around 1 million voters. The Palestinian Council was inaugurated on 7 March, and, on 9 May, President Yasser Arafat announced the appointment of a 21-member Executive Authority of the Council.

### **SECURITY COUNCIL ACTION**

After consultations of the Security Council held on 22 January, the President of the Council issued the following statement [S/PRST/1996/3] on behalf of the members of the Council:

The members of the Security Council warmly welcome the successful holding of the Palestinian elections on 20 January 1996, which constitutes a major step forward in the Middle East peace process. The members of the Council congratulate the Palestinian Authority and the Palestinian people on this achievement, which reflects credit on all concerned. The members of the Council note with satisfaction the conclusion of the international observers that the elections were an accurate reflection of the wishes of the Palestinian electorate.

The members of the Security Council consider that the holding of the elections marks a significant step towards the fulfilment of the Declaration of Principles, signed by Israel and the Palestine Liberation Organization in Washington on 13 September 1993. The members of the Council reiterate their full support for the Middle East peace process.

### **Terrorist acts**

On 25 February, one day after Israel had lifted its closure order for the Gaza Strip and West Bank, the military wing of the fundamentalist organization Hamas claimed responsibility for two suicide bombings in downtown Jerusalem and in the Israeli town of Ashkelon. Israel on 26 February reported [A/51/70-S/1996/135] that the explosion in Jerusalem killed 24 Israelis and injured another 51. During the Ashkelon attack, one Israeli was killed and 36 were wounded. Those crimes, Israel stated, were intended not only to kill Israelis, but to derail the peace process.

On 3 March, a member of Hamas detonated a bomb on a commuter bus in downtown Jerusalem, killing 18 Israelis and injuring an additional 7. On 4 March, a suicide bomber struck outside a shopping mall in Tel Aviv, leaving 12 Israelis killed and 35 injured. According to Israel [A/51/74-S/1996/193], the terrorists were trying to continue to prevent the dawn of a new day of hope for the Middle East.

### **SECURITY COUNCIL ACTION**

After consultations of the Security Council on 4 March, the President of the Council issued the following statement [S/PRST/1996/10] on behalf of the Council:

The members of the Security Council condemn the terrorist attacks in Jerusalem on 3 March and in Tel Aviv on 4 March. They extend their sympathy and deepest condolences to the Government and people of Israel and to the families of the victims. They wish a speedy recovery of the wounded.

These vile acts had the clear purpose of trying to undermine Middle East peace efforts through such terror. The members of the Security Council reiterate their support for the peace process and call on the parties to consolidate it and to increase their co-operation in curbing violence and combating such terrorism.

### **Summit of Peacemakers**

By a statement of 5 March, the Secretary-General called on the international community to unite in action against what he termed despicable acts of violence. On 13 March, he attended the Summit of Peacemakers in Sharm el-Sheikh, Egypt, convoked to confront the acts of violence that threatened the Middle East peace process. The summit was attended by nine heads of State and nine heads of Government, among them

Co-Chairmen Egyptian President Hosni Mubarak and United States President William J. Clinton, as well as one Crown Prince, 11 deputy prime ministers, and special envoys and ministers for foreign affairs.

In their statement [A/51/91-S/1996/238], transmitted to the General Assembly and the Security Council on 1 April, the Co-Chairmen said the meeting, which had taken place at a time when the peace process was confronting serious threats, had three fundamental objectives: to enhance the peace process, to promote security and to combat terror. Accordingly, summit participants expressed their full support for the Middle East peace process and their determination that it continue in order to accomplish a just, lasting and comprehensive peace in the region. They affirmed their determination to promote security and stability and to prevent the enemies of peace from achieving their ultimate objective of destroying the real opportunity for peace in the Middle East. They also re-emphasized their strong condemnation of all acts of terror in all its abhorrent forms, whatever its motivation and whoever its perpetrator, including recent terrorist attacks in Israel, reaffirming their intention to stand staunchly against all such acts and urging all Governments to join them in that condemnation and opposition.

The participants decided to support the Israeli-Palestinian agreements and the continuation of the negotiating process, and to reinforce it politically and economically; to enhance the security situation for both sides, with special attention to the pressing economic needs of the Palestinians; to support the continuation of the negotiating process in order to achieve a comprehensive settlement; to work together to promote security and stability in the region by developing effective and practical means of cooperation and further assistance; to promote coordination of efforts to stop acts of terror on bilateral, regional and international levels, ensuring that instigators of such acts were brought to justice, supporting efforts by all parties to prevent their territories from being used for terrorist purposes and preventing terrorist organizations from engaging in recruitment, supplying arms or fund-raising; to exert maximum efforts to identify and determine the sources of financing for those groups and to cooperate in cutting them off, and by providing training, equipment and other forms of support to those taking steps against groups using violence and terror to undermine peace, security or stability; and to form a working group, open to all summit participants, to prepare recommendations on how best to implement the decisions contained in the statement, and to report to the participants within 30 days.

(For further details on UN action against terrorism, see PART FOUR, Chapter III.)

#### GENERAL ASSEMBLY ACTION

On 4 December, the General Assembly adopted **resolution 51/29**.

#### The Middle East peace process

The General Assembly,

Recalling its resolution 50/21 of 4 December 1995,

Stressing that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict will constitute a significant contribution to strengthening international peace and security,

Recalling the convening of the Peace Conference on the Middle East at Madrid on 30 October 1991 on the basis of Security Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973 and the subsequent bilateral negotiations as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

Bearing in mind the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, in Washington, D.C., on 13 September 1993 and the subsequent Agreement on the Gaza Strip and the Jericho Area signed by the Government of the State of Israel and the Palestine Liberation Organization at Cairo on 4 May 1994, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Protocol of Further Transfer of Powers and Responsibilities signed by the Government of Israel and the Palestine Liberation Organization at Cairo on 27 August 1995 and the Interim Agreement on the West Bank and Gaza Strip, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 28 September 1995,

Also bearing in mind the Agreement between Israel and Jordan on the Common Agenda, signed in Washington, D.C., on 14 September 1993, the Washington Declaration signed by Jordan and Israel on 25 July 1994 and the Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan of 26 October 1994,

Welcoming the Declaration of the Middle East/North Africa Economic Summit held at Casablanca from 30 October to 1 November 1994, the Declaration of the Middle East/North Africa Economic Summit held at Amman from 29 to 31 October 1995 and the Middle East/North Africa Economic Conference held at Cairo from 12 to 14 November 1996,

Welcoming also the declared commitment of the parties concerned to overcome remaining difficulties and proceed with negotiations,

1. Welcomes the peace process started at Madrid, and supports the subsequent bilateral negotiations;
2. Stresses the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East;
3. Expresses its full support for all the achievements of the peace process thus far, which constitute important

steps in achieving a comprehensive, just and lasting peace in the Middle East;

4. Urges all parties to fulfil their obligations and to implement the agreements already reached;

5. Calls for the immediate acceleration of negotiations within the Middle East peace process on its agreed basis;

6. Stresses the need to achieve rapid progress on all tracks of the Arab-Israeli negotiations within the peace process;

7. Welcomes the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993, including the establishment of the Ad Hoc Liaison Committee, and the subsequent work of the World Bank Consultative Group, welcomes also the appointment by the Secretary-General of the "United Nations Special Coordinator in the Occupied Territories", and urges Member States to expedite economic, financial and technical assistance to the Palestinian people during the interim period;

8. Calls upon all Member States to extend economic, financial and technical assistance to parties in the region and to render support for the peace process;

9. Considers that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles can make a positive contribution;

10. Encourages regional development and cooperation in areas where work has begun within the framework of the Madrid Conference.

General Assembly resolution 51/29

4 December 1996 Meeting 72 159-3-2 (recorded vote)

37-nation draft (A/51/L.40 & Add.1); agenda item 33.

Meeting numbers. GA 51st session: plenary 70-72.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Iran, Lebanon, Syrian Arab Republic.

Abstaining: Libyan Arab Jamahiriya, Sudan.

The Assembly, in **resolution 51/26**, emphasized the importance of the United Nations playing a more active and expanded role in the current peace process and in implementation of the Declaration of Principles.

In explanation of vote on **resolution 51/29**, Israel welcomed the adoption of the "positive reso-

lution" which, it said, expressed the support of the international community for the ongoing peace process. It called once again on its neighbours to renew negotiations without preconditions and on those States of the region that had not participated in the multilateral talks to do so without further hesitation. It had hoped that the resolution would explicitly condemn terrorism in all its forms; it also believed that the process of democratization could assist the progress towards peace.

The representative of Palestine said the voting reiterated the international community's commitment to the conclusion of a just settlement of the Palestinian question and to the achievement of a comprehensive, just and lasting peace in the Middle East. The text was anchored in the principle of the continuing United Nations responsibility for the question of Palestine until a settlement was reached. The international community had sent a clear and correct message and he hoped that all parties would understand its content and work accordingly.

Speaking on behalf of the Arab States which had voted in favour, Egypt noted that the text did not include reference to Security Council resolution 425(1978) [YUN 1978, p. 312], the central pillar of the negotiations between Israel and Lebanon. Further, it believed that the difficult circumstances and dangerous daily developments on the ground were caused by Israel in order to co-opt and derail the peace process, a fact which should have been reflected. Also, the text lacked any reference to the dangerous and destructive impact of Israel's decision to resume building settlements in the occupied territories, which could completely undermine the whole peace process; thus the votes for the text should not be interpreted as acceptance of the status quo.

In the view of the United States, the resolution clearly endorsed the parties' efforts to keep moving forward in their mutual quest for a comprehensive, just and lasting peace, and was an acknowledgement that their commitments deserved the Assembly's generous, unbiased and unreserved support and encouragement. The text highlighted the positive role the United Nations had to play in the peace process and contributed significantly to continuing the momentum developed in the five years since the Madrid Conference.

Among States voting against the text, Lebanon said the resolution's sponsors had admitted that no progress had been made in the Middle East peace process, yet ignored that that process was threatened as a result of Israeli intransigence. They also did not take into consideration the need to implement resolution 425(1978) in order



to end the Israeli occupation of southern Lebanon and the violence there. Lebanon repeated its objection to synchronizing the bilateral and multilateral negotiations, as, in its view, the latter would not bear fruit as long as Israel remained in the occupied territories.

The Syrian Arab Republic, which also voted against the text, stated that it could not welcome a peace process which was not based on the principles of international legality and of land for peace. The text should have referred to resolution 425(1978) and reflected the status quo of the peace process and the obstacles raised by Israel. An urgent message should have been sent to Israel that its current positions were causing the freeze in that process. The adoption of a routine text did not reflect recent developments and was not going to break the current deadlock; it was extremely important that Israel be urged to resume negotiations on the Lebanese and Syrian tracks since a just and lasting peace could not be achieved without them.

Iran, which also voted against the resolution, expressed support for the people of Lebanon who were fighting the occupation by Israel, thus exerting legitimate rights. By no means could they be labelled terrorists, it said.

### Jerusalem

Questions centring on Jerusalem were considered a "final-status" negotiation issue [YUN 1995, pp. 631-632] in the ongoing Middle East peace process, and the status of the Holy City continued to be a focal point of United Nations concern in 1996. The opening by Israel in September of an old entrance to the Hasmonean tunnel connecting sacred and archaeologically significant sites under the western wall of the Al-Aqsa Mosque in East Jerusalem and the shooting of Palestinians demonstrating against that action led to widespread protest and calls for Security Council action. The Council, on 28 September, called for the immediate cessation and reversal of all acts that had aggravated the situation and that had negative implications for the Middle East peace process, for the safety and protection of Palestinian civilians to be ensured, and for the immediate resumption of negotiations within the Middle East peace process and the timely implementation of the agreements reached.

#### SECURITY COUNCIL ACTION

At a meeting on 27 September, requested by Saudi Arabia in its capacity as Chairman of the Arab Group [S/1996/790], the Security Council considered action taken by Israel to open a tunnel entrance under the western wall of the Al-Aqsa

Mosque and the shooting of Palestinian demonstrators. Saudi Arabia said the Arab Group strongly condemned the assault and Israel's action, and affirmed the Arab character of Jerusalem and its special significance for the Arab and Islamic worlds. Saudi Arabia requested that the Council take the necessary measures regarding the situation, including the closing of the tunnel.

The convening of the Council was supported by Egypt in a letter of 26 September [S/1996/792]. The Council also had before it several other letters, from the Permanent Observer of Palestine to the United Nations, from Israel, and from the Chairman of the Committee on Palestinian Rights, pertaining to the situation in the occupied territories and in Jerusalem [A/51/396-S/1996/772, A/51/400-S/1996/779, A/51/407-S/1996/786, A/51/411-S/1996/791, A/51/416-S/1996/793, A/51/418-S/1996/795].

Thirty-two States—Algeria, Argentina, Australia, Bahrain, Brazil, Canada, Costa Rica, Cuba, Djibouti, India, Iran, Ireland, Israel, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Norway, Oman, Pakistan, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Yemen—were invited under Council provisional rule 37 to participate in the debate. Also invited was the head of the observer delegation of Palestine and the head of the Political Department of the PLO, in accordance with the Council's provisional rules of procedure and previous practice.

Opening the debate, the Observer from Palestine stated that Palestinians in the occupied territories had been brutally assaulted by the Israeli army and police, which were using armoured vehicles and helicopters, resulting in the deaths of over 86 persons and the injury of more than a thousand; it would seem that those measures had been planned in advance to undermine the achievements of the political process on the Palestinian track and to send a warning concerning the other peace tracks. Following the declaration of its political programme, the new Israeli Government had taken many provocative actions, the Observer declared, including resumption and expansion of settlement activities, while restricting housing development in Arab neighbourhoods; the closing of Palestinian educational and cultural institutions; and isolation of Jerusalem from other Palestinian territories, emphasizing the preservation of a united Jerusalem as the eternal capital of Israel under total Israeli sovereignty.

The economic siege against the Palestinians in the occupied territories had intensified existing psychological pressure and aggravated living

conditions, with unemployment reaching 56 per cent. In addition, 4,500 Palestinian prisoners continued to languish in Israeli jails, and Israel refused to allow the return of displaced Palestinians. The Israeli Government's slogan, "Peace for the sake of peace", meant emptying the negotiations of their political content, denying international legality and deliberately ignoring the land-for-peace formula and the political provisions contained in the United States initiative. The Prime Minister had called for negotiations without preconditions, without any principles or guidelines to govern them; that in itself was enough to create a vicious circle of events and meant nothing other than an attempt to kill time. The painful events that took place in the occupied territories sprang from the accumulation of simmering tensions, and Israel alone bore full responsibility for them; as soon as Israel announced the opening of the tunnel, the spark of conflagration was touched off.

Concluding, the Observer emphasized the Palestinian side's commitment to the underpinnings of the peace process, which called for Israeli withdrawal from all occupied Arab and Palestinian territories, including Jerusalem. He reiterated the desire for the establishment of a just, lasting and comprehensive peace that would ensure legitimate Palestinian rights, including the right to self-determination, the establishment of an independent Palestinian State and the return of the Palestinian refugees to their homeland. Negotiations should be started on the final-status issues, including the central points of Jerusalem, the dismantling of settlements, the return of refugees and the question of voters.

Israel refuted what it called distortions of fact regarding the events of the last days which, it said, had cast a dark cloud over the entire peace process; no matter what claims might be held against Israel, they in no way justified the incitement to violence and the use of live weapons, especially by those who had been empowered by the agreements to ensure law and order. The atmosphere of escalation, threats and calls for armed struggle would not move Israel from the fundamental principles guiding its policy: the pursuit of peace while ensuring national and personal security for its citizens; its desire for peace was enshrined in the declared policy guidelines of the Government, which was committed to the agreements signed by its predecessor.

From the inception of the new Government, Israel had been subjected to calls for the normalization process to be halted and threats of a return to the intifadah if it did not commit itself in advance to the outcome of the negotiations with the Palestinians; it had been threatened that if the de-

mands of the other side were not met in their entirety, it would face armed struggle.

While the opening of the western wall tunnel was officially the reason for convening the Council, it was merely a pretence and yet another attempt to dictate to and pressurize Israel as a means of achieving political goals, and to predetermine the outcome of the negotiations. The 2,500-year-old tunnel, which in ancient times had been used as a water system for Jerusalem, remained a symbol for the city's unique and eternal character. It held no political or religious significance whatsoever, and attributing a religious nature to the issue was manipulative and baseless, designed purely to arouse emotions. Israel's sole intention in opening the exit of the tunnel was to provide greater comfort and safety to the many visitors—Jews, Christians and Muslims—and the many tourists and pilgrims. The supreme Muslim religious authority in Jerusalem, the Waqf, had been informed in advance of the intention to open the tunnel and great pains were taken to ensure that the opening neither damaged any archaeological or religious sites nor endangered any structures in the Old City, Islamic or otherwise. The tunnel did not run beneath the Temple Mount, nor did it affect the Al-Aqsa Mosque or its foundations, as had been claimed.

Israel said the President of the Palestinian Authority had to exert the authority vested in him to exercise his restraining influence and issue unequivocal instructions to his forces and to the residents of the autonomous areas to refrain from violence lest there be any further deterioration. Israel remained committed to pursuing peace through honouring agreements, which was an integral element of peace and of the efforts required to achieve it. During the ongoing contacts of the new Government with Yasser Arafat, the President of the Palestinian Authority, and his colleagues, a clear structure for resuming negotiations in order to discuss and resolve the issues in dispute had been agreed upon.

After the meeting was suspended and resumed twice, the Council, on 28 September, adopted **resolution 1073(1996)**.

The Security Council,

Having considered the letter dated 26 September 1996 from the representative of Saudi Arabia on behalf of the States members of the League of Arab States, contained in document S/1996/790, that referred to the action by the Government of Israel to open an entrance to a tunnel in the vicinity of the Al-Aqsa Mosque and its consequent results,

Expressing its deep concern about the tragic events in Jerusalem and the areas of Nablus, Ramallah, Bethlehem and the Gaza Strip, which resulted in a high number of deaths and injuries among the Palestinian civilians, and concerned also about the clashes between

the Israeli army and the Palestinian police and the casualties on both sides,

Recalling its resolutions on Jerusalem and other relevant Security Council resolutions,

Having discussed the situation at its formal meeting on 27 September 1996, with the participation of Ministers for Foreign Affairs of a number of countries,

Concerned about the difficulties facing the Middle East peace process and the deterioration of the situation, including, inter alia, its impact on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including the agreements already reached,

Concerned about developments at the Holy Places of Jerusalem,

1. Calls for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation, and which have negative implications for the Middle East peace process;

2. Calls for the safety and protection of Palestinian civilians to be ensured;

3. Calls for the immediate resumption of negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached;

4. Decides to follow closely the situation and to remain seized of the matter.

Security Council resolution 1073(1996)

28 September 1996

Meeting 3698

14-O-1

Draft prepared in consultations among Council members (S/1996/803).

Vote in Council as follows:

In favour: Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom.

Against: None.

Abstaining: United States.

## Transfer of diplomatic missions

**Report of Secretary-General.** In October 1996, the Secretary-General reported [A/51/543] that one Member State had replied to his request for information on steps taken or envisaged to implement General Assembly resolution 50/22 A, dealing with the transfer by some States of their diplomatic mission to Jerusalem and calling on them to abide by the relevant UN resolutions [YUN 1995, p. 632]. In its response, Japan said it had supported the Assembly resolution but it had taken no specific measures to implement its provisions.

### GENERAL ASSEMBLY ACTION

On 4 December 1996, the General Assembly adopted **resolution 51/27**.

#### Jerusalem

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C

of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994 and 50/22 A of 4 December 1995, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling also Security Council resolution 478(1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,

1. Determines that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980) and their refusal to comply with the provisions of that resolution;

3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/27

4 December 1996

Meeting 72

148-1-13 (recorded vote)

18-nation draft (A/51/L.38 & Add.1); agenda item 33.

Meeting numbers. GA 51st session: plenary 70-72.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Bahamas, Barbados, Costa Rica, Cote d'Ivoire, Dominica, Fiji, Marshall Islands, Micronesia, Nicaragua, Nigeria, Samoa, Swaziland, United States.

Introducing the text on behalf of the sponsors, Egypt stated that the resolution was particularly important because of the real crisis in the peace

process. Those who desired peace needed the Assembly's full support.

Speaking after the vote, Israel said it believed that the issue of Jerusalem should be addressed within the framework of negotiations between the parties themselves; the Assembly was not the correct forum for its discussion.

The United States explained that it abstained, as in the past, because Jerusalem should remain undivided and its future decided through permanent status negotiations, as agreed by the parties in the September 1993 Declaration of Principles; the Assembly should not inject itself into that most complex and emotional issue.

## Occupied territories

### Special Committee on Israeli Practices

The situation in the territories occupied by Israel as a result of armed conflicts in the Middle East continued to be of concern to the United Nations in 1996. The three-member Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, established in 1968 [YUN 1968, p. 555], reported for the twenty-eighth time to the General Assembly on events in those territories it considered to be occupied, namely, the Golan Heights of the Syrian Arab Republic, the West Bank, including East Jerusalem, and the Gaza Strip.

In addition to that annual report [A/51/99/Add.2], two periodic reports were prepared in 1996 by the Special Committee at the request of the Assembly [YUN 1995, p. 635], one in February, the other in June [A/51/99 + Add.1]. The three reports, which covered developments between 18 August 1995 and 20 September 1996, contained information obtained from the Arab and Israeli press; testimony given at hearings held in Amman, Jordan, Cairo, Egypt, and Damascus, Syrian Arab Republic, between 20 and 30 June; Israeli government policy statements; and other communications and reports. In carrying out its mandate, the Committee said, it had benefited from the cooperation of Egypt, Jordan, the Syrian Arab Republic and Palestinian representatives. As in the past, Israel had not responded to requests for cooperation with the Committee. As an addendum to the report, the Secretary-General transmitted in November a map showing Israeli settlements in the occupied territories [A/51/99/Add.3].

The Chairman of the Committee, in his letter of transmittal to the Secretary-General, stated that the Committee in its annual report at-

tempted to present a composite picture of the realities in the occupied territories as they affected the human rights of the civilian population. The signing of the Oslo agreements had given rise to great expectation within the international community that a new era of peace, security and hope would be ushered in for the people of the Middle East, enabling them to live in harmony, dignity and mutual respect. That was the spirit in which the Special Committee approached its mandate.

The Committee reported that the human rights situation in the occupied territories had deteriorated remarkably since the beginning of the peace process, contrary to expectations. By far the most serious aspect of the current situation was the significant deterioration in the economic and social conditions stemming from the virtually hermetic closure of the territories in February 1996, in the wake of four suicide bomb attacks in Israel. Particularly adverse consequences were felt in the Gaza Strip, where economic activity was said to have come to a practical standstill. The closure deprived many Palestinians of their livelihood, and had severely restricted freedom of movement throughout the territories.

The closure also affected students from Gaza studying in the West Bank, and had a negative effect on both Muslim and Christian worshippers in the territories who were unable to gain access to certain holy sites.

Conditions of detention were reported to have deteriorated further. It was alleged that numerous villages and mosques had been raided and family members and relatives of persons charged with having been involved in violent activities against Israel, as well as persons affiliated with certain political parties, had been arrested.

Israeli authorities demolished nine houses and sealed a number of others belonging to the families of persons involved in the recent violent acts. Houses built without a licence continued to be demolished throughout the territories; however, applications for building licences were consistently denied to Palestinians. The unabated expansion of Israeli settlements was a most serious source of tension, according to the Committee. Of particular concern was the policy of the new Israeli Government to lift the freeze on the building of new settlements, as well as to the expand existing ones. Large areas of Arab-owned land continued to be confiscated, both for the expansion of settlements and for quarries and the building of bypass roads.

During its visit to the Syrian Arab Republic, the Special Committee observed the destruction caused by Israelis in the town of Quneitra. Witnesses informed the Committee that the expression of nationalist sentiments by inhabitants con-

tinued to be severely punished and their freedom of movement curtailed. They also spoke about the continued confiscation of land and water resources and the inadequate educational and health facilities, as well as the economic difficulties facing the Arab population.

In conclusion, the Special Committee observed that there was a general sense of disappointment and despondency in the face of continuing rights violations. Even in areas where there had been a transfer of limited authority to the Palestinian Authority and the Palestinian Council, the situation appeared to have deteriorated because of impediments by Israel. Unless there was serious effort to maintain the momentum of the peace process, the Committee stated, and a commitment by both sides to implement the peace agreements, the important achievements accomplished so far would be lost and the situation would deteriorate even further. All parties had to work together and progress in the peace process had to be accompanied by full compliance with universally accepted human rights standards and all relevant UN resolutions.

The Special Committee recommended measures to safeguard the basic human rights of the Palestinians and other Arabs in the territories, including: full application of the relevant provisions of the fourth Geneva Convention (see also below); full compliance with all UN resolutions pertinent to the question of the territories; full Israeli cooperation with UNRWA and full respect for its privileges and immunities; full Israeli cooperation with the International Committee of the Red Cross (ICRC) in order to protect detainees; full support by Member States of UNRWA and ICRC activities, to enable both organizations to maintain and improve assistance to the refugee population and detainees; full Israeli cooperation with the UN Special Coordinator in the Occupied Territories; renewed efforts by Member States to convince Israel of the need for increased human rights protection through international human rights monitoring, including enabling the Special Committee to perform its functions more effectively by allowing it access to the territories; and full Israeli cooperation with the UN Centre for Human Rights concerning implementation of human rights advisory assistance programmes in the areas falling under the interim self-government arrangements.

The Committee appealed to Israel to act in conformity with the spirit animating the peace process by giving effect to certain concrete measures: halting the establishment of new settlements and the expansion of existing ones; ending land confiscation and the building of bypass roads; refraining from destroying property, demolishing

houses and uprooting trees, as well as discriminatory measures in the use of water resources; stopping closures and curfews as measures of collective punishment; reviewing the situation of all Palestinian and other Arab prisoners, especially political detainees or persons having committed non-violent crimes, and expediting their release; improving conditions of detention; exercising utmost restraint in responding to outbreaks of violence and fully investigating all shooting incidents; preventing acts of violence by settlers; and allowing those deported or expelled to return and, where applicable, have their properties restituted.

The Special Committee felt that implementation of those recommendations and others would contribute immensely to strengthening the peace process, enabling all the people of the territories and in the region to live in harmony, dignity, peace and security.

#### SECURITY COUNCIL CONSIDERATION

The Security Council met on 15 April, in response to a request [S/1996/257] by the United Arab Emirates, as Chairman of the Arab Group of Member States, to consider the situation in the occupied territories. The President, with the consent of the Council, invited Algeria, Colombia, Cuba, Iran, Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, Senegal, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure. The President also invited the Observer of Palestine, at his request [S/1996/274], to participate in the discussion in accordance with Council rules of procedure and previous practice. He also extended, with the Council's consent and under rule 39 of the Council's provisional rules of procedure, invitations to the Acting Chairman of the Committee on Palestinian Rights and to the Permanent Observer of the Organization of the Islamic Conference (OIC) to the United Nations, as requested by Guinea [S/1996/277].

The President drew attention to a letter of 2 April from Palestine to the Secretary-General [A/50/915-S/1996/235], containing a memorandum on what was called the Israeli siege and strangulation of the Palestinian territory, people and economy. In an earlier letter of 29 March, Yasser Arafat appealed to the Secretary-General to help put an end to Israel's blockade and closure measures, which, he said, constituted a flagrant violation and gross breach of the agreements concluded. The Secretary-General transmitted the

letter to the Presidents of the General Assembly and the Security Council on 1 April [A/50/916-S/1996/233].

In debate, the Observer of Palestine stated that the suffering of the Palestinians had become unbearable in recent weeks due to Israeli policies and measures which violated the spirit of peace and threatened prospects for continuation of the peace process. Some of those policies—which were in place before the recent bombings—had absolutely no relation to Israeli security considerations, as was claimed. Maintaining security should involve the security of all parties and under no circumstances should one party impose unilateral measures by force; further, Israel could not separate itself from Palestinian territory and at the same time isolate that territory and its people from the rest of the world as if they were hostages. If Israel chose separation, regardless of its reasons and despite its obligations and commitments, it should bear the consequences of that decision and accept complete political separation at the same time.

Israel explained that during eight terrifying days in February and March, Islamic fundamentalist terrorists from the West Bank and Gaza had perpetrated four separate suicide bombings within Israel. As a direct result of those murderous acts, Israel had imposed a closure of the country to residents of the West Bank and Gaza Strip, which was not a form of collective punishment against the Palestinian population but a measure enacted solely to ensure security for the people of Israel and a must to save the peace; easing the closure preceded the terrorist actions which took place in the urban centres of Israel, and the connection between the two was very obvious. Israel was aware of the toll the closure had taken on the residents of the West Bank and Gaza and was sensitive to the plight of the Palestinian population. In recent days, the closure had been gradually eased; currently, 7,000 workers from Gaza were permitted entry into Israel each day and, since 8 April, Palestinians 45 years of age and older had been able to cross into Israel to earn their living. In addition, development projects initiated in Gaza by Israel and other international donors continued to employ over 25,000 local labourers. Lately, restrictions on the passage of goods had also been greatly eased.

Israel was encouraged, however, by the efforts undertaken lately by the Palestinian Authority to curb terrorist groups—which were supported by several foreign Governments that had time and again shown their opposition to peace through word and deed—within areas under its jurisdiction. The international community had to unite in its efforts to isolate terrorist regimes. Israel

pledged to continue to work towards enhancing the peace process despite the terrorist attacks, as well as towards implementing the agreement with the Palestinians.

The terrorist attacks in Israel were widely condemned by those who spoke before the Council, and general concern was expressed about the measures imposed by Israel in return—citing its need for security and protection of its citizens—in particular the closure of the territories. Those measures were considered by many to be a form of collective punishment for the acts of a few individuals. The majority of speakers agreed that the peace process had to continue, for the benefit of all parties. Many speakers appealed to Israel to relax the measures it had taken, in view of the economic hardship they imposed on the Palestinians, as well as the obstacle they created to the peace process.

Meeting number. SC 3652.

#### GENERAL ASSEMBLY ACTION

Following consideration of the Special Committee's annual and periodic reports and four reports of the Secretary-General on specific aspects of the situation in the occupied territories (see below), the General Assembly on 13 December adopted **resolution 51/134**.

#### **Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem**

The General Assembly,

Recalling its relevant resolutions and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council, the most recent of which are resolutions 904(1994) of 18 March 1994 and 1073(1996) of 28 September 1996,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the reports of the Secretary-General,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington on 13 September 1993, as well as the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip signed in Washington on 28 September 1995,

Noting the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho Area in accordance with the agreements reached between the parties, and the initiation of the Palestinian Authority in those areas,

Noting also the redeployment of the Israeli army from six cities in the West Bank,

Concerned about the continuing violation of the human rights of the Palestinian people by Israel, the occupying Power, especially the use of collective punishment, closure of areas, annexation and establishment of settlements and the continuing actions by it designed to change the legal status, geographical nature and demographic composition of the occupied Palestinian territory, including Jerusalem,

Expressing its deep concern in particular over the closure by the Israeli authorities of the occupied Palestinian territory, including Jerusalem, which prevents the freedom of movement of persons and goods and is the cause of great economic and social hardship, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the agreements reached between the two sides,

Convinced of the positive impact of a temporary international or foreign presence in the occupied Palestinian territory for the safety and protection of the Palestinian people,

Expressing its appreciation to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

Convinced of the need for the full implementation of Security Council resolutions 904(1994) and 1073(1996),

1. Determines that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity and that such measures should cease immediately;

2. Demands that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people;

3. Calls for an immediate end of the closure and the assurance of the freedom of movement of persons and goods within the Palestinian territory and with the outside world in conformity with international law and the agreements reached;

4. Calls upon Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

5. Calls for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the occupied territory;

6. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/134

13 December 1996 Meeting 83 149-2-8 (recorded vote)

Approved by Fourth Committee (A/51/592) by recorded vote (125-2-7), 27 November (meeting 22); 13-nation draft (A/C.4/51/L.22); agenda item 85.

Meeting numbers. GA 51st session: 4th Committee 21, 22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Argentina, Guatemala, Kenya, Marshall Islands, Micronesia, Palau, Swaziland, Uruguay.

## Work of Special Committee

On 17 October, the Secretary-General reported [A/51/514] that all necessary facilities had been provided to the Special Committee on Israeli Practices, as requested in General Assembly resolution 50/29 A [YUN 1995, p. 635]. Arrangements had been made for it to meet in February, June and September 1996, and a field mission was carried out in Egypt, Jordan and the Syrian Arab Republic in June. The Department of Public Information continued to provide press coverage of Special Committee meetings and to feature and distribute information materials, documents and press releases on its activities (see below).

## GENERAL ASSEMBLY ACTION

On 13 December, following consideration of the report of the Secretary-General and the Special Committee's annual and periodic reports (see above), the General Assembly adopted **resolution 51/131**.

### Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of

War, of 12 August 1949, as well as international standards of human rights, in particular the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its relevant resolutions, including resolution 2443(XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the lasting impact of the uprising (intifadah) of the Palestinian people,

Convinced that occupation itself represents a primary violation of human rights,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the relevant reports of the Secretary-General,

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization in Washington on 13 September 1993, as well as the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip signed in Washington on 28 September 1995,

Expressing the hope that, with the progress of the peace process, the Israeli occupation will be brought to an end and therefore violation of the human rights of the Palestinian people will cease,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Demands that Israel cooperate with the Special Committee in implementing its mandate;

3. Deplores those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;

4. Expresses concern over the recent deterioration of the situation in the occupied Palestinian territory, including Jerusalem, as a result of Israeli practices and measures and the impasse facing the Middle East peace process;

5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;

7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-second session on the tasks entrusted to him in the present resolution;

9. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

#### **General Assembly resolution 51/131**

**13 December 1996 Meeting 83 79-2-76 (recorded vote)**

Approved by Fourth Committee (A/51/592) by recorded vote (69-2-59), 27 November (meeting 22); 13-nation draft (A/C.4/51/L.19); agenda item 85.

Meeting numbers. GA 51st session: 4th Committee 21, 22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chad, Chile, China, Colombia, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Uruguay, Uzbekistan.

Explaining its vote on all five resolutions adopted under the agenda item, the United States urged the Fourth (Special Political and Decolonization) Committee members to refrain from making their standard request to the Special Committee to continue its work and submit



reports in the following year. The time had come to recognize that the Special Committee's existence did not contribute to the joint efforts being made by Israel and Palestine to settle their differences.

Ireland, speaking on behalf of the EU, said that although the Union was concerned at many actions of the Israeli Government, it believed that the mandate and functions of the Special Committee failed to take account of the contemporary realities. The EU hoped that Israeli troops would be withdrawn from all the occupied territories, after which there would be no further need to maintain the Special Committee.

#### Fourth Geneva Convention

The Special Committee on Israeli Practices, in its annual report [A/51/99/Add.2], reiterated that the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention) remained the main international instrument in humanitarian law that applied to the occupied territories, the applicability of which had repeatedly been reaffirmed by the Security Council, the General Assembly and other UN organs.

On 17 October, the Secretary-General informed [A/51/516] the Assembly that Israel had not replied to his May request for information on steps taken or envisaged to implement Assembly resolution 50/29 B [YUN 1995, p. 636] demanding that Israel accept the *de jure* applicability of the fourth Geneva Convention and comply scrupulously with its provisions.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/132**.

##### **Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories**

The General Assembly,  
Recalling its relevant resolutions,  
Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the relevant reports of the Secretary-General,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. Demands that Israel accept the *de jure* applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. Calls upon all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/132

13 December 1996 Meeting 83 156-2-3 (recorded vote)

Approved by Fourth Committee (A/51/592) by recorded vote (129-2-4), 27 November (meeting 22); 13-nation draft (A/C.4/51/L.20); agenda item 85.

Meeting numbers. GA 51st session: 4th Committee 21, 22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Marshall Islands, Micronesia, Palau.

#### Palestinian prisoners

The Special Committee on Israeli Practices, which continued to monitor the situation of Palestinian prisoners, reported [A/51/99/Add.2.] that although some 2,000 had been released in October 1995 and January 1996 following the signing of the Interim Agreement, the number of Palestinian prisoners in Israeli detention facilities remained high and had even increased after the recent wave of arrests. Conditions of detention were reported to have deteriorated further. Overcrowding, bad food and a persistent lack of medical care were cited among the prisoners'

complaints. After the suicide bombings in February and March, large numbers of arrests were reported throughout the territories, and many of the persons arrested were said to have been placed in administrative detention.

As a result of restrictions imposed on the freedom of movement, Palestinian detainees in Israel had not been able to receive family visits and meet with their lawyers. In addition, the Special Committee was informed that large numbers of Palestinian minors had been detained in Israeli prisons under the same conditions as adults. A large number of prisoners reportedly had no access to lawyers and their families were not informed about their trials.

The Special Committee reiterated that measures to safeguard the basic human rights of the Palestinians and other Arabs in the territories included full cooperation of the Israeli authorities with ICRC in order to protect detained persons, in particular ensuring full access of ICRC representatives to such persons.

In a 17 October report [A/51/517], the Secretary-General stated that he had not received any response from Israel to his May request for information on steps taken or envisaged to implement relevant provisions of General Assembly resolution 50/29 C [YUN 1995, p. 643] calling on Israel to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached, and to facilitate the return of the remaining deportees to the occupied territories.

#### GENERAL ASSEMBLY ACTION

In **resolution 51/134** on Israeli practices affecting the human rights of the Palestinians in the occupied territories, the General Assembly called on Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached.

#### Palestinian women

In March 1996, the Secretary-General reported [E/CN.6/1996/8] to the Commission on the Status of Women on the situation of and assistance to Palestinian women, in accordance with a 1995 Economic and Social Council request [YUN 1995, p. 637]. As a result of the political developments since the signing of the 1993 Declaration of Principles and in line with the results of the 1995 Fourth World Conference on Women in Beijing [YUN 1995, p. 1168], which established a link between the advancement of women and the peaceful settlement of conflicts, the focus of the report had shifted from that of previous reports on the subject: instead of monitoring the general

living conditions of Palestinian women under Israeli occupation, it emphasized aspects of their development and human rights within a new political framework.

According to the report, the peace process had had a significant impact on the lives of Palestinian women and the activities of women's organizations. Women's organizations and human rights groups formed coalitions in the areas of human rights and legal services. They had drafted a bill of women's rights following the release of the Palestinian Draft Basic Law. A Gender Mainstreaming Department was established within the Ministry of Planning.

Women's organizations, in preparation for the Palestinian elections, led protests demanding a quota for women on the Palestinian Council, arguing that they faced difficulties in competing with men in the elections because of historical inequalities in a male-dominated society. Of the more than 1 million registered Palestinian voters in the Gaza Strip, the West Bank and East Jerusalem, 49 per cent were women, but there were only 28 women (4 per cent) among the 676 candidates for the 88-seat legislative council. Five women were elected to the Palestinian Council.

During the period under review, a number of projects for Palestinian women were carried out by the UN system and bilateral donors in close cooperation with the Palestinian Authority and non-governmental organizations (NGOs). UNRWA financed new projects under the Palestinian Women's Initiative Fund, including a community-run kindergarten in the West Bank and a training workshop in Gaza on maintenance and repair of sewing and knitting machines. It also operated a solidarity group-lending programme in the Gaza Strip to make credit available (on average \$400) to individual women working in micro-enterprises and as street vendors in the informal sector of the economy. Under its Peace Implementation Programme, UNRWA established nine women's programme centres, and construction began for a college of nursing and allied health science. Of the university scholarships UNRWA awarded to 863 Palestine refugee students, 371 went to women.

Assistance was provided to women's units in various ministries in order to build and strengthen their efforts for mainstreaming gender at the policy level. A Palestinian Coalition for Women's Health, supported by the Programme of Assistance to the Palestinian People (PAPP) of the United Nations Development Programme (UNDP), aimed to improve health services for Palestinian women by addressing their needs through a life-cycle approach. To improve women's limited access to education, classrooms in villages and rural areas were constructed or renovated, primarily for girls. A school drop-out study, sponsored by UNDP and

to be carried out by the Palestinian Ministry of Education, was to target female youth. Women's enrolment in agricultural schools was encouraged through a project offering both pre-service and in-service training and targeting women as 50 per cent of the beneficiaries.

The United Nations Development Fund for Women (UNIFEM) launched a permanent Women in Development (WID) Facilitation Initiative to coordinate the multiplicity of donors, NGOs and initiators of WID projects. The United Nations Children's Fund (UNICEF) gave priority to programmes reaching out to children in underprivileged communities, with special focus on the girl child. Gender issues were integrated into programming and training to upgrade the skills of health-care and education professionals. A national programme of action was formulated to ensure political and social mobilization and long-term planning for children, girls in particular. The United Nations Population Fund (UNFPA) implemented two expanded maternal and child health and family-planning projects in Gaza and the West Bank.

Concluding, the report suggested that the Commission on the Status of Women might wish that appropriate assistance be given in order to: increase women's participation in conflict resolution and decision-making; ensure respect by the parties, in implementing their agreements, for the human rights of Palestinian women; ensure women's equal access to and full participation in power structures; integrate a gender perspective in legislation, public policies, programmes and projects; ensure equality and non-discrimination under the law and in practice; prepare for ratification of and accession to the 1979 Convention on the Elimination of All Forms of Discrimination against Women [GA res. 34/180], without reservations; create a national machinery and other governmental bodies for the advancement of women at the highest possible level of government; reduce the female illiteracy rate to at least half of its 1990 level; improve women's access to vocational training, science and technology, and continuing education; promote women's economic rights and independence; facilitate women's equal access to resources, employment, markets and trade; increase women's access to appropriate, affordable and high-quality health care and information and related services; and generate and disseminate gender-disaggregated data and information for planning and evaluation.

**Action by Commission on the Status of Women.** In March 1996, the Commission on the Status of Women adopted a resolution on the integration of women in the Middle East peace pro-

cess [E/1996/26 (res. 40/2)], urging Governments, intergovernmental bodies and NGOs to include women in the peace process, and urging Member States to ensure that all assistance to parties in the region took into account the role of women as full participants and beneficiaries. The Commission considered that an active UN role in the peace process and in assisting in the implementation of the Declaration of Principles could make a positive contribution with regard to the status of women.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July, the Economic and Social Council adopted **resolution 1996/5**.

#### Palestinian women

The Economic and Social Council,

Having considered with appreciation the report of the Secretary-General on the situation of and assistance to Palestinian women,

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Platform for Action adopted by the Fourth World Conference on Women,

Recalling also its resolution 1995/30 of 25 July 1995 and other relevant United Nations resolutions,

Recalling further the Declaration on the Elimination of Violence against Women as it concerns the protection for civilian populations,

Welcoming the signing by the Palestine Liberation Organization and the Government of Israel of the Declaration of Principles on Interim Self-Government Arrangements in Washington on 13 September 1993, as well as all subsequent agreements reached between the two parties,

Concerned about the continuing difficult situation of Palestinian women in the occupied Palestinian territory, including Jerusalem, and about the severe consequences of continuous Israeli illegal settlements activities, as well as the harsh economic conditions and other consequences for the situation of Palestinian women and their families, resulting from the frequent closure and isolation of the occupied territory,

1. Recognizes the gradual, positive changes that are taking place as a result of the implementation of the agreements between the two parties;

2. Reaffirms that the Israeli occupation continues to constitute a major obstacle to the advancement and self-reliance of Palestinian women and their integration in the development planning of their society;

3. Demands that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, the Hague Conventions and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in order to protect the rights of Palestinian women and their families;

4. Calls upon Israel to facilitate the return of all refugee and displaced Palestinian women and children to their homes and properties in the occupied Palestinian territory, in compliance with relevant United Nations resolutions;

5. Urges Member States, financial organizations of the United Nations system, non-governmental organi-

zations and other relevant institutions to intensify their efforts to provide financial and technical assistance to Palestinian women for the creation of projects responding to their needs, especially during the transitional period;

6. Requests the Commission on the Status of Women to continue to monitor and take action on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Platform for Action of the Fourth World Conference on Women;

7. Requests the Secretary-General to continue to review the situation and to assist Palestinian women by all available means and to submit to the Commission on the Status of Women at its forty-first session a report on progress made in the implementation of the present resolution.

Economic and Social Council resolution 1996/5  
22 July 1996 Meeting 43 46-1-1 (recorded vote)  
Draft by Commission on Status of Women (E/1996/26); agenda item 5 (e).

Recorded vote in Council as follows:

In favour: Argentina, Australia, Bangladesh, Belarus, Brazil, Bulgaria, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Czech Republic, Egypt, Finland, France, Gabon, Germany, Ghana, Greece, India, Indonesia, Ireland, Jamaica, Japan, Jordan, Luxembourg, Malaysia, Netherlands, Nicaragua, Paraguay, Philippines, Poland, Portugal, Romania, Senegal, South Africa, Sweden, Thailand, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: United States.

Abstaining: Russian Federation.

## Israeli settlements

**Special Committee report.** The existence and expansion of Israeli settlements and the construction of bypass roads linking them and with Israel was, according to the Special Committee on Israeli Practices, one of the most serious sources of tension in the occupied territories. The Council of Jewish Settlements, as quoted in the Committee's October report [A/51/99/Add.2], estimated that almost 150,000 Jews lived in the territories, a 46 per cent increase between June 1992 and May 1996. Israel's previous Labour Government, while declaring a freeze on the building of new settlements, had allowed the expansion of existing ones by private companies, sometimes tripling the size of the settlements. The confiscation of large areas of Arab-owned land had not subsided; Palestinian sources estimated the amount of land confiscated since the signing of the 1993 Declaration of Principles up to August 1995 at 166.4 square kilometres, not counting 17.8 square kilometres of unofficial confiscation by settlers. Of a total of 194 settlements, 60 were estimated to have been extended in that manner during the same period. The current trend appeared to be the expropriation of numerous small plots of land in Palestinian neighbourhoods, especially around Jerusalem. It was reported that settlers from the Efrat settlement had taken advantage of the territories' clo-

sure to seize land and prepare for the construction of new housing.

In the Committee's view, the single most alarming step taken so far by the new Likud Government and the biggest threat to the peace process was the Cabinet's decision on 2 August to end the four-year freeze imposed by the previous Government regarding the construction of new settlements. The Israeli Prime Minister was reported to have described the move as one aimed at correcting the discrimination against Jewish settlements.

The situation of Palestinian landowners was difficult in view of the fact that land registration in the territories reportedly had stopped in 1967, the Committee said.

Israel's plan to build a highway between the Lydda and Kalandia airports in Jerusalem involved the confiscation of thousands of acres of land belonging to 12 West Bank villages and 750 acres of land adjacent to Kalandia in Bir Nabala, Beit Hanina and Rafat, the Committee reported. Besides confiscation of prime agricultural land, large numbers of olive, almond and fig trees and vineyards continued to be uprooted for the construction of such roads. Some 120,000 Palestinians were said to have been excluded from the Jerusalem City limits since 1967, and it was estimated that currently approximately 72 per cent of the inhabitants of Jerusalem were Jews. While building licences were well beyond the financial means of Palestinian families, Palestinian-owned houses built without a licence were systematically demolished. Numerous inhabitants of Jerusalem were forced to leave the city's municipal boundaries, either in search of jobs or better living conditions.

Tension was aggravated by the behaviour of settlers, particularly in Hebron, where they had been consistently violent and Palestinians were physically attacked as well as their property damaged. The coexistence of settlers with the Palestinian population was difficult owing to the location of their settlement in the town centre. The Special Committee believed that the low voter turnout in Hebron during the Palestinian elections in January was indicative of the helplessness the population felt. Reasons invoked by Israel for not withdrawing the Israel Defence Forces from Hebron hinged on certain security concerns regarding the settlers. In order to delay the army's withdrawal, settlers attacked Palestinians and vandalized their property.

In the Gaza Strip, there were 18 Israeli settlements, and settlers were said to occupy about 30 per cent of the area, with 1.2 million Palestinians living in the remaining part.

A map showing Israeli settlements established in the territories since June 1967 was transmitted by the Secretary-General to the General Assembly in November 1996, as an addendum to the Committee's report [A/51/99/Add.3.].

**Report of Secretary-General.** In an October 1996 report [A/51/517], the Secretary General informed the General Assembly that no reply had been received from Israel to his May request for information on steps it had taken or envisaged to implement Assembly resolution 50/29 C [YUN 1995, p. 643], reaffirming that Israeli settlements in the occupied territory, including Jerusalem, were illegal and an obstacle to achieving comprehensive peace.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/133**.

#### **Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan**

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, as well as relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 446(1979) of 22 March 1979, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan,

Welcoming the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

Expressing grave concern over the decision of the Government of Israel to resume settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

Gravely concerned in particular about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

Taking note of the report of the Secretary-General,

1. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. Calls upon Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide

scrupulously by the provisions of the Convention, in particular article 49;

3. Demands complete cessation of all illegal Israeli settlement activities;

4. Stresses the need for full implementation of Security Council resolution 904(1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

General Assembly resolution 51/133

13 December 1996 Meeting 83 152-2-6 (recorded vote)

Approved by Fourth Committee (A/51/592) by recorded vote (126-3-6), 27 November (meeting 22); 13-nation draft (A/C.4/51/L.21/Rev.1), orally amended by Norway; agenda item 85.

Meeting numbers. GA 51st session: 4th Committee 21, 22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Guatemala, Marshall Islands, Micronesia, Palau, Swaziland, Uruguay.

Israel said the resolution ran counter to the principles on which the peace process was based, such as the principle of direct negotiations between the parties without preconditions, and might have an adverse effect on those negotiations. The question of settlements related exclusively to the permanent-status issue between Israel and the Palestinians and should be resolved in the framework of direct negotiations.

#### Economic and social repercussions

A report [A/51/135-E/1996/51] prepared by the Economic and Social Commission for Western Asia and submitted by the Secretary-General in June, in accordance with requests of the Economic and Social Council [ESC res. 1995/49] and the General Assembly [GA res. 50/129], dealt with the economic and social repercussions of Israeli settlements on the Palestinians in the Palestinian territory, including Jerusalem, occupied since

1967, and on the Arab population of the Syrian Golan.

Covering the period from April 1995 to March 1996, the report stated that the September 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, which detailed the mechanisms and limitations of the extension of Palestinian self-rule to significant portions of the West Bank, provided for the division of the West Bank into three areas, each with varying degrees of Israeli and Palestinian responsibility. Area A consisted of the seven major Palestinian towns—Bethlehem, Hebron, Jenin, Kalkiliya, Nablus, Ramallah and Tulkarm—in which Palestinians would have complete authority for civilian security. In area B, which comprised all other Palestinian population centres, except some refugee camps, Israel was to retain "overriding security responsibility". In area C, which included all settlements, military bases and areas, as well as State lands, Israel would have sole security authority.

The Interim Agreement provided for the redeployment of the Israeli army, allowing the Palestinian National Authority to assume its civil and security responsibilities under the schedule provided for in the Agreement. Indeed, the Israeli army began its withdrawal from Jenin on 13 November 1995, followed by Tulkarm on 10 December, Nablus and other villages in the Tulkarm area on 11 December, Kalkiliya on 17 December, Bethlehem on 21 December and finally Ramallah on 28 December. Withdrawal from Hebron, however, was postponed to the end of March 1996. By the end of March, withdrawal from Hebron had been postponed indefinitely, following a unilateral decision by Israel in the light of the prevailing security conditions in Israel and the occupied territories.

It appeared from official Israeli statements, the report stated, that in the context of a final settlement, Israel intended to gather Jewish settlers in settlement compounds with centres in the large settlements of Jerusalem, Bethlehem, Tulkarm, Kalkiliya and Nablus. Jewish settlements in the Jordan Valley would remain under Israeli control.

The progress in the peace process, in particular the implementation of the Interim Agreement and the redeployment of the Israeli army and its evacuation of agreed areas, had led to a slight but growing change in the attitude of Jewish settlers concerning the future of the settlements and their own future in the occupied territories, the report continued. A certain percentage of them expressed willingness to leave their settlements if offered reasonable compensation. Israeli parliament sources claimed that

600 Jewish settler families had voluntarily abandoned their dwellings in settlements of the West Bank and Gaza Strip since the signing of the Agreement. A large number of other families, it was said, wished to leave the settlements but had not received the necessary support from Israeli authorities.

Sources from the Centre for Land Research in East Jerusalem estimated the total area of expropriated Palestinian land in 1995 at 18,180 dunums (one dunum equaling 1,000 square metres), of which 3,500 dunums were seized as State land, 8,900 for settlement purposes, 1,100 for military purposes and 4,680 for public projects. Palestinian sources indicated that, between the signing of the Declaration of Principles in September 1993 and the end of 1995, Israel had confiscated 230,000 dunums.

A Palestinian study revealed that what remained of the Jerusalem area occupied since 1967 for potential use by Arab inhabitants no longer exceeded 4 per cent, as Israel had confiscated 33 per cent of the city's area directly for settlement purposes. Another 40 per cent had come under Israeli control as a result of new maps having been drawn, wherein the size of Arab neighbourhoods and villages was reduced and only a limited space within them was designated for building, thus bringing the total area of Jerusalem under Israeli control to 73 per cent, with an additional 6 per cent already designated for the construction of roads. The remaining 21 per cent was in Arab hands, of which 10 per cent was inhabited and 7 per cent unplanned, rendering it vulnerable to expropriation or sale because of high taxes imposed.

As for strengthening Jewish settlements in Jerusalem, Israeli press sources indicated that 11,000 housing units were being constructed at the beginning of 1996 and thousands more were planned.

According to the Peace Now movement, 1,400 housing units had been started since the beginning of 1995 in the Jewish settlements over the Green Line, most of them in the Greater Jerusalem area, said to be the largest number of building starts in the territories in three years. Altogether, 6,000 units were under construction to provide housing for 25,000 people.

As for settlements close to the Green Line, Israeli press sources reported the Minister of Housing as stating that his Ministry had prepared the blueprints for a new neighbourhood for religious Jews within the Green Line called Mattiyahu, near the settlement of Kiryat Sefer west of the city of Ramallah, and for the Hashmonaim neighbourhood, also within the Green

Line, so that the three sites would become one settlement with 12,000 housing units.

Efforts to strengthen settlements in the occupied Golan Heights continued. There was a reported mass influx of newcomers to Katzrin, which experienced a population boom in 1995. Golan regional council officials revealed in August 1995 that 120 families had been absorbed into existing settlements in the preceding two months alone.

Water utilization in the territories remained a problem adversely affecting the lives of Palestinians and their economic and social conditions. After Israel and the Palestinian Authority had reached an initial agreement in July 1995 on the water issue, water rights and methods of utilization in the West Bank were to be determined in the final-stage negotiations, and a tripartite Israel-Palestine-United States committee was to be formed to discuss issues such as utilization and distribution, supervision of its utilization, and development of new sources of water. The agreement on water issues was one of the most difficult subjects the two parties had to discuss, threatening the negotiation of the transitional stage.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/40**.

##### **Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan**

The Economic and Social Council,  
Recalling General Assembly resolution 50/129 of 20 December 1995,

Recalling also its resolution 1995/49 of 28 July 1995,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their national resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions 242(1967) of 22 November 1967 and 497(1981) of 17 December 1981,

Recalling Security Council resolution 465(1980) of 1 March 1980 and other resolutions in which the Security Council affirmed the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling also Security Council resolution 904(1994) of 18 March 1994, in which, inter alia, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, among others, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory,

Aware of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan,

Welcoming the ongoing Middle East peace process started at Madrid, in particular the signing in Washington, on 13 September 1993, by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, of the Declaration of Principles on Interim Self-Government Arrangements, and the signing in Washington, on 28 September 1995, of the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip,

1. Takes note of the report prepared by the Economic and Social Commission for Western Asia;
2. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967 are illegal and an obstacle to economic and social development;
3. Recognizes the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied by Israel since 1967, and on the Arab population of the occupied Syrian Golan;
4. Reaffirms the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being illegal;
5. Requests the Secretary-General to submit to the General Assembly at its fifty-second session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution.

Economic and Social Council resolution 1996/40

26 July 1996 Meeting 51 44-1-5 (recorded vote)

9-nation draft (E/1996/L.23); agenda item 8.

Sponsors: Algeria, Egypt, Jordan, Mauritania, Qatar, Sudan, Tunisia, United Arab Emirates, Yemen.

Meeting numbers. ESC 34, 35, 37, 51.

Recorded vote in Council as follows:

In favour: Argentina, Australia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Czech Republic, Egypt, Finland, France, Gabon, Germany, Ghana, Greece, Guyana, India, Indonesia, Ireland, Jamaica, Japan, Jordan, Lebanon, Luxembourg, Malaysia, Netherlands, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Portugal, Senegal, South Africa, Sweden, Thailand, Togo, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: United States.

Abstaining: Belarus, Central African Republic, Cote d'Ivoire, Romania, Russian Federation.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/190**.

##### **Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources**

The General Assembly,

Recalling Economic and Social Council resolution 1996/40 of 26 July 1996,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the additional, detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Welcoming the ongoing Middle East peace process which was started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242(1967), 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978 and the principle of land for peace, in particular the two implementation agreements embodied in the Agreement on the Gaza Strip and the Jericho Area of 4 May 1994 and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

1. Takes note of the report of the Secretary-General;
2. Reaffirms the inalienable right of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;
3. Calls upon Israel, the occupying Power, not to exploit, to cause loss and depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;
4. Recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;
5. Requests the Secretary-General to report to it, at its fifty-second session, on the implementation of the present resolution, and decides to include in the agenda of its fifty-second session an item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

General Assembly resolution 51/190

16 December 1996 Meeting 86 133-3-21 (recorded vote)

Approved by Second Committee (A/51/601) by recorded vote (123-20-17), 2 December (meeting 37); 12-nation draft (A/C.2/51/L.30/Rev.2); agenda item 12.

Meeting numbers. GA 51st session: 2nd Committee 27, 28, 35-37; plenary 86.

Recorded vote in Assembly as follows:

In favour. Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador,

Egypt, Eritrea, Finland, France, Germany, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States, Vanuatu.\*

Abstaining: Bahamas, Barbados, Belarus, Congo, Cote d'Ivoire, Croatia, Estonia, Fiji, Gambia, Georgia, Grenada, Kenya, Latvia, Liberia, Lithuania, Marshall Islands, Micronesia, Palau, Paraguay, Ukraine, Uruguay.

\*Later advised the Secretariat it had intended to vote in favour.

The text was the result of informal consultations in the Assembly's Second (Economic and Financial) Committee on two draft resolutions, one submitted by Afghanistan, Cuba and the Syrian Arab Republic, on behalf of the Group of Arab States [A/C.2/51/L.29], the other tabled by Bangladesh, Egypt, Malaysia, Mauritania, the Sudan, Tunisia, the United Arab Emirates and Yemen [A/C.2/51/L.30].

In explanation of vote, Israel called the text superfluous, because the issue of rights over natural resources had been covered in the Interim Agreement and should be settled within the framework of the permanent status negotiations. The real objective of the draft, it believed, was to predetermine the outcome of those negotiations, contradictory to the spirit and letter of the Interim Agreement and of the Madrid Conference.

The United States firmly opposed the text on the grounds that it risked compromising the parties' efforts in the direct negotiations under way and prejudged their outcome.

## Issues related to Palestine

### General aspects

During 1996, the General Assembly continued to grapple with the question of Palestine. Following consideration of the annual report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) [A/51/35], the Assembly in December adopted four resolutions, reaffirming, among other things, the necessity of achieving a peaceful settlement of the question—the core of the Arab-Israeli conflict—in all its aspects, stressing the need for the realization of the inalienable rights of the Palestinians, primarily the right to self-determination, for Israeli withdrawal from



the Palestinian territory occupied since 1967 and for resolving the problem of the Palestine refugees.

In commemoration of the International Day of Solidarity with the Palestinian People, celebrated annually in accordance with Assembly resolution 32/40 B [YUN 1977, p. 304], the Committee held a solemn meeting on 29 November to which all Member States, specialized agencies and observers were invited and on the occasion of which the Secretary-General and the Presidents of the General Assembly and the Security Council spoke.

**Report of Secretary-General.** In a November report on the peaceful settlement of the question of Palestine [A/51/678-S/1996/953], the Secretary-General made observations on the Middle East peace process (see under "Peace process", above). The PLO and Egypt supplied information regarding steps taken to implement General Assembly resolution 50/84 D, on the Palestine question [YUN 1995, p. 646].

#### GENERAL ASSEMBLY ACTION

Following consideration of the Secretary-General's report, the General Assembly, on 4 December, adopted **resolution 51/26**.

#### Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions,

Recalling also the relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 50/84 D of 15 December 1995,

Convinced that achieving a final and peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive and lasting peace in the Middle East,

Aware that the principle of equal rights and self-determination of peoples is among the purposes and principles of the Charter of the United Nations,

Affirming the principle of the inadmissibility of the acquisition of territory by war,

Affirming also the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem,

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

Aware of the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and the signing by the two parties of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,

Noting with satisfaction the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho area in accordance with the agreements reached by the parties, and the initiation of the Palestinian Authority in those areas, as well as the beginning of the re-deployment of the Israeli army in the rest of the West Bank,

Noting also with satisfaction the successful holding of the first Palestinian general elections,

Aware that the United Nations has participated as a full, extraregional participant in the work of the multi-lateral working groups of the Middle East peace process,

Noting the establishment of the Office of the United Nations Special Coordinator in the Occupied Territories and its positive contribution,

Welcoming the convening of the Conference to Support Middle East Peace in Washington, D.C., on 1 October 1993, and all follow-up meetings,

Concerned over the serious difficulties facing the Middle East peace process and the deterioration of the socio-economic conditions of the Palestinian people as a result of the Israeli positions and measures,

1. Reaffirms the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects;

2. Expresses its full support for the ongoing peace process which began in Madrid and the Declaration of Principles on Interim Self-Government Arrangements of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995, and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East;

3. Stresses the necessity for the immediate and scrupulous implementation of the agreements reached between the parties and the commencement of the negotiations on the final settlement;

4. Calls upon the concerned parties, the co-sponsors of the peace process and the entire international community to exert all the necessary efforts to ensure the success of the peace process;

5. Stresses the need for:

(a) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination;

(b) The withdrawal of Israel from the Palestinian territory occupied since 1967;

6. Also stresses the need for resolving the problem of the Palestine refugees in conformity with its resolution 194(III) of 11 December 1948;

7. Urges Member States to expedite the provision of economic and technical assistance to the Palestinian people during this critical period;

8. Emphasizes the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles;

9. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.

General Assembly resolution 51/26

4 December 1996 Meeting 72 152-2-4 (recorded vote)

22-nation draft (A/51/L.36 & Add.1); agenda item 35.

Meeting numbers. GA 51st session: plenary 68, 69, 72.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Costa Rica, Fiji, Marshall Islands, Micronesia.

The Permanent Observer of Palestine stressed that the Assembly should uphold its position related to the inalienable rights of the Palestinian people and related to the elements of the final settlement (final status issues), where Israel had already created illegal, *de facto* situations, until negotiations on those issues took place and a final settlement was effectively achieved. The principle of the return of land for peace and the implementation of Security Council resolutions 242(1967) and 338(1973) had to be respected. The parties had to comply with the agreements reached and to implement them in good faith and without delay.

In Israel's view, the resolution was fraught with internal contradictions: on the one hand, it claimed to support the peace process begun in Madrid, while on the other, it sought to undermine the fundamental principle of direct negotiations without preconditions, on which the Madrid process was based. Israel believed that Member States that claimed to support the peace process had a responsibility to oppose the text, as it struck at the essential principles of that process.

The United States said the unbalanced resolution complicated the achievement of a comprehensive, just and lasting peace, inappropriately injecting the General Assembly into issues that were under direct negotiation between the parties. What the parties needed from the Assembly was support and encouragement, not second-guessing and side-taking.

### Committee on Palestinian Rights

As mandated by General Assembly resolution 50/84 A [YUN 1995, p. 649], the Committee on Palestinian Rights, established in 1975 [GA res. 3376(XXX)], kept under review the situation relating to the Palestine question, reported on it and made suggestions to the Assembly or the Security Council. The Committee continued to exert all efforts to promote the effective implementation of the 1993 Declaration of Principles and the 1995 Interim Agreement, as well as to mobilize international support for and assistance to the Palestinians.

The Committee continued to monitor the situation in the occupied Palestinian territory, including Jerusalem, and the developments in the peace process on an ongoing basis through the media, reports of UN organs and agencies, and information provided by NGOs, individual experts and others who participated in meetings held under its auspices.

The Committee continued to follow the activities related to the Palestine question of UN bodies, the Movement of Non-Aligned Countries and intergovernmental organizations and, through its Chairman or Acting Chairman, participated in Security Council meetings on the situation in the occupied territories, including Jerusalem (see above), and in relevant meetings of intergovernmental bodies.

During the year, the Committee sponsored a combined meeting of consultations with representatives of NGO coordinating committees (New York, 1-2 February); a seminar on assistance to the Palestinian people, with the theme "Building the Palestinian economy" (Cairo, Egypt, 21-23 May); a symposium for NGOs in North America on the Palestine question (New York, 24-26 June); and a combined symposium for European NGOs and international NGO meeting (Geneva, 2-4 September). Noting that it had not organized an event in the Asian region for several years, the Committee decided in principle to convene a combined seminar and NGO symposium in Asia in early 1997, subject to consultations with prospective host countries.

The Committee decided to pursue new activities to expand its contacts with the Palestinian Authority and other institutions in the area under the Authority's jurisdiction. Specifically, it envisaged inviting Authority officials and other Palestinian personalities to Special Committee meetings to apprise its members and other delegations of important developments on the ground and the evolving needs of the Palestinians to be met through international action. The Committee also would consider ways of developing cooperation with and assistance to Palestinian NGOs.

In its 1996 report [A/51/35], the Committee welcomed the redeployment of Israel's military forces from six major West Bank towns and over 450 villages, and that administrative and civilian powers and responsibilities, as well as in the area of security, had been transferred to the Palestinian Authority. The Committee noted with satisfaction the continued strengthening of the institutional capacity of the Authority and welcomed the successful holding of the first Palestinian elections, in January, to the legislative council and the Presidency of the Palestinian Authority, and it congratulated President Yasser Arafat on that historic event. The Committee was also pleased to note that, for the first time, the Palestine National Council had been able to meet in Gaza, from 22 to 25 April, and had decided to abrogate articles of the Palestine National Charter that were contrary to agreements reached between Israel and the PLO. The Committee also noted the start of the permanent status negotiations between Israel and the PLO in early May, in accordance with the timetable contained in the 1993 Declaration of Principles. Negotiations were adjourned after a number of procedural decisions had been taken.

The Committee noted with grave concern the exacerbation of the situation on the ground as a result of Israeli security measures in the wake of suicide attacks against Israeli civilians in February and March. Of particular concern were the guidelines adopted by the new Israeli Government and statements by Prime Minister Benjamin Netanyahu concerning the peace process, including the implementation of Security Council resolutions 242(1967) and 338(1973) and the principle of land for peace, as well as issues related to a final settlement, in particular Jerusalem, Israeli settlements in the occupied territories, the return of refugees and Palestinian sovereignty, which appeared to depart from agreed principles and to link implementation to extraneous issues. The delay in redeployment of Israeli troops from Hebron had encouraged provocations by settlers and greatly aggravated tension in the town. The continued lack of safe passage between the West Bank and the Gaza Strip infringed on the status and integrity of the Palestinian territory as a single territorial unit, stipulated in the agreements, hampered the Palestinian Authority in exercising its responsibilities and further exacerbated the serious economic situation, the Committee stated. It was also concerned at Israel's interference in activities of the Palestinian Council members representing the Jerusalem district. It noted with concern that further redeployment of Israeli troops, due to commence six months after

the Council's inauguration, had not begun on 7 September in accordance with the agreed timetable. The Committee also noted that although a number of prisoners had been released, some 3,100 Palestinians still remained in Israeli prisons, and that their relatives and ICRC had experienced serious difficulties in visiting them.

The imposition on 25 February of the closure of areas under Palestinian jurisdiction in effect fragmented the territory into many small enclaves isolated from each other and from the outside world, the Committee noted. The Committee further noted with the greatest concern that staff of NGOs and UNRWA had experienced restrictions in their freedom of movement and that their humanitarian work had been disrupted at a time of great crisis.

The Committee praised the Secretary-General and his Special Coordinator in the Occupied Territories, and the UN system as a whole, for their work to promote an easing of the closure and the creation of local employment, as well as for the continuing programme of assistance for the development of the Palestinian territory. The Committee called on the international community, in particular donor countries, to continue to spare no effort in the pursuit of economic and social development and improvement of the living conditions of Palestinians as the indispensable underpinning for peace.

The Committee was gravely concerned at the negative implications of the prolonged closure for the future of Jerusalem, to be negotiated as part of a final settlement. It noted that the closure had practically cut off Palestinian access to East Jerusalem, thus depriving Palestinians in Gaza and the West Bank of their most important religious, cultural and social centre, while isolating Palestinians in Jerusalem from their natural hinterland and stifling East Jerusalem's economy.

The Committee welcomed the relocation of UNRWA headquarters from Vienna to Gaza City (see below). It took note of the signing, on 5 July, of the headquarters agreement between UNRWA and the Palestinian Authority. At the same time, the Committee expressed concern at the Agency's financial constraints and hoped that outstanding pledges and voluntary funds would be forthcoming so that it could continue to provide its vital services.

The Committee further expressed serious concern at policy statements and decisions by the Israeli Government portending renewed land confiscation and settlement construction in the occupied territory.

It was gravely concerned at the escalation of violence in September, when Israel opened an entrance to a tunnel in the vicinity of Haram al-

Sharif in East Jerusalem (see above). It welcomed efforts to resolve the situation and resume the peace process. The Committee noted the Middle East Summit, held at the invitation of the President of the United States and with the participation of King Hussein of Jordan, the Israeli Prime Minister and the President of the Palestinian Authority (Washington, D.C., 1-2 October), and the parties' determination to renew and intensify negotiations on how to carry out the provisions of the peace agreements already concluded. In that regard, the Committee reiterated its strong support for the peace process and its determination to spare no effort in promoting the rights of the Palestinians, including the right to self-determination and statehood.

The United Nations had a permanent responsibility with respect to the Palestine question until a comprehensive, just and lasting settlement was reached, the Committee reaffirmed, and the involvement of the United Nations in the peace process, both as guardian of international legitimacy and in mobilizing and providing international assistance, was essential for the successful outcome of the peace efforts.

#### GENERAL ASSEMBLY ACTION

On 4 December, the General Assembly adopted **resolution 51/23**.

#### **Committee on the Exercise of the Inalienable Rights of the Palestinian People**

The General Assembly,

Recalling its resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948, 3236(XXIX) of 22 November 1974, 3375(XXX) and 3376(XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A of 2 December 1977, 33/28 A and B of 7 December 1978, 34/65 A of 29 November 1979 and 34/65 C of 12 December 1979, ES-7/2 of 29 July 1980, 35/169 A and C of 15 December 1980, 36/120 A and C of 10 December 1981, ES-7/4 of 28 April 1982, 37/86 A of 10 December 1982, 38/58 A of 13 December 1983, 39/49 A of 11 December 1984, 40/96 A of 12 December 1985, 41/43 A of 2 December 1986, 42/66 A of 2 December 1987, 43/175 A of 15 December 1988, 44/41 A of 6 December 1989, 45/67 A of 6 December 1990, 46/74 A of 11 December 1991, 47/64 A of 11 December 1992, 48/158 A of 20 December 1993, 49/62 A of 14 December 1994 and 50/84 A of 15 December 1995,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, in particular the Agreement on the Gaza Strip and the Jericho Area, signed at Cairo on 4 May 1994, and the Israeli-Palestinian Interim Agree-

ment on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,

Reaffirming that the United Nations has a permanent responsibility with respect to the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy,

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. Considers that the Committee can continue to make a valuable and positive contribution to international efforts to promote the effective implementation of the Declaration of Principles on Interim Self-Government Arrangements and to mobilize international support for and assistance to the Palestinian people during the transitional period;

3. Endorses the recommendations of the Committee contained in chapter VII of its report;

4. Requests the Committee to continue to keep under review the situation relating to the question of Palestine and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

5. Authorizes the Committee to continue to exert all efforts to promote the exercise of the inalienable rights of the Palestinian people, to make such adjustments in its approved programme of work as it may consider appropriate and necessary in the light of developments, to give special emphasis to the need to mobilize support and assistance for the Palestinian people and to report thereon to the General Assembly at its fifty-second session and thereafter;

6. Requests the Committee to continue to extend its cooperation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine and promoting support and assistance to meet the needs of the Palestinian people and to take the necessary steps to involve additional non-governmental organizations in its work;

7. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194(III), and other United Nations bodies associated with the question of Palestine to continue to cooperate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

8. Requests the Secretary-General to circulate the report of the Committee to all the competent bodies of the United Nations, and urges them to take the necessary action, as appropriate;

9. Also requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

General Assembly resolution 51/23

4 December 1996 Meeting 72 104-2-46 (recorded vote)

22-nation draft (A/51/L.33 & Add.1); agenda item 35.

Meeting numbers. GA 51st session: plenary 68, 69, 72.

Recorded vote in Assembly as follows:

In favour: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Do-

minica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, Slovakia, Slovenia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, United Kingdom.

Israel said it had opposed the existence of bodies such as the Committee and the Division for Palestinian Rights since their inception; they had obstructed dialogue and understanding through a one-sided and distorted portrayal of the Arab-Israeli conflict and stood in contradiction to the very principles on which the peace process was based. In addition, they expended valuable resources that should be devoted to more constructive activities, such as supporting social and economic development that would benefit Palestinians.

In the view of the United States, the \$7 million that currently funded the activities of obscure UN committees and departments which purported to be dedicated to the welfare of Palestinians could make a real difference in the lives of ordinary people. The funds should go instead to the activities of other UN organizations, such as the Special Coordinator in the Occupied Territories, UNRWA and UNDP, which would carry out programmes directly benefiting the Palestinians.

### Division for Palestinian Rights

With the guidance of the Committee on Palestinian Rights, the Division for Palestinian Rights of the UN Secretariat continued to function as a centre for research, monitoring, preparation of studies, and collection and dissemination of information on all issues related to the Palestine question. The Committee emphasized the essential contribution of the Division in that regard and requested it to continue its programme of publications, in consultation with the Committee. The Committee considered that the studies, bulletins, information notes, reports and other material published by the Division should focus on priority issues to be addressed by the Committee in 1996 in order to enhance their usefulness at that important stage.

The Committee noted with appreciation that the Division, in accordance with its mandate, continued to respond to requests for information

and to prepare and disseminate the following publications: monthly bulletins covering action by the Committee and other UN organs, organizations and agencies, as well as intergovernmental and non-governmental organizations, on the Palestine question, containing the texts of relevant resolutions, statements and decisions; the periodic bulletin "Developments related to the Middle East peace process"; a monthly chronological summary of events relating to the Palestine question; reports of seminars and NGO meetings organized under Committee auspices; a special bulletin on the commemoration, in 1995, of the International Day of Solidarity with the Palestinian People; and a compilation of relevant resolutions, decisions and statements adopted in 1995 by the General Assembly and the Security Council relating to the Palestine question.

The Committee noted with appreciation that, in response to its request, the Division had completed the first draft of a study on Jerusalem, and requested that it pay particular attention to finalizing the proposed study on Israeli settlements during the coming year.

The Committee noted with appreciation the further progress made by the Division, in cooperation with relevant technical services of the Secretariat, in developing the UN information system on the question of Palestine, and in making it available to users, including through the establishment of a home page on the Internet. It called for intensified efforts to include all relevant documentation in the system, if necessary through redeployment of funds from lower-priority areas.

Noting further the successful introduction in the Division of a pilot project for the training of staff of the Palestinian Authority in the workings of the UN system, the Committee requested the Division to continue that exercise in the future.

### GENERAL ASSEMBLY ACTION

On 4 December, the General Assembly adopted **resolution 51/24**.

### Division for Palestinian Rights of the Secretariat

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Taking note in particular of the relevant information contained in chapter V.B of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978, 34/65 D of 12 December 1979, 35/169 D of 15 December 1980, 36/120 B of 10 December 1981, 37/86 B of 10 December 1982, 38/58 B of 13 December 1983, 39/49 B of 11 December 1984, 40/96 B of 12 December 1985, 41/43 B of 2 December 1986, 42/66 B of 2 December 1987, 43/175 B of 15 December 1988, 44/41 B of 6 December 1989, 45/67 B of

6 December 1990, 46/74 B of 11 December 1991, 47/64 B of 11 December 1992, 48/158 B of 20 December 1993, 49/62 B of 14 December 1994 and 50/84 B of 15 December 1995.

1. Notes with appreciation the action taken by the Secretary-General in compliance with its resolution 50/84 B;

2. Considers that the Division for Palestinian Rights of the Secretariat continues to make a useful and constructive contribution through the organization of seminars and meetings of non-governmental organizations, as well as through its research and monitoring activities, the preparation of studies and publications and the collection and dissemination of information in printed and electronic form on all issues pertaining to the question of Palestine;

3. Requests the Secretary-General to continue to provide the Division with the necessary resources, including for the further development of the United Nations Information System on the Question of Palestine, and to ensure that it continues to discharge the tasks detailed in paragraph 1 of resolution 32/40 B, paragraph 2 (b) of resolution 34/65 D, paragraph 3 of resolution 36/120 B, paragraph 3 of resolution 38/58 B, paragraph 3 of resolution 40/96 B, paragraph 2 of resolution 42/66 B, paragraph 2 of resolution 44/41 B, paragraph 2 of resolution 46/74 B, paragraph 2 of resolution 48/158 B, paragraph 3 of resolution 49/62 B and paragraph 3 of resolution 50/84 B, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

4. Also requests the Secretary-General to ensure the continued cooperation of the Department of Public Information and other units of the Secretariat in enabling the Division to perform its tasks and in covering adequately the various aspects of the question of Palestine;

5. Invites all Governments and organizations to lend their cooperation to the Committee and the Division in the performance of their tasks;

6. Notes with appreciation the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People, requests them to continue to give the widest possible publicity to the observance and requests the Committee to continue to organize, as part of the observance of the Day of Solidarity, an annual exhibit on Palestinian rights in cooperation with the Permanent Observer Mission of Palestine to the United Nations.

General Assembly resolution 51/24

4 December 1996 Meeting 72 107-2-46 (recorded vote)

22-nation draft (A/51/L.34 & Add.1); agenda item 35.

Meeting numbers. GA 51st session: plenary 68, 69, 72.

Recorded vote in Assembly as follows:

In favour: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Re-

public of Korea, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, Slovakia, Slovenia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, United Kingdom.

### Special information programme

As requested by General Assembly resolution 50/84 C [YUN 1995, p. 652], the Department of Public Information (DPI) continued in 1996, in full cooperation and coordination with the Committee on Palestinian Rights, its special information programme on the Palestine question, with particular emphasis on public opinion in Europe and North America. In doing so, DPI was to focus on six particular areas of activity, as identified in the 1995 Assembly resolution.

Dissemination of information on all activities of the UN system relating to the Palestine question was provided by DPI. The Department's NGO Section continued to disseminate information materials through the NGO Resources Centre. The global network of UN information centres (UNICs) and services actively promoted the central issue relating to the Palestine question, organizing media activities and special events and regularly disseminating relevant information materials made available from Headquarters.

DPI continued to issue press releases and publications on various aspects of the Palestine question.

The Department's Radio and Central News Service provided a wide range of coverage on the Palestine question and related issues in daily news bulletins, weekly news magazines and feature programmes in official and non-official languages for worldwide dissemination. DPI organized a number of international, regional and national encounters for journalists. It also organized in 1996 a training programme for 10 Palestinian journalists at UN Headquarters (15 September-8 November).

Concluding, the Committee noted the efforts undertaken by DPI over the past year and expressed appreciation of the results, but noted that some important aspects of the special information programme had yet to be implemented. The Assembly's requests needed to be borne in mind, said the Committee, in an assessment of performance. A more regular and structured process of cooperation and coordination of DPI with the Committee, as called for by the resolu-

tion, should assist in identifying and overcoming difficulties that might be encountered in the organization of specific events and should thus ensure full implementation of the resolution.

The Committee favoured utilization of modern electronic media to facilitate the production of new publications.

#### GENERAL ASSEMBLY ACTION

On 4 December, the General Assembly adopted **resolution 51/25**.

#### **Special information programme on the question of Palestine of the Department of Public Information of the Secretariat**

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Taking note in particular of the information contained in chapter VI of that report,

Recalling its resolution 50/84 C of 15 December 1995,

Convinced that the worldwide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people,

Aware of the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, and of the subsequent implementation agreements, in particular the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington on 28 September 1995, and their positive implications,

1. Notes that several defined provisions of the special information programme on the question of Palestine of the Department of Public Information of the Secretariat are yet to be implemented, and stresses the importance of implementation of all provisions of the programme;

2. Considers that the special information programme is very useful in raising the awareness of the international community concerning the complexities of the question of Palestine and the situation in the Middle East in general, including the achievements of the peace process, and that the programme is contributing effectively to an atmosphere conducive to dialogue and supportive of the peace process;

3. Requests the Department, in full cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as may be required by developments affecting the question of Palestine, its special information programme for the biennium 1996-1997, with particular emphasis on public opinion in Europe and North America and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports on the work carried out by the relevant United Nations organizations;

(b) To continue to issue and update publications on the various aspects of the question of Palestine in all fields, including materials concerning the recent developments in that regard and, in particular, the achievements of the peace process;

(c) To expand its audiovisual material on the question of Palestine, including the production of such material;

(d) To organize and promote fact-finding news missions for journalists to the area, including the territories under the jurisdiction of the Palestinian Authority and the occupied territories;

(e) To organize international, regional and national encounters for journalists;

(f) To provide, in cooperation with the relevant bodies and agencies of the United Nations system, particularly the United Nations Educational, Scientific and Cultural Organization, assistance to the Palestinian people in the field of media development, including training for Palestinian broadcasters and journalists.

#### General Assembly resolution 51/25

4 December 1996 Meeting 72 157-2-3 (recorded vote)

22-nation draft (A/51/L.35 & Add.1); agenda item 35.

Meeting numbers. GA 51st session: plenary 68, 69, 72.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Fiji, Marshall Islands, Micronesia.

Israel believed that the resolution entailed a needless expenditure of valuable resources that could be put to better use. Similarly, the United States felt that such funds could better serve economic development projects in the West Bank and Gaza.

## **Assistance to Palestinians**

### **UN involvement**

On 21 June, the Secretary-General reported [A/51/171-E/1996/75] on assistance to the Palestinians, specifying needs, ongoing programmes and

proposals for additional assistance. Following the second inter-agency meeting convened by Terje Rød-Larsen (Norway), the UN Special Coordinator in the Occupied Territories, in June 1995 [YUN 1995, p. 653], sectoral strategies covering education, health, employment generation, infrastructure and housing, institution-building and the private sector were finalized; they articulated a coordinated, integrated and targeted approach to the main developmental priorities in the West Bank and Gaza Strip as identified by the Palestinian Authority. Each of the six strategies included proposals from UN agencies and programmes for specific technical and project assistance for implementation starting in late 1995 and 1996. The total package of proposals comprised projects costing approximately \$550 million.

The UN-proposed programme of assistance for 1996 was formally presented to the donor community by the Special Coordinator at the ministerial-level meeting of the Ad Hoc Liaison Committee, the main donor-led body overseeing the assistance efforts, convened in September 1995 on the occasion of the signing of the Interim Agreement on the West Bank and the Gaza Strip. At that meeting, the Committee had stressed the imperative to respond quickly to the major political achievement represented by the Interim Agreement by intensifying efforts in the economic arena. It was decided to hold a ministerial conference of donor countries as soon as possible, preceded by a World Bank-led Consultative Group meeting in Paris on 18 and 19 October 1995.

In close coordination with the Palestinian Authority and in consultation with Israel, and following discussions with key donors, the United Nations and the World Bank jointly prepared a policy document for consideration by donors. For its part, the Palestinian Authority established a "core list" of technical and infrastructural assistance projects, drawing from proposed UN, World Bank and bilateral activities. The core list required approximately \$550 million in donor funds, of which 27 projects valued at about \$100 million were for implementation by UN agencies and programmes.

The Ministerial Conference on Economic Assistance to the Palestinian People was held in Paris on 9 January 1996. Conference participants emphasized, among other things, the importance of improving the economic and social conditions of the Palestinians through a comprehensive effort to create jobs, improve physical and social infrastructure, and establish a basis for sustainable economic growth in the West Bank and Gaza Strip. The donors considered the Palestinian Authority's core list of development activities for 1996, as well as other activities proposed by it,

the World Bank and the United Nations. At the Conference and over the weeks following it, around \$805 million was pledged by donors for investment projects, and an additional \$72.5 million towards the Palestinian Authority's recurrent budget deficit projected at \$75 million for 1996.

According to information provided to the Office of the Special Coordinator, UN agencies and programmes received approximately \$105 million in donor funding between July 1995 and June 1996 for technical and infrastructural project assistance to benefit the Palestinian Authority and Palestinians in the West Bank and Gaza Strip. Of the UN projects on the "core list", 19 received approximately \$59 million in donor funding. Those figures did not include funding for UNRWA regular programmes amounting to approximately \$150 million for the West Bank and Gaza Strip in 1996 (see below); nor did they reflect the decision of UNDP to double the funding from its own "core resources" for the period 1996-1998, to a minimum of \$8 million. By mid-1996, many donors had yet to commit their 1996 pledges to specific projects.

Following a series of suicide terrorist attacks and Israeli countermeasures, including the closure of the occupied territories, a decline of economic activity took place in the territories and employment of Palestinians in Israel dropped, resulting in a sharp reduction in the revenues of the Palestinian Authority. By mid-April 1996, with the closure still in place, the 1996 recurrent budget deficit was estimated to have increased by some \$100 million above the \$75 million projected in late 1995.

In response, the Special Coordinator proposed the framework for a plan aimed at easing the closure and at establishing a donor-funded emergency employment-creation programme. The United States announced on 28 March that the Palestinian Authority, Israel and Norway (as representative of the donor community) had agreed to the framework. Subsequently, steady increases were recorded in the movement of goods into and out of the West Bank and Gaza Strip. Overall trade volume, however, remained below the pre-closure level and the Palestinians employed in Israel numbered approximately 10,000 at the end of May, compared to an estimated 70,000 before the closure.

UNDP joined the Palestinian Economic Council for Development and Reconstruction (PECDAR) in implementing projects in mid-March that were expected to provide up to 5,000 employment opportunities during 1996.

From 15 to 17 April, the Special Coordinator convened the third inter-agency meeting in Gaza.



Its main purpose was to establish priorities for UN assistance programmes in 1997. Those priorities, accompanied by project proposals for addressing unmet needs, were to be presented to donors at the World Bank-led Consultative Group meeting (Paris, 20 November).

### Education

Education was the largest service sector run by the Palestinian Authority, catering to the needs of more than 35 per cent of the population. The total cost of the educational system (excluding higher education) was estimated at \$180 million annually. Following the transfer of responsibility for education to the Palestinian Authority in 1994, new challenges had arisen from the continued rapid increase in the school population and the need to accommodate the children of returnees.

To improve access to schooling, as well as the quality of teaching and learning, and to increase the relevance of education to society's needs, the Ministry of Education prepared a National Plan of Action, defining priorities for urgent attention and financial and technical assistance. The overall challenge for the United Nations was, according to the Secretary-General, to shape a coherent programme, leading to the improvement and growth of the educational system. Above all, the UN programme should be integrated within the framework of the five-year master plan for education currently being prepared by the Ministry of Education.

Since 1950, UNRWA had been the single largest provider of education in the Gaza Strip and a major provider in the West Bank. The overall objective of its education programme (see below) was to provide general education; in-service teachers' education; vocational, technical and higher education; and university scholarships for Palestinian refugees.

UNDP focused on improving infrastructural facilities through the construction and renovation of schools and classrooms and on increasing access for girls to educational opportunities. In February 1996, UNDP launched a project aimed at defining the extent of the school dropout phenomenon and its geographical and gender distribution, with the aim of making policy recommendations to the Ministry of Education and of introducing remedial programmes, especially for female dropouts. UNDP also provided support for in-service training and curriculum development in agricultural training schools.

The United Nations Educational, Scientific and Cultural Organization (UNESCO), under its Culture of Peace Programme launched in 1994 to give greater emphasis to countries and territories

in conflict, carried out two missions to review the Palestinian education sector. It proposed establishing, through the Palestinian European Academic Cooperation in Education programme network, UNESCO Chairs in archaeology, foreign language teaching and marine sciences.

UNICEF's education programme was implemented through three main projects focusing on formal and non-formal education: early childhood development/psychosocial health; primary education; and youth and community development. Under the last category, 110 community-based camps for children and youth were organized in 1995, and 700 youth leaders were trained in planning educational, recreational, art and environmental activities for children.

Other assistance came from the International Labour Organization (ILO), fielding technical missions to examine the needs of the vocational training sector, with particular reference to workers' education programmes and training activities for Ministry of Labour officials; and the World Food Programme (WFP), supporting vocational training by providing meals for women and youth trainees and supporting trainees at rehabilitation centres for the mentally and physically disabled.

### Employment

A high rate of unemployment (projected at an average 31 per cent in 1996 and in the Gaza Strip surpassing 50 per cent), and underemployment in the occupied territories, constituted an immediate social and economic challenge to the development efforts of the Palestinian Authority. There were an estimated 20,000 new job-seekers each year in the West Bank and Gaza Strip. With one of the world's highest labour force growth rates (nearly 4 per cent) and with nearly half the population under 15 years of age, the Palestinian economy was unable to absorb many of the unemployed and was unlikely to accommodate the expected increase in job-seekers in the years ahead. In addition, many of those denied access to the Israeli labour market could not find work at home and the dependent nature of the Palestinian economy limited employment creation and growth. The industrial sector was relatively small, while major sources of employment were in agriculture and construction. Given continuing economic unpredictability and the lack of an adequate basic infrastructure, large-scale domestic and foreign investment had not been forthcoming.

With the extension in late 1995 of Palestinian self-rule to major towns and surrounding areas in the West Bank, the Palestinian Authority, the United Nations, the World Bank and donors

agreed that emergency employment-generation programmes, largely confined to the Gaza Strip, should be extended to the West Bank. UN agencies should assist the Palestinian Authority in formulating a clearly defined employment strategy, the Secretary-General suggested in his report. Unemployment should be addressed as a structural problem requiring long-term solutions. The strategy should include employment services, training, development of small and medium-sized enterprises, establishment of a social safety-net mechanism, social security, and local and regional cooperation in labour migration.

In coordination with the Palestinian Authority and donors, the sectoral working group on employment generation had identified a series of priority projects for the West Bank, according to the report. On-the-job training would continue to be provided for project management, the planning of high labour-content infrastructure activities and the introduction of transparent and accountable methods of project implementation.

In the long run, the report stated, sustainable employment would be generated mainly by the private sector. Recently, Israel and the Palestinian Authority had reached a general agreement on the need for a programme of border industrial zones to attract foreign investment and create employment opportunities.

ILO technical missions, in coordination with the Palestinian Authority, devised strategies to address the unemployment issue and introduce labour-intensive work programmes. ILO was also undertaking ongoing employment-related activities, such as reintegration of ex-detainees. The report said that ILO could also provide training to Palestinian Authority staff, small and medium-sized contractors, consultants and workers, an approach which could be combined with related programmes in employment policy, employment services, labour administration and vocational training.

Following three fact-finding missions, UNESCO proposed setting up a programme, employing both specialists and unskilled workers, to safeguard historical sites and monuments in Bethlehem, Gaza, Hebron and Jericho.

## Health

The Palestinian Authority had assumed overall responsibility for health in the Gaza Strip and Jericho in May 1994 and the remainder of the West Bank in December of that year. With the creation of a Ministry of Health, health matters were being addressed with reference to the needs of the local population. The Secretary-General reported that the Palestinian Authority had

made commendable progress in implementing its Interim Action Plan, based on the National Health Plan, which was developed in consultation with Palestinian health professionals. During the first year, the Palestinian Authority set up the organizational structure of the Ministry of Health, established sectoral priorities and policies, and addressed the sector's requirements in the area of human resources and basic needs. The report noted a geographical disparity in terms of health facilities and personnel, with a tendency to favour urban centres, in particular Jerusalem. Of the 24 hospitals in the West Bank and Gaza, serving a population of almost 2.5 million, 6 were operated by the Ministry of Health and the remainder by NGOs and UNRWA.

According to the report, the fragmentation of health services had been a limiting factor in the development of an integrated and efficient health system. The development and implementation of clearer health policies and a major re-orientation of the system were essential for the future, as was a more comprehensive approach to women's health. Discrepancies between the formal training and work experience of health staff and the functions they were required to perform, as well as the training, work experience and medical background of health managers, presented further obstacles to the implementation of appropriately oriented health policies. The report also identified a need for a comprehensive and cohesive revision of health legislation, reflecting recent trends and developments, as well as the policy choices made by the Palestinian Authority.

Following the signing of the 1993 Declaration of Principles, UN agencies, in collaboration with the Palestinian Authority and the donor community, identified and planned priority interventions for the rehabilitation of the health infrastructure, aimed primarily at building, renovating and expanding a number of health facilities. UN organizations played a primary role in implementing such projects.

The World Health Organization (WHO) provided the Ministry of Health with direct financial assistance and fielded several assessment missions, permitting the Ministry to establish a number of units to develop strategic plans for intersectoral coordination and national health planning. WHO also assisted in the development of a zoonotic disease policy, and rehabilitated and equipped health facilities in the Gaza Strip. It also financed the establishment of a Continuing Education Centre and a Public Health Training Centre in Gaza.

Furthermore, UN agencies supported such areas as immunization, insurance, the control of

acute respiratory infections and diarrhoeal diseases, and maternal and reproductive health.

Other UN-assisted projects included: child health/family planning projects (UNFPA); promotion of breastfeeding (UNICEF); upgrading medical infrastructure at the primary care level (UNRWA); and food aid in the Gaza Strip to households classified as hardship cases, the majority of which were headed by women with large numbers of dependants (WFP).

### Infrastructure

UNRWA's Peace Implementation Programme (PIP) primarily targeted infrastructure projects in the education, health and social sectors, with the aim of improving refugees' living conditions and contributing to employment generation. Under the second phase of the programme (PIP II), the Agency received \$17.3 million for projects to improve environmental conditions in the West Bank and Gaza Strip and was seeking over \$110 million in donor funding for additional projects.

The primary elements of a UN strategy for infrastructure development, in support of the Palestinian Authority's efforts, were the continued rehabilitation of basic education, health and agriculture, as well as the adoption of labour-intensive techniques in the design and implementation of projects. There was an urgent need for both the rehabilitation of existing infrastructure and investment in new strategic facilities, with potential for regional linkages.

In view of the enormous needs of infrastructural development, the report cited rehabilitation, operation and maintenance of existing physical infrastructure facilities as the first priority. Simultaneously, sustainable capacity had to be developed to manage, operate and maintain those facilities, through adequate management systems and structures, on-the-job training and transfer of skills and knowledge. All capital investments should be combined with appropriate technical assistance packages, and support for future development planning should be coordinated with Palestinian institutions, in particular the Ministry of Planning and International Cooperation.

Infrastructural requirements in the West Bank and Gaza Strip were similar in terms of the type of projects needed, but development priorities should be tailored to their varying needs. A regulated programme of land use was seen as a prerequisite for all other forms of infrastructural development, and such development should incorporate strict guidelines for protection of the environment and of human resources. Dwindling water resources, the growth of the agricultural sector and a rising population necessitated,

the report said, the creation of efficient water preservation and distribution systems, and assistance was required in the field of water policy, legislation and management strategies. Closely related to the question of water resources was the issue of waste-water disposal and reuse, as inadequate sewage systems and the absence of proper treatment and disposal schemes threatened both the water supply quality and public health.

The revival of the agricultural sector, according to the report, featured prominently in Palestinian development planning. To encourage private investment, improvement of the legal, regulatory and institutional framework was necessary. Basic agricultural infrastructure—schools, laboratories, and quarantine and research stations—also required upgrading.

In order for Palestinian industry to develop and become competitive, a proper transportation system and modern electric and telecommunications networks were necessary. Power generation plants, energy planning and information systems, energy efficiency programmes and renewable energy technologies were needed.

### Institution-building

The report noted that institution-building was one of the four primary components of the Palestinian Authority's preliminary statement on a Palestinian development strategy, presented at the Ministerial Conference on Economic Assistance to the Palestinian People, held in Paris in January 1996. That component aimed to achieve a new system of governance and build local capabilities and a competent civil service necessary to implement the economic development strategy. The Authority's priorities included strengthening the technical, financial and managerial capabilities of municipal governments; building a legal basis for public administration; strengthening the key central institutions relating to commerce and economic management; ensuring that institution-building components were included in development projects; ensuring extensive consultations between the central Government, local authorities, the private sector and NGOs in the implementation of an economic development strategy; creating capacity within Palestinian institutions for research and policy analysis and implementation; and ensuring open participation in the decision-making process by involving the public in policy formulation and the design of the development strategy. The UN strategy for institution-building would be geared towards responding to those priorities.

An important focus for the UN system would be physical infrastructure, the report said; another would be support for sustainable human and so-

cial development through technical assistance to those Palestinian institutions closely concerned with the delivery of public and social services. Assistance could also be provided to strengthen the monitoring and evaluation capacities of the Palestinian Authority ministries; to develop and implement sectoral gender-sensitive strategies and action plans; to establish data systems and information bases and strengthen institutional capacities in data analysis, dissemination and utilization; and to establish mechanisms for partnership between Palestinian Authority institutions and NGOs. Another key element of the UN strategy for institution-building would be continuing to focus on public-sector management and public administration development. The report recognized the development of cohesive and equitable legal and judicial frameworks as another critical element in ensuring the proper development of public-sector institutions.

A central objective of UN support for institutional development was to facilitate the progressive inclusion of the West Bank and Gaza Strip into regional and subregional spheres. The UN system would encourage regional networking, utilizing the established field office network of UN organizations throughout the Arab States, as well as the exchange of technical expertise within the region.

The UN Special Coordinator in the Occupied Territories continued to coordinate bilateral and multilateral training programmes for the Palestinian police force. In the first half of 1996, more than 550 policemen received training in advanced driving, basic forensic science, drug law enforcement, human rights, maintenance of public order, management development and training, management training for traffic police and women police.

#### Private-sector development

The Palestinian Authority identified the private sector as the principal engine for growth, development and employment generation. Its strategy for private-sector development had three broad thrusts: creation of an enabling environment and basic infrastructure for industry, agriculture and tourism; promotion of medium-term lending, particularly for small businesses and for farming activities; and promotion of private-sector participation in infrastructure development.

The strategy emphasized the establishment of industrial estates, an investment promotion programme, facilities for political risk insurance, an export development programme, and clarification and modernization of the legal and regulatory framework. For small-scale and micro-

enterprises, which accounted for over 90 per cent of industrial employment, the strategy called for the development of municipal industrial complexes, incubator and business support services, and the promotion of leasing, venture capital and small credit schemes.

In the agricultural sector, the Authority's strategy aimed to support private-sector farming through improved legal, regulatory and institutional frameworks, to enhance the efficiency of traditional and domestic market-oriented agriculture, to enhance the efficiency and competitiveness of intensive and export-oriented agriculture, and to improve access to regional and international markets.

The Authority's strategy also called for promotion of the area as a tourism destination and integration into global marketing systems; the development of tourism and related industries; and improvement of training and human resources development. Constraints to the development of the private sector included a volatile security environment; lack of clear legal, regulatory and administrative frameworks; and, most importantly, the frequent closure of the territories, severely affecting access to supplies, capital and the labour market in Israel and preventing the transfer of Palestinian produce, products and services.

The United Nations would provide specialized advisory services, technical assistance and training to private, public and semi-public entities. Special attention would be given to the environmental soundness of the proposed development models; the creation of local capacities in the public and private sectors which could sustain development efforts and momentum; the utilization of local Palestinian capacities; and the incorporation of women and marginalized groups in mainstream economic development. The United Nations could also help formulate policies and strategies for human resources development and provide technical, managerial and entrepreneurial training, and would continue to implement a plan of action to develop a conducive environment for entrepreneurship and self-employment.

On 23 July, the Economic and Social Council, by **decision** 1996/252, took note of the Secretary-General's report.

**UNDP action.** By a decision of 29 March [E/1996/33 (dec. 96/19)], the UNDP Executive Board took note of the January report [DP/1996/15] of the Administrator on the Programme of Assistance to the Palestinian People (PAPP) during 1995. The Board requested him to envisage increasing UNDP core resources allocated to the Programme under the future arrangements for 1997-1998, and encouraged the international donor commu-

nity to continue its high level of contributions to PAPP and to take full advantage of its well-tested implementation and delivery capacities.

As reported by the Administrator [DP/1997/16/Add.3], expenditures under PAPP amounted to \$52 million in 1996, compared to \$37 million in 1995. The Programme paid increased attention to the expansion of its advocacy role in promoting sustainable human development themes, such as poverty elimination, sustainable livelihoods, gender in development and environmental management. In 1996, PAPP also launched major activities to enhance governance at the local, municipal and central levels of the Palestinian Authority.

UNDP/PAPP continued to support the UN Special Coordinator in the Occupied Territories, serving as secretariat to 6 of the 12 sectoral working groups established in January 1995 to promote and coordinate activities of donors in various sectors, according to the priorities of the Palestinian Authority. They also facilitated coordination at the technical level.

#### **Seminar on Assistance to Palestinian People.**

In accordance with its mandate to promote international support for and assistance to the Palestinians during the transitional period, the Committee on Palestinian Rights organized a Seminar on Assistance to the Palestinian People, with the theme "Building the Palestinian Economy—Challenges and Prospects" (Cairo, Egypt, 21-23 May). The Seminar, attended by donor and other Governments, intergovernmental organizations, agencies and entities of the UN system, officials of the Palestinian Authority and NGOs, provided a framework for an exchange of views on various aspects of the current challenges facing the Palestinians in their efforts to rehabilitate and develop the economy and on the role of international assistance in that regard.

The Seminar addressed the following general themes: (a) building the Palestinian economy—challenges and prospects; (b) international assistance to the Palestinian people: experience and perspective; (c) trade sector; (d) the role of the financial institutions; and (e) the housing sector. An overview of the Seminar, including a summary of presentations made, was provided in a report of the Committee, transmitted to the Secretary-General in June [A/51/166-E/1996/67].

The Committee hoped that the Seminar had made a constructive contribution to international efforts aimed at promoting the economic and social development of the Palestinian society during the transitional phase. It also believed that ensuring the viability and advancement of the Palestinian economy was a key to a just and lasting peace in the region.

#### **GENERAL ASSEMBLY ACTION**

On 13 December, the General Assembly adopted **resolution 51/150**.

#### **Assistance to the Palestinian people**

The General Assembly,

Recalling its resolution 50/58 H of 20 December 1995,

Recalling also previous resolutions on the question,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements of 1993 between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, as well as the signing of the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip of 1995,

Gravely concerned about the difficult economic and employment conditions facing the Palestinian people throughout the occupied territory,

Conscious of the urgent need for improvement in the economic and social infrastructure of the occupied territory and the living conditions of the Palestinian people,

Aware that development is difficult under occupation and best promoted in circumstances of peace and stability,

Noting, in the light of the recent developments in the peace process, the great economic and social challenges facing the Palestinian people and their leadership,

Conscious of the urgent necessity for international assistance to the Palestinian people, taking into account the Palestinian priorities,

Noting the convening of the United Nations Seminar on Assistance to the Palestinian People, "Building the Palestinian Economy—Challenges and Prospects", held at Cairo from 21 to 23 May 1996,

Stressing the need for the full engagement of the United Nations in the process of building Palestinian institutions and in providing broad assistance to the Palestinian people, including assistance in the fields of elections, police training and public administration,

Noting the appointment by the Secretary-General in June 1994 of the United Nations Special Coordinator in the Occupied Territories,

Welcoming the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993, and the establishment of the Ad Hoc Liaison Committee and the work being done by the World Bank as its secretariat, as well as the establishment of the consultative group and the convening in Paris, on 9 January 1996, of the Ministerial Conference on Economic Assistance to the Palestinian People,

Having considered the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;
2. Expresses its appreciation to the Secretary-General for his rapid response and efforts regarding assistance to the Palestinian people;
3. Also expresses its appreciation to the Member States, United Nations bodies and intergovernmental and non-governmental organizations that have provided and continue to provide assistance to the Palestinian people;

4. Stresses the importance of the work done by the United Nations Special Coordinator in the Occupied Territories and of the steps taken under the auspices of the Secretary-General to ensure the achievement of a coordinated mechanism for United Nations activities throughout the occupied territories;

5. Urges Member States, international financial institutions of the United Nations system, intergovernmental and non-governmental organizations and regional and interregional organizations to extend, as rapidly and as generously as possible, economic and social assistance to the Palestinian people in order to assist in the development of the West Bank and Gaza, and to do so in close cooperation with the Palestine Liberation Organization and through official Palestinian institutions;

6. Calls upon relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people in accordance with the Palestinian priorities set forth by the Palestinian Authority, with emphasis on national execution and capacity-building;

7. Urges Member States to open their markets to exports from the West Bank and Gaza and on the most favourable terms, consistent with appropriate trading rules;

8. Calls upon the international donor community to expedite the delivery of pledged assistance to the Palestinian people to meet their urgent needs;

9. Suggests the convening in 1997 of a United Nations-sponsored seminar on the Palestinian economy;

10. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session, through the Economic and Social Council, on the implementation of the present resolution, containing:

(a) An assessment of the assistance actually received by the Palestinian people;

(b) An assessment of the needs still unmet and specific proposals for responding effectively to them;

11. Decides to include in the provisional agenda of its fifty-second session, under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance", the sub-item entitled "Assistance to the Palestinian people".

General Assembly resolution 51/150

13 December 1996 Meeting 84 Adopted without vote

18-nation draft (A/51/L.41); agenda item 21 (d).

Meeting numbers. GA 51st session: plenary 63, 84

Israel explained that its participation in the consensus on the resolution should not be construed as implying any position regarding the current status of the territories referred to as "the occupied territories". Also, its support did not carry any implication with regard to its position on the territories' permanent status which, in accordance with the 1993 Declaration of Principles, was to be negotiated between Israel and the PLO. Israel felt that the United Nations should increase its efforts and funding to assist the Palestinians, thus facilitating the successful implementation of the Declaration of Principles.

It welcomed the concerted efforts of Member States, international financial institutions and intergovernmental and non-governmental organizations to aid in the development of the West Bank and Gaza, and it believed that economic and social progress could be advanced only through cooperation. Further, economic development and improved living conditions there would encourage peace and stability in the region.

### The UN and Palestine refugees

In a year in which the Middle East peace process experienced important steps forward as well as some serious setbacks, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) continued to provide humanitarian services under difficult conditions and worsening financial constraints. As of 30 June 1996, more than 3.3 million refugees were registered with the Agency, an increase of 4.4 percent over the 3.17 million the previous year. They lived both in and outside camps in the West Bank (532,000) and the Gaza Strip (717,000), territories which were mostly under the administration of the Palestinian Authority, and in the host countries of Jordan (more than 1.35 million), Lebanon (352,000) and the Syrian Arab Republic (347,000). Of the refugee population, 38 per cent were age 15 or under, 53 per cent were between 16 and 59 years of age, and 9 per cent were age 60 or older.

UNRWA operations continued to aim to support the peace process while improving socio-economic conditions within the refugee community. Coordination and harmonization of services with the Palestinian Authority in the West Bank and Gaza was furthered. The transfer of UNRWA's core headquarters operations from Vienna to Gaza City was completed in July, with some units relocated to Amman, Jordan, where UNRWA programme departments and some support offices were already situated. Peter Hansen became Commissioner-General of UNRWA in January, succeeding Ihter Turkmen.

In the introduction to his annual report [A/51/13] covering the work of the Agency, the Commissioner-General stated that the period under review (1 July 1995-30 June 1996) had been a time of significant transition for UNRWA, with developments in a number of areas that would have ramifications for its operations in the short and longer term. The peace process had advanced with the redeployment of Israeli forces in the West Bank and the holding of Palestinian elections, only to face a setback following an escalation of violence in early 1996 and the imposition by the Is-

raeli authorities of a prolonged closure of the West Bank and Gaza Strip. That and other security-related restrictions had interfered with Agency operations. UNRWA's financial position had also grown increasingly serious, with a fourth consecutive, now structural, deficit foreseen for 1996 and financing of its regular programmes coming under increasing strain. Finding a means to allow the Agency to continue to meet the essential needs of the refugees within acceptable terms was therefore an urgent necessity.

When it became clear that the Agency could not survive 1996 without additional funding, an extraordinary meeting of the UNRWA Advisory Commission, major donors, host Governments and the Palestinian Authority was called in September, which produced pledges of \$15 million, including \$11.25 million for the 1996 regular budget. Those funds were to be used to build up working capital reserves, which had been depleted, while programme priorities were re-evaluated.

### Work of UNRWA

In his annual report, the Commissioner-General noted that the cumulative effect of deficits and austerity measures was to erode the Agency's ability to maintain its core functions in a manner consistent with its mandate and traditional role. In the absence of additional funding, the Agency was faced with a choice of either drifting towards insolvency, while allowing the level and quality of services to continue their inexorable decline, or making the difficult decision to withdraw entirely from certain core programmes.

In order to promote refugee self-reliance and ensure longer-term viability of services, UNRWA continued to emphasize community participation in its social development activities. Where appropriate and feasible, refugees were asked to make some form of contribution towards service delivery, for example, by contributing voluntarily towards the upkeep of schools or making co-payments for hospitalization. Local committees managed more than 60 per cent of the women's programme centres, as well as all community centres for rehabilitation of the disabled and youth activity centres, with the Agency providing financial and technical support and actively promoting self-management and financial sustainability.

Under its regular programmes of assistance, UNRWA provided essential education, health and relief and social services through a network of 637 schools, 8 training centres and 123 out-patient health facilities. Environmental health services included sewage and refuse disposal, wastewater management and provision of clean drinking wa-

ter to more than 1 million refugees living in 59 camps. A special hardship programme provided over 179,000 of the neediest refugees with food rations, medical subsidies, shelter rehabilitation and other benefits. A range of social services was provided to more than 25,000 refugees through 125 women's programme, community rehabilitation and youth activity centres sponsored by UNRWA. An income-generation programme had by mid-1996 provided loans valued at \$11 million to 2,545 refugee-run enterprises, achieving repayment rates of more than 95 per cent.

### Peace Implementation Programme

UNRWA's commitment to supporting the peace process was most clearly demonstrated through its Peace Implementation Programme (PIP), which continued to grow rapidly because of generous donor support. By November 1996, \$211 million had been pledged or contributed to PIP by donors, of which \$177 million was for projects in the West Bank and Gaza Strip and \$34 million for projects in Jordan, Lebanon and Syria. PIP projects reinforced and supported regular Agency programmes, with priority given to education and health projects.

PIP funding enabled UNRWA to embark on wide-ranging infrastructure development, including the construction and upgrading of schools, training, health and community centres and auxiliary facilities, as well as the European Gaza Hospital and College of Nursing and Allied Health Sciences, two special initiatives undertaken by UNRWA as a major contribution to the Palestinian health sector in Gaza. PIP also supported the rehabilitation of refugee shelters, provision of sewerage and drainage systems in camps, expansion of income-generation and job-creation initiatives, health services and after-school recreation programmes. Activities financed under PIP constituted a decisive contribution to the physical infrastructure and human resources available to the Palestinian Authority and the Palestine refugee community in the short term and for the future.

Foremost priority was given to projects in the education sector, where special contributions helped UNRWA to expand services at a rate commensurate with natural growth in the student population and to cater to the needs of returnee children in the West Bank and Gaza Strip. By mid-1996, the Agency had received funding to construct 43 schools and 78 additional classrooms in those fields. In Jordan, Lebanon and Syria donors focused on vocational training, contributing \$2.4 million for projects to upgrade and expand UNRWA vocational and technical training centres. Projects to improve environ-

mental health conditions for the refugee community continued to attract strong donor support, accounting for \$29.6 million of total PIP pledges and contributions as at mid-1996. During the reporting period, contributions received mainly through PIP in the amount of \$2.6 million for hospitalization expenses and medical supplies in Lebanon allowed the Agency to meet the growing need there for primary and secondary health care. The European Gaza Hospital project had received \$41.2 million in pledges and contributions by mid-1996. In the relief and social services sector, shelter rehabilitation represented the largest project category, having received \$31.8 million under PIP since October 1993.

To address socio-economic hardship resulting from the extended closure of the Gaza Strip, UNRWA launched an emergency job-creation programme in March with a PIP contribution. That provided temporary gainful employment to more than 2,700 individuals, who were paid \$ 12 a day, over a period of five months, to help with refugee camp clean-up, insect eradication, shelter rehabilitation and various community services. A longer-term approach was the organization development initiative launched by UNRWA to develop the managerial skills of its Palestinian area staff in the West Bank and Gaza.

UNRWA continued to cooperate with and assist the Palestinian Authority in accordance with its mandate. At an informal meeting of donors and host Governments in Amman in May, UNRWA presented its strategy for harmonizing services and programmes in its five fields of operation. Host Governments and the Palestinian Authority were assured that harmonization would focus on complementarity, compatibility and cost-effectiveness in the interest of greater efficiency and was not related to the issue of the Agency's eventual dissolution after the fulfilment of its mandate in the future. One landmark in the harmonization process was the agreement reached between UNRWA, the Palestinian Authority and the EU as the major donor involved that the European Gaza Hospital would eventually become an integral part of the Palestinian Authority's health system. However, it was noted that some \$22.5 million remained to be provided to fund the completion of construction and equipping of the hospital as well as its running costs.

### Major service areas

#### Education

UNRWA continued to cooperate with and assist the Palestinian Authority in the education sector, taking a number of practical steps to harmonize further its education services with those pro-

vided by the Authority. During the 1995/96 school year, UNRWA schools in the West Bank and Gaza Strip used the Palestinian Authority's study plans for the basic education cycle, as well as the textbooks prescribed by the Authority. UNRWA staff participated in the Palestinian Authority's curriculum development committee, and the Agency was given a leading role in the revision of the Authority's vocational training study plan. UNRWA education staff provided assistance for in-service training courses organized by the Authority, and cooperated in career placement and guidance initiatives. The Agency also coordinated with the Palestinian Authority in accommodating children of returning refugee families in its schools, particularly in the Gaza Strip. All those efforts enhanced the compatibility and interdependence of the parallel education systems in the West Bank and Gaza Strip. Education remained UNRWA's single largest area of activity, employing 14,863 persons, or 70 per cent of all Agency staff. The education programme's operating budget of \$ 159.1 million for 1996 accounted for 47 per cent of the total budget. In the five fields of operation, UNRWA's 637 schools accommodated 421,854 pupils mainly in the elementary and preparatory cycles, an increase of 12,993 pupils over the previous reporting period, of whom 11,088 were in the Gaza Strip. While the bulk of the increase could be attributed to natural population growth, the movement of Palestinian families within the region and the consequent transfer of their children to UNRWA schools from non-Agency schools in their previous place of residence were significant factors in the Gaza Strip, the West Bank and Lebanon.

Agency schools followed host government curricula in Jordan, Lebanon and Syria, and used the Jordanian and Egyptian curricula adopted by the Palestinian Authority in the West Bank and Gaza Strip, respectively. The Agency's basic education programme consisted of an elementary cycle of six years and a preparatory cycle of three or four years, depending on local norms; a three-year secondary cycle was offered at the single UNRWA secondary school, in Lebanon. The eighth biennial education work plan emphasized curriculum enrichment and in-service teacher training as priorities for 1996-1997.

Eight Agency vocational and technical training centres in the five fields serviced 4,624 refugees. Two-year vocational courses at the post-preparatory level were offered in the mechanical, electrical, building and metalworking trades, in addition to courses for women in clothing production and hairdressing and beauty care. Twenty-five two-year technical/semi-professional courses were offered at the post-secondary level, offering



training in a variety of technical, paramedical and commercial skills.

Pre-service and in-service teacher training leading to a first-level university degree was provided through the Educational Sciences Faculty. The four-year pre-service programme, which granted university degrees in several teaching specializations, was offered at the Amman and Ramallah training centres to 690 secondary-school graduates, of whom 454 were women. The three-year in-service programme at the Amman Training Centre, which aimed to upgrade the qualifications of UNRWA teachers holding two-year teacher training diplomas to the first university degree level, had an enrolment of 564 Agency teachers, 182 of whom were women. In addition, 651 teachers, head teachers, school supervisors and vocational and technical training instructors benefited from the Agency's regular in-service teacher training programme.

In the West Bank and Gaza Strip, the academic performance of pupils remained a matter of concern as a result of disruptions to the Agency's education programme. Although education facilities were for the most part able to function normally throughout the year, restrictions on movement imposed by the Israeli authorities continued to affect education services. Closures often prevented UNRWA teachers and other education staff residing in the West Bank from reaching their place of work.

The Agency's education infrastructure continued to be affected by steadily increasing enrolment and limited possibilities for expansion. Chronic shortage of school buildings made it frequently necessary to accommodate two administratively separate schools in one building, working in morning and afternoon shifts. That practice shortened the school day, led to overuse of facilities and effectively deprived pupils of the benefit of extracurricular activities. The average classroom occupancy rate Agency-wide reached 42.7 in 1995/96. During the period under review, 41 school buildings were constructed to replace unsatisfactory rented premises, prefabricated structures and dilapidated premises that were beyond repair.

The Agency awarded scholarships to 943 Palestine refugee pupils, including 437 women, for studies at 48 universities in 12 countries in the region. Over 70 per cent of scholarship recipients were studying engineering, pharmacology or medicine, with other fields of study including dentistry, science, the arts and education.

#### Health

UNRWA's comprehensive primary health-care programmes included outpatient medical care,

disease prevention and control, maternal and child health and family-planning services, delivered through the Agency network of 99 health centres and 22 health points—smaller facilities offering a wide range of health-care services on a part-time basis to refugees living outside camps—as well as at the 43-bed Qalqilia hospital in the West Bank. UNRWA health facilities handled some 6.6 million patient visits during the period under review. The health programme had an operating budget of \$60 million in 1996, representing 18 per cent of the total Agency budget. The 3,476 staff employed in the health programme in all five fields of operation, the majority of whom were locally recruited Palestinians, represented 16 per cent of all Agency staff.

Harmonization of UNRWA health policies and services with those of the Palestinian Authority and rehabilitation and construction of essential health infrastructure in the Palestinian self-rule areas were top Agency priorities in 1996. UNRWA remained committed to contributing to the process of building a unified health-care system in the Palestinian self-rule areas within available means, and retained its focus on maintaining and expanding primary health-care facilities and completing major health development projects, including the European Gaza Hospital and the Gaza College of Nursing and Allied Health Sciences. The Agency also continued to play a leading role in the planning and coordination of viable and sustainable projects in the environmental health sector, including for sewerage, drainage and solid-waste management.

An agreement in principle was reached with the Palestinian Authority to avoid overlapping and duplication of health-care facilities and services, including mapping of primary health-care facilities to determine how resources could best be shared and the transfer of certain facilities newly constructed by UNRWA. Biddo health centre in the West Bank was the first installation to be handed over to the Palestinian Authority. Auja health point in the West Bank was slated for transfer, and agreement in principle was reached with respect to health facilities in the northern Gaza Strip. Those facilities, located outside camps, would be accessible to both refugees and non-refugees. Within the framework of a special donor-funded project, the Agency provided school health services to Palestinian Authority schools, organizing three school health teams to carry out medical examinations and immunization of children.

UNRWA also continued to provide essential health services to Palestine refugees in Jordan, Lebanon and Syria, and maintained close contact with host government health ministries. In early

1996, the Agency took part in national immunization campaigns for eradication of poliomyelitis throughout its area of operations in the context of a WHO regional strategy; a total of 200,564 refugee children under the age of five were immunized. Jordan and Syria provided UNRWA's annual requirements for hepatitis B vaccine as part of ongoing arrangements. UNICEF donated regular vaccines and cold-chain equipment in certain fields of operation.

Special care for non-communicable diseases such as diabetes mellitus and hypertension was fully integrated within health centre activities, as was specialist care covering paediatrics, obstetrics, gynaecology, cardiology, ophthalmology, and treatment for chest diseases and ear, nose and throat illnesses. Seventy health centres accommodated dental clinics offering comprehensive oral health services, with eight mobile teams providing community oral health care. In addition, 120 health centres included mother and child health clinics providing mainly preventive care, and 86 centres contained clinical laboratories. Thirteen physiotherapy clinics in Jordan, the West Bank and the Gaza Strip offered rehabilitation services to refugees in those fields.

With women of reproductive age and children below the age of five comprising two thirds of the registered Palestine refugee population, UNRWA placed special emphasis on maternal and child health and family-planning services as an integral part of its regular health programme.

Over 1 million refugees in 59 camps in the five fields of operation benefited from environmental health services provided by the Agency, which included sewage disposal, management of storm water run-off, provision of safe drinking water, collection and disposal of refuse and control of insect and rodent infestation.

Health education and promotion activities focused on promoting healthy lifestyles among the refugee population, especially young people. With the support of WHO, a school health curriculum on the prevention of HIV/AIDS and other sexually transmitted diseases was implemented. An education package was prepared with the objective of preventing the onset of tobacco use among schoolchildren.

#### Relief and social services

UNRWA activities within the relief and social services sector were carried out in coordination and cooperation with local authorities and NGOs, with joint initiatives in specific areas such as training of community workers and volunteers. The relief and social services programme had an operating budget of \$36.6 million in 1996, ac-

counting for 11 per cent of the total Agency budget, with 749 staff.

In the West Bank and Gaza Strip, the Agency sought to deepen its working relationship with the Palestinian Authority departments for social affairs, youth and sports, and housing, through information-sharing, input into the Authority's policy formulation, programme planning and project development, and support for community-managed programmes.

The Agency continued to develop a unified registration system, a project begun in 1993 to improve access to and the security of data on refugees and to facilitate programme planning and management. The system comprised a database of all registered individuals and families, family files containing key documentation from the pre-1948 period to the present, and a socio-economic profile of individuals and families enrolled in the special hardship programme. The information was to be electronically integrated when the project was completed. A pilot project was developed for scanning hard-copy family files. With the endorsement of the Palestinian Authority, a research organization developed a proposal to conduct a feasibility study on the preservation and organization of UNRWA archives and refugee registration data and documents.

Through its special hardship programme, the Agency provided material and financial aid to refugee families without a male adult medically fit to earn an income and without other identifiable means of financial support sufficient to cover food, shelter and other basic needs. As a result of stricter application of eligibility criteria, the number of special hardship cases declined Agency-wide in both absolute and relative terms during the period under review, from 181,437 at 30 June 1995, representing 5.7 per cent of the registered refugee population, to 179,178 at 30 June 1996, representing 5.4 per cent. Deteriorating socio-economic conditions, including unemployment, contributed indirectly to demand for assistance by inducing nuclear families, which might have been able to rely on the support of income-earners in the extended family, to seek special hardship assistance instead. The percentage of refugees enrolled in the programme continued to be highest in the Gaza Strip and Lebanon and lowest in Jordan.

Assistance provided under the special hardship programme included food rations distributed every two months, increased subsidies for hospital care, cash assistance on an ad hoc basis to families facing extreme difficulty, eligibility for Agency shelter rehabilitation and poverty alle-

viation initiatives, and preferential access to UNRWA training centres.

UNRWA continued to the extent permitted by available resources to address the urgent housing needs of the poorer segment of the refugee population, which were most acute in the Gaza Strip and Lebanon. The Agency repaired or reconstructed 2,556 shelters belonging to special hardship families and other impoverished refugees during the reporting period, of which 2,307 were in the West Bank and Gaza Strip. Many shelters were rehabilitated under a self-help programme. The Agency assisted with a survey of housing and related infrastructure in refugee camps in the West Bank and Gaza Strip, to be shared with the Palestinian Authority upon completion in late 1996.

### Community-based programmes

Further progress was achieved under UNRWA's five-year plan (1995-2000) to promote community management and financial sustainability in community-based services for women, youth and persons with disabilities. The focus was on institution-building and the acquisition of independent revenue sources for the 125 Agency-sponsored community centres which served as the main conduit for those services. By mid-1996, 42 of the 68 women's programme centres, as well as all 30 community rehabilitation centres and 27 youth activity centres, were managed by local committees, with UNRWA continuing to provide financial and technical support. Income-generating projects had been established at most centres and were being planned at others, in order to generate revenue to defray operating costs, provide income to participants, and demonstrate that disadvantaged groups could be successfully integrated into viable socio-economic enterprises. UNRWA staff and community representatives were trained in the skills necessary for self-management of the centres, including the structure and functioning of governing boards and managing committees, development of organizational constitutions and by-laws, programme and administrative planning and management, and budget preparation and accounting. The Agency also worked to promote linkages between the centres and local NGOs. The Palestinian Women's Initiative Fund supported the establishment of a food production unit in Jordan and literacy classes in Lebanon, with production units financed by the Fund in previous years continuing to operate and expand.

### Income-generation

UNRWA reported that its income-generation programme continued to grow in size and scope,

expanding its capital base and loan portfolio and undertaking new credit-providing and training initiatives, particularly in the Gaza Strip. Established in 1991 in response to deteriorating socio-economic conditions and rising unemployment among Palestine refugees, the programme aimed at creating employment, generating income and supporting sustainable business enterprises within the refugee community. The programme targeted small-scale and micro-enterprises in the formal and informal sectors of the economy producing goods for sale locally and abroad. Such enterprises normally had limited access to credit, owing to the inability of most small entrepreneurs to meet the collateral requirements of formal banking institutions. By using other guarantee mechanisms, the income-generation programme sought to make finance capital available at reasonable interest rates for the expansion of existing enterprises and the establishment of new ones, actively encouraging the participation of women.

By mid-1996, the field-based programmes had issued loans valued at \$11 million to a total of 2,545 enterprises and accumulated a combined capital base of \$11 million, creating or saving an estimated 4,000 jobs. The income-generation programme was distinct from the income-generation activities carried out under the Agency's poverty-alleviation programme, which sought to assist refugee families below the poverty line to rise above it and become self-reliant, as well as to help Agency-sponsored community centres to become financially sustainable.

The leading field-based income-generation programme was in the Gaza Strip, where four separate sub-programmes were operating. The largest was the small-scale enterprise programme, which offered loans for capital investment to new and expanding enterprises and working capital to established enterprises. Special attention was devoted to the informal sector of the economy, where an increasing number of men and women were compelled to work as a result of diminishing employment opportunities in Israel and locally. In February 1996, the Agency broadened its credit activities in the Gaza Strip with the establishment of a micro-enterprise credit programme, which aimed to provide working capital loans to formal and informal enterprises.

As part of the income-generation programme, the Agency also operated revolving loan funds for small-scale enterprises in Jordan, Lebanon and the West Bank. Steps were taken to restructure and revitalize the West Bank programme during the reporting period. It was decided to discontinue the bank guarantee programme for business development as outstanding loans were recovered, and to establish in its place a small-scale enterprise portfolio similar to that in Gaza.

## Other matters

### Refugees in the Libyan Arab Jamahiriya

Jointly with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Agency undertook three missions during the reporting period to assess the situation of Palestinians required to leave the Libyan Arab Jamahiriya who were encamped at the Salloum checkpoint on the Libyan-Egyptian border, most of whom had arrived there in September and October 1995 following the termination of their work contracts and right of residence in Libya. In addition to delivering medical supplies and equipment for use in the Salloum camp, UNRWA provided emergency assistance, including blankets, supplementary food items and medical care to 36 Palestinians stranded at the Rafah crossing between Egypt and the Gaza Strip, and followed up on several individual requests for family reunification. The Agency remained concerned at the living conditions and health status of some 150 persons still at Salloum at the close of the reporting period, and continued to monitor the situation together with UNHCR.

### Relocation of UNRWA headquarters

UNRWA entered a new phase in its history in 1996 with the return of its headquarters to the area of operations, after 18 years in Vienna, in accordance with a decision of the Secretary-General, endorsed by the General Assembly in 1994 [YUN 1994, p. 660] and 1995 [YUN 1995, p. 665]. The relocation was envisaged as a way of demonstrating the commitment of the United Nations to the peace process, to underline its confidence in the Palestinian Authority and to contribute to the economic development of the Gaza Strip. The move was expected to result in savings for UNRWA and facilitate interaction with its principal interlocutors and among its constituent units. Preparations for the final relocation began in earnest in February 1996, and in July, the Office of the Commissioner-General and other key departments were moved from Vienna to a new headquarters in Gaza City. Other offices were moved to Agency headquarters in Amman, where the three main programme departments and a number of support units were situated. A total of 81 headquarters staff were transferred to Gaza, and 6 to Amman. It was decided to reconstitute UNRWA's Advisory Commission in Amman.

### General Assembly resolutions related to Palestine refugees

On 13 December, the General Assembly adopted seven resolutions relating to Palestine refugees: assistance to Palestine refugees (51/124); financing of UNRWA (51/125); displaced persons

(51/126); scholarships for higher education and vocational training (51/127); operations of UNRWA (51/128); Palestine refugees' properties and their revenues (51/129); and the proposed University of Jerusalem "Al-Quds" for Palestine refugees (51/130).

In a 3 May note verbale, reproduced in two reports of the Secretary-General, on persons displaced as a result of the June 1967 hostilities [A/51/369] and on revenues from Palestine refugee properties [A/51/371], Israel recalled that its position on the resolutions on Palestine refugees had been set forth in successive annual replies, the latest of which was included in a 1995 report by the Secretary-General [A/50/451].

Israel stated that while the number of resolutions regarding UNRWA had been reduced in past years, their content remained occupied with political issues irrelevant to the Agency's work and detached from the new reality of the peace process. While Israel believed that UNRWA could play an important role in promoting the social and economic advancement foreseen in the agreements between Israel and the PLO, and accordingly looked forward to continuing cooperation with the Agency, it considered it essential that the Assembly consolidate the UNRWA resolutions into one directly related to the Agency's humanitarian tasks.

**Advisory Commission on UNRWA..** By a letter of 22 September to the Commissioner-General, included in his report, the Advisory Commission of UNRWA confirmed its support for the Middle East peace process, but voiced concern over the slow pace of developments in that process and the failure to achieve a just, lasting and comprehensive peace, as well as over the lack of progress in finding a just solution to the Palestine refugee issue. While expressing great appreciation for the Agency's programmes as well as for the host Governments' services to Palestine refugees, it voiced dismay at the negative impact on its operations of measures imposed by Israel, particularly the worsening of the socio-economic conditions of Palestine refugees in the Gaza Strip and the West Bank. The Commission viewed with extreme gravity the structural deficit facing the Agency and stated that if immediate and comprehensive solutions were not found to its financial problems, the negative implications would be critical and dangerous. Any actual or perceived weakening in the support traditionally given by the international community to the Palestine refugees, especially through UNRWA, would have very negative consequences. The Commission urged the Agency to further its efforts to develop appropriate strategies for fund-raising and noted with interest the management review and organizational changes introduced by the Commissioner-General.

### General aspects

On 13 December, the General Assembly adopted **resolution 51/124**.

#### Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 50/28 A of 6 December 1995 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1995 to 30 June 1996,

Welcoming the signature in Washington on 13 September 1993 by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the people of Palestine, of the Declaration of Principles on Interim Self-Government Arrangements and the subsequent implementation agreements, and also the signature of the Interim Agreement on the West Bank and the Gaza Strip in Washington on 28 September 1995,

Encouraging the Multilateral Working Group on Refugees of the Middle East peace process to continue its important work,

Welcoming the completion of the transfer of the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to its area of operations,

1. Notes with regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of its resolution 194(III), has not yet been effected and that, therefore, the situation of the refugees continues to be a matter of concern;

2. Expresses its thanks to the Commissioner-General and to all the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizing that the Agency is doing all it can within the limits of available resources, and also expresses its thanks to the specialized agencies and to private organizations for their valuable work in assisting refugees;

3. Notes with regret that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194(III), and requests the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1997;

4. Notes the significant success of the Peace Implementation Programme of the Agency since the signing of the Declaration of Principles on Interim Self-Government Arrangements, and stresses the importance that contributions to this Programme are not at the expense of the General Fund;

5. Welcomes strengthened cooperation between the Agency and the World Bank and other specialized agencies, and calls upon the Agency to make a decisive contribution towards giving a fresh impetus to the economic and social stability of the occupied territories;

6. Urges all Member States to extend and expedite aid and assistance with a view to the economic and social development of the Palestinian people and the occupied territories;

7. Reiterates its concern regarding the continuing seriousness of the financial position of the Agency, as outlined in the report of the Commissioner-General;

8. Commends the efforts of the Commissioner-General to move towards budgetary transparency and internal efficiency, and hopes that such moves will continue;

9. Notes with profound concern that the structural deficit problem confronting the Agency portends an almost certain decline in the living conditions of the Palestine refugees and that it, therefore, has possible consequences for the peace process;

10. Calls upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency, including the costs of moving the headquarters to Gaza, urges non-contributing Governments to contribute regularly, and encourages contributing Governments to consider increasing their regular contributions.

General Assembly resolution 51/124

13 December 1996 Meeting 83 159-1-2 (recorded vote)

Approved by Fourth Committee (A/51/591) by recorded vote (139-1-2), 27 November (meeting 22); 16 nation draft (A/C.4/51/L.12); agenda item 84.

Meeting numbers. GA 51st session: 4th Committee 19-22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Micronesia, United States.

The Assembly, also on 13 December, adopted **resolution 51/128**.

#### Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194(III) of 11 December 1948, 212(III) of 19 November 1948, 302(IV) of 8 December 1949 and all subsequent related resolutions,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1995 to 30 June 1996,

Taking note of the letter dated 22 September 1996 from the Chairman of the Advisory Commission of the

United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General, contained in the report of the Commissioner-General,

Having considered the reports of the Secretary-General submitted in pursuance of its resolutions 48/40 E, 48/40 H and 48/40 J of 10 December 1993 and 49/35 C of 9 December 1994,

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory occupied since 1967, including Jerusalem,

Aware of the fact that Palestine refugees have, for over four decades, lost their homes, lands and means of livelihood,

Also aware of the continuing needs of Palestine refugees throughout the occupied Palestinian territory and in the other fields of operation, namely, in Lebanon, Jordan and the Syrian Arab Republic,

Further aware of the valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people, in particular Palestine refugees,

Deeply concerned about the critical financial situation of the Agency and its effect on the continuity of provision of necessary Agency services to the Palestine refugees, including the emergency-related programmes,

Aware of the work of the new Peace Implementation Programme of the Agency,

Welcoming the signing in Washington on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization, and the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip signed in Washington on 28 September 1995,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,

Aware of the establishment of a working relationship between the Advisory Commission of the Agency and the Palestine Liberation Organization in accordance with General Assembly decision 48/417 of 10 December 1993,

1. Expresses its appreciation to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all the staff of the Agency, for their tireless efforts and valuable work;

2. Also expresses its appreciation to the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and requests it to continue its efforts and to keep the General Assembly informed of its activities, including the full implementation of decision 48/417;

3. Welcomes the completion of the transfer of the headquarters of the Agency to Gaza and the signing of the Headquarters Agreement between the Agency and the Palestinian Authority;

4. Acknowledges the support of the host Government and the Palestine Liberation Organization for the Agency in the discharge of its duties;

5. Calls upon Israel, the occupying Power, to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to abide scrupulously by its provisions;

6. Also calls upon Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations with regard to the safety of the personnel of the Agency and the protection of its institutions and the safeguarding of the security of the facilities of the Agency in the occupied Palestinian territory, including Jerusalem;

7. Calls once again upon the Government of Israel to compensate the Agency for damages to its property and facilities resulting from actions by the Israeli side;

8. Requests the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the occupied Palestinian territory;

9. Notes that the new context created by the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization and subsequent implementation agreements has had major consequences for the activities of the Agency, which is henceforth called upon, in close cooperation with the United Nations Special Coordinator in the Occupied Territories, the specialized agencies and the World Bank, to continue to contribute towards the development of economic and social stability in the occupied territory;

10. Notes also that the functioning of the Agency remains essential in all fields of operation;

11. Notes further the significant success of the Peace Implementation Programme of the Agency;

12. Urges all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease current financial constraints and to support the Agency in maintaining the provision of the most basic and effective assistance to the Palestine refugees.

General Assembly resolution 51/128

13 December 1996 Meeting 83 159-2-2 (recorded vote)

Approved by Fourth Committee (A/51/591) by recorded vote (137-2-3), 27 November (meeting 22); 13-nation draft (A/C.4/51/L.16); agenda item 84.

Meeting numbers. GA 51st session: 4th Committee 19-22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suri-

name, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Marshall Islands, Micronesia.

### Displaced persons

The Secretary-General reported [A/51/369] in September 1996 on compliance with General Assembly resolution 50/28 C [YUN1995, p.666], calling for the accelerated return of all persons displaced as a result of the June 1967 and subsequent hostilities to their homes or former places of residence in the territories occupied by Israel since 1967. He said that since UNRWA was not involved in arrangements for either refugees or displaced persons not registered with it, Agency information was based on requests by returning registered refugees for the transfer of their entitlements to their areas of return. The Agency would not necessarily be aware of the return of any registered refugees who did not request the provision of services. Displaced refugees known by UNRWA to have returned to the West Bank and Gaza Strip since June 1967 numbered about 15,280. Its records indicated that, between 1 July 1995 and 30 June 1996, 784 refugees had returned to the West Bank and 329 to the Gaza Strip. Some of the refugees might not have been displaced in 1967, but might be family members of a displaced registered refugee whom they either had accompanied on return or had joined later.

### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/126**.

#### Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 2252(ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237(1967) of 14 June 1967 and 259(1968) of 27 September 1968,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 50/28 C of 6 December 1995,

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1995 to 30 June 1996,

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements, signed in Washington on 13 September 1993 by the Government of the State of Israel and the Palestine Liberation Organization, with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

1. Reaffirms the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. Expresses the hope for an accelerated return of displaced persons through the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements;

3. Endorses, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

4. Strongly appeals to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above purposes;

5. Requests the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its fifty-second session on the progress made with regard to the implementation of the present resolution.

General Assembly resolution 51/126

13 December 1996 Meeting 83 157-2-1 (recorded vote)

Approved by Fourth Committee (A/51/591) by recorded vote (137-2-2), 27 November (meeting 22); 12-nation draft (A/C.4/50/L.14); agenda item 84.

Meeting numbers. GA 51st session: 4th Committee 19-22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Micronesia.

### Education, training and scholarships

In September, the Secretary-General reported [A/51/370] on responses to the General Assembly's 1995 appeal [GA res. 50/28 D] to augment special allocations for scholarships and grants to Palestine refugees, for which UNRWA acted as recipient and trustee.

In the 1995/96 academic year, Japan offered 10 vocational fellowships for study in that country to Palestine refugees in UNRWA's employ. Under grants of \$400,000 made annually between 1992 and 1994, and \$500,000 in 1995, some 300 Palestinian students were participating in the UNRWA university scholarships programme during 1995/96. Contributions from Switzerland in 1995 totalling \$256,000 enabled 221 Palestinians to pursue university studies. UNESCO had offered five new scholarship awards to Palestinian students since October 1995, and the United World Colleges provided four scholarships in 1996.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/127**.

#### **Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees**

The General Assembly,

Recalling its resolution 212(III) of 19 November 1948 on assistance to Palestine refugees,

Recalling also its resolutions 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983, 39/99 D of 14 December 1984, 40/165 D of 16 December 1985, 41/69 D of 3 December 1986, 42/69 D of 2 December 1987, 43/57 D of 6 December 1988, 44/47 D of 8 December 1989, 45/73 D of 11 December 1990, 46/46 D of 9 December 1991, 47/69 D of 14 December 1992, 48/40 D of 10 December 1993, 49/35 D of 9 December 1994 and 50/28 D of 6 December 1995,

Cognizant of the fact that the Palestine refugees have, for the last four decades, lost their homes, lands and means of livelihood,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1995 to 30 June 1996,

1. Urges all States to respond to the appeal in its resolution 32/90 F of 13 December 1977 and reiterated in subsequent relevant resolutions in a manner commensurate with the needs of Palestine refugees for higher education, including vocational training;

2. Strongly appeals to all States, specialized agencies and non-governmental organizations to augment the special allocations for grants and scholarships to Palestine refugees, in addition to their contributions to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

3. Expresses its appreciation to all Governments, specialized agencies and non-governmental organizations that responded favourably to its resolutions 41/69 D, 42/69 D, 43/57 D, 44/47 D, 45/73 D, 46/46 D, 47/69 D, 48/40 D, 49/35 D and 50/28 D;

4. Invites the relevant specialized agencies and other organizations of the United Nations system to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students;

5. Appeals to all States, specialized agencies and the United Nations University to contribute generously to the Palestinian universities in the Palestinian territory occupied by Israel since 1967, including, in due course, the proposed University of Jerusalem "Al-Quds" for Palestine refugees;

6. Appeals to all States, specialized agencies and other international bodies to contribute towards the establishment of vocational training centres for Palestine refugees;

7. Requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships and to award them to qualified Palestine refugee candidates;

8. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/127

13 December 1996 Meeting 83 163-0-1 (recorded vote)

Approved by Fourth Committee (A/51/591) by recorded vote (142-0-1), 27 November (meeting 22); 15-nation draft (A/C.4/50/L.15); agenda item 84. Meeting numbers. GA 51st session: 4th Committee 19-22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel.

#### **Proposed University of Jerusalem "Al-Quds"**

In keeping with General Assembly resolution 50/28 G [YUN 1995, p. 668], the Secretary-General reported [A/51/476] in October 1996 on the proposal to establish a university for Palestine refugees at Jerusalem. First considered by the Assembly in 1980 [YUN 1980, p. 444], it had been the subject of annual reports by the Secretary-General.

To assist in the preparation of a feasibility study and at the Secretary-General's request, the Rector of the United Nations University asked expert Mihaly Simai to visit the area and meet with the competent Israeli officials. By a note verbale of 6 September, the Secretary-General requested Israel to facilitate the expert's visit.



The Secretary-General reported it had not been possible to complete the study as planned.

Israel replied on 12 September that its position remained unchanged. The sponsors of the resolution on the proposed university sought to exploit higher education for political purposes extraneous to genuine academic pursuits. Accordingly, Israel was of the opinion that the proposed visit would serve no useful purpose.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/130**.

#### University of Jerusalem "Al-Quds" for Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983, 39/99 K of 14 December 1984, 40/165 D and K of 16 December 1985, 41/69 K of 3 December 1986, 42/69 K of 2 December 1987, 43/57 J of 6 December 1988, 44/47 J of 8 December 1989, 45/73 J of 11 December 1990, 46/46 J of 9 December 1991, 47/69 J of 14 December 1992, 48/40 I of 10 December 1993, 49/35 G of 9 December 1994 and 50/28 G of 6 December 1995,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1995 to 30 June 1996,

1. Emphasizes the need for strengthening the educational system in the Palestinian territory occupied by Israel since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

2. Requests the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem "Al-Quds", in accordance with General Assembly resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

3. Calls once more upon Israel, the occupying Power, to cooperate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem "Al-Quds";

4. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the progress made in the implementation of the present resolution.

General Assembly resolution 51/130

13 December 1996 Meeting 83 159-3-1 (recorded vote)

Approved by Fourth Committee (A/51/591) by recorded vote (137-2-2), 27 November (meeting 22); 14-nation draft (A/C.4/51/L.18); agenda item 84.

Meeting numbers. GA 51st session: 4th Committee 19-22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape

Verde, Chad, Chile, China, Colombia, Congo, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Palau, United States.

Abstaining: Micronesia.

#### Property rights

In response to General Assembly resolution 50/28 F [YUN 1995, p. 669], the Secretary-General in September reported [A/51/371] on steps taken to protect and administer Arab property, assets and property rights in Israel and to establish a fund for income derived therefrom, on behalf of the rightful owners. He indicated that he had transmitted the resolution to Israel and all other Member States, requesting information on any steps taken or envisaged with regard to its implementation. Israel had set out its position in a note of 3 May, referring to all resolutions adopted under the agenda item (see above).

The United Nations Conciliation Commission for Palestine, in its fiftieth report [A/51/439] covering the period from 1 September 1995 to 31 August 1996, stated that it had nothing new to report since the submission of its report last year [YUN 1995, p. 669].

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/129**.

#### Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194(III) of 11 December 1948, 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General in pursuance of resolution 50/28 F of 6 December 1995,

Taking note also of the report of the United Nations Conciliation Commission for Palestine for the period from 1 September 1995 to 31 August 1996,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394(V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the

rights, property and interests of the Palestine Arab refugees,

Taking note of the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report, and of the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

Recalling that in the framework of the Middle East peace process the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993, to commence negotiations on permanent status issues, including the important issue of the refugees, and calling for the commencement of those negotiations,

1. Reaffirms that the Palestine Arab refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of justice and equity;

2. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel and to preserve and modernize the existing records;

3. Calls once more upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. Calls upon all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. Urges the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues in the framework of the final status negotiations of the Middle East peace process;

6. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/129

13 December 1996 Meeting 83 152-2-6 (recorded vote)

Approved by Fourth Committee (A/51/591) by recorded vote (128-2-8), 27 November (meeting 22); 12-nation draft (A/C.4/51/L.17); agenda item 84.

Meeting numbers. GA 51st session: 4th Committee 19-22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Le-

one, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Fiji, Guatemala, Marshall Islands, Micronesia, Turkey, Uzbekistan.

### UNRWA financing

UNRWA operations were financed almost entirely by voluntary contributions, which accounted for 95 per cent of income towards the regular budget. Most contributions were received in cash, although 8 per cent was received in kind, mainly as donations of food commodities for distribution to needy refugees. Five per cent was received from other UN bodies to cover staffing costs, including funding of 92 international posts by the United Nations during the period from 1 July 1995 to 30 June 1996, and assistance from UNESCO and WHO in the staffing of the education and health programmes.

The Agency's financial situation continued to worsen, with an \$8.4 million deficit recorded in 1995 and a fourth consecutive budget deficit expected in 1996. Those deficits reflected the inability of some donors to increase their contributions to match the pace of UNRWA's annual budget growth of 5 per cent, the minimum increase possible to maintain services in the face of natural population growth and inflation. Also, unexpected needs in the area of operations required UNRWA to utilize funds in excess of budgeted ceilings. Contributing to the latter tendency were the increasing demands placed on the Agency within the context of the rapidly changing political environment in the region. Moreover, with the agreement of its donors, the Agency began to include in its 1996-1997 budget a provision of \$12.7 million a year towards the \$127 million in entitlements payable to staff upon UNRWA's eventual dissolution. In 1996, delays and shortfalls in funding for the relocation of UNRWA headquarters and the European Gaza Hospital project also put pressure on UNRWA finances by requiring advances from the General Fund.

The deficit reduced the Agency's working capital by more than half, from \$22.6 million at the beginning of the biennium to \$8.2 million at its close. Towards the end of the period, the Agency was faced with an increasingly precarious cash position, with available reserves barely sufficient to meet routine payments and a possibility that the Agency would run out of cash in the months ahead.

Faced with a deficit that had become structural, UNRWA exerted strenuous efforts toward bringing income and expenditure into line. The

bulk of austerity measures imposed in previous years, totalling some \$14.2 million, were carried over, and \$12 million in salary increases for area staff was deferred. In February 1996, UNRWA effected a 6.4 per cent reduction in costs on the 92 Agency posts funded by the United Nations in 1996-1997, producing \$1.3 million in savings over the biennium.

In May 1996, a net budget deficit of \$ 16 million was projected for 1996, exclusive of the \$12.7 million provision for termination indemnities and the \$ 14.2 million required to reverse the austerity measures first introduced in 1993. By mid-1996, the Agency faced an estimated deficit of \$45.2 million, comprising a core deficit of \$9.3 million, a cost of \$23.2 million to reverse austerity measures and the \$ 12.7 million for termination indemnities. In response, the Agency introduced a further \$9 million in austerity measures as of June 1996, including a freeze in recruitment of certain posts and cuts in the budget allocations for vehicles, computers, equipment and supplies, construction, maintenance, hospitalization, medical supplies and temporary labour. In the absence of additional funding to redress the imbalance between income and expenditure, the Agency said it was faced with the choice of either drifting towards insolvency while allowing the level and quality of services to decline, or withdraw entirely from certain core programmes or other areas.

The Commissioner-General said that maintaining the status quo regarding services could technically lead the Agency into bankruptcy. The General Assembly in resolution 50/28 A had noted [YUN 1995, p. 665] with profound concern that the structural deficit problem confronting UNRWA portended an almost certain decline in the living conditions of the Palestine refugees and therefore had possible consequences for the peace process. He felt it was critical for the Agency, donors and host Governments to re-examine priorities and explore options and alternatives to resolve the situation. An extraordinary meeting was held in Amman on 23 September 1996 to address those issues. At the meeting, attended by representatives of 27 major donors, the host Governments (Egypt, Jordan, Lebanon, Syrian Arab Republic) and the PLO/Palestinian Authority, pledges were made in the amount of some \$ 15 million, of which \$ 11.25 million was for UNRWA's General Fund budget for 1996. Other donors promised additional support, subject to parliamentary approval. The Commissioner-General reported that those additional funds would enable the Agency to meet its minimum obligations for the year.

**Special report on financial crisis.** To underscore the seriousness of UNRWA's financial situa-

tion, the Secretary-General in October forwarded to the General Assembly a special report from the UNRWA Commissioner-General [A/51/495], with an appeal for adequate funding to bridge the budget deficit projected for 1997 and to deal with the structural deficit.

The Commissioner-General outlined the causes and effects of the deficit and the measures taken to deal with it. He noted that a lack of sufficient funds had prevented the Agency from expanding services at a rate commensurate with the growth in the refugee population, while successive rounds of belt-tightening were progressively downgrading the level of services and giving rise to longer-term costs. He advised that austerity measures had not produced savings; at best, they effected short-term deficit reductions while leaving behind costly long-term problems.

When Middle East peace negotiations were in full swing, the Commissioner-General noted, the international community had recognized the importance of demonstrating the concrete benefits of peace and had generously responded to PIP. Now that the peace process had reached a more delicate stage, it was all the more important that the refugees were able to sustain their hopes for a successful outcome. There were no more austerity measures UNRWA could implement, as further steps would have to lead to actual cuts and shutdowns in services; new initiatives, such as harmonization of services, would have to be slowed. Responsibility for the provision of adequate resources rested firmly and squarely with the international community.

The Commissioner-General outlined three options faced by the Agency in the final quarter of 1996: financing of the deficit by the international community so that services might continue uninterrupted and possibly restore some programmes cut for austerity reasons; agreement by the international community to cuts and reductions in Agency programmes; or continuation of the Agency's work until available funds were used up, at which point UNRWA would declare insolvency and fold.

On the basis of the encouraging results of the Amman extraordinary meeting, which would enable UNRWA to avoid shutting down essential programmes and allow it to enter 1997 with enough money to cover a few weeks of operations, it was hoped that the international community would make the necessary funds available for 1997 which, together with internal reform processes, would eliminate the structural deficit, establish a more rational balance between income and needs, and enable services to be delivered to the refugees at acceptable levels.

**Working Group on financing.** The Working Group on the Financing of UNRWA held two meetings in 1996, on 13 September and 14 October. In its report to the General Assembly [A/51/509], the Group noted that by the end of the 1994-1995 biennium, UNRWA's recorded financial balance for the year showed expenditures of \$546.6 million on the Agency's regular programmes, against income from contributions of \$532.2 million, leaving an adjusted deficit of \$14.4 million. Those shortfalls reduced the Agency's working capital from \$22.6 million at the beginning of the biennium to \$8.2 million at its close. In addition, some \$28.4 million had been spent on EMLOT (extraordinary measures for Lebanon and the occupied territory) activities in 1994-1995, against receipts of \$20.8 million, leaving a deficit of \$7.6 million, which had to be funded out of working capital. The Agency also operated a number of "extrabudgetary" accounts. PIP had produced a total of \$192.6 million in pledges and contributions from its inception in October 1993 to June 1996; it superseded the Expanded Programme of Assistance (established in 1988 to improve living conditions in camps and upgrade UNRWA infrastructure) which would be phased out as projects were completed. Other special project accounts existed for the European Gaza Hospital and relocation of UNRWA headquarters. As at June 1996, the Agency had received pledges and contributions of \$41.2 million towards the hospital project and \$9.6 million towards the headquarters move.

In view of the seriousness of the financial crisis facing the Agency by the latter half of the year, the Working Group, in informal consultations on 18 September, agreed on a statement which the Chairman forwarded to the Commissioner-General in time for the extraordinary meeting of major donor and host Governments in Amman. In the statement, the Group stressed the following: the deficits facing UNRWA in recent years had become structural, rather than temporary, in nature and therefore must be addressed in terms of their impact on the services which the Agency was mandated to provide; the situation facing UNRWA in the last quarter of 1996 was untenable because its cash reserves had been depleted, and replenishment could only be effected by immediate payment of pledges already received; future deficits could no longer be absorbed because the Agency's working capital would have been exhausted by the end of 1996; UNRWA would start the 1997 budget year having reduced its budget volume through accumulated austerity measures and other reductions, depleted its financial reserves and lowered overhead costs to their practical limits, with the projected cumulative gap

between expenditure and income inevitably leading to ruptures in services; as the Commissioner-General could not incur commitments beyond the level of the financial resources made available through contributions and confirmed pledges, the Agency's ability to continue delivering its services in the remainder of the 1996-1997 budget biennium and beyond was absolutely limited to the level of funding provided, and expenditures therefore had to be kept within the limits of funds actually made available. The Working Group strongly urged those present at the Amman meeting to take serious and concrete steps to provide the financial resources needed by UNRWA to carry out essential programmes and avoid creating an even more serious crisis with potentially dangerous and far-reaching implications for the Palestine refugees and the entire Middle East region.

In general, the Working Group was extremely concerned about the financial crisis facing the Agency at the end of 1996, particularly the depletion of its working capital and the emergence of a structural deficit which could lead to major qualitative or quantitative reductions in programmes. Due to the extraordinary efforts of the Commissioner-General to mobilize the donor community, sufficient financial support was forthcoming to get the Agency through the end of the year. However, unless firm guarantees were secured of continued adequate funding to maintain Agency programmes at their traditional level and allow the restoration of activities curtailed or suspended through austerity cuts over the past three years, the crisis was expected to continue. The Working Group felt that the General Assembly had to be more actively engaged in seeing to it that UNRWA was given the resources it needed to fulfil its mandate.

The Group commended the Commissioner-General and his staff for their tireless fundraising efforts, particularly for organizing the Amman meeting. The Group joined the Commissioner-General in expressing the hope that the example set by those donors would be followed by others. It shared his concern that the core of UNRWA services to Palestine refugees were increasingly threatened due to the chronic budget-deficit problem and that the Agency had been unable to raise the funds needed to restore cuts and other austerity measures. As the Commissioner-General had pointed out, while every effort was being made to streamline and rationalize UNRWA operations to avoid reductions in services, cost-saving measures could only be taken so far. If funding shortfalls continued, the Agency would have no choice but to effect substantive reductions in programme activities. In

the coming years, UNRWA would have to identify and attract the resources required to serve a refugee population whose needs were growing by 5 per cent a year through a combination of natural growth, inflation and new registrations. If the current chronic structural deficits continued, the level and quality of UNRWA services would more rapidly decline, the ramifications of which were highly political and potentially destabilizing. In the light of the Agency's unique role in the region, any deterioration or reduction in services would be immediately interpreted as reflecting a decreased commitment by the international community to the resolution of the Palestine refugee problem.

The Group urged Governments to continue contributing generously and to consider additional contributions to finance deficit amounts so that services could continue uninterrupted and, if possible, services cut for austerity reasons could be restored, and to ensure support of emergency-related and special programmes, as well as PIP, the European Gaza Hospital project and the relocation of headquarters, without diverting contributions to the Agency's regular programmes.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/125**.

#### **Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East**

The General Assembly,

Recalling its resolutions 2656(XXV) of 7 December 1970, 2728(XXV) of 15 December 1970, 2791 (XXVI) of 6 December 1971, 50/28 B of 6 December 1995 and the previous resolutions on this question,

Recalling also its decision 36/462 of 16 March 1982, by which it took note of the special report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Having considered the report of the Working Group,

Taking into account the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1995 to 30 June 1996,

Deeply concerned about the critical financial situation of the Agency, which has affected and affects the continuation of the provision of the necessary Agency services to the Palestine refugees, including the emergency-related programmes,

Emphasizing the continuing need for extraordinary efforts in order to maintain, at least at the current minimum level, the activities of the Agency, as well as to enable the Agency to carry out essential construction,

1. Commends the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its efforts to assist in ensuring the financial security of the Agency;

2. Takes note with approval of the report of the Working Group;

3. Requests the Working Group to continue its efforts, in cooperation with the Secretary-General and the Commissioner-General, for the financing of the Agency for a further period of one year;

4. Requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work.

General Assembly resolution 51/125

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/591) without vote, 27 November (meeting 22); 16-nation draft (A/C.4/51/L.13); agenda item 84.

Meeting numbers. GA 51st session: 4th Committee 19-22; plenary 83.

## Peacekeeping operations

UN peacekeeping operations were born in the Middle East with the establishment in 1948 of the Organization's first and oldest operation—the United Nations Truce Supervision Organization (UNTSO), originally set up to monitor the cease-fire called for by the Security Council in May 1948 in newly partitioned Palestine. Its unarmed military observers have fulfilled changing mandates—from supervising the original four armistice agreements between Israel and its Arab neighbours—Egypt, Jordan, Lebanon and the Syrian Arab Republic—to observing and monitoring other ceasefires, as well as performing a number of additional tasks.

In 1996, UNTSO personnel worked with the two remaining UN peacekeeping forces in the Middle East—its Observer Group Golan (OGG) with the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights, and the Observer Group Lebanon (OGL) with the United Nations Interim Force in Lebanon (UNIFIL). UNTSO observers in 1996 also maintained a presence in Egypt, with headquarters in Ismailia. The UNTSO liaison office in Gaza was closed in April 1996.

### Lebanon

Tension in southern Lebanon intensified in February and March 1996, with escalating attacks by Islamic fundamentalists against Israeli targets, culminating in April in more than two weeks of heavy Israeli bombardment. The Security Council considered the situation and adopted a resolution calling for an immediate cessation of hostilities by all parties. The General Assembly, in **resolution 50/22 C** of 25 April, issued a similar call and expressed its support of the diplomatic efforts to that end. Those efforts, pursued

by France and the United States, resulted in a partial ceasefire, which went into effect on 27 April, and, in the form of an understanding, was simultaneously announced in Beirut and Jerusalem.

According to the published text of the understanding, summarized in a July report of the Secretary-General on UNIFIL operations [S/1996/575], armed groups in Lebanon would not carry out attacks by any kind of weapon into Israel, and Israel and those cooperating with it would not fire any kind of weapon at civilians or civilian targets in Lebanon. The two parties would ensure that under no circumstances would civilians be the target of attack and that civilian populated areas and industrial and electrical installations would not be used as launching grounds for attacks. The text stated that, without violating the understanding, nothing therein should preclude any party from exercising the right of self-defence. The understanding provided for the establishment of a monitoring group consisting of the United States, France, Israel, Lebanon and Syria, and of a consultative group, to consist of France, the European Union (EU), the Russian Federation and other interested parties, for the purpose of assisting in the reconstruction of Lebanon. On 16 July, France and the United States informed UN Secretariat officials that the chair of the monitoring group would be based in Cyprus, while its military experts would meet in Naqoura. The two countries requested that UNIFIL provide facilities for the latter meeting.

In several communications throughout the year, addressed to the Secretary-General, Lebanon provided detailed accounts of Israeli attacks.

#### SECURITY COUNCIL ACTION

By letters of 13 April [S/1996/280, 281], Lebanon requested an urgent meeting of the Security Council to consider the grave situation in Lebanon resulting from the large-scale Israeli bombardment of many towns and villages, including a southern suburb of Beirut. The bombardment, Lebanon said, was continuing unabated for the third consecutive day, killing and wounding an alarming number of civilians, displacing thousands and severely damaging property.

In accordance with those requests, the Council convened on 15 April to consider the situation in the Middle East, in particular that in Lebanon.

Afghanistan, Algeria, Colombia, Cuba, Iran, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Saudi Arabia, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates, at their request, were invited to participate in the discus-

sion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

Leading off the debate, Lebanon stated that for five days it had been subjected to continued Israeli aggression by land, sea and air. Israeli military forces, whose activities were escalating at an alarming rate, were bombarding an area extending from the south to the north of Lebanon, causing the displacement of hundreds of thousands of persons. The new cycle of large-scale violence, not to be viewed apart from the overall situation in the south and the western Bekaa, was the result of Israeli occupation, in flagrant violation of Council resolution 425(1978) [YUN 1978, p. 312]; furthermore, that new cycle had been triggered by Israel on purpose, to serve the electoral ambitions of its Government. The number of casualties was still constantly increasing and the destruction of property was devastating.

As a pattern, any resistance to Israeli aggression was immediately labelled an act of terrorism, Lebanon said. Its constant position on that point was: while it firmly condemned all forms of terrorism, it also firmly supported the legitimate right of people to resist foreign occupation. There was foreign occupation in south Lebanon and the Lebanese were within their legitimate rights in defending themselves against occupation, human rights abuses and displacement. Israeli occupation of Lebanon was terrorism. Israel had carved out the so-called security zone in south Lebanon and the western Bekaa, thus perpetuating its occupation.

If the purpose of Israel's military action was to force Lebanon into submission, it was a futile hope; Lebanon would have no peace with Israel as long as the latter did not withdraw from south Lebanon, in implementation of resolution 425(1978), and from the Golan Heights, in implementation of resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]. Concluding, Lebanon asked the Council to order Israel to stop immediately its aggression and withdraw all its reinforcements; to condemn Israeli aggression against Lebanon and its civilians, economy, infrastructure and archaeological sites, in particular those internationally protected; to force Israel to implement resolution 425(1978); to provide, in cooperation with the Secretary-General, a massive programme of assistance to Lebanon and its people to help them overcome the suffering and casualties resulting from Israel's aggression; and to remain seized of the matter as long as Israel did not abide by the Council's order to halt its aggression.

Israel declared that, while Lebanon had begun counting from 10 April, eight Israelis had been

killed and 29 more wounded by Hezbollah (Hizbullah) Islamic fundamentalists since 1 February. In the past week, 36 more Israeli civilians had been injured in several waves of Katyusha rocket attacks fired by the Hezbollah into northern Israel. Since then, more than 100 such attacks had been launched against more than 20 towns and villages in northern Israel. Tens of thousands were living in shelters or had left the northern part of the country. Israeli actions had been deceitfully described from several sides as if there were no murderous Hezbollah provocations against it or its citizens; the truth was that, after a long period of restraint and exhaustion of all political and diplomatic means, the Israel Defence Forces (IDF) were hitting back at Hezbollah strongholds with air, sea and artillery strikes.

Israel said its primary obligation was to protect the security of all of its citizens, and it would not allow its civilian centres to be held hostage by the Hezbollah, whose activities the Lebanese Government did not have the ability—or the will—to control. Therefore, Israel had to defend the security of its north by all measures necessary. It had no territorial claim on Lebanon, and no intention of entering into battles with either the Syrian or the Lebanese army, but it had the right and obligation to defend its people.

Operations were being conducted solely against Hezbollah terrorist targets, but Hezbollah positions were situated throughout Lebanon, usually in the midst of civilian population centres. Unfortunately, innocent civilians on both sides of the border were suffering as a result of the confrontation; the escalation, however, was initiated by the murderous acts of Hezbollah, without any intervention by the so-called sovereign Government of Lebanon. Israel hoped that the unnecessary suffering would soon be over permanently, based on the understanding that all parties were committed to maintaining peace and security for all people in the area.

The Council resumed consideration of the item on 18 April, after hostilities continued, causing further casualties and destruction of property, including a tragic incident that morning at the headquarters of the Fijian battalion of UNIFIL in Qana, during which more than 100 Lebanese civilians who had sought refuge in the area were said to have been killed and more than 100 wounded, among them several UN personnel. In addition to those previously invited, the Council extended invitations to Bahrain, Canada, the Comoros, Djibouti, Iraq, Ireland, Japan, Mauritania, Norway, Oman, Qatar, the Sudan and Yemen, at their request, to participate in the discussion without the right to vote, in accordance

with the relevant Charter provisions and rule 37 of the Council's provisional rules of procedure.

The President drew attention to a draft resolution [S/1996/292] submitted by Algeria, Bahrain, the Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. By that resolution, the Council would have called on Israel immediately to cease its military action and withdraw its forces from all Lebanese territory; called for strict respect for Lebanon's territorial integrity, sovereignty and political independence; called for implementation of all relevant Council resolutions, in particular resolution 425(1978); strongly condemned the Israeli aggression against Lebanon, which had brought about high tolls of civilian casualties, led to the displacement of hundreds of thousands of civilians and a massive destruction of Lebanon's infrastructure, as well as of internationally protected archaeological and cultural sites; called for participation in the reconstruction of Lebanon and for help in meeting the humanitarian needs of the civilian population; and called for redress to Lebanon for the destruction suffered from the Israeli aggression.

When put to the vote, the draft resolution was not adopted because it did not obtain the required majority. The vote was 4 in favour (China, Egypt, Guinea-Bissau, Indonesia) to none against, with 11 abstentions (Botswana, Chile, France, Germany, Honduras, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom, United States).

At the same meeting of 18 April, the Council unanimously adopted **resolution 1052(1996)**.

The Security Council,

Recalling all its previous relevant resolutions regarding the situation in Lebanon, including resolution 425(1978) of 19 March 1978 which established the United Nations Interim Force in Lebanon (UNIFIL),

Taking note of the letters dated 13 April 1996 from the Permanent Representative of Lebanon to the President of the Security Council,

Bearing in mind the debate which took place at its 3653rd meeting on 15 April 1996 on the situation in the Middle East,

Gravely concerned at the consequences which the ongoing fighting could have for the peace and security of the region and for the furthering of the peace process in the Middle East, and affirming its full support for that process,

Gravely concerned also at all attacks on civilian targets, including residential areas, and at the loss of life and suffering among civilians,

Stressing the need for all concerned to respect fully the rules of international humanitarian law with regard to the protection of civilians,

Gravely concerned further at actions which seriously threaten the safety of UNIFIL and impede the implementation of its mandate, and deploring in particular the incident on 18 April 1996 in which shelling resulted in heavy loss of life among civilians at a UNIFIL site,

1. Calls for an immediate cessation of hostilities by all parties;
2. Supports the ongoing diplomatic efforts to this end;
3. Reaffirms its commitment to the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and to the security of all States in the region, and calls upon all concerned fully to respect those principles;
4. Calls upon all concerned to respect the safety and security of civilians;
5. Calls upon all concerned to respect the safety, security and freedom of movement of UNIFIL and to allow it to fulfil its mandate without any obstacle or interference;
6. Calls upon Member States to offer humanitarian assistance to alleviate the suffering of the population and to assist the Government of Lebanon in the reconstruction of the country and requests the Secretary-General to ensure that the United Nations and its agencies play their part in meeting the humanitarian needs of the civilian population;
7. Requests the Secretary-General to keep the Council informed of developments on a continuing basis;
8. Decides to remain seized of the matter.

Security Council resolution 1052(1996)

18 April 1996      Meeting 3654      Adopted unanimously

8-nation draft (S/1996/304).

Sponsors: France, Germany, Honduras, Italy, Poland, Russian Federation, United Kingdom, United States.

Meeting numbers. SC 3653, 3654.

Lebanon expressed regret that the Council had not met immediately on 14 April and did not act swiftly on its request to end Israeli aggression. It deplored that the Arab draft—which embodied two very basic principles: solidarity of the Arab world in respect of Lebanon and its constant position in favour of finding a solution to the endemic cycle of violence, which was due in particular to Israel's non-implementation of resolution 425(1978)—had not been adopted.

Israel said the tragedy had been caused by Hezbollah launching rockets at Israel a short distance from the UN position where innocent civilians had taken shelter. Israel accepted the initiative of the United States President to reach a ceasefire, to be implemented as soon as the other party agreed to implement it as well.

**Report of Military Adviser.** By a letter of 7 May [S/1996/337], the Secretary-General transmitted to the members of the Security Council a 1 May report by his Military Adviser, Major-General Franklin van Kappen, on his mission to Lebanon and Israel in the wake of the tragic events at Qana on 18 April. As noted by the Secretary-General, the mission sought to estab-

lish, to the extent possible, the facts surrounding those events. General van Kappen had had extensive discussions with UNIFIL commanders, Lebanese and Israeli authorities and eyewitnesses. As indicated in the report, the Secretary-General said, while the possibility could not be ruled out completely, the pattern of impacts in the Qana area made it unlikely that the shelling of the UN compound was the result of technical and/or procedural errors. For its part, IDF maintained that the incident was due to a sequence of operational mistakes and technical failures, compounded by chance.

Welcoming the ceasefire agreement announced on 26 April, the Secretary-General expressed his earnest hope that the restoration of calm in the area would enhance the prospects for negotiations leading to a comprehensive peace settlement which would preclude further tragic events. In the meantime, he had instructed the UNIFIL Commander to enhance cooperation with the Lebanese Government and the Lebanese Armed Forces in maintaining peace and stability in the UNIFIL area. He had also given instructions for arrangements to be worked out with the Israeli authorities to see to it that the UN positions in Lebanon were not fired on in the future. It remained of the greatest importance, he stressed, that the parties to the conflict ensured that innocent civilians did not become victims of the hostilities.

#### GENERAL ASSEMBLY ACTION

By a letter of 19 April [A/50/940], Colombia, as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, transmitted to the President of the General Assembly a Bureau request that the fiftieth session of the Assembly resume consideration of the agenda item "The situation in the Middle East", to consider the Israeli military attacks against Lebanon and their consequences. A similar request was made on the same date by Guinea, as Chairman of the Islamic Group at the United Nations [A/50/941]. Subsequently, on 23 April, the Assembly reopened consideration of the item.

In debate, Lebanon said it had come to the Assembly in the hope that all stood firmly and decisively together against aggression and transgression, and against the heinous crimes that had gone unpunished. Lebanon was for a comprehensive and just peace; Israel would not make it renege on that commitment. Lebanon called for Israel to be condemned and punished for the crimes committed against the Lebanese, their institutions and sovereignty, and against humanity.

Israel stated that it had been forced into fighting with those who sought its destruction, as well



as the derailment of the chances for peace. Since 1 February, Hezbollah Islamic fundamentalists had stepped up their attacks, breaching unilaterally the agreements brokered in 1993. It was deplorable that the Lebanese Government disarmed all the militias that had operated within its territory, but never Hezbollah which was supported by a very forceful Power. The Syrian Government, which controlled a large part of Lebanon, had been told time and again to use its influence to stop the terrorists. As the Lebanese Government had neither the ability nor the will to control Hezbollah activities, Israel had to do it alone. The continued suffering of the people of Lebanon was entirely the responsibility of terrorist organizations—first and foremost the Hezbollah, Israel maintained.

Following three days of discussions and negotiations on a draft resolution presented by representatives of the Arab Group, the Movement of Non-Aligned Countries, the Organization of the Islamic Conference and others, the Assembly on 25 April adopted **resolution 50/22 C**.

#### **The Israeli military attacks against Lebanon and their consequences**

The General Assembly,

Having heard the statement of the President of the Lebanese Republic before the plenary on 23 April 1996,

Taking note of the letters from the Alternate Permanent Representative of Colombia to the United Nations in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries and from the Permanent Representative of Guinea to the United Nations in her capacity as Chairperson of the Islamic Group and on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference,

Reaffirming the relevant Security Council resolutions on the situation in Lebanon, in particular resolution 425(1978) of 19 March 1978,

Reaffirming also Security Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973, and in particular the principles of withdrawal from the occupied Arab territories and the right of all States in the region to live in peace and security within internationally recognized boundaries,

Bearing in mind the debate that took place at its 113th to 117th meetings, on 23, 24 and 25 April 1996, on the situation in the Middle East,

Gravely concerned at the consequences that the ongoing fighting could have for the peace and security of the region and for the furtherance of the peace process in the Middle East, and affirming its full support for that process and for the need to achieve real progress, especially on the Lebanese and Syrian track,

Gravely concerned also at all attacks on civilian targets, including residential areas, and at the loss of life and suffering among civilians,

Stressing the need for all concerned to respect fully the rules of international humanitarian law with regard to the protection of civilians, in particular the Ge-

neva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Gravely concerned further at actions that seriously threaten the safety of the United Nations Interim Force in Lebanon and impede the implementation of its mandate, in particular the incident that occurred on 18 April 1996 in which shelling resulted in heavy loss of life among civilians at a site of the Interim Force,

Taking into consideration the statement of the International Committee of the Red Cross of 19 April 1996, in which it firmly condemned the shelling of civilians who had taken refuge in an Interim Force base in the village of Qana,

Expressing concern at the bombardment of the archaeological and cultural sites and monuments in the city of Tyre, which are internationally protected, in accordance with international law and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and which are considered by the United Nations Educational, Scientific and Cultural Organization to be the heritage of all mankind,

1. Calls for an immediate cessation of hostilities;
2. Supports the ongoing diplomatic efforts to this end;
3. Condemns the Israeli military attacks against the civilian population in Lebanon, especially against the United Nations base at Qana, which violate the rules of international humanitarian law pertaining to the protection of civilians, and expresses its grave concern and sorrow over the loss of lives and serious injuries to innocent men, women and children;
4. Calls upon Israel immediately to cease its military action against the territorial integrity of Lebanon and to withdraw forthwith its forces from all Lebanese territory, in conformity with Security Council resolution 425(1978);
5. Calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;
6. Calls upon all concerned to respect the safety and security of civilians in conformity with the rules of international humanitarian law;
7. Considers that Lebanon is entitled to appropriate redress for the destruction it has suffered and that Israel is responsible for such compensation;
8. Requests the Secretary-General to dispatch a special technical mission to the area to study and prepare, within one month's time, in cooperation with the United Nations Interim Force in Lebanon, a report on the human and material losses and damage resulting from the recent and ongoing hostilities;
9. Calls upon Member States to offer humanitarian assistance to alleviate the suffering of the population and to assist the Government of Lebanon in the reconstruction of the country, and requests the Secretary-General to ensure that the United Nations and its agencies play their part in meeting the humanitarian needs of the civilian population;
10. Also requests the Secretary-General to report to the General Assembly on the progress made in the implementation of the present resolution.

General Assembly resolution 50/22 C

25 April 1996 Meeting 117 64-2-65 (recorded vote)

25-nation draft (A/50/L.70/Rev.1); agenda item 44.

Meeting numbers. GA 50th session: plenary 113, 117.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Bhutan, Brunei Darussalam, Cambodia, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Egypt, Ghana, Guinea-Bissau, Guyana, India, Indonesia, Iran, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Monaco, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela.

After the vote, Lebanon said that Israeli bombardments against the Lebanese civilian population were still ongoing, for the fourteenth day, in violation of all norms and principles of international law. Lebanon would have liked to see those few countries that voted against the resolution instead play a positive role in forcing Israel to stop its madness. The Assembly had clearly denounced Israel as the aggressor; now it was up to Israel to abide by the will of the international community and cease its attacks.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

By **decision 1996/274** of 23 July, the Economic and Social Council took note of a 23 April resolution [E/1996/23 (res. 1996/68)] of the Commission on Human Rights on the situation of human rights in southern Lebanon and the western Bekaa (see PART TWO, Chapter III). The Commission requested the Secretary-General to bring the resolution to the attention of Israel and to invite it to provide information concerning the extent of its implementation thereof. By a note of 16 October, [A/51/507], the Secretary-General reported to the General Assembly that no reply from Israel had been received as of that date.

#### UNIFIL

The Security Council in 1996 twice extended the mandate of the United Nations Interim Force in Lebanon (UNIFIL), in January and July, each time for a six-month period.

Established by the Council in 1978 [YUN 1978, p. 312, SC res. 425(1978)], following Israel's invasion of Lebanon, [Ibid., p. 296], UNIFIL originally was entrusted with confirming the withdrawal of Israeli

forces, restoring international peace and security, and assisting the Lebanese Government in ensuring the return of its effective authority in the area. After a second Israeli invasion in June 1982 [YUN 1982, p. 428], the Council, in resolution 511(1982) [Ibid., p. 450], authorized the Force to carry out, in addition to its original mandate, the interim tasks of providing protection and humanitarian assistance to the local population, while maintaining its positions in its area of deployment. During 1996, UNIFIL continued to do its best to carry out its mandated tasks in a situation of mounting tension, but the Secretary-General reported that its efforts were severely hindered by sustained Israeli bombardment and harassment by both sides.

The Force continued to maintain close contact and cooperate with the Lebanese authorities on matters of mutual concern. Those authorities provided valuable assistance in connection with the rotation of troops and logistic activities in Beirut. The Lebanese army was particularly helpful in defusing confrontations with armed elements and provided accommodation for some UNIFIL contingents while on leave in Lebanon. The Force continued to cooperate with the Lebanese Internal Security Forces on matters pertaining to the maintenance of law and order. During the Lebanese parliamentary elections in September 1996, UNIFIL cooperated closely with the Lebanese army and the Internal Security Forces to ensure security in its area of operation.

#### Composition

In January 1996, UNIFIL military personnel numbered 4,649, provided by nine countries: Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, Norway and Poland. Civilian support was provided by a staff of 561, of whom 134 had been recruited internationally and 427 locally. By July, at the beginning of the second 1996 mandate period, troop strength had decreased slightly, to 4,483. Civilian staff remained at 561, with 123 recruited internationally and 438 locally. From early December on, an Estonian company was deployed in the eastern Norwegian sector as an integrated part of that battalion. Major-General Stanislaw F. Wozniak of Poland continued as Force Commander.

UNIFIL was assisted in the performance of its tasks by 57 unarmed military observers of UNTSO, organized as the Observer Group Lebanon (OGL) under UNIFIL operational control. They manned five observation posts along the Lebanese side of the Israeli-Lebanon armistice demarcation line. They also operated five mobile teams in the Israeli-controlled area (ICA).

**Report of Secretary-General (January).** In a report [S/1996/45] on developments from 20 July 1995 to 22 January 1996 in the UNIFIL area of operation, the Secretary-General stated that hostilities continued in south Lebanon between the Israel Defence Forces (IDF) and its local Lebanese auxiliary, the de facto forces (DFF), on the one hand, and armed elements who had proclaimed their resistance against the Israeli occupation on the other. UNIFIL continued its efforts to limit the conflict and protect the inhabitants from the fighting. Through its network of checkpoints and observation posts and an active programme of patrolling, the Force did its best to prevent its area from being used for hostile activities. It also deployed as necessary to provide a measure of protection to the villages and to farmers working in the fields.

Within ICA, Israel maintained a civil administration and security service. Movement between ICA and the rest of Lebanon was strictly controlled; crossing points were closed frequently, in one case for two months, causing difficulties for the inhabitants. ICA remained economically dependent on Israel, and an estimated 3,000 of its inhabitants held jobs in Israel; access to such jobs was controlled by DFF and the security services. There were again reports of forced recruitment into DFF. During the reporting period, the Lebanese authorities stepped up work to maintain the infrastructure in ICA, especially the improvement of roads.

During the period under review, UNIFIL observed 118 operations by armed elements against IDF/DFF, as compared to 129 in the previous period. There were also numerous reports of attacks against IDF/DFF positions north of the Litani river, bringing the total number of operations to over 350. Most attacks were carried out by a group known as the Islamic Resistance, the military wing of the Shiite Muslim Hezbollah organization. The Shiite movement Amal increased its attacks against IDF/DFF. Palestinian factions were responsible for a small number of attacks. In their operations, the armed elements employed small arms, roadside bombs, rockets, mortars, rocket-propelled grenades and anti-tank missiles. Armed elements fired a total of about 1,000 mortar rounds, rockets and anti-tank missiles.

IDF/DFF continued their own attacks and retaliatory firing against armed elements, employing artillery, mortars, tanks and aircraft. UNIFIL recorded more than 20,000 artillery, mortar and tank rounds fired by IDF/DFF, as compared to 16,500 in the previous period. IDF increased its patrolling, including long-range ambush patrols

outside ICA. The use of assault helicopters for both reconnaissance and combat support increased. As before, Israeli naval vessels patrolled Lebanese territorial waters in the south and imposed restrictions on the local fishermen. The targeting of civilians decreased during the reporting period. UNIFIL confirmed one civilian fatality from IDF fire during a retaliatory attack following the firing by armed elements into Israel on 29 December.

UNIFIL continued to extend humanitarian assistance to the civilian population in the form of medical care, essential supplies and engineering work and repairs to buildings damaged as a result of hostilities. Force personnel escorted farmers so they could work their fields that were within range of IDF/DFF positions and assisted in putting out fires set off by IDF/DFF firing. UNIFIL battalion medical centres and mobile teams continued to provide care to 2,500 civilian patients per month. The Force helped distribute educational equipment provided by UNICEF and assisted UNDP in its south Lebanon emergency rehabilitation programme (see PART THREE, Chapter III).

As in the past, UNIFIL detonated mines, roadside bombs and unexploded remnants of war and dismantled ordnance of various types in its area of deployment. A total of 100 such controlled explosions were carried out.

The Secretary-General concluded that, although there had been no progress towards implementation of UNIFIL's mandate, the Force's contribution to stability in the area and the protection it was able to afford the inhabitants remained important. He therefore recommended that the Security Council accept Lebanon's request, as expressed in a letter of 18 July [S/1996/566], and extend UNIFIL's mandate for another six months, until 31 July 1996. The Secretary-General recalled that UNIFIL was not an end in itself but should be viewed in the context of the broader objective of achieving a durable peace. At the time of reporting, renewed negotiations were under way between Israel and the Syrian Arab Republic within the framework of the Middle East peace process. Those negotiations, he said, deserved every encouragement and support, and it was to be hoped that they would quickly lead to tangible results; it was equally to be hoped that progress would be made soon towards resolving the situation in the Israel-Lebanon theatre as well.

#### SECURITY COUNCIL ACTION (January)

Following consideration of the Secretary-General's report, the Security Council, on 29 January, adopted **resolution 1039(1996)**.

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 22 January 1996 and taking note of the observations expressed therein,

Taking note of the letter dated 17 January 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 July 1996;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

5. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

6. Welcomes the streamlining of the Force described in paragraph 16 of the report of the Secretary-General of 22 January 1996, to be completed by May 1996, and stresses the need to continue efforts to achieve further savings by rationalizing the administrative and support services of the Force, provided they do not affect its operational capacity;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

Security Council resolution 1039(1996)

29 January 1996 Meeting 3622 Adopted unanimously  
Draft prepared in consultations among Council members (S/1996/58).

In a Presidential statement of 29 January [S/PRST/1996/5], complementing the resolution on the mandate extension for UNIFIL, the Council reaffirmed its commitment to Lebanon's full sovereignty, independence, territorial integrity and national unity within its internationally recognized boundaries. In that context, any State should refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, the statement said. In extending UNIFIL's mandate, the Council again stressed the urgent need for implementing resolution 425(1978) in

all its aspects. It reiterated its full support for the 1989 Taif Agreement and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commended the Government for its successful effort to extend its authority in the south of the country in full coordination with UNIFIL.

The Council again expressed concern over the continuing violence in southern Lebanon, regretted the loss of civilian life and urged all parties to exercise restraint. Finally, it expressed appreciation for the continuing efforts of the Secretary-General and his staff in that regard, and commended UNIFIL's troops and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Report of Secretary-General (July).** In a report [S/1996/575] to the Security Council on developments during the period from 22 January to 20 July 1996, the Secretary-General noted that the reporting period was marked by an escalation of hostilities between IDF and DFF, on the one hand, and armed elements who had proclaimed their determination to resist the Israeli occupation, on the other. After a relatively calm period in January, hostilities intensified in February and March and culminated in April in more than two weeks of heavy Israeli bombardments. The Council considered the situation and, on 18 April, adopted **resolution 1052(1996)** calling for an immediate cessation of hostilities by all parties; on 10 May, the General Assembly also debated the matter and adopted **resolution 50/22 C** (see above).

The ability of the Islamic Resistance to penetrate deep inside ICA and inflict casualties on IDF triggered a public debate in Israel, the Secretary-General said, the thrust of which was that IDF must respond forcefully and should no longer be bound by constraints imposed on it. Those constraints were connected with an agreement reportedly arranged by the United States in 1993; the United Nations had not been informed of that agreement, although it had been publicly mentioned by Israel and Hezbollah officials. Based on such public statements, it would appear, the Secretary-General stated, that the Islamic Resistance agreed to refrain from targeting villages and towns in northern Israel, while IDF agreed to refrain from doing the same in Lebanon; there had been no mention of limitations concerning attacks on military targets. Indications in Israel that the agreed restrictions were no longer acceptable and that a large-scale operation against the Islamic Resistance was being contemplated heightened tension in the area. On 15

March, the UNIFIL Commander conveyed his concern to the Israeli authorities.

IDF/DFP also initiated attacks and carried out retaliatory firing against armed elements. Israeli aircraft continued to overfly Lebanese territory, including Beirut, and the Israeli navy patrolled Lebanese territorial waters and imposed restrictions on local fishermen around Tyre.

As before, the Force continued its efforts to limit the conflict and protect the inhabitants from the fighting. Through its network of checkpoints and observation posts and an active programme of patrolling, the Force did its best to prevent its area of deployment from being used for hostile activities and to defuse situations that could lead to escalation. It also deployed as necessary to provide a measure of protection to the villages and to farmers working in the fields. As previously, Lebanese villagers sought refuge in UNIFIL positions when there was shelling.

During a two-week period in April, UNIFIL counted in its area more than 600 Israeli air raids, involving both fixed-wing aircraft and helicopters, which used over 1,500 bombs or rockets. Throughout the Israeli bombardment, the Islamic Resistance fired some 1,100 rockets from the UNIFIL area; many fell short, but an estimated 600 landed in northern Israel where some of them impacted in villages and towns, causing injuries to civilians as well as damage.

In UNIFIL's area of deployment, more than 120 civilians were killed by Israeli fire and an estimated 500 wounded. Most of the casualties occurred on 18 April as a result of the shelling of the UN compound at Qana, during which over 100 Lebanese were killed and many more wounded. The incident was the subject of the investigation by the Secretary-General's Military Adviser, whose report was conveyed to the Security Council on 7 May (see above). In the whole of the UNIFIL area, at least 450 houses were damaged or destroyed, many roads were made impassable by bombs, and the supply of water and electricity was disrupted.

UNIFIL continued to do its best to protect the civilian population from the violence and to provide humanitarian assistance. Because of the mounting tension, the Force had already reinforced its positions close to the line of confrontation, and increased patrolling. UNIFIL trucks and armoured personnel carriers, engaged in delivering humanitarian aid, were often delayed or stopped altogether as a result of the bombardments. After a partial ceasefire went into effect on 27 April, there was a brief lull in activities.

In view of the seriousness of the events in southern Lebanon, the Secretary-General had asked the Under-Secretary-General for Peace-

Keeping Operations, Kofi Annan, to travel to the region to consult with Governments prior to the expiry of the UNIFIL mandate. He visited the region from 26 June to 4 July and met with senior officials in Israel, Lebanon and Syria. He also met with the UNIFIL Commander and his staff and visited the Fijian battalion headquarters at Qana and other locations in the UNIFIL area.

During the period under review, UNIFIL continued to extend humanitarian assistance in the form of harvest escorts, medical care, engineering works and the distribution of educational material and equipment provided by UNICEF. Medical teams treated more than 2,000 patients each month at UNIFIL medical aid posts and mobile clinics. Some humanitarian projects were funded by troop-contributing Governments.

In connection with the Israeli bombardment in April, Lebanon requested the United Nations to issue an international appeal to meet the urgent humanitarian needs resulting from the hostilities. The Department of Humanitarian Affairs launched a "flash appeal" on 20 April to mobilize \$8.6 million to address the needs of the 20,000 most affected families. The overall response was positive: some \$15 million was committed by donors (see PART THREE, Chapter III).

During the period under review, two Ghanaian soldiers died from natural causes and five Fijian and two Nepalese soldiers were wounded as a result of firing. Since the Force's establishment, the Secretary-General reported, 207 of its members had died: 76 as a result of firing or bomb explosions, 84 in accidents and 47 from other causes. A total of 324 had been wounded by firing or by mine or bomb explosions.

Concluding, the Secretary-General observed that the previous six months had been marked by a serious escalation of hostilities in April, of which the population of southern Lebanon was the primary victim and during which UNIFIL also came under fire. The Secretary-General regretted that the United Nations once again had cause to call on the parties to respect the non-combatant status of civilians and UN peacekeepers. The co-operation necessary for UNIFIL to implement its mandate, as reiterated by the Security Council in January, had not been forthcoming and there had been no active political pressure on the parties to implement resolution 425(1978).

In recent years, the best hope for implementation of that mandate had been through the negotiating process within the framework established in Madrid in October 1991; that process, however, appeared to have made no progress towards the attainment of the Council's objectives concerning southern Lebanon, which left UNIFIL in the same difficult and dangerous situation in which

it had been since the Israeli forces withdrew to their current lines in 1985. In the circumstances, the Force had done its best to limit violence and protect the civilian population, which had become its *de facto* mandate. In carrying out that mandate, UNIFIL had impeded both sides from pursuing their military aims, but only to the extent that the parties had permitted it to do so, out of a presumed desire to avoid escalation. As a peacekeeping force, UNIFIL was powerless when either party was bent on confrontation.

In that connection, the Secretary-General noted that the understanding announced on 26 April had the potential of contributing to the protection of civilians and restraining the parties; it was therefore to be hoped that the understanding would soon be put into full effect. He had instructed the Force to assist the monitoring group currently being set up in accordance with the understanding; doing so, he believed, was consistent with the Security Council's objectives and would meet with its approval.

The Secretary-General recommended that the Council accept Lebanon's request, voiced in a communication of 18 July [S/1996/566], that UNIFIL be extended at its current strength for another six months, until 31 January 1997. In making that recommendation, the Secretary-General stated, he had especially in mind the Force's role in shielding the civilian population from the worst effects of the violence; its work during the April escalation had underscored the importance of that function.

Drawing attention to the serious shortfall in the Force's funding, with unpaid assessments amounting to \$201.9 million, the Secretary-General again appealed to all Member States to pay their assessments promptly and in full and to clear all remaining arrears. He also expressed gratitude to the troop-contributing Governments, especially those of developing countries, for their understanding and patience in those difficult circumstances.

#### SECURITY COUNCIL ACTION (July)

On 30 July, the Security Council adopted **resolution 1068(1996)**.

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 20 July 1996 and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 18 July 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 January 1997;

2. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

5. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

6. Welcomes the completion of the streamlining of the Force described in paragraph 33 of the report, and encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

Security Council resolution 1068(1996)

30 July 1996

Meeting 3685

Adopted unanimously

Draft prepared in consultations among Council members (S/1996/599).

On the same date, as a complement to the resolution, the Council President made a statement [S/PRST/1996/33] similar to that of 29 January (see above).

#### Financing

**Reports of Secretary-General and ACABQ (February/March).** In a February 1996 report [A/50/543/Add.1], the Secretary-General presented the proposed UNIFIL budget for the 12-month period from 1 July 1996 to 30 June 1997 in the amount of \$122,757,000 gross (\$119,700,000 net), which reflected a 7.4 per cent decrease in gross terms compared with the prorated resources approved for the preceding 12-month period ending 30 June 1996. The proposed budget provided for maintaining the Force at a level of 4,513 military personnel (3,518 infantry and 995 logistics), supported by 336 civilians, of whom 143 were internationally and 193 locally recruited.

As to the status of contributions, the Secretary-General reported that amounts totalling \$2,544.8 million had been assessed on Member States for the period from the Force's inception in 1978 to 31 January 1996. Contributions received as at 31 December 1995 for the same period amounted to \$2,331.4 million. As a result of the withholding of or delays in payment of assessed

contributions by certain Member States, the Secretary-General stated, UNIFIL had been unable to meet its obligations on a current basis or in full, particularly those due to the troop-contributing countries. Full reimbursement to them had been made up to the period ending 31 January 1995. For the period from 1 February to 31 July 1995, reimbursements to Governments had been made only at the initial rate of \$750 per person per month as part of the standard rates approved by the Assembly for troop cost reimbursement. For the period from 1 August to 31 December 1995, no reimbursement had been made to troop contributors. It was estimated that an amount of \$36.8 million was due for troop costs for the period ending 31 December 1995.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its March report on the financing of UNDOF/UNIFIL [A/50/694/Add.1], concurred with the Secretary-General's proposed appropriations.

#### GENERAL ASSEMBLY ACTION (June)

On 7 June, the General Assembly adopted **resolution 50/89 B**.

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 425(1978) of 19 March 1978, by which the Council established the United Nations Interim Force in Lebanon, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1039(1996) of 29 January 1996,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/89 A of 19 December 1995,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling also its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Recalling further its resolution 34/9 E of 17 December 1979 and the subsequent resolutions in which it decided that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the financial regulations of the United Nations should be suspended, the latest of which was resolution 49/226,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States,

Concerned also that the surplus balances in the Special Account for the United Nations Interim Force in Lebanon have been used up for meeting expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions and have consequently been exhausted,

1. Takes note of the status of contributions to the United Nations Interim Force in Lebanon as at 21 May 1996, including the contributions unpaid in the amount of 204.4 million United States dollars, representing 8 per cent of the total assessed contributions from the inception of the Force to the period ending 30 April 1996, notes that some 17.2 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General to include in his next report on the financing of the Force a full evaluation of damages resulting from the incident that occurred at the headquarters of the Force at Qana on 18 April 1996 and the costs thereof;

8. Decides to appropriate to the Special Account for the United Nations Interim Force in Lebanon the amount of 53,874,000 dollars gross (52,448,000 dollars net) authorized by the General Assembly in paragraph 7 of its resolution 50/89 A for the period from 1 February to 30 June 1996;

9. Decides also, as an ad hoc arrangement, taking into account the amount of 32,324,400 dollars gross (31,468,800 dollars net) already apportioned in accordance with General Assembly resolution 50/89 A, to apportion an additional amount of 21,549,600 dollars gross (20,979,200 dollars net) for the period from 1 May to 30 June 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27

August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and decision 50/471 A of 23 December 1995;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 567,200 dollars approved for the period from 1 May to 30 June 1996;

11. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the estimated income of 3,200 dollars, other than staff assessment income, for the period from 1 May to 30 June 1996;

12. Decides also to appropriate to the Special Account for the United Nations Interim Force in Lebanon an amount of 125,722,800 dollars gross (122,665,800 dollars net) for the maintenance of the Force for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 2,965,800 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 10,476,900 dollars gross (10,222,150 dollars net) in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 July 1996;

13. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3,037,000 dollars approved for the period from 1 July 1996 to 30 June 1997;

14. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the estimated income of 20,000 dollars, other than staff assessment income, for the period from 1 July 1996 to 30 June 1997;

15. Invites voluntary contributions to the United Nations Interim Force in Lebanon in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

16. Decides to include in the provisional agenda of its fifty-first session, under the item entitled "Financing of the United Nations peacekeeping forces in the Middle East", the sub-item entitled "United Nations Interim Force in Lebanon".

General Assembly resolution 50/89 B

7 June 1996 Meeting 120 104-2-2 (recorded vote)

Approved by Fifth Committee (A/50/824/Add.1) by recorded vote (85-3-1), 3 June (meeting 64, resumed); draft by Lebanon (A/C.5/50/L.67); agenda item 122 (b).

Meeting numbers. GA 50th session: 5th Committee 56, 64; plenary 120.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Benin, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mexico, Monaco, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zimbabwe.

Against: Israel, United States.

Abstaining: Iran, Syrian Arab Republic.

In the Fifth (Administrative and Budgetary) Committee, paragraph 7 was adopted by a recorded vote of 82 to 2, with 2 abstentions. The United States, which requested the vote on the paragraph, as well as, because of its inclusion, a recorded vote on the text as a whole, explained that it firmly supported UNIFIL, but was concerned at the proposals to amend the customary formulation of the resolution on UNIFIL financing, which it saw as a regrettable attempt to politicize the Committee's work. The Qana tragedy had been the subject of General Assembly and Security Council resolutions; the fact that an attempt was made within the Committee to attribute responsibility for that tragedy in a partial manner would only obstruct the efforts made to advance the peace process.

Israel stated that it had voted against the paragraph, as well as the resolution as a whole, because it introduced unnecessary political considerations into the Committee's discussion. Those really responsible for the Qana tragedy were the Hezbollah terrorists, who had shelled northern Israel repeatedly from positions close to UNIFIL headquarters.

Lebanon was profoundly grateful to those who had voted for paragraph 7. The text had no political connotations, it said; only the negative position adopted by two Member States, in an attempt to cover up Israel's responsibility for the massacre, was political.

**Reports of Secretary-General and ACABQ (October/November).** The Secretary-General submitted in October a financial performance report [A/51/535] on UNIFIL covering the period from 1 February 1995 to 31 January 1996, for which resources amounting to \$ 134,814,000 gross (\$130,450,000 net) were provided. The corresponding expenditures amounted to \$124,257,400 gross (\$121,666,600 net), resulting in an unencumbered balance of \$10,556,600 gross (\$8,783,400 net). The action to be taken by the General Assembly was a decision to credit Member States their respective share in the unencum-



bered balance. ACABQ, in a November report [A/51/684], concurred with that recommendation.

#### GENERAL ASSEMBLY ACTION (December)

The General Assembly, on 16 December (**decision 51/439**), decided that for Member States that had fulfilled their financial obligations to UNIFIL, their respective share in the unencumbered balance should be set off against their future apportionment; for those Members that had not fulfilled their financial obligations, their share should be set off against their outstanding contributions.

Iran and Syria both stated that they would not have supported the decision, had it been put to a vote, on the grounds that UNIFIL costs should be borne exclusively by Israel, whose aggressive behaviour, they maintained, had led to the deployment of the Force in the first place.

### The Syrian Arab Republic

The General Assembly in 1996 continued to call for Israel's withdrawal from the Golan Heights, an area in the southern part of the Syrian Arab Republic near its borders with both Israel and Lebanon. Israel occupied the Golan Heights following the 1967 war, effectively annexing that area when it extended its laws, jurisdiction and administration to the territory towards the end of 1981 [YUN 1981, p. 309]. The annexation was confirmed by the Israeli Knesset on 11 November 1991.

Israeli practices affecting the human rights of the population in the Golan Heights and other occupied territories were monitored by the Special Committee on Israeli Practices and were the subject of resolutions adopted by the Commission on Human Rights (see PART TWO, Chapter III) and the General Assembly.

By a note of 30 July [S/1996/603 & Corr.1], the President of the Security Council stated that the Council had decided that, as of 15 September, matters which it had not considered in the preceding five years would be automatically deleted from the list of matters of which it was seized; among them were items 5 and 23, relating, respectively, to the Palestine question and the situation in the Middle East, as well as item 40, "Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council". A matter would, however, be provisionally retained for a one-year period if a Member notified its objection to its deletion before 15 September; if at the end of one year, the matter had still not been considered by the Coun-

cil, it would be automatically deleted. (See also PART FIVE, Chapter IV.)

By a letter of 26 August [S/1996/695], Syria voiced strong objection to the deletion of the three items. Item 40, it said, referred to irrefutable evidence of Israel's practice of State terrorism and its defiance of the will of the international community. Items 5 and 23 were of the utmost importance, particularly when the new Israeli Government was acting in defiance of UN resolutions, the principle of land for peace and the international community's will; the issue as a whole fell within the Council's purview in the context of its responsibility for the maintenance of international peace and security.

The Committee on Palestinian Rights, in a letter of 16 August [S/1996/667], also objected to deleting those items, which it felt were of utmost concern to the majority of Member States and should remain on the list of matters of which the Council was seized.

By a note of 29 August [S/1996/704], the Council President stated that the Council had decided that no item would be deleted from the list of matters of which the Council was seized without the prior consent of the Member States concerned.

### The Golan Heights

**Committee report.** In its annual report [A/51/99/Add.2], the Special Committee on Israeli Practices stated that during its mission to the Syrian Arab Golan, it had visited again the town of Quneitra, where it observed the destruction caused by the Israelis. The Committee was informed by witnesses who testified before it that the expression of nationalist sentiment by inhabitants of the area continued to be severely punished. The confiscation of land and water resources persisted, while health and educational facilities for the Arab population remained inadequate. Although a greater number of students from the Golan had been allowed to study in Syria, the freedom of movement in general remained curtailed.

The affirmation of Syrian national identity, job opportunities for Arabs in the occupied Golan, lack of health guarantees or indemnities in case of illness, a ban on the sale of agricultural produce, and the price and quantity of water available to Arab inhabitants and harsh conditions for Arab prisoners in Israeli detention centres posed continuing problems, the Committee said.

The Special Committee recalled the position taken by the General Assembly and the Security Council that the Israeli annexation of the occupied Golan was illegal and null and void. It hoped that the negotiations concerning the Golan

within the Middle East peace process would be resumed in the near future.

**Reports of Secretary-General.** In an October report on the situation in the Middle East [A/51/543], the Secretary-General informed the General Assembly that, as of 16 October, one reply—from Japan—had been received to his August request to Israel and other Member States for information on steps they had taken or envisioned taking concerning implementation of the relevant provisions of Assembly resolution 50/22 B [YUN 1995, p. 679], demanding once more that Israel withdraw from all the occupied Syrian Golan.

On 17 October, the Secretary-General reported [A/51/518] that no reply had been received from Israel to his May request for information on any steps it had taken or envisaged concerning implementation of another 1995 resolution [50/29 D], by which the Assembly had called on Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the Golan, and from its repressive measures against the population. No reply had been received from States parties to the fourth Geneva Convention, whose attention he had drawn to the Assembly's call in the same resolution not to recognize Israel's measures and actions regarding the Golan, which the Assembly had declared null and void.

#### GENERAL ASSEMBLY ACTION

On 4 December, the General Assembly, under the agenda item on the Middle East situation, adopted **resolution 51/28**.

#### The Syrian Golan

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General, Recalling Security Council resolution 497(1981) of 17 December 1981,

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Noting with satisfaction the convening at Madrid on 30 October 1991 of the Peace Conference on the Middle East on the basis of Security Council resolutions 242(1967) of 22 November 1967, 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978 and the principle of land for peace,

Expressing deep concern about the stumbling of the peace process on the Syrian and Lebanese tracks, and hoping that talks for ensuring a just and comprehen-

sive peace in the region will soon be resumed from the point that has been reached,

1. Declares that Israel has failed so far to comply with Security Council resolution 497(1981);

2. Declares also that the Knesset decision of 11 November 1981 annexing the occupied Syrian Golan constitutes a grave violation of resolution 497(1981) and therefore is null and void and has no validity whatsoever, and calls upon Israel to rescind it;

3. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;

4. Determines once more that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region;

5. Calls for the resumption of the talks on the Syrian and Lebanese tracks and for the respect for the commitments and guarantees reached during the previous talks;

6. Demands once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions;

7. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/28

4 December 1996 Meeting 72 84-2-71 (recorded vote)

20-nation draft (A/51/L.39), orally revised; agenda item 33.

Meeting numbers. GA 51st session: plenary 70-72.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Brazil, Bulgaria, Cambodia, Canada, Cote d'Ivoire, Czech Republic, Denmark, Dominica, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guinea-Bissau, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Mexico, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Uruguay, Venezuela.

In introducing the draft on behalf of the sponsors, Egypt said it reaffirmed the fundamental principle of the inadmissibility of acquisition of territory by force, as well as the applicability of the fourth Geneva Convention to the Syrian Go-

lan. The text's authors hoped they would continue to obtain support from the international community based on the principles underlying the peace process begun in Madrid.

Explaining its negative vote, the United States said the resolution served only to complicate the achievement of a mutually acceptable outcome. As Israel and Syria had committed themselves to a negotiating process to resolve their differences and achieve a lasting peace agreement, the Assembly could only make that goal more elusive by injecting itself into issues which the parties had agreed would be decided in face-to-face negotiations; the United States believed that the resolution was not conducive to creating an atmosphere of trust and reconciliation that would help that process succeed.

In Israel's view, the Assembly was not the correct forum for discussing the Golan Heights issue, which should be addressed within the framework of direct negotiations between the parties; any resolution such as the one adopted served only to prejudice the outcome of the negotiations.

On 13 December, the Assembly adopted **resolution 51/135** under the agenda item "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

### The occupied Syrian Golan

The General Assembly,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was resolution 50/29 D of 6 December 1995,

Having considered the report of the Secretary-General of 17 October 1996,

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237(1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and stressing the need for rapid progress in all bilateral negotiations,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497(1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Deplores the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/135

13 December 1996 Meeting 83 153-1-9

Approved by Fourth Committee (A/51/592) by recorded vote (127-1-6), 27 November (meeting 22); 15-nation draft (A/C.4/51/L.23/Rev.1); agenda item 85.

Meeting numbers. GA 51st session: 4th Committee 21-22; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles,

Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Guatemala, Kenya, Liberia, Marshall Islands, Micronesia, Palau, Swaziland, United States, Uruguay.

## UNDOF

The United Nations Disengagement Observer Force (UNDOF) established by the Security Council in 1974 [YUN 1974, p. 205, SC res. 350(1974)], as called for under the Agreement on Disengagement of Forces between Israel and the Syrian Arab Republic concluded that year [Ibid., p. 198], was charged with supervising the observance of the ceasefire between the two countries in the Golan Heights area and ensuring the separation of their forces. Assisting UNDOF, as required, were observers from UNTSO.

The Force's mandate was renewed twice in 1996, in May and November, each time for a six-month period.

## Composition

In November 1996, UNDOF personnel comprised 1,052 troops from Austria, Canada, Japan and Poland, as well as four UN military observers detailed from UNTSO. In addition, UNDOF was assisted by 73 UNTSO military observers of the Observer Group Golan. Major-General Johannes C. Koster of the Netherlands continued as Force Commander.

## Activities

UNDOF in 1996 continued to supervise the area of separation between Israeli and Syrian troops in the Golan Heights, to ensure that no military forces of either party were deployed there, by means of permanently manned positions and observation posts and patrols operating at irregular intervals on predetermined routes by day and by night. In addition, temporary outposts were established and additional patrols conducted from time to time as necessary. UNDOF also continued its fortnightly inspections of armament and force levels in the areas of limitation. Liaison officers from the party concerned accompanied the inspection teams. As in the past, both sides denied inspection teams access to some of their positions and imposed some restrictions on UNDOF's freedom of movement.

The Force Commander and his staff maintained close contact with the military liaison staff of Israel and Syria. Both sides cooperated with UNDOF in the execution of its tasks.

UNDOF also assisted ICRC with mail facilities and the passage of persons through the area of

separation. Within the means available, medical treatment was provided to the local population on request.

**Reports of Secretary-General (May and November).** Before the expiration of the UNDOF mandate on 31 May, and again on 30 November, the Secretary-General reported to the Security Council on UNDOF activities that took place between 18 November 1995 and 17 May 1996 [S/1996/368], and between 18 May and 18 November 1996 [S/1996/959 & Corr.1]. Both reports noted that UNDOF continued to perform its functions effectively, with the cooperation of the parties. In general, the ceasefire in the Israel-Syria sector was maintained without any serious incidents, and the area of operation of UNDOF remained calm. In September and October, the Secretary-General noted, there was a period of tension between the two sides amid speculation about the possibility of armed conflict. Tension had since subsided, however, following assurances by both parties through the intermediary of other Governments. During that period, the level of forces and armaments in the areas of limitation on both sides remained well below the ceiling established by the 1974 disengagement agreement.

In concluding observations, the Secretary-General stated that despite the quiet in the Israel-Syria sector, the situation in the Middle East continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. He hoped for determined efforts by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by the Security Council in resolution 338(1973) [YUN 1973, p. 213]. Stating that he considered the Force's continued presence in the area to be essential, the Secretary-General, with the agreement of both Syria and Israel, each time recommended that the UNDOF mandate be extended for a further six months, until 30 November 1996 in the first instance and 31 May 1997 in the second.

In making his recommendation, the Secretary-General drew attention to the serious shortfall in the funding of the Force, with unpaid assessments amounting to \$60.7 million in May and \$64.1 million in November, which represented money owed to troop-contributing Member States. The enduring scarcity of resources, he said, had compelled him to seek ways to lower UNDOF expenditures; therefore, since 1992 the Force had implemented two streamlining exercises which reduced its size and budget by more than 20 per cent, leaving it a very lean and cost-effective operation. Doing so had been possible

in large part because of the very good cooperation both Israel and Syria had extended to the Force; he would continue to keep UNDOF under close scrutiny with a view to using every opportunity for further economies, the Secretary-General added.

#### SECURITY COUNCIL ACTION (May and November)

Meeting on 30 May, the Security Council, without debate, adopted **resolution 1057(1996)**.

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 23 May 1996,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1996;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338(1973).

#### Security Council resolution 1057(1996)

30 May 1996 Meeting 3669 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/393).

On 27 November, the Council, also without debate, adopted **resolution 1081(1996)**.

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 18 November 1996,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1997;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338(1973).

#### Security Council resolution 1081(1996)

27 November 1996 Meeting 3715 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/975).

After the adoption of each resolution, the President made the following statement [S/PRST/1996/27, S/PRST/1996/45] on behalf of the Council:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 14 [13 in the November report]: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so,

unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

#### Financing

#### Reports of Secretary-General and ACABQ (February/March).

In a February 1996 report [A/50/386/Add.1], the Secretary-General presented the proposed budget of UNDOF for the 12-month period from 1 July 1996 to 30 June 1997, in the amount of \$31,494,000 gross (\$30,582,000 net), reflecting an overall 2.3 per cent decrease in gross terms when compared with the prorated resources approved for the preceding 12-month period of \$32,140,000 gross (\$31,192,000 net). The decrease was mainly due to the anticipated transfer of vehicles and equipment from liquidated missions to UNDOF and to an exclusion of the provision for the support account for peacekeeping operations during the budget period.

The proposed budget provided for maintaining the Force at a level of 1,036 troops (821 infantry and 215 logistics personnel), supported by a civilian establishment of 120 (36 international and 84 local).

The actions to be taken by the General Assembly included the appropriation of the proposed budget amount, to be assessed at the monthly rate of \$2,624,500 gross (\$2,548,500 net), subject to the extension(s) of the Force by the Security Council. Other action required was the appropriation of \$16,074,000 gross (\$15,618,000 net) for the period from 1 December 1995 to 31 May 1996, authorized and assessed on Member States in accordance with a Assembly resolution 50/20 A on UNDOF financing [YUN 1995, p. 682], and appropriation of \$2,679,000 gross (\$2,603,000 net) for the period from 1 to 30 June 1996.

ACABQ, in a March report [A/50/694/Add.1], concurred with the Secretary-General's proposal.

#### GENERAL ASSEMBLY ACTION (June)

The General Assembly, on 7 June, adopted **resolution 50/20 B**.

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Disengagement Observer Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 350(1974) of 31 May 1974, by which the Council established the United Nations Disengagement Observer Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1024(1995) of 28 November 1995,

Recalling its resolution 3211 B (XXIX) of 29 November 1974 on the financing of the United Nations Emergency Force and the United Nations Disengagement Observer Force and its subsequent resolutions thereon, the latest of which was resolution 50/20 A of 1 December 1995,

Reaffirming that the costs of the United Nations Disengagement Observer Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling also its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the United Nations Disengagement Observer Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States,

Concerned also that the surplus balances in the Suspense Account for the United Nations Disengagement Observer Force have been used to meet expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions,

1. Takes note of the status of contributions to the United Nations Disengagement Observer Force as at 21 May 1996, including the contributions unpaid in the amount of 60,700,000 United States dollars, representing 5 per cent of the total assessed contributions from the inception of the Force to the period ending 31 May 1996, notes that some 29 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Disengagement Observer Force the amount of 16,074,000 dollars gross (15,610,284 dollars net), authorized and apportioned by the General Assembly in paragraph 7 of its resolution 50/20 A for the maintenance of the Force for the period from 1 December 1995 to 31 May 1996;

8. Decides also to appropriate the amount of 2,679,000 dollars gross (2,601,714 dollars net), authorized by the General Assembly in paragraph 7 of its resolution 50/20 A for the period from 1 to 30 June 1996, the said amount to be apportioned among Member States in accordance with paragraphs 8 to 10 of the same resolution, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 May 1996;

9. Decides further to appropriate the amount of 32,254,900 dollars gross (31,342,900 dollars net) for the maintenance of the Force for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 760,900 dollars for the support account for peace-keeping operations, to be assessed on Member States at the monthly rate of 2,687,908 dollars gross (2,611,908 dollars net) for the period from 1 July 1996 to 30 June 1997, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996, and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 May 1996;

10. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 897,000 dollars approved for the period from 1 July 1996 to 30 June 1997;

11. Decides also that there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the estimated other income of 15,000 dollars for the period from 1 July 1996 to 30 June 1997;

12. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

13. Decides to keep the sub-item entitled "United Nations Disengagement Observer Force", under the agenda item entitled "Financing of the United Nations

peacekeeping forces in the Middle East", under review during its fiftieth session.

General Assembly resolution 50/20 B

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/792/Add.1) without vote, 31 May (meeting 64); draft by Chairman (A/C.5/50/L.54), based on informal consultations; agenda item 122 la).

Meeting numbers. GA 50th session: Fifth Committee 56, 64; plenary 120.

**Reports of Secretary-General and ACABQ (September/November).** In September, the Secretary-General submitted a financial performance report [A/51/405] of UNDOF for the period from 1 December 1994 to 30 November 1995, for which expenditures amounted to \$30,928,300 gross (\$30,158,900 net), resulting in an unencumbered balance of \$1,202,700 gross (\$973,100 net). The action to be taken by the General Assembly was a decision to credit Member States their respective share in that balance for the aforesaid period. ACABQ, in a November report [A/51/684], concurred with the proposal.

#### GENERAL ASSEMBLY ACTION (December)

The General Assembly, on 16 December, decided (**decision** 51/438) that for Member States that had fulfilled their financial obligations to UNDOF, there should be set off against their future apportionment their respective share in the unencumbered balance as specified by the Secretary-General. It also decided that for those Members that had not fulfilled their financial obligations to the Force, their share of that balance should be set off against their outstanding contributions.

#### Procurement practices

Between February and May 1996, the Office of Internal Oversight Services (OIOS) conducted in-

vestigations into allegations that two senior staff members were interfering with the decision-making process of the local committee on contracts in favour of one of the local fresh ration suppliers over other bidders. The constant introduction of new requirements on the lowest acceptable bidder caused the committee to reach a stalemate and delay the award of the contract to the lowest bidder, allowing the favoured contractor to secure several short-term extensions at a cost to the United Nations of \$60,000. The stalemate reached such a level that the UNDOF Commander set up an enlarged ad hoc local committee on contracts, which reviewed the bidding process and concluded that the contract should be awarded to the lowest acceptable bidder. Another investigation into the management practices by a senior staff member of the UNDOF Service Institute, the so-called P.X., also revealed a number of anomalies.

OIOS also instituted charges against a senior staff member who had attempted to intimidate staff who had reported such abuses.

Five recommendations were made to the effect that charges should be brought against the two senior staff members for breaching procurement rules and the provisions of the OIOS mandate. Another seven recommendations were made on the development of an enhanced quality control mechanism in the performance of the fresh rations contract; the use of UN vehicles in the transport of P.X. goods; and that the situation with "special orders" in the P.X. cease.

A summary of these investigations was provided in the Secretary-General's second annual report covering the activities of OIOS [A/51/432].

## Chapter VII

## Disarmament

The adoption of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the General Assembly on 10 September 1996 was the culmination of more than four decades of lengthy and complex negotiations and marked a major milestone on the road to nuclear non-proliferation and disarmament. Upon the opening for signature of the historic, 17-article document at United Nations Headquarters in New York on 24 September, the Secretary-General, as depositary of the Treaty, said its approval by the General Assembly had been a "bold act" that had realized a long-standing objective of the international community.

In the Treaty's preamble, States parties recognized that the cessation of all nuclear-weapon-test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constituted an effective measure of nuclear disarmament and non-proliferation in all its aspects. They stressed that the most effective way to end nuclear testing was through a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty, which had been one of the highest priority objectives of the international community in the field of disarmament and non-proliferation.

In May 1996, the Review Conference on the Convention on Certain Conventional Weapons adopted an amended Protocol II on prohibitions or restrictions on the use of mines, booby traps and other devices. The revised Protocol constituted an important step towards the total elimination of anti-personnel mines. The number of participants continued to increase in the United Nations Register of Conventional Arms, which promoted an enhanced level of transparency regarding arms transfers.

In October 1996, the requirements were fulfilled to allow the entry into force of the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The Convention was to enter into force on 29 April 1997. Efforts continued towards strengthening the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons

and on Their Destruction at the Fourth Review Conference of the Parties to the Convention, held in Geneva from 25 November to 6 December.

Progress at the regional level included the opening for signature of the 1995 African Nuclear-Weapon-Free Zone Treaty (also known as the Treaty of Pelindaba), by which the entire continent of Africa would become a nuclear-weapon-free zone, and the signing of its Protocols by the five nuclear-weapon States, as well as France's ratification of them. The signing of the Protocols to the 1985 South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) by France, the United Kingdom and the United States was considered another achievement in the area of disarmament in 1996.

The Conference on Disarmament, a multilateral negotiating body, held a three-part session in Geneva in 1996 (22 January-29 March, 13 May-28 June and 29 July-13 September). In addition to concluding a draft comprehensive nuclear-test-ban treaty, it considered items on: cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war; prevention of an arms race in outer space; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; new types of weapons of mass destruction and new systems of such weapons; radiological weapons; a comprehensive programme of disarmament; and transparency in armaments.

The Disarmament Commission (New York, 22 April-7 May), comprising all United Nations Member States, considered the subject of international arms transfers, as well as a new item on an exchange of views on convening a fourth special session of the General Assembly devoted to disarmament.

### UN role in disarmament

#### UN machinery

United Nations disarmament efforts continued in 1996, mainly through the General Assembly and its First (Disarmament and International Security) Committee, the Disarmament Com-



mission (a deliberative body) and the Conference on Disarmament (a multilateral negotiating forum which convened in Geneva).

### First Committee agenda items

#### GENERAL ASSEMBLY ACTION

On 20 September, the General Assembly, acting on the recommendation of the General Committee, decided to allocate all the agenda items relating to disarmament and international security to the First Committee.

By **decision 51/411** of 10 December, the Assembly took note of part one of the report of the First Committee [A/51/566], which contained the allocation of the agenda items.

Also on 10 December, by **decision 51/414**, the Assembly, on the recommendation of the First Committee, decided to include in the provisional agenda of its 1997 session the item entitled "Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects".

### Fourth special session devoted to disarmament

**Disarmament Commission action.** Pursuant to General Assembly resolution 50/72 D [YUN 1995, p. 186], the Disarmament Commission included a new item on its agenda dealing with an exchange of views on the question of convening a fourth special session of the General Assembly devoted to disarmament [A/51/42]. The Commission established a working group on the item, which held 10 meetings between 23 April and 3 May. By the end of the Commission session, it appeared that it might be possible, in the First Committee later in the year, to agree on a date in 1999 for the special session (see below for General Assembly action).

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 C**.

#### Convening of the fourth special session of the General Assembly devoted to disarmament

The General Assembly,  
Recalling its resolutions 49/75 I of 15 December 1994 and 50/70 F of 12 December 1995,

Recalling also that, there being a consensus to do so in each case, three special sessions of the General Assembly devoted to disarmament were held in 1978, 1982 and 1988, respectively,

Bearing in mind the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, and the objective of general and complete disarmament under effective international control,

Welcoming the recent positive changes in the international landscape, characterized by the end of the cold

war, the relaxation of tensions at the global level and the emergence of a new spirit governing relations among nations,

Taking note of paragraph 108 of the Final Document of the Eleventh Conference of Heads of State or Government of the Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, which supported the convening of the fourth special session of the General Assembly devoted to disarmament in 1997, which would offer an opportunity to review, from a perspective more in tune with the current international situation, the most critical aspects of the process of disarmament and to mobilize the international community and public opinion in favour of the elimination of nuclear and other weapons of mass destruction and of the control and reduction of conventional weapons,

Taking note also of the interim report of the 1996 substantive session of the Disarmament Commission on the item entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament",

Desiring to build upon the constructive exchange of views on the fourth special session of the General Assembly devoted to disarmament during the 1996 substantive session of the Disarmament Commission,

Reiterating its conviction that a special session of the General Assembly devoted to disarmament can set the future course of action in the field of disarmament, arms control and related international security matters,

Emphasizing the importance of multilateralism in the process of disarmament and arms control, peace and security,

Noting that, with the completion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the adoption of the Comprehensive Nuclear-Test-Ban Treaty, as well as of amended Protocol II and new Protocol IV to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the following years would be opportune for the international community to start the process of reviewing the state of affairs in the entire field of disarmament and arms control in the post-cold-war era,

1. Decides, subject to the emergence of a consensus on its objectives and agenda, to convene its fourth special session devoted to disarmament in 1999;

2. Notes the view of the Secretary-General that preparations for the special session could begin in 1997;

3. Decides, subject to the outcome of deliberations concerning the fourth special session of the General Assembly devoted to disarmament at the 1997 substantive session of the Disarmament Commission, to convene a meeting of the Preparatory Committee for the Fourth Special Session of the General Assembly Devoted to Disarmament before the end of the fifty-first session of the Assembly in order to set an exact date and to decide on organizational matters relating to the convening of the special session, and requests the Preparatory Committee to submit its progress report to the Assembly at its fifty-second session;

4. Requests the Secretary-General to provide the Preparatory Committee with all necessary assistance, including essential background information and relevant documents as necessary;

5. Decides to include in the provisional agenda of its fifty-second session the item entitled "Convening of the fourth special session of the General Assembly devoted to disarmament" and, subject to the outcome of deliberations at the 1997 substantive session of the Disarmament Commission, to take up the report of the Preparatory Committee for the Fourth Special Session of the General Assembly Devoted to Disarmament.

General Assembly resolution 51/45 C

10 December 1996 Meeting 79 163-2-5 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (137-2-1), 18 November (meeting 25); draft by Colombia, for Non-Aligned Movement (A/C.1/51/L.11/Rev.2); agenda item 71 (d).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 25; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Denmark,\* Latvia,\* Russian Federation, Tajikistan,\* Uzbekistan.

\*Later advised the Secretariat they had intended to vote in favour.

## Disarmament Commission

The Disarmament Commission, comprising all United Nations Member States, held seven plenary meetings during its 1996 session (New York, 22 April-7 May); it also held organizational meetings on 11 December 1995 and 13 March and 19 April 1996 [A/51/42].

The Commission's 1996 agenda contained only two substantive items: on international arms transfers, with particular reference to General Assembly resolution 46/36 H [YUN 1991, p. 56], and a new item on an exchange of views on the fourth special session of the General Assembly devoted to disarmament. No consensus could be reached on the exact wording of a possible third item on nuclear-weapon-free zones.

Working Group I, established to deal with international arms transfers (see below, under "Conventional weapons"), met between 23 April and 3 May and held 15 meetings.

Working Group II, entrusted with the mandate of dealing with the exchange of views on the fourth special session on disarmament, held 10 meetings between 23 April and 3 May. Its Chairman also conducted a number of informal consultations.

The Commission concluded its work on 7 May by adopting its report [A/51/42] to the General Assembly.

**Note by Secretary-General.** Pursuant to General Assembly resolution 50/72 D [YUN 1995, p. 186], the Secretary-General in July transmitted a compilation [A/51/182] of all texts of principles, guidelines or recommendations on subject items adopted unanimously by the Disarmament Commission since its inception [YUN 1978, p. 39].

## GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/47 B**.

### Report of the Disarmament Commission

The General Assembly,

Having considered the report of the Disarmament Commission,

Recalling its resolutions 47/54 A of 9 December 1992, 47/54 G of 8 April 1993, 48/77 A of 16 December 1993, 49/77 A of 15 December 1994 and 50/72 D of 12 December 1995,

Considering the role that the Disarmament Commission has been called upon to play and the contribution that it should make in examining and submitting recommendations on various problems in the field of disarmament and in the promotion of the implementation of the relevant decisions adopted by the General Assembly at its tenth special session,

1. Takes note of the report of the Disarmament Commission;

2. Commends the Disarmament Commission for its adoption by consensus, at its 1996 substantive session, of a set of guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, which were recommended to the Assembly for consideration;

3. Endorses the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, as adopted by the Disarmament Commission;

4. Notes with satisfaction that the Disarmament Commission has made significant progress in the discussions on its agenda item regarding the convening of the fourth special session of the General Assembly devoted to disarmament;

5. Reaffirms the importance of further enhancing the dialogue and cooperation among the First Committee, the Disarmament Commission and the Conference on Disarmament;

6. Also reaffirms the role of the Disarmament Commission as the specialized, deliberative body within the

United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;

7. Encourages the Disarmament Commission to continue to make every effort to enhance its working methods so as to enable it to give focused consideration to a limited number of priority issues in the field of disarmament, bearing in mind the decision it has taken to move its agenda towards a three-item phased approach;

8. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, and with paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items of its agenda, taking into account the adopted "Ways and means to enhance the functioning of the Disarmament Commission";

9. Recommends that, pursuant to the adopted three-item phased approach, the Disarmament Commission, at its 1996 organizational session, adopt the following items for consideration at its 1997 substantive session:

(a) The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned;

(b) The fourth special session of the General Assembly devoted to disarmament;

(c) [to be added];

10. Requests the Disarmament Commission to meet for a period not exceeding four weeks during 1997 and to submit a substantive report to the General Assembly at its fifty-second session;

11. Requests the Secretary-General to transmit to the Disarmament Commission the annual report of the Conference on Disarmament, together with all the official records of the fifty-first session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;

12. Also requests the Secretary-General to ensure full provision to the Disarmament Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign, as a matter of priority, all the necessary resources and services, including verbatim records, to that end;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Disarmament Commission".

At its 208th plenary meeting, on 11 December 1996, the Disarmament Commission adopted the agenda for its 1997 substantive session, including a third substantive item entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N".

General Assembly resolution 51/47 B

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.13) without vote, 14 November (meeting 23); 12-nation draft (A/C.1/51/L.5/Rev.1); agenda item 73 (a).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 16, 23; plenary 79.

### Conference on Disarmament

In 1996, the Conference on Disarmament, a multilateral negotiating body, held a three-part

session in Geneva (22 January-29 March, 13 May-28 June and 29 July-13 September), and concluded by adopting its report [A/51/27] to the General Assembly.

During 30 formal plenary meetings and four informal meetings, the Conference considered a nuclear test ban; cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war; prevention of an arms race in outer space; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; new types of weapons of mass destruction and new systems of such weapons; radiological weapons; a comprehensive programme of disarmament; and transparency in armaments.

In January, the Conference re-established the Ad Hoc Committee on a Nuclear Test Ban. However, there was no consensus on the establishment of other ad hoc committees.

Regarding the agenda in general, the Conference appointed a Special Coordinator to consult on the review of the future agenda as well as on organizational arrangements to deal with the subjects of: prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; prevention of an arms race in outer space; and transparency in armaments.

In 1996, the Conference on Disarmament resolved the outstanding issue of the expansion of its membership by admitting, on 17 June, 23 new members [CD/1406]. Thereafter, a total of 60 States, as listed below, participated as members in the work of the Conference (the newly admitted States are indicated in *italics*): Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, Ethiopia, Finland, France, Germany, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Kenya, Mexico, Mongolia, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Turkey, Ukraine, United Kingdom, United States, Venezuela, Viet Nam, Zaire and Zimbabwe. In addition, 36 non-member States (Angola, Armenia, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Gabon, Ghana, Greece, Holy See, Iceland, Ireland, Jordan, Kazakhstan, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Malta, Mauritius, Nicaragua, Oman, Philippines, Portugal, Qatar, Seychelles, Singapore, Slovenia, Swaziland,

Thailand, the former Yugoslav Republic of Macedonia, Tunisia, United Arab Emirates, United Republic of Tanzania, Yemen) participated in its work.

In ajoint letter [CD/1407] addressed to the President of the Conference, the 23 new member States made the commitment, legally binding upon each individually, not to obstruct any consensus among the original members of the Conference. The commitment would cease to apply after two years for States not subject to comprehensive enforcement measures under Chapter VII of the UN Charter, or earlier, if there was consensus in the Conference that the circumstance that had given rise to the situation (i.e., sanctions imposed by the Security Council on one of the new members) no longer existed.

After the expansion of the membership by 23 States, there were still 14 outstanding applications (in chronological order): Ireland, Tunisia, Ecuador, Greece, Croatia, Kuwait, Portugal, Slovenia, Czech Republic, Malaysia, Costa Rica, Denmark, the former Yugoslav Republic of Macedonia, Cyprus. The Conference requested the President to continue consultations on further expansion of its membership.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/47 C**.

#### Report of the Conference on Disarmament

The General Assembly,

Having considered the report of the Conference on Disarmament,

Convinced that the Conference on Disarmament, as the single multilateral disarmament negotiating forum of the international community, has the primary role in substantive negotiations on priority questions of disarmament,

Considering, in this respect, that the present international climate should give additional impetus to multilateral negotiations with the aim of reaching concrete agreements,

1. Reaffirms the role of the Conference on Disarmament as the single multilateral disarmament negotiating forum of the international community;
2. Welcomes the determination of the Conference on Disarmament to fulfil that role in the light of the evolving international situation, with a view to making early substantive progress on priority items of its agenda;
3. Also welcomes the decision taken by the Conference on Disarmament on 17 June 1996 to expand its membership with the admission of twenty-three new members;
4. Encourages the Conference on Disarmament to continue further review of its membership;
5. Also encourages the Conference on Disarmament to intensify further the ongoing review of its agenda and methods of work;

6. Urges the Conference on Disarmament to make every effort to reach a consensus on its agenda and programme of work at the beginning of its 1997 session;

7. Requests the Secretary-General to continue to ensure the provision to the Conference on Disarmament of adequate administrative, substantive and conference support services;

8. Requests the Conference on Disarmament to submit a report on its work to the General Assembly at its fifty-second session;

9. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Conference on Disarmament".

General Assembly resolution 51/47 C

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.13) without vote, 14 November (meeting 23); draft by Poland (A/C.1/51/L.25), orally revised; agenda item 73 (b).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 23; plenary 79.

On the same date, the Assembly adopted **resolution 51/47 A**.

#### Expansion of the membership of the Conference on Disarmament

The General Assembly,

Having considered the report of the Conference on Disarmament and in particular the section concerning the expansion of the membership of the Conference,

Stressing the role of the Conference on Disarmament as the sole multilateral global negotiating body on disarmament,

Convinced that a more representative membership of the Conference on Disarmament from among the United Nations would contribute to the more effective pursuit of disarmament goals affecting the entire international community,

Recalling that since 1978, when agreement was reached at the first special session of the General Assembly devoted to disarmament that the membership of the then Committee on Disarmament would be reviewed at regular intervals, there have been thirty-seven applications for membership in the Conference,

Recalling also that, in 1993, the Special Coordinator for Membership of the Conference on Disarmament proposed that twenty-three applicants for membership should be admitted to the Conference and proposed further that a dynamic solution to the question of membership should be pursued,

Recalling further decision CD/1406 of the Conference on Disarmament, adopted at its 739th plenary meeting on 17 June 1996, admitting twenty-three countries as members of the Conference,

Recalling its resolution 50/72 C of 12 December 1995, adopted without a vote, in which it urged that, following the presentation of progress reports by the President of the Conference, the other applicants to date be further considered by the Conference at its 1996 session,

Noting the request of the Conference on Disarmament that its President continue consultations on a further expansion of its membership and report to it at the beginning of its 1997 session,

1. Recognizes the legitimate aspirations of all countries that have applied for membership to participate fully in the work of the Conference on Disarmament;
2. Calls upon the Conference on Disarmament to consider all remaining applications for membership with a view to reaching a decision on its further enlargement before the end of its 1997 session.

General Assembly resolution 51/47 A

10 December 1996 Meeting 79 171-0-2 (recorded vote)

Approved by First Committee (A/51/566/Add.13) by recorded vote (144-0-2), 15 November (meeting 24); 16-nation draft (A/C.1/51/L.1/Rev.1); agenda item 73 (b).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 24; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Turkey, United States.

## Multilateral disarmament agreements

### Parties and signatories

As at 31 December 1996, the following numbers of States had become parties to the multilateral agreements listed below (listed in chronological order, with the years in which they had been initially signed or opened for signature).

(Geneva) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925): 131 parties

The Antarctic Treaty (1959): 43 parties

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963): 124 parties

Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967): 94 parties

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) (1967): 38 parties

Treaty on the Non-Proliferation of Nuclear Weapons (1968): 185 parties

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (1971): 91 parties

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972): 139 parties

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977): 64 parties

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979): 9 parties

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (1981): 63 parties

South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) (1985): 14 parties

Treaty on Conventional Armed Forces in Europe (1990): 30 parties

Treaty on Open Skies (1992): 22 parties

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (1993): 67 parties

Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty) (1995): 5 parties

African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) (1996): 2 parties

Comprehensive Nuclear-Test-Ban Treaty (1996): 1 party

## Nuclear non-proliferation and disarmament

### Comprehensive Nuclear-Test-Ban Treaty

The General Assembly on 10 September adopted a comprehensive nuclear-test-ban treaty (CTBT) by **resolution 50/245** (see below), culminating years of complex negotiations, many under the aegis of the United Nations.

The Treaty consists of a preamble, 17 articles and two annexes. By article I, each State party undertakes not to carry out any nuclear-weapon-test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control. Further, each party undertakes to refrain from caus-

ing, encouraging, or in any way participating in the carrying out of any nuclear-weapon-test explosion or any other nuclear explosion.

Other articles deal with: the Organization (including the Conference of the States Parties, the Executive Council, the Technical Secretariat and privileges and immunities); national implementation measures; verification (including the International Monitoring System); measures to redress a situation and to ensure compliance, including sanctions; settlement of disputes; amendments; review of the Treaty; duration and withdrawal; status of the Protocol and annexes; signature; ratification; accession; entry into force; reservations; depositary; and authentic texts. The Treaty is accompanied by a three-part Protocol (dealing with the International Monitoring System and International Data Centre functions; on-site inspections; and confidence-building measures), with two annexes.

The goal of a global test ban had been on the agenda of multilateral, trilateral and bilateral negotiating and deliberative bodies for more than 40 years. Concerns first arose about nuclear testing in the mid-1950s as the general public became increasingly aware of the harmful effects of radioactive fallout from atmospheric nuclear tests. Worldwide public protests led Governments to pursue a ban on nuclear-weapon tests. Three treaties on nuclear testing, none comprehensive, were concluded: the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water [YUN 1963, p. 137], and two bilateral treaties on limitations of yields of nuclear tests for military and peaceful purposes between the former USSR and the United States—the Treaty on the Limitation of Underground Nuclear Weapon Tests and the Treaty on Underground Nuclear Explosions for Peaceful Purposes.

The Conference on Disarmament had long attempted to establish a working group to formulate a comprehensive test ban. It created a subsidiary body on the item in 1982, but succeeded in agreeing upon a mandate for the group only in 1993. Negotiations began in 1994; following two-and-a-half years of intense negotiations, the Conference concluded a draft treaty in August 1996, but the draft did not command consensus, and therefore the Conference was unable to transmit it to the General Assembly for adoption.

Capitalizing on the political momentum gained in the negotiations and the heightened international expectation for finalization of a global ban, an overwhelming majority of Member States of the Assembly, on 10 September, adopted a CTBT identical to the one drafted by the Conference.

As depositary, the Secretary-General opened the Treaty for signature on 24 September. Seventy-one States signed the Treaty on the first day, including the five nuclear-weapon States (China, France, Russian Federation, United Kingdom, United States) and 32 of the additional 44 States required by article XIV to ratify it to allow its entry into force. As at year's end, 138 States had signed and one (Fiji) had ratified the Treaty.

Pursuant to a request made by Canada as organizer of the process preparing for the first session of the Preparatory Commission for the CTBT Organization (CTBTO), the Secretary-General as depositary convoked a Meeting of States Signatories on 19 November which established the Preparatory Commission.

The Commission held the first part of its first session in New York from 20 to 22 November [CTBT/PC/I/22 & Corr.1], during which it adopted one resolution, entitled "Text on the Establishment of a Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization" [CTBT/MSS/RES/1]. The Commission adopted its provisional rules of procedure and provisional financial regulations and elected five Vice-Chairmen. It took note of a report [CTBT/PC/I/11 & Add.1] on host country commitments prepared by the Government of Austria and adopted the host country agreement as annexed to that document.

Owing to lack of time, the Commission decided to suspend the first session and to resume the session in Geneva early in 1997.

#### **Conference on Disarmament consideration.**

On 23 January, the Conference on Disarmament decided [CD/1380] to re-establish the Ad Hoc Committee on a Nuclear Test Ban with the same mandate it had in 1994 [YUN 1994, p. 142] and 1995 [YUN 1995, p. 194], namely, to negotiate a comprehensive test-ban treaty. The Committee held 50 meetings between 23 January and 16 August.

The Committee established two working groups: Working Group 1, on verification, and Working Group 2, on legal and institutional issues. In addition, it appointed 12 Friends of the Chair and 5 Moderators to deal with specific issues in private and open-ended consultations.

Working Group 1 made intensive efforts towards finalizing treaty language on the verification regime in the rolling text. The Friends of the Chair held consultations with delegations on the International Monitoring System (IMS), the International Data Centre (IDC) and on-site inspections (OSI). As a result, at the end of March, the Chairman of the Working Group presented revised draft language on provisions relating to verification issues for inclusion in the rolling text.

Working Group 2 focused on legal and institutional aspects of the future organization to be entrusted with implementing the treaty. It considered, *inter alia*, the issues of entry into force, duration and withdrawal, review, composition of the Executive Council, measures to redress a situation contravening the treaty, national implementation measures including compliance, funding and the seat of the organization and its possible relationship to the International Atomic Energy Agency (IAEA). Following the discussion on those issues, the treaty language in the rolling text was substantially revised and refined.

Negotiations continued on the basis of the rolling text of September 1995 [YUN 1995, p. 195] and subsequently that of 22 January 1996 [CD/1378]. In February, draft treaty texts were submitted by Iran [CD/1384 & Corr.1] and by Australia [CD/1386 & Corr.1], which were used by the Ad Hoc Committee as resource papers.

At the end of the first part of the session, on 28 March, the Chairman submitted for the first time a working paper entitled "Outline of a draft comprehensive nuclear-test-ban treaty", which was structured in treaty format, beginning with a preamble followed by 17 articles. The paper pointed out some of the most contentious areas—scope, entry into force, elements of OSI, composition of the Executive Council—and retained most of the brackets contained in the rolling text. The Chairman indicated that his aim was to show what a CTBT could look like and to highlight the key issues needing decisions. Various countries stressed, nonetheless, that they expected the Chairman to present a new rolling text at the second part of the session.

At the opening meeting of the second session of the Conference on Disarmament, on 13 May, the Chairman announced that there would not be another version of the rolling text, but rather a treaty. On 28 May, underscoring that presentation of a complete draft text of the treaty constituted an essential and indispensable step towards finalizing their work within the time-frame set by the international community, the Chairman brought such a text before the Committee. Following discussions of the text, the Chairman, on 24 June, introduced changes to it, which drew mixed reactions. Canada, on behalf of a number of delegations—Australia, Austria, Belgium, Bulgaria, Canada, Chile, Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Italy, Japan, New Zealand, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine—read out a declaration urging all countries to come to a compromise agreement by the end of June.

On the closing day of the second part of the session, 28 June, the Ad Hoc Committee Chairman presented a revised draft treaty, expressing his conviction that convergence had reached its peak and recommending the draft treaty for serious consideration to delegations and to their capitals. Several States expressed their support for the text, though only France voiced its full acceptance outright. A number of others reaffirmed their willingness to continue the negotiations until an agreement was reached on a consensus draft treaty. The Chairman also presented a revised draft text on the establishment of a preparatory commission, which had been prepared by one of the Friends of the Chair.

At the outset of the third part of the session at the end of July, a considerable number of countries stated that, in spite of reservations, they could accept the Chairman's text as presented, and that the Conference should seize the opportunity to forward it to the General Assembly for signature in September. A number of them expressed concern that any further negotiations might lead away from consensus.

Following intense discussions and consultations by the Chairman, nearly all members of the Committee made statements expressing support, reservations or objections to the Chairman's text and to the proposal to transmit it to the Conference, which were recorded in the report of the Conference [A/51/27].

The Ad Hoc Committee therefore concluded that no consensus for transmittal could be reached and thus referred its report to the Conference on Disarmament without the treaty attached.

Thereupon, the delegation of Belgium, in its national capacity, on 22 August, issued the treaty as a document of the Conference [CD/1427].

**Communications.** In a letter of 22 August [A/50/1024], Australia requested the President of the fiftieth session of the General Assembly to make arrangements for the Assembly to meet in plenary session to consider and take action on a CTBT, pursuant to Assembly resolution 50/65 [YUN 1995, p. 196]. In that resolution, the Assembly had declared its readiness to resume consideration of the item, as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty. Australia also submitted to the Secretary-General for circulation as official documents the text of a draft treaty [A/50/1027], identical to the one circulated by Belgium in the Conference on Disarmament, and a draft resolution calling for adoption of the treaty and its opening for signature at the earliest possible date.

On 29 August, India, in a letter [A/50/1030] to the President of the Assembly, noted that the 1995 Assembly resolution referred to the text of a CTBT that was to be concluded by the Conference on Disarmament, and that the treaty text submitted by Australia "as a national document" had not been adopted by consensus at the Conference. India considered therefore that the endorsement of any national document containing the non-consensus text would be contrary to the relevant provisions of the 1995 resolution. In a letter [A/50/1036] of 9 September addressed to the General Assembly President, India suggested changes in the preamble and in the provisions on basic obligations and entry into force.

Japan, on 26 August [A/50/1026], expressed support for the resumption of consideration of a CTBT. Argentina [A/50/1031] and the Russian Federation [A/50/1032], both on 3 September, declared their support for the draft treaty text and the procedure for its consideration. The Russian Federation added that the course of action chosen for the adoption of the treaty was a departure from the existing practice for the elaboration of multilateral agreements in the Conference on Disarmament, but that it had agreed to such a departure owing to the exceptional nature of the situation that had arisen with regard to the treaty.

**General Assembly consideration.** On 9 September, the Assembly agreed to Australia's request to resume consideration of the item dealing with CTBT and proceeded immediately to its consideration in plenary session. Upon introducing the draft resolution, which had at that point garnered 126 co-sponsors, Australia explained the reasons for the procedural arrangement made to submit the draft treaty to the Assembly, namely, that the treaty had been overwhelmingly agreed to in the Conference on Disarmament and that only one State had not agreed to transmit it to the Assembly. Australia also underlined that those "particular or exceptional circumstances" should not set a precedent, and expressed support for the operating procedures of the Conference—a point stressed by a large number of States.

#### GENERAL ASSEMBLY ACTION

On 10 September, the General Assembly adopted **resolution 50/245**.

#### Comprehensive Nuclear-Test-Ban Treaty

The General Assembly,

Recalling its resolution 50/65 of 12 December 1995, in which the Assembly declared its readiness to resume consideration of the item "Comprehensive test-ban treaty", as necessary, before its fifty-first session in or-

der to endorse the text of a comprehensive nuclear-test-ban treaty,

1. Adopts the Comprehensive Nuclear-Test-Ban Treaty, as contained in document A/50/1027;

2. Requests the Secretary-General, as depositary of the Treaty, to open it for signature, at United Nations Headquarters, at the earliest possible date;

3. Calls upon all States to sign and, thereafter, according to their respective constitutional processes, to become parties to the Treaty at the earliest possible date;

4. Also requests the Secretary-General, as depositary of the Treaty, to report to the General Assembly at its fifty-second session on the status of signature and ratifications of the Treaty.

#### General Assembly resolution 50/245

10 September 1996 Meeting 125 158-3-5 (recorded vote)

127-nation draft (A/50/L.78/Add.1); agenda item 65.

Meeting numbers. GA 50th session: plenary 123-125.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zimbabwe.

Against: Bhutan, India, Libyan Arab Jamahiriya.

Abstaining: Cuba, Lebanon, Mauritius, Syrian Arab Republic, United Republic of Tanzania.

On 10 December, the Assembly, by **decision 51/413**, took note of part seven of the report of the First Committee [A/51/566/Add.6], which stated that the Committee had taken no action on the item dealing with the implementation of the comprehensive nuclear-test-ban treaty.

In other related action, the Assembly, on the same date, by **decision 51/412**, took note of part six of the report of the First Committee [A/51/566/Add.5], which stated that the Committee had taken no action regarding the amendment of the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water [YUN 1963, p. 137] (also known as the partial test-ban treaty).

#### Nuclear explosive testing in 1996

On 27 January 1996, France conducted its last nuclear test explosion at the Mururoa and Fanga-



taufa atolls in French Polynesia, and announced the end of its testing programme two days later.

In a letter of 8 June, China stated that on that date it had conducted a nuclear test at its testing site at Lop Nor [A/51/163]. In a statement of 10 June [A/51/174], Kazakhstan expressed concern at the nuclear test. On 11 June [CD/1409], Argentina deplored the test, taking place as it did at a decisive moment in the negotiation of CTBT. Chile, in a letter of 12 June [A/51/167], strongly protested China's detonation of the nuclear device.

China's last nuclear test explosion at Lop Nor was conducted on 29 July, which was followed by the announcement of a moratorium on further testing effective the next day [A/51/262]. On 29 July [CD/1415], the United States regretted the test but welcomed the moratorium. Argentina, on 5 August [CD/1418], deplored the test but noted with satisfaction the decision of China to declare a moratorium on nuclear testing.

The former USSR had conducted its last nuclear test on 24 October 1990 [YUN 1991, p. 39], and the Russian Federation maintained the moratorium; the United Kingdom's last nuclear test was on 26 November 1991; and the United States' final test occurred on 23 September 1992.

**Notes of Secretary-General.** By a note of 7 August [A/51/279], the Secretary-General transmitted information received from Australia detailing nuclear explosions detected by that country from January to December 1995.

By a later note [A/52/88], the Secretary-General transmitted a communication received from Australia detailing nuclear explosions detected by that country from January to September 1996. Three nuclear explosions had taken place, one at the Fangataufa atoll in the South Pacific, by France (27 January), and two by China at the Lop Nor testing site (8 June and 29 July).

### Ad Hoc Group of Scientific Experts

The Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events (GSE) held three sessions at Geneva in 1996. The main topic of the Group's forty-third session, held from 12 to 23 February [CD/1385], was the evaluation of the first full year of the Group of Scientific Experts Third Technical Test (GSETT-3), which was an experimental global seismic monitoring system intended to test concepts for possible use in a future CTBT International Monitoring System (IMS). GSETT-3 had begun full-scale operations on 1 January 1995 [YUN 1995, p. 195]. During its forty-fourth session (20-24 May) [CD/1398], the Group reviewed results from GSETT-3. At its forty-fifth session (5-15 August) [CD/1422 & Corr.1], the Group focused on preparing a comprehen-

sive report on the GSETT-3 experiment, which provided an overview of the results and conclusions from a year and a half of GSETT-3 operation. The report [CD/1423], which was submitted to the Conference on Disarmament in September, recommended that the Group continue GSETT-3 until the Preparatory Commission for CTBTO assumed responsibility for the evolving IMS, including the experimental International Data Centre.

### Non-proliferation treaty

In 1996, Andorra, Angola and Djibouti acceded to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) [YUN 1968, p. 17, GA res. 2373(XXII)], bringing the number of States parties to 185 at year's end.

Pursuant to NPT's entry into force on 5 March 1970, quinquennial review conferences were held in 1975 [YUN 1975, p. 27], 1980 [YUN 1980, p. 51], 1985 [YUN 1985, p. 56], 1990 [NPT/CONF.IV.45/I] and 1995 [YUN 1995, p. 189], as called for under article VIII, paragraph 3, of the Treaty.

Following consultations, the parties to the Treaty decided that the first meeting of the Preparatory Committee for the next NPT review conference, to be held in the year 2000, would take place in New York from 7 to 18 April 1997.

### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 A**.

### Treaty on the Non-Proliferation of Nuclear Weapons: 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee

The General Assembly,

Recalling its resolution 2373(XXII) of 12 June 1968, the annex to which contains the Treaty on the Non-Proliferation of Nuclear Weapons,

Noting the provisions of article VIII, paragraph 3, of the Treaty regarding the convening of Review Conferences at five-year intervals,

Recalling the decision on strengthening the review process for the Treaty, of the 1995 Review and Extension Conference of Parties to the Treaty in which it was agreed that Treaty Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000,

Recalling also the decision of the 1995 Review and Extension Conference that the first Preparatory Committee meeting for the 2000 Review Conference should be held in 1997,

Recalling further its resolution 50/70 Q of 12 December 1995, in which it took note of the various decisions of the 1995 Review and Extension Conference,

1. Takes note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first

meeting of the Preparatory Committee in New York from 7 to 18 April 1997;

2. Requests the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee.

General Assembly resolution 51/45 A

10 December 1996 Meeting 79 167-0-2 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (142-0-2), 15 November (meeting 24); draft by Sri Lanka, for States parties to NPT (A/C.1/51/L.3); agenda item 71 f/A

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 24; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: India, Israel.

The Assembly also adopted **resolution 51/45 G** on 10 December.

#### **Nuclear disarmament with a view to the ultimate elimination of nuclear weapons**

The General Assembly,

Recalling its resolution 50/70 C of 12 December 1995,

Recognizing that the end of the cold war has increased the possibility of freeing the world from the fear of nuclear war,

Appreciating the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, to which Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America are party, and looking forward to the early entry into force of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms, which was ratified by the United States of America,

Welcoming the reductions in the nuclear arsenals of other nuclear-weapon States,

Welcoming also the decision of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to extend the Treaty indefinitely, taken without a vote, as well as the decisions on strengthening the review process for

the Treaty and on the principles and objectives for nuclear non-proliferation and disarmament,

Noting the reference in the decision on the principles and objectives for nuclear non-proliferation and disarmament to the importance of the following measures for the full realization and effective implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, including the programme of action as reflected below:

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty no later than 1996, and utmost restraint that should be exercised by the nuclear-weapon States pending the entry into force of that treaty;

(b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control,

Welcoming the adoption of the Comprehensive Nuclear-Test-Ban Treaty at the fiftieth session of the General Assembly and its opening for signature at the beginning of the current session,

Recalling that nuclear non-proliferation and the promotion of nuclear disarmament are key elements in the maintenance of international peace and security, which is one of the most important purposes of the United Nations,

1. Urges States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accede to it at the earliest possible date, recognizing the importance of universal adherence to the Treaty;

2. Calls for the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control, and invites them to keep States Members of the United Nations duly informed of the progress and efforts made;

3. Calls upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to make their best efforts for a smooth start of the strengthened review process of the Treaty as they convene their first Preparatory Committee, in 1997, with a view to the success of the next Review Conference which should be held in the year 2000;

4. Calls upon all States to implement fully their commitments in the field of disarmament and non-proliferation of weapons of mass destruction.

General Assembly resolution 51/45 G

10 December 1996 Meeting 79 159-0-11 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (132-0-11), 11 November (meeting 18); 22-nation draft (A/C.1/51/L.17); agenda item 71 (i).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 18; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Algeria, Brazil, China, Cuba, Democratic People's Republic of Korea, India, Iran, Israel, Mauritius, Myanmar, Nigeria.

In the Committee, paragraph one and the seventh preambular paragraph were adopted by separate recorded votes of 138 to 2, with 2 abstentions, and 133 to 1, with 6 abstentions, respectively.

The Assembly retained the same paragraphs by recorded votes of 161 to 3, with 2 abstentions, and 161 to 1, with 5 abstentions, respectively.

### Nuclear proliferation in the Middle East

In accordance with General Assembly resolution 50/73 [YUN 1995, p. 190], the Secretary-General submitted, in October, a report [A/51/446] on the risk of nuclear proliferation in the Middle East. He stated that apart from the text of an IAEA resolution adopted by its General Conference on 20 September, he had received no additional information on the subject since the submission of his 1995 report [YUN 1995, p. 190].

Annexed to the Secretary-General's report was the text of the resolution adopted by the IAEA General Conference.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/48**.

#### The risk of nuclear proliferation in the Middle East

The General Assembly,

Bearing in mind the relevant United Nations resolutions,

Taking note of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency, the latest of which is GC(40)RES/22 adopted on 20 September 1996, and noting the danger of nuclear proliferation, especially in areas of tension,

Cognizant that the proliferation of nuclear weapons in the region of the Middle East would pose a serious threat to international peace and security,

Mindful of the importance of placing all nuclear facilities in the region of the Middle East under full-scope safeguards of the International Atomic Energy Agency,

Recalling the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995, in which the Conference noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, reaffirmed the importance of the early realization of universal adherence to the Treaty and called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place all their nuclear facilities under full-scope International Atomic Energy Agency safeguards,

Recalling also the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995, in which the Conference urged universal adherence to the Treaty as an urgent priority and called upon all States not yet party to the Treaty to accede to it at the earliest date, particularly those States that operate unsafeguarded nuclear facilities,

Noting that, since the adoption of the aforementioned resolution and decision on 11 May 1995, Djibouti and the United Arab Emirates have become parties to the Treaty, and that Oman will become a party to the Treaty at the earliest date, and noting also that Israel shall be the only State in the Middle East that has not yet become a party to the Treaty and has not declared its intention to do so,

Concerned about threats posed to security and stability by the proliferation of nuclear weapons and other weapons of mass destruction in the region,

Stressing the importance of undertaking confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in the Middle East, in order to consolidate the non-proliferation regime and enhance peace and security in the region,

Noting the adoption of the Comprehensive Nuclear-Test-Ban Treaty by the General Assembly and its signature by one hundred and thirty-two States, including a number of States in the region,

1. Welcomes the accession of Djibouti to the Treaty on the Non-Proliferation of Nuclear Weapons on 22 August 1996, as well as the decision of Oman, expressed by its Minister of State for Foreign Affairs before the General Assembly on 1 October 1996, to accede to the Treaty;

2. Calls upon the only State in the region that is not yet party to the Treaty and has not declared its intention to do so, to accede to the Treaty without further delay, and not to develop, produce, test or otherwise acquire nuclear weapons and to renounce possession of nuclear weapons, and to place all unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

3. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

4. Decides to include in the provisional agenda of its fifty-second session the item entitled "The risk of nuclear proliferation in the Middle East".

General Assembly resolution 51/48

10 December 1996 Meeting 79 129-3-32 (recorded vote)

Approved by First Committee (A/51/566/Add.14) by recorded vote (98-2-32), 18 November (meeting 25); draft by Egypt, for League of Arab States, and Malaysia (A/C.1/51/L.27/Rev.2); agenda item 74.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 24, 25; plenary 79.

Recorded vote in Assembly as follows:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Finland, France, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Micronesia, United States.

Abstaining: Barbados, Bolivia, Brazil, Canada, Congo, Cote d'Ivoire, Equatorial Guinea, Estonia, Ethiopia, Fiji, Gabon, Georgia, Guatemala, India, Kazakhstan, Kenya, Latvia, Liberia, Lithuania, Marshall Islands, Mongolia, Myanmar, Nepal, Nicaragua, Norway, Paraguay, Singapore, Tajikistan, Trinidad and Tobago, Uruguay, Uzbekistan, Venezuela.

In the Committee, the sixth preambular paragraph was adopted by a separate recorded vote of 118 to 2, with 10 abstentions.

The Assembly retained the paragraph by a recorded vote of 155 to 2, with 8 abstentions.

### Prohibition of use

The Conference on Disarmament, at its 1996 session, was unable to undertake negotiations on a convention on the prohibition of use of nuclear weapons, as the General Assembly had requested [YUN 1995, p. 208, GA res. 50/71 E].

#### GENERAL ASSEMBLY ACTION

On 10 December, the Assembly adopted **resolution 51/46 D**.

#### Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the use of nuclear weapons poses the most serious threat to the survival of mankind,

Bearing in mind the advisory opinion of the International Court of Justice of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons,

Convinced that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would contribute to the elimination of the nuclear threat and to the climate for negotiations leading to the ultimate elimination of nuclear weapons, thereby strengthening international peace and security,

Conscious that some steps taken by the Russian Federation and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of the complete elimination of nuclear weapons,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653(XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Determined to achieve an international convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Stressing that an international convention on the prohibition of the use of nuclear weapons would be an important step in a phased programme towards the complete elimination of nuclear weapons within a time-bound framework,

Noting with regret that the Conference on Disarmament, during its 1996 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 50/71 E of 12 December 1995,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a possible basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. Requests the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

#### ANNEX

#### Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to the present Convention,  
Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Desiring to achieve a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons,

Bearing in mind the advisory opinion of the International Court of Justice that there exists an obligation of all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Determined, therefore, to achieve an international convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Convinced that the present Convention would be an important step in a phased programme towards the complete elimination of nuclear weapons within a time-bound framework,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

#### Article 1

The States Parties to the present Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

#### Article 2

This Convention shall be of unlimited duration.

#### Article 3

1. The present Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of the present article may accede to it at any time.

2. The present Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The present Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of the present article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of this Convention, as well as of the receipt of other notices.

6. The present Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

#### Article 4

The present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_.

#### General Assembly resolution 51/46 D

10 December 1996 Meeting 79 114-31-27 (recorded vote)

Approved by First Committee (A/51/566/Add.12) by recorded vote (76-26-24), 11 November (meeting 19); 27-nation draft (A/C.1/51/L.19/Rev.1); agenda item 72 (e).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 19; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Turkey, United Kingdom, United States, Uzbekistan.

Abstaining: Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Comoros, Cyprus, Equatorial Guinea, Estonia, Georgia, Ireland, Israel, Japan, Kazakhstan, Kyrgyzstan, Liechtenstein, Malta, New Zealand, Republic of Korea, Republic of Moldova, Russian Federation, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Ukraine.

#### Security assurances

In 1996, the Conference on Disarmament did not establish an ad hoc committee to undertake negotiations on international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, but the subject was actively debated within the framework of CTBT negotiations. China and Ukraine advocated inclusion of a separate article on assurances, and China tabled a textual proposal that was later withdrawn. In general, the non-aligned States held that the unilateral commitments given in Security Council resolution 984(1995) [YUN 1995, p. 192] by the five nuclear-weapon States fell far short of expectations since they had not been negotiated multilaterally and were not legally binding or comprehensive, and that the Conference on Disarmament should consider further steps that might be taken. The Western nuclear-weapon States, however, maintained that their assurances were legally valid and adequate. Nevertheless, at the end of the session, it was recognized that an ad hoc committee on assurances could be set up and its mandate updated.

New action on security assurances was taken by the nuclear-weapon States in connection with their signature and ratification of relevant protocols to the Treaty of Rarotonga [YUN 1985, p. 58] and the Pelindaba Treaty [YUN 1995, p. 203], but no broader commitments were undertaken. The

commitment embodied in the Protocol to the Bangkok Treaty, whereby the nuclear-weapon States would undertake not to use or threaten to use nuclear weapons within the South-East Asia zone, was considered too sweeping, and contributed to the reluctance of the nuclear-weapon States to adhere to the Protocol as drafted.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/43**.

#### **Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons**

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Welcoming the progress achieved in recent years in both nuclear and conventional disarmament,

Noting that, despite recent progress in the field of nuclear disarmament, further efforts are necessary towards the achievement of general and complete disarmament under effective international control,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Determined strictly to abide by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures and arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

Recalling the relevant parts of the special report of the Committee on Disarmament submitted to the General Assembly at its twelfth special session, the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session,

the third special session devoted to disarmament, as well as the report of the Conference on its 1992 session,

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, *inter alia*, that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, with a view to reaching agreement on this item,

Taking note of the proposals submitted under that item in the Conference on Disarmament, including the drafts of an international convention,

Taking note also of the relevant decision of the Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, and also of the decision adopted by the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992, as well as the relevant recommendations of the Organization of the Islamic Conference reiterated in the Final Communiqué of the Twentieth Islamic Conference of Foreign Ministers, held at Istanbul from 4 to 8 August 1991, calling upon the Conference on Disarmament to reach an urgent agreement on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Taking note further of the unilateral declarations made by all nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against non-nuclear-weapon States,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Noting also the greater willingness to overcome the difficulties encountered in previous years,

Taking note of Security Council resolution 984(1995) of 11 April 1995 and the views expressed on it,

Recalling its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993, 49/73 of 15 December 1994 and 50/68 of 12 December 1995,

1. Reaffirms the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. Notes with satisfaction that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all have also been pointed out;

3. Appeals to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. Recommends that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, should be further explored in order to overcome the difficulties;

5. Recommends also that the Conference on Disarmament should actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

General Assembly resolution 51/43

10 December 1996 Meeting 79 125-0-45 (recorded vote)

Approved by First Committee (A/51/566/Add.9) by recorded vote (100-0-43), 11 November (meeting 19); 19-nation draft (A/C.1/51/L.30); agenda item 69.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 19; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

## International Court of Justice Advisory Opinion

By a note of 15 October [A/51/218], the Secretary-General transmitted the 8 July Advisory Opinion of the International Court of Justice (ICJ) on the legality of the threat or use of nuclear weapons. The Court addressed the question in the light of the provisions of the

Charter relating to the threat or use of force; it then turned to the law applicable in situations of armed conflict, first addressing the question, of whether there were specific rules in international law regulating the legality or illegality of recourse to nuclear weapons per se and then examining the question in the light of the principles and rules of humanitarian law and the law of neutrality. Given the difficulties arising from the examination and considering that international law and the stability of the international order were bound to suffer from the continuing difference of views with regard to the legal status of nuclear weapons, the Court expressed the view that it was important to put an end to that state of affairs, and that complete nuclear disarmament appeared to be the most appropriate means of achieving that result.

In its Opinion, the Court agreed unanimously that a threat or use of force by means of nuclear weapons that was contrary to Article 2, paragraph 4 (refraining from the threat or use of force), of the Charter and that did not meet the requirements of Article 51 (inherent right of individual or collective self-defence) was unlawful, and that a threat or use of nuclear weapons should be compatible with international law applicable in armed conflict. By a vote of 7 to 7, with the President's vote deciding, it said that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict; however, it could not conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence. It decided unanimously, however, that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament".

## GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 M**.

### Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly,

Recalling its resolution 49/75 K of 15 December 1994, in which it requested the International Court of Justice to render an advisory opinion on whether the threat or use of nuclear weapons is permitted in any circumstance under international law,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling its resolution 50/70 P of 12 December 1995, in which it called upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework,

Recalling also the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons, and welcoming every effort towards this end,

Reaffirming also the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum,

Noting the adoption of the Comprehensive Nuclear-Test-Ban Treaty by the General Assembly in its resolution 50/245 of 10 September 1996,

Regretting the absence of multilaterally negotiated and legally binding security assurances against the threat or use of nuclear weapons against non-nuclear-weapon States,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth,

1. Expresses its appreciation to the International Court of Justice for responding to the request made by the General Assembly at its forty-ninth session;

2. Takes note of the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996;

3. Underlines the unanimous conclusion of the Court that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

4. Calls upon all States to fulfil that obligation immediately by commencing multilateral negotiations in 1997 leading to an early conclusion of a nuclear-weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

5. Requests the Secretary-General to provide the necessary assistance to support the implementation of the present resolution;

6. Decides to include in the provisional agenda of its fifty-second session an item entitled "Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons".

General Assembly resolution 51/45 M

10 December 1996 Meeting 79 115-22-32 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (94-22-29), 14 November (meeting 22); 45-nation draft (A/C.1/51/L.37); agenda item 71 (k).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 22; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Belgium, Canada, Czech Republic, France, Germany, Hungary, Italy, Luxembourg, Monaco, Netherlands, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Benin, Bulgaria, Croatia, Cyprus, Denmark, Equatorial Guinea, Estonia, Finland, Georgia, Iceland, Israel, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Norway, Republic of Korea, Republic of Moldova, Senegal, Tajikistan, Togo, Ukraine, Uzbekistan.

In the Committee, paragraphs 3 and 4 were adopted by separate recorded votes of 115 to 7, with 19 abstentions, and 87 to 27, with 27 abstentions, respectively.

The General Assembly retained those paragraphs by recorded votes of 139 to 7, with 20 abstentions, and 110 to 27, with 29 abstentions, respectively.

## IAEA safeguards

In early 1996, IAEA began to implement the new measures, principally the collection of environmental samples and unannounced inspections, contained in Programme 93+2. The Programme consisted of two parts: one concerned measures for which IAEA already had authority; and the second dealt with measures that would require additional authority. In June, the Board of Governors decided to move ahead with concrete steps that would increase the authority of the inspectorate. It agreed to establish a Committee on Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System that would draw up a draft model protocol to supplement the existing safeguards inspection



agreements between IAEA and non-nuclear-weapon States, and to define the nature of additional information and additional access to nuclear-related locations that were to be inspected.

The Committee met in July and in October, and examined the proposals concerning measures requiring additional authority that had been put forward by the IAEA secretariat and amendments that had been submitted by delegations. As at year's end, the bracketed rolling text of a model protocol additional to existing safeguards agreements reflected the degree of agreement reached, and intensive multilateral consultations were under way to facilitate progress in the session scheduled for January 1997.

As to safeguards with the Democratic People's Republic of Korea (DPRK), the information and access provided to IAEA were insufficient to give a comprehensive picture of the country's nuclear programme and to answer questions about the completeness of its initial declaration of nuclear activities. The verification arrangements currently in place, however, gave confidence that the graphite-moderated reactors and related facilities subject to a freeze under the 1994 Agreed Framework [YUN1994,p.442] between the United States and the DPRK were actually frozen. In 1996, IAEA adopted a resolution on the implementation of the agreements between it and the DPRK (see also PART ONE, Chapter IV).

Regarding Iraq, IAEA continued to implement its ongoing plan for monitoring and verifying Iraq's compliance with relevant Security Council resolutions through its Nuclear Monitoring Group, assisted by and in coordination with the United Nations Special Commission (see also PART ONE, Chapter IV).

## Nuclear disarmament

### Programme of action to eliminate nuclear weapons

By a letter of 22 October [A/C.1/51/12], Egypt, on behalf also of other members of the Group of 21 non-aligned countries (Algeria, Bangladesh, Brazil, Cameroon, Colombia, Cuba, Democratic People's Republic of Korea, Ethiopia, India, Indonesia, Iraq, Iran, Kenya, Mexico, Mongolia, Morocco, Myanmar, Nigeria, Pakistan, Peru, Senegal, Sri Lanka, Syrian Arab Republic, Venezuela, Viet Nam, Zaire, Zimbabwe), transmitted a proposal for a programme of action for the elimination of nuclear weapons. The programme of action was to be carried out through the establishment by the Conference on Disarmament of an ad hoc committee on nuclear disarmament.

The first phase of the programme of action, which would take place between the years 1996 and 2000, consisted of measures aimed at reducing the nuclear threat and measures towards nuclear disarmament. The second phase, planned for the years 2000 to 2010, aimed at reducing the nuclear arsenals and promoting confidence between States. The programme's final phase, to take place between the years 2010 and 2020, was intended to achieve the consolidation of a nuclear-weapon-free world.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 O**.

#### Nuclear disarmament

The General Assembly,

Recalling its resolution 49/75 E of 15 December 1994 on a step-by-step reduction of the nuclear threat, and its resolution 50/70 P of 12 December 1995 on nuclear disarmament,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Determined to achieve the objective of prohibiting the development, production, stockpiling and use of nuclear weapons and their destruction, and to conclude such an international convention or conventions at an early date,

Bearing in mind paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, calling for the urgent negotiation of agreements for the cessation of the qualitative improvement and development of nuclear-weapon systems, and for a comprehensive and phased programme with agreed timeframes, wherever feasible, for progressive and balanced reduction of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time,

Taking note of the adoption of the Comprehensive Nuclear-Test-Ban Treaty by the General Assembly in its resolution 50/245 on 10 September 1996,

Recognizing that the Comprehensive Nuclear-Test-Ban Treaty and any proposed treaty on fissile material for nuclear weapons or other nuclear explosive devices must constitute disarmament measures, and not only non-proliferation measures, and that these measures, together with an international legal instrument on adequate security assurances for non-nuclear-weapon States and an international convention prohibiting the use of nuclear weapons, must be integral steps leading to the total elimination of nuclear weapons within a time-bound framework,

Recognizing also that the end of the cold war has brought about favourable conditions for creating a world free of nuclear weapons,

Welcoming the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, to which Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America are States parties,

Welcoming also the conclusion of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms by the Russian Federation and the United States of America and the ratification of that Treaty by the United States of America, and looking forward to the full implementation of the START I and START II Treaties by the States parties, and to further concrete steps for nuclear disarmament by all nuclear-weapon States,

Noting with appreciation the unilateral measures by the nuclear-weapon States for nuclear arms limitation, and encouraging them to undertake further such measures,

Recognizing the complementarity of bilateral and multilateral negotiations on nuclear disarmament, and that bilateral negotiations can never replace multilateral negotiations in this respect,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and the multilateral efforts in the Conference on Disarmament to reach agreement on such an international convention at an early date,

Taking note of the advisory opinion of the International Court of Justice dated 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons, and welcoming the unanimous reaffirmation by all Judges of the Court that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Taking note also of paragraph 84 and other relevant recommendations in the Final Document of the Eleventh Conference of Heads of State or Government of the Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, calling upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee to commence negotiations early in 1996 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework, and paragraph 26 of the Communique of the Meeting of Ministers for Foreign Affairs and Heads of Delegations of the Non-Aligned Countries, held in New York on 25 September 1996,<sup>a</sup>

Expressing its regret that the Conference on Disarmament has not been able as yet to establish an ad hoc committee on nuclear disarmament, as called for in Assembly resolution 50/70 P,

Taking note of the proposal of twenty-eight delegations to the Conference on Disarmament that are members of the Group of 21 for a programme of action for the elimination of nuclear weapons, and expressing its conviction that this proposal will be an important input and will contribute to negotiations on this question in the Conference,

1. Recognizes that, in view of the end of the cold war and recent political developments, the time is now opportune for all nuclear-weapon States to undertake effective disarmament measures with a view to the total elimination of these weapons within a time-bound framework;

2. Recognizes also that there is a genuine need to de-emphasize the role of nuclear weapons, and to review and revise nuclear doctrines accordingly;

3. Urges the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;

4. Calls upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and a phased programme of progressive and balanced deep reductions of nuclear weapons, and to carry out effective nuclear disarmament measures with a view to the total elimination of these weapons within a time-bound framework;

5. Calls upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee on nuclear disarmament to commence negotiations early in 1997 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework through a nuclear-weapons convention;

6. Urges the Conference on Disarmament to take into account in this regard the proposal of the twenty-eight delegations for a programme of action for the elimination of nuclear weapons;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "Nuclear disarmament".

<sup>a</sup> A/51/473-S/1996/839.

General Assembly resolution 51/45 O

10 December 1996 Meeting 79 110-39-20 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (87-38-20), 11 November (meeting 19); 42-nation draft (A/C.1/51/L.39); agenda item 71 (i).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 18, 19; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Argentina, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Chile, Cyprus, Equatorial Guinea, Georgia, Japan, Kazakhstan, Kyrgyzstan, Malta, New Zealand, Republic of Korea, Russian Federation, South Africa, Tajikistan, Ukraine, Uzbekistan.

## Fissile material

The impasse in the Conference on Disarmament with respect to negotiations on a fissile material cut-off, which had developed the previous

year [YUN 1995, p. 202], persisted in 1996. In plenary meetings, some delegations spoke of the commencement of negotiations on a cut-off as the next logical step for the Conference to take, once it had concluded a CTBT. Most non-aligned States, however, saw a cut-off as an element of their programme of action for the elimination of nuclear weapons, and sought to ensure that the Conference would deal with it in that context before agreeing to begin negotiations on a cut-off. In the end, although no delegation opposed negotiating a cut-off convention, it was not possible to undertake focused work at the Conference's 1996 session.

Some progress at the unilateral level was made. Early in the year, France, which had already halted the production of plutonium for military purposes, reported its decision to close down its Pierrelatte plant, which was capable of producing highly enriched uranium for national defence purposes. The Russian Federation, which had ceased producing weapons-grade uranium, announced that its national programme to cease producing weapons-grade plutonium would be implemented by 1998.

On 17 September, the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation met with the International Atomic Energy Agency (IAEA) Director General in Vienna to discuss IAEA verification of fissile material transferred from military use to peaceful nuclear activity. Following the meeting, a trilateral statement was issued, in which the Russian Federation and the United States agreed to discuss how to protect sensitive nuclear-weapons information and to prevent its disclosure, and to hold appropriate consultations with IAEA thereon; to form a joint group to address the various technical, legal and financial issues associated with implementing IAEA verification and to report on progress within nine months; and to visit two sites in the United States to examine how IAEA safeguards had been implemented at plutonium facilities under existing United States voluntary offer agreements with the Agency.

### **Issues related to START and other bilateral agreements**

The 1991 Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I) [YUN 1991, p. 34], which was signed by the Presidents of the former USSR and the United States and entered into force on 5 December 1994 [YUN 1994, p. 145], was halfway through its implementation phase in 1996. The actual dismantling and destruction, at the rate of some 2,000 nuclear warheads a year, had begun before the Treaty entered into force. At year's end, the United States had

achieved 60 per cent of its target, and both parties had reduced their nuclear-delivery vehicles below the limits set for December 1999. The Russian Federation encountered some delays, however, in dismantling its nuclear-powered submarines.

Regarding the 1993 START II Treaty [YUN 1993, p. 117], on 26 January, the United States Senate ratified the Treaty with an overwhelming majority and without amendment, as was reported in a Conference on Disarmament document [CD/1382]. The Russian Federation delayed ratification because of concerns over the ratio of land-based, sea-based and airborne nuclear strategic missiles to be destroyed within the established quotas, as well as over proposals in the United States Senate to develop and deploy theatre missile defence (TMD)—actions that might conflict with the 1972 Anti-Ballistic Missile (ABM) Treaty [YUN 1972, p. 5].

With regard to the first concern, according to START II not only would nuclear warheads be reduced to 3,000 or 3,500 on each side, but all multiple independently targetable re-entry vehicle (MIRV) intercontinental ballistic missiles (ICBMs), considered to be the most destabilizing of all weapons, would be eliminated. Thus, the Russian Federation's 400 land-based ICBMs would be destroyed, leaving it with 1,700 missiles deployed on submarines and 300 on aircraft. In order to build up to the ceiling of 3,000, the Russian Federation would have to build 600 mono-block (one warhead) missiles until the year 2003 at a rate of 100 annually. The Russian strategic forces, however, did not have sufficient financial means to develop at that pace, the Conference on Disarmament reported. Under the Nunn-Lugar Cooperative Threat Reduction Program to reduce the threat posed by weapons of mass destruction, the United States provided \$230 million in 1996 to facilitate early deactivation and the elimination of strategic offensive arms in the Russian Federation.

With regard to the second concern, by a bill introduced in the United States Congress in February, the United States would be required to withdraw from the 1972 ABM Treaty in order to clear the way for deployment of a national missile defence system. The United States, however, continued its discussions on TMD with Russia, and on 23 September, it was announced that they had reached agreement on the first part of an understanding that would allow the United States to proceed with efforts to build a defence against shorter-range missiles, while preserving the ABM Treaty. The first part of the understanding was to deal with low-velocity systems, and the second part with higher-velocity systems. However, on 30 October, Russia withdrew from the agreement.

During the year, there were important developments in other countries that were parties to the

1992 Protocol to START I, known as the Lisbon Protocol [YUN 1992, p. 79]. By the Lisbon Protocol, signed by four successor States to the former USSR (Belarus, Kazakhstan, Russian Federation, Ukraine) and by the United States, the four successor States assumed the obligations of the former USSR under the Treaty. The Protocol had entered into force on 5 December 1994 [YUN 1994, p. 145]. By a letter of 6 June [A/51/157], Ukraine informed the Secretary-General that on 1 June the process of withdrawing strategic nuclear warheads from its territory to the Russian Federation for subsequent destruction under the supervision of Ukrainian observers was completed. On 2 June [A/51/159-S/1996/417], the Russian Federation stated that it was prepared to continue to deepen its cooperation with Ukraine in matters of security. The European Union (EU) [A/51/165-S/1996/435] and the United States [A/51/169-S/1996/444], in letters of 13 June, welcomed the removal of nuclear warheads from the territory of Ukraine.

A United States-Ukrainian facility to dismantle 130 deactivated SS-19 missiles, at a rate of at least four a month, was opened in 1996. In June, Belarus signed an agreement with Germany, according to which Germany agreed to help Belarus, before the end of 1996, to remove 18 nuclear-armed SS-25 intercontinental missiles from its territory. In a letter of 30 November [A/51/708], Belarus informed the Secretary-General that on 27 November the removal of nuclear weapons from its territory had been completed.

At the end of September, the President of Kazakhstan reported that the last nuclear missile launchers in the territory of Kazakhstan had been eliminated [A/C.1/51/5].

Significant developments were also registered as a result of unilateral actions by other nuclear-weapon States. In February, France announced new unilateral cuts in its nuclear arsenals, the closure of the Plateau d'Albion missile base in southern France, and the dismantling of the 30 Hades missiles that had been mothballed. That action entailed structural reductions as well, as France was thereby abandoning the land-based component of its deterrent and the short-range missiles it possessed. The United Kingdom proceeded with its programme of reductions; it projected that by the end of 1998 its nuclear forces would be limited to a single system deployed on submarines.

#### GENERAL ASSEMBLY ACTION

On 10 December, the Assembly adopted **resolution 51/45 R**.

#### **Bilateral nuclear arms negotiations and nuclear disarmament**

The General Assembly,  
Recalling its previous relevant resolutions,

Recognizing the fundamental changes that have taken place with respect to international security, which have permitted agreements on deep reductions in the nuclear armaments of the States possessing the largest inventories of such weapons,

Mindful that it is the responsibility and obligation of all States to contribute to the process of the relaxation of international tension and to the strengthening of international peace and security and, in this connection, to adopt and implement measures towards the attainment of general and complete disarmament under strict and effective international control,

Appreciating a number of positive developments in the field of nuclear disarmament, in particular the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, and the treaties on the reduction and limitation of strategic offensive arms,

Appreciating also the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, and acknowledging the importance of the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control,

Welcoming the steps that have already been taken by the Russian Federation and the United States of America to begin the process of reducing the number of nuclear weapons and removing such weapons from a deployed status, and bilateral agreements on the issue of de-targeting strategic nuclear missiles,

Noting the new climate of relations between the States of the former Soviet Union and the United States of America, which permits them to intensify their cooperative efforts to ensure the safety, security and environmentally sound destruction of nuclear weapons,

Noting also that the Russian Federation and the United States of America concurred that, once the Treaty between them on Further Reduction and Limitation of Strategic Offensive Arms was ratified, they would proceed to deactivate all nuclear delivery systems to be reduced under the Treaty by removing their nuclear warheads or taking other steps to remove them from alert status,

Noting further the commitment between the Russian Federation and the United States of America to intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices on both sides to the changed international security situation, including the possibility, after ratification of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms, of further reductions of and limitations on remaining nuclear forces,

Taking note of the joint statement of 10 May 1995 by the Russian Federation and the United States of America on the Treaty on the Limitation of Anti-Ballistic Missile Systems,

Recalling the Moscow Summit Declaration on Nuclear Safety and Security of April 1996,

Urging early action to complete the ratification of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms and further intensification of efforts to accelerate the implementation of agreements

and unilateral decisions relating to nuclear arms reduction,

Welcoming the significant reductions made by other nuclear-weapon States, and encouraging all nuclear-weapon States to consider appropriate measures relating to nuclear disarmament,

1. Welcomes the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991 by the former Union of Soviet Socialist Republics and the United States of America, including the Protocol to that Treaty, signed at Lisbon on 23 May 1992 by the parties thereto, and the exchange of documents of ratification between the United States of America, Belarus, Kazakhstan, the Russian Federation and Ukraine on 5 December 1994 at Budapest;

2. Also welcomes the signing of the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms in Moscow on 3 January 1993, and urges the parties to take the steps necessary to bring that Treaty into force at the earliest possible date;

3. Expresses its satisfaction at the entry into force and ongoing implementation of the 1991 Treaty as well as the ratification by the United States of America of the 1993 Treaty, and expresses the hope that it will soon be possible for the Russian Federation to ratify that Treaty also;

4. Expresses further satisfaction at the continuing implementation of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, in particular at the completion by the parties of the destruction of all their declared missiles subject to elimination under the Treaty;

5. Welcomes the removal of all nuclear weapons from the territory of Kazakhstan as of 1 June 1995, and from the territory of Ukraine as of 1 June 1996;

6. Encourages the Russian Federation, the United States of America, Belarus, Kazakhstan and Ukraine to continue their cooperative efforts aimed at eliminating nuclear weapons and strategic offensive arms on the basis of existing agreements, and welcomes the contributions that other States are making to such cooperation as well;

7. Welcomes the accession to the Treaty on the Non-Proliferation of Nuclear Weapons of Belarus, Kazakhstan and Ukraine as non-nuclear-weapon States, which thereby provided notable enhancement to the non-proliferation regime;

8. Encourages and supports the Russian Federation and the United States of America in their efforts to reduce their nuclear weapons and to continue to give those efforts the highest priority in order to contribute to the ultimate goal of eliminating those weapons;

9. Invites the Russian Federation and the United States of America to keep other States Members of the United Nations duly informed of progress in their discussions and in the implementation of their strategic offensive arms agreements and unilateral decisions.

General Assembly resolution 51/45 R

10 December 1996 Meeting 79 160-0-11 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (129-0-12), 12 November (meeting 20); 45-nation draft (A/C.1/51/L.45); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 20; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Cuba, Democratic People's Republic of Korea, India, Indonesia, Iran, Lebanon, Myanmar, Sri Lanka, Syrian Arab Republic, Uganda, United Republic of Tanzania.

Also on 10 December, the Assembly adopted **resolution 51/45 I.**

#### **Bilateral nuclear arms negotiations and nuclear disarmament**

The General Assembly,

Recalling its previous relevant resolutions,

Recognizing the fundamental changes that have taken place with respect to international security, which have permitted agreements on deep reductions in the nuclear armaments of the States possessing the largest inventories of such weapons,

Stressing that it is the responsibility and the obligation of all States to contribute to the process of the relaxation of international tension and to the strengthening of international peace and security through disarmament, in particular, nuclear disarmament, which remains the highest priority of our times,

Stressing also that, as stipulated in many agreements and recently reiterated by the unanimous decision by the International Court of Justice, there exists the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Welcoming the number of positive developments that have created opportunities for nuclear disarmament, in particular, the completion of the implementation of the 1987 Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, removing such weapons from deployed status, the conclusion of bilateral agreements on de-targeting strategic missiles, the cooperative efforts to ensure the safety, security and environmentally sound destruction of nuclear weapons as well as the efforts to deactivate all nuclear delivery systems or other steps to remove them from alert status,

Noting that there are still significant nuclear arsenals and that the primary responsibility for nuclear disarmament, with the objective of the elimination of nuclear

weapons, rests with all nuclear-weapon States, in particular, those possessing the largest stockpiles,

Recalling the expressed commitment by the nuclear-weapon States to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of the elimination of those weapons, which should be carried out within a time-bound framework,

Recalling also the agreement between the Russian Federation and the United States of America to intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices on both sides to the changed international security situation, including the possibility, after ratification of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms, of further reductions of and limitations on remaining nuclear forces,

Taking note of the joint statement of 10 May 1995 by the Russian Federation and the United States of America on the Treaty on the Limitation of Anti-Ballistic Missile Systems,

Welcoming the reductions made by other nuclear-weapon States in some of their nuclear-weapons programmes, and encouraging all nuclear-weapon States to consider appropriate measures relating to nuclear disarmament,

Affirming that bilateral and multilateral negotiations on nuclear disarmament should facilitate and complement each other,

1. Welcomes the entry into force and implementation of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991 by the former Union of Soviet Socialist Republics and the United States of America, including the Protocol to that Treaty, signed at Lisbon on 23 May 1992 by the parties thereto, and the exchange of documents of ratification between the United States of America, Belarus, Kazakhstan, the Russian Federation and Ukraine on 5 December 1994 at Budapest, as well as the ratification by the United States of America of the 1993 Treaty on Further Reduction and Limitation of Strategic Offensive Arms, and urges the parties concerned to make further efforts to bring that Treaty into force at the earliest possible date;

2. Encourages the United States of America and the Russian Federation to continue their efforts aimed at eliminating nuclear weapons and strategic offensive arms on the basis of existing agreements, and welcomes the contributions that other States are making to such cooperation as well;

3. Welcomes the removal of all nuclear weapons from the territory of Kazakhstan, as from June 1995, and from the territory of Ukraine, as from June 1996;

4. Encourages and supports the Russian Federation and the United States of America in intensifying their work for deep reductions in their nuclear armaments, and calls upon those States to accord the highest priority to this work, in order to contribute to the elimination of nuclear weapons within a time-bound framework;

5. Invites the Russian Federation and the United States of America to keep the States Members of the United Nations and the Conference on Disarmament duly informed of progress in their discussions and in the implementation of their strategic offensive arms agreements and unilateral decisions;

6. Calls upon the Conference on Disarmament to take such information into account in the negotiations to be held on nuclear disarmament leading to the elimination of nuclear weapons within a time-bound framework.

General Assembly resolution 51/45 I

10 December 1996 Meeting 79 107-37-24 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (83-36-21), 12 November (meeting 20); draft by Colombia, for Non-Aligned Movement (A/C.1/51/L.21); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 20; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Armenia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Israel, Italy, Latvia, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Argentina, Australia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Cambodia, Croatia, Cyprus, Ireland, Japan, Kazakhstan, Kyrgyzstan, Liechtenstein, Malta, New Zealand, Paraguay, Republic of Korea, San Marino, Solomon Islands, Sweden, Tajikistan, Ukraine, Uzbekistan.

## Nuclear-weapon-free zones

### Africa

On 11 April in Cairo, 45 African States signed the African Nuclear-Weapon-Free Zone Treaty [YUN 1995, p. 203], known as the Treaty of Pelindaba. China, France, the United Kingdom and the United States signed the Protocols for which they were eligible. In September, France ratified the Protocols, and in November, the Russian Federation signed those for which it was eligible. By the end of the year, 48 States had signed the Treaty, and the Gambia and Mauritius had become parties.

### SECURITY COUNCIL ACTION

The Security Council President, on 12 April, made the following statement [S/PRST/1996/17] on behalf of the Council:

The Security Council notes with deep satisfaction the signature of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) on 11 April 1996 in Cairo, Egypt, and notes further the adoption of the Cairo Declaration on that occasion.

This historic event marks a successful formalization of the commitment undertaken 32 years ago when the leaders of Africa adopted in July 1964 at Cairo the pioneering resolution of the First Ordinary Session of the Assembly of the Heads of State and Government of the Organization of African Unity, which declared Africa a denuclearized zone.

The Security Council considers that the signing of the Treaty by more than 40 African countries, as well as the signing of the relevant protocols to the Treaty by the majority of the nuclear-weapon States, constitute important steps towards the effective and early implementation of the Treaty. To that end it emphasizes the importance of early ratification of the Treaty with a view to securing its rapid entry into force.

The Security Council, reaffirming the statement made by its President on behalf of members of the Council at the meeting held at the level of heads of State and Government on 31 January 1992 that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security, considers that the signature of the African Nuclear-Weapon-Free Zone Treaty constitutes an important contribution by the African countries to the maintenance of international peace and security.

The Security Council seizes this occasion to encourage such regional efforts, and stands ready to support efforts on the international and regional levels aimed at achieving the universality of the nuclear non-proliferation regime.

Meeting number. SC 3651.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/53**.

#### **African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)**

The General Assembly,

Recalling its resolution 50/78 of 12 December 1995 and all its other relevant resolutions, as well as those of the Organization of African Unity,

Noting and welcoming with satisfaction the successful conclusion of the signing ceremony of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) that was held at Cairo on 11 April 1996,

Recalling the Cairo Declaration adopted on that occasion,<sup>a</sup> which emphasized that nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, enhance global and regional peace and security,

Noting with satisfaction the statement made by the President of the Security Council on behalf of the members of the Council on 12 April 1996, in which it was stated that the signature of the African Nuclear-Weapon-Free Zone Treaty constituted an important contribution by the African countries to the maintenance of international peace and security,

Considering that the establishment of nuclear-weapon-free zones, especially in the Middle East, would enhance the security of Africa and the viability of the African nuclear-weapon-free zone,

Bearing in mind resolution CM/Res.1660(LXIV) on expediting the process of ratification of the

Treaty of Pelindaba, adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, held at Yaounde from 1 to 5 July 1996,<sup>b</sup>

1. Calls upon African States to sign and ratify the African Nuclear-Weapon-Free Zone Treaty as soon as possible so that it may enter into force without delay;

2. Expresses its appreciation to the international community and in particular to the nuclear-weapon States which have signed the Protocols that concern them, and calls upon them to ratify the Protocols as soon as possible;

3. Calls upon the States contemplated in Protocol III to the Treaty to take all necessary measures to ensure the speedy application of the Treaty to territories for which they are, *de jure* or *de facto*, internationally responsible and which lie within the limits of the geographical zone established in the Treaty;

4. Calls upon the African States parties to the Treaty on the Non-Proliferation of Nuclear Weapons which have not yet concluded comprehensive safeguards agreements with the International Atomic Energy Agency pursuant to that Treaty to do so, thereby satisfying the requirements of article 9 (b) and annex II to the Treaty of Pelindaba when it enters into force;

5. Expresses its profound gratitude to the Secretary-General for the diligence with which he has rendered effective assistance to the signatories to the African Nuclear-Weapon-Free Zone Treaty in accordance with resolution 50/78;

6. Expresses its gratitude to the Secretary-General of the Organization of African Unity and the Director General of the International Atomic Energy Agency for the diligence with which they have rendered effective assistance to the signatories to the Treaty;

7. Requests the Secretary-General to continue to extend assistance, within existing resources, to the signatories in 1997 in order to achieve the aims of the present resolution;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "African Nuclear-Weapon-Free Zone Treaty".

<sup>a</sup> A/51/113-S/1996/276.

<sup>b</sup> A/51/524.

General Assembly resolution 51/53

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.19) without vote, 11 November (meeting 19); draft by South Africa, for African Group (A/C.1/51/L.23), orally revised; agenda item 79.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 19; plenary 79.

## Asia

### Central Asia

On 29 October, the First Committee [A/51/566/Add.11] considered a draft resolution sponsored by Kyrgyzstan and Mongolia [A/C.1/51/L.29], calling on the five nuclear-weapon States to support the establishment of a nuclear-weapon-free zone in the Central Asian region. Consultations with interested delegations and other potential sponsors took place, but no action was taken on the draft.

## South Asia

Pursuant to General Assembly resolution 50/67 [YUN 1995, p. 207], the Secretary-General, in a June report [A/51/176], presented the views of the European Union (EU) and the countries of Central and Eastern Europe associated with it (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia), as well as the associated countries of Cyprus and Malta, on the establishment of a nuclear-weapon-free zone in South Asia. The EU stated that it supported the project.

### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/42**.

#### **Establishment of a nuclear-weapon-free zone in South Asia**

The General Assembly,

Recalling its resolutions 3265 B (XXIX) of 9 December 1974, 3476 B (XXX) of 11 December 1975, 31/73 of 10 December 1976, 32/83 of 12 December 1977, 33/65 of 14 December 1978, 34/78 of 11 December 1979, 35/148 of 12 December 1980, 36/88 of 9 December 1981, 37/76 of 9 December 1982, 38/65 of 15 December 1983, 39/55 of 12 December 1984, 40/83 of 12 December 1985, 41/49 of 3 December 1986, 42/29 of 30 November 1987, 43/66 of 7 December 1988, 44/109 of 15 December 1989, 45/53 of 4 December 1990, 46/31 of 6 December 1991, 47/49 of 9 December 1992, 48/72 of 16 December 1993, 49/72 of 15 December 1994 and 50/67 of 12 December 1995 concerning the establishment of a nuclear-weapon-free zone in South Asia,

Reiterating its conviction that the establishment of nuclear-weapon-free zones in various regions of the world is one of the measures that can contribute effectively to the objectives of non-proliferation of nuclear weapons and general and complete disarmament,

Believing that the establishment of a nuclear-weapon-free zone in South Asia, as in other regions, will assist in the strengthening of the security of the States of the region against the use or threat of use of nuclear weapons,

Taking note with appreciation of the declarations issued at the highest level by the Governments of South Asian States that are developing their peaceful nuclear programmes, reaffirming their undertaking not to acquire or manufacture nuclear weapons and to devote their nuclear programmes exclusively to the economic and social advancement of their peoples,

Welcoming the proposal for the conclusion of a bilateral or regional nuclear-test-ban agreement in South Asia,

Noting the proposal to convene, under the auspices of the United Nations, a conference on nuclear non-proliferation in South Asia as soon as possible, with the participation of the regional and other concerned States,

Noting the proposal to hold consultations among five nations with a view to ensuring nuclear non-proliferation in the region,

Considering that the eventual participation of other States; as appropriate, in this process could be useful,

Bearing in mind the provisions of paragraphs 60 to 63 of the Final Document of the Tenth Special Session of the General Assembly regarding the establishment of nuclear-weapon-free zones, including in the region of South Asia,

Taking note of the report of the Secretary-General,

1. Reaffirms its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia;

2. Urges once again the States of South Asia to continue to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and to refrain, in the meantime, from any action contrary to that objective;

3. Welcomes the support of all the five nuclear-weapon States for this proposal, and calls upon them to extend the necessary cooperation in the efforts to establish a nuclear-weapon-free zone in South Asia;

4. Requests the Secretary-General to communicate with the States of the region and other concerned States in order to ascertain their views on the issue and to promote consultations among them with a view to exploring the best possibilities of furthering the efforts for the establishment of a nuclear-weapon-free zone in South Asia;

5. Also requests the Secretary-General to report on the subject to the General Assembly at its fifty-second session;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Establishment of a nuclear-weapon-free zone in South Asia".

#### General Assembly resolution 51/42

10 December 1996 Meeting 79 156-3-8 (recorded vote)

Approved by First Committee (A/51/566/Add.8) by recorded vote (130-3-8), 11 November (meeting 18); 2-nation draft (A/C.1/51/L.6); agenda item 68.

Sponsors: Bangladesh, Pakistan.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 18; plenary 79.

Recorded vote in Assembly as follows:

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: Bhutan, India, Mauritius.

Abstaining: Afghanistan, Algeria, Cuba, Cyprus, Indonesia, Lao People's Democratic Republic, Myanmar, Viet Nam.

## South-East Asia

The Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), which was opened for signature in 1995 [YUN 1995, p. 207], was



strengthened in 1996 by the ratification of five States (Brunei Darussalam, Lao People's Democratic Republic, Malaysia, Myanmar, Viet Nam). A total of 10 States had signed the Treaty.

As to the Protocol to the Treaty, it was not possible to allay the concerns of the nuclear-weapon States over the inclusion of continental shelves and exclusive economic zones in the zone of application and over the negative security assurance contained in the Protocol, or to resolve the conflicting territorial claims in the zone. At year's end, none of the nuclear-weapon States had signed the Protocol, although talks aimed at overcoming those difficulties continued throughout the year between various nuclear-weapon States and the members of the Association of South-East Asian Nations (ASEAN).

### Latin America and the Caribbean

The process of consolidation of the nuclear-weapon-free zone established by the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, known as the Treaty of Tlatelolco [YUN1967, p. 13], continued throughout 1996. During the year, there were no new ratifications and the number of parties to the Treaty stood at 38.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/52**.

#### **Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)**

The General Assembly,

Recalling that in its resolution 1911 (XVIII) of 27 November 1963 it expressed the hope that the States of Latin America would take appropriate measures to conclude a treaty that would prohibit nuclear weapons in Latin America,

Recalling also that in the same resolution it voiced its confidence that, once such a treaty was concluded, all States, and in particular the nuclear-weapon States, would lend it their full cooperation for the effective realization of its peaceful aims,

Considering that in its resolution 2028(XX) of 19 November 1965 it established the principle of an acceptable balance of mutual responsibilities and obligations between nuclear-weapon States and those which do not possess such weapons,

Recalling that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature at Mexico City on 14 February 1967,

Taking note of the thirtieth anniversary on 14 February 1997 of the opening for signature of the Treaty of Tlatelolco,

Recalling that in its preamble the Treaty of Tlatelolco states that military denuclearized zones are not an end

in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling also that in its resolution 2286(XXII) of 5 December 1967 it welcomed with special satisfaction the Treaty of Tlatelolco as an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security,

Recalling further that in 1990, 1991 and 1992 the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean approved and opened for signature a set of amendments to the Treaty of Tlatelolco, with the aim of enabling the full entry into force of that instrument,

Recalling resolution C/E/RES.27 of the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean,<sup>a</sup> in which the Council calls for the promotion of cooperation and consultations with other nuclear-weapon-free zones,

Noting with satisfaction that, with the full adherence on 6 May 1996 of Guyana, the Treaty of Tlatelolco is in force for thirty-one sovereign States of the region,

Also noting with satisfaction that the amended Treaty of Tlatelolco is fully in force for Argentina, Brazil, Chile, Guyana, Jamaica, Mexico, Peru, Suriname and Uruguay,

1. Welcomes the concrete steps taken by some countries of the region during the past year for the consolidation of the regime of military denuclearization established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco);

2. Notes with satisfaction the full adherence of Guyana to the Treaty of Tlatelolco;

3. Urges the countries of the region that have not yet done so to deposit their instruments of ratification of the amendments to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolutions 267(E-V) of 3 July 1990, 268(XII) of 10 May 1991 and 290(E-VII) of 26 August 1992;

4. Decides to include in the provisional agenda of its fifty-second session the item entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)".

<sup>a</sup> CD/1392.

#### General Assembly resolution 51/52

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.18) without vote, 11 November (meeting 18); 33-nation draft (A/C.1/51/L.9); agenda item 78. Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 18; plenary 79.

### Middle East

In accordance with General Assembly resolution 50/66 [YUN 1995, p. 205], the Secretary-General submitted an August report with a later addendum [A/51/286 & Add.1] on the establishment of a nuclear-weapon-free zone in the Middle East. He stated that he had continued to carry out consultations to explore ways to promote the establishment of a nuclear-weapon-free zone, but regretted that since his 1995 report the views of

the main parties concerned had not evolved any further. He expressed concern about the impasse in the work of the Working Group on Arms Control and Regional Security, which was established under the framework of the multilateral peace process in the Middle East (see PART ONE, Chapter VI).

Annexed to the report were views received from States on measures to move towards the establishment of a nuclear-weapon-free zone in the Middle East as outlined in a 1990 report of the Secretary-General [A/45/435].

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/41**.

#### **Establishment of a nuclear-weapon-free zone in the region of the Middle East**

The General Assembly,

Recalling its resolutions 3263(XXIX) of 9 December 1974, 3474(XXX) of 11 December 1975, 31/71 of 10 December 1976, 32/82 of 12 December 1977, 33/64 of 14 December 1978, 34/77 of 11 December 1979, 35/147 of 12 December 1980, 36/87 A and B of 9 December 1981, 37/75 of 9 December 1982, 38/64 of 15 December 1983, 39/54 of 12 December 1984, 40/82 of 12 December 1985, 41/48 of 3 December 1986, 42/28 of 30 November 1987, 43/65 of 7 December 1988, 44/108 of 15 December 1989, 45/52 of 4 December 1990, 46/30 of 6 December 1991, 47/48 of 9 December 1992, 48/71 of 16 December 1993, 49/71 of 15 December 1994 and 50/66 of 12 December 1995 on the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Recalling also the recommendations for the establishment of such a zone in the Middle East consistent with paragraphs 60 to 63, and in particular paragraph 63 (d), of the Final Document of the Tenth Special Session of the General Assembly,

Emphasizing the basic provisions of the above-mentioned resolutions, which call upon all parties directly concerned to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East and, pending and during the establishment of such a zone, to declare solemnly that they will refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, to agree to place their nuclear facilities under International Atomic Energy Agency safeguards and to declare their support for the establishment of the zone and to deposit such declarations with the Security Council for consideration, as appropriate,

Reaffirming the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes,

Emphasizing the need for appropriate measures on the question of the prohibition of military attacks on nuclear facilities,

Bearing in mind the consensus reached by the General Assembly since its thirty-fifth session that the es-

tablishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security,

Desirous of building on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the Middle East,

Welcoming all initiatives leading to general and complete disarmament, including in the region of the Middle East, and in particular on the establishment therein of a zone free of weapons of mass destruction, including nuclear weapons,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Recognizing the importance of credible regional security, including the establishment of a mutually verifiable nuclear-weapon-free zone,

Emphasizing the essential role of the United Nations in the establishment of a mutually verifiable nuclear-weapon-free zone,

Having examined the report of the Secretary-General on the implementation of resolution 50/66,

1. Urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Calls upon all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. Takes note of resolution GC(40)RES/22, adopted on 20 September 1996 by the General Conference of the International Atomic Energy Agency at its fortieth regular session, concerning the application of Agency safeguards in the Middle East;

4. Notes the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral Working Group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a nuclear-weapon-free zone;

5. Invites all countries of the region, pending the establishment of a nuclear-weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly, and to deposit those declarations with the Security Council;

6. Also invites those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices;

7. Invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to both the letter and the spirit of the present resolution;

8. Takes note of the report of the Secretary-General;

9. Invites all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East;

10. Requests the Secretary-General to continue to pursue consultations with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to his report or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the Middle East;

11. Also requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-second session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

General Assembly resolution 51/41

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.7) without vote, 18 November (meeting 25); draft by Egypt (A/C.1/51/L.28/Rev.2), amendment by Israel (A/C.1/51/L.54) adopted by recorded vote (61-28-33); agenda item 67.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 24, 25; plenary 79.

In the First Committee on 18 November, Israel introduced an amendment consisting of the insertion, in paragraph 4, of the words "ongoing" before "bilateral", "peace" before "negotiations" and "the activities of" before "the multilateral". The amendment was adopted by recorded vote. Subsequently, the draft text, as amended, was adopted without a vote.

## South Pacific

In a letter dated 22 March [A/51/86-S/1996/216], France, the United Kingdom and the United States expressed their intention to sign the three Protocols to the 1985 South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) [YUN 1985, p. 58], which they did on 25 March in Suva, Fiji. China and the former USSR had signed the two Protocols for which they were eligible in 1987 and 1986, respectively, and had ratified them in 1988. Under Protocol 1, the States internationally responsible for territories situated within the zone would undertake to apply the relevant prohibitions of the Treaty to those territories; under Protocol 2, the five nuclear-weapon States would provide security assurances to parties or to territories within the zone; and under Protocol 3, the five would undertake not to carry out nuclear tests in the zone.

## Southern hemisphere and adjacent areas

### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 B**.

### The nuclear-weapon-free southern hemisphere and adjacent areas

The General Assembly,

Determined to continue to contribute to the prevention of the proliferation of nuclear weapons in all its aspects and to the process of general and complete disarmament under strict and effective international control, in particular in the field of nuclear weapons and other weapons of mass destruction, with a view to strengthening international peace and security, in accordance with the purposes and principles of the Charter of the United Nations,

Stressing the importance of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, establishing nuclear-weapon-free zones, as well as the Antarctic Treaty,

Recalling that, at its first special session devoted to disarmament, the General Assembly declared, *inter alia*, that the establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned constitutes an important disarmament measure; that the States participating in such zones should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free from nuclear weapons; and that the nuclear-weapon States are called upon to give undertakings, negotiated with the competent authority of each zone, in particular, to respect strictly the status of the nuclear-weapon-free zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone,

Recalling also that the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirmed the conviction that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security, and encouraged the development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East,

Recalling further the applicable principles and rules of international law relating to rights of passage through maritime space,

1. Recognizes with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons;

2. Calls for the ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, and calls upon all concerned States to continue to work together in order to facilitate adherence to the protocols to nuclear-weapon-free zone treaties by all relevant States that have not yet done so;

3. Calls upon all States to consider proposals to establish further nuclear-weapon-free zones, especially in areas such as the Middle East and South Asia, on the

basis of arrangements freely arrived at among the States of the region concerned, to strengthen the nuclear non-proliferation regime and, with particular reference to the responsibilities of the nuclear-weapon States, to advance the process of nuclear disarmament with the ultimate goal of eliminating all nuclear weapons;

4. Calls upon the States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, in order to promote the common goals envisaged in those treaties, to explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas;

5. Encourages the competent authorities of nuclear-weapon-free zone treaties to provide assistance to the States parties and signatories to such treaties so as to facilitate the accomplishment of these goals;

6. Decides to include in the provisional agenda of its fifty-second session an item entitled "The nuclear-weapon-free southern hemisphere and adjacent areas".

General Assembly resolution 51/45 B

10 December 1996 Meeting 79 129-3-38 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (111-4-36), 13 November (meeting 21); 69-nation draft (A/C.1/51/L.4/Rev.1), amendment by Pakistan (A/C.1/51/L.51) adopted by recorded vote (89-1-51); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 21; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: France, United Kingdom, United States.

Abstaining: Andorra, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, India, Israel, Italy, Japan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Mauritius, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Tajikistan, Turkey, Uzbekistan.

In the First Committee on 13 November, Pakistan introduced an amendment by which a reference to the proposal for a nuclear-weapon-free zone in South Asia was inserted into paragraph 3. The Committee adopted the amendment by a recorded vote of 89 to 1, with 51 abstentions. It adopted the paragraph by a recorded vote of 100 to 1, with 43 abstentions.

Similarly, the Assembly retained paragraph 3 by a recorded vote of 118 to 1, with 46 abstentions.

## Other nuclear and related issues

### Convention on Nuclear Safety

The International Convention on Nuclear Safety entered into force on 24 October, following the deposit of the twenty-fifth instrument of ratification, acceptance or approval, it having been also the seventeenth instrument from a State having at least one nuclear installation that had achieved criticality in a reactor core. The Convention, the depositary of which was IAEA, aimed to commit States operating land-based nuclear power plants to maintain a high level of safety. Obligations covered siting, design, construction, operation, the availability of adequate financial and human resources, the assessment and verification of safety, quality assurance and emergency preparedness. The Convention obliged parties to submit reports on the implementation of their obligations for peer review at meetings of the parties to be held at IAEA.

### Moscow Declaration

By a letter of 7 May [A/51/131], France and the Russian Federation, which jointly chaired the Summit on Nuclear Safety and Security (Moscow, 19 and 20 April), transmitted to the Secretary-General the texts of the Moscow Summit Declaration on Nuclear Safety and Security; the Programme for Preventing and Combating Illicit Trafficking in Nuclear Material; and a statement on CTBT. A statement on Ukraine and another made by participants of the Summit concerning Lebanon and the peace process also were transmitted.

Participants attending the Summit pledged to increase cooperation in nuclear non-proliferation and disarmament by promoting universal adherence to the 1968 NPT [GA res. 2373(XXII), 12 June 1968], by working to strengthen the IAEA safeguards system and by implementing effective and responsible export control measures. Concerning the safety of civilian nuclear reactors, they urged all countries to sign the International Convention on Nuclear Safety (see above) and noted the need for the countries of Central and Eastern Europe and the newly independent States to continue their efforts, in cooperation with multilateral and bilateral programmes, to improve nuclear safety. As to nuclear waste management and ocean dumping issues, the participants called on national authorities to ensure that radioactive waste be managed safely and that provision be made for its proper handling, storage and ultimate disposal; they stated that the development of a convention on the safety of radioactive waste, based on those principles, was of paramount importance. They com-

mitted themselves to banning dumping at sea of radioactive waste.

The Summit agreed on the Programme for Preventing and Combating Illicit Trafficking in Nuclear Material, which recognized the risk of global proliferation and potential danger to public health and safety posed by trafficking. International efforts to suppress the phenomenon would have to address, *inter alia*, safe and secure storage and effective material protection; cooperative intelligence, customs and law enforcement efforts to prevent the sale of diverted material; and joint efforts to identify illicit supply and to deter potential traffickers. In addition, nuclear material released through the nuclear-weapon dismantling process should be placed under international safeguards as soon as possible. The programme included a system of measures designed to strengthen a collective response, on the part of the participating countries, to illicit trafficking.

### Weapons of mass destruction

Although the item "New types of weapons of mass destruction and new systems of such weapons: radiological weapons" was on the agenda of the Conference on Disarmament [A/51/27], the Conference did not establish an *ad hoc* committee on the subject. The topic was, however, discussed in plenary sessions.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/37**.

#### **Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament**

The General Assembly,

Recalling its previous resolutions on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

Taking note of paragraph 77 of the Final Document of the Tenth Special Session of the General Assembly,

Determined to prevent the emergence of new types of weapons of mass destruction that have characteristics comparable in destructive effect to those of weapons of mass destruction identified in the definition of weapons of mass destruction adopted by the United Nations in 1948,

Noting that the item entitled "New types of weapons of mass destruction and new systems of such weapons: radiological weapons" was considered in the Conference on Disarmament during its 1994, 1995 and 1996 sessions,

Also noting the desirability of keeping the matter under review, as appropriate,

1. Reaffirms that effective measures should be taken to prevent the emergence of new types of weapons of mass destruction;

2. Requests the Conference on Disarmament, without prejudice to further overview of its agenda, to keep the matter under review, as appropriate, with a view to making, when necessary, recommendations on undertaking specific negotiations on identified types of such weapons;

3. Calls upon all States, immediately following any recommendation of the Conference on Disarmament, to give favourable consideration to those recommendations;

4. Requests the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this item by the General Assembly at its fifty-first session;

5. Requests the Conference on Disarmament to report the results of any consideration of the matter in its annual reports to the General Assembly;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament".

General Assembly resolution 51/37

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.1) without vote, 11 November (meeting 19); 33-nation draft (A/C.1/51/L.36); agenda item 60.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 19; plenary 79.

### Radioactive wastes

On 10 December, the General Assembly adopted **resolution 51/45 J**.

#### **Prohibition of the dumping of radioactive wastes**

The General Assembly,

Bearing in mind resolutions CM/Res.1153(XLVIII) of 1988 and CM/Res.1225(L) of 1989, adopted by the Council of Ministers of the Organization of African Unity, concerning the dumping of nuclear and industrial wastes in Africa,

Welcoming resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 21 September 1990 by the General Conference of the International Atomic Energy Agency at its thirty-fourth regular session,

Welcoming also resolution GC(XXXVIII)/RES/6, adopted on 23 September 1994 by the General Conference of the International Atomic Energy Agency at its thirty-eighth regular session, inviting the Board of Governors and the Director General of the Agency to commence preparations for a convention on the safety of radioactive waste management, and noting the progress that has been made in that regard,

Taking note of the commitment by the participants at the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, to ban the dumping at sea of radioactive wastes,

Considering its resolution 2602 C(XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, *inter alia*, to consider effective methods of control against the use of radiological methods of warfare,

Recalling resolution CM/Res.1356(LIV) of 1991, adopted by the Council of Ministers of the Organiza-

tion of African Unity, on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movements within Africa,

Aware of the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, in particular for the security of developing countries,

Recalling all its resolutions on the matter since its forty-third session in 1988, including its resolution 50/70 E of 12 December 1995,

Desirous of promoting the implementation of paragraph 76 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,

1. Takes note of the part of the report of the Conference on Disarmament relating to a future convention on the prohibition of radiological weapons;

2. Expresses grave concern regarding any use of nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States;

3. Calls upon all States to take appropriate measures with a view to preventing any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States;

4. Requests the Conference on Disarmament to take into account, in the negotiations for a convention on the prohibition of radiological weapons, radioactive wastes as part of the scope of such a convention;

5. Also requests the Conference on Disarmament to intensify efforts towards an early conclusion of such a convention and to include in its report to the General Assembly at its fifty-second session the progress recorded in the negotiations on this subject;

6. Takes note of resolution CM/Res.1356(LIV) of 1991, adopted by the Council of Ministers of the Organization of African Unity, on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movements within Africa;

7. Expresses the hope that the effective implementation of the International Atomic Energy Agency Code of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes on their territories;

8. Welcomes the current efforts of the International Atomic Energy Agency in the preparation of a draft convention on the safe management of radioactive wastes and the appropriate recommendations made by the participants at the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, in particular their call on all States generating nuclear wastes with nuclear installations to participate actively in the preparation of this convention under the auspices of the International Atomic Energy Agency and to encourage its effective finalization and prompt adoption;

9. Decides to include in the provisional agenda of its fifty-second session the item entitled "Prohibition of the dumping of radioactive wastes".

General Assembly resolution 51/45 J

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.11) without vote, 11 November (meeting 18); draft by Burundi, for African Group, France, Monaco, Mongolia and Russian Federation (A/C.1/51/L.24); agenda item 71 (c).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 18; plenary 79.

## Bacteriological (biological) and chemical weapons

### Bacteriological (biological) weapons convention

#### Ad Hoc Group on verification

The Ad Hoc Group of the States Parties to the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction [GA res. 2826(XXVI), 16 Dec. 1971], established in 1994 [YUN 1994, p. 138], held its fourth (15-26 July) [BWC/AD HOC GROUP/31 & Corr.1] and fifth (16-27 September) [BWC/AD HOC GROUP/32] sessions in 1996, both in Geneva. The Ad Hoc Group had held its first three sessions in 1995 [YUN 1995, p. 211]. It continued to consider measures, including verification measures, to strengthen the 1972 Convention, for inclusion in a legally binding instrument.

Four groups, each led by a Friend of the Chair who assisted the Chairman of the Ad Hoc Group in consultations and negotiations, considered subjects in four areas: definitions of terms and objective criteria, such as lists of bacteriological (biological) agents and toxins and their threshold quantities, and equipment and types of activities, where relevant for specific measures designed to strengthen the Convention; the incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, into the regime; a system of measures to promote compliance with the Convention; and specific measures to ensure effective and full implementation of article X (transfer of technology), which would avoid any restrictions incompatible with the obligations undertaken under the Convention with regard to the transfer of scientific knowledge, technology, equipment and materials.

At the end of the fifth session, the Ad Hoc Group was unable to complete its work and submit a draft instrument to the States parties for consideration at the Fourth Review Conference (see below), due to time constraints and a wide divergence of views on such central elements of the future regime as institutional, legal and financial

arrangements, modalities, safeguards and limitations under article X, and initiation of investigations, post-investigation reviews and tools for investigations in the area of compliance measures.

In order to fulfil its mandate, the Ad Hoc Group decided to intensify its work by holding three sessions of two to three weeks each in 1997, and two sessions of the same duration in 1998, building on materials contained in the papers of the Friends of the Chair, which were updated after every session and annexed to the relevant reports on the sessions.

#### Fourth review conference

The Preparatory Committee for the Fourth Review Conference of the Parties to the 1972 Convention, meeting in Geneva on 9 and 10 April, decided that the Review Conference should take place in Geneva from 25 November to 6 December, and considered the provisional agenda, draft rules of procedure, background documentation and final document for the Conference. At the request of the Committee, the Secretary-General prepared background information documents on participation of States parties in the agreed confidence-building measures [BWC/CONF.IV/2 & Corr.1-5]; compliance of States parties, compiled from information received from them [BWC/CONF.IV/3 & Corr.1,2 & Add.1-3]; and new scientific and technological developments relevant to the Convention, compiled from information received from States parties [BWC/CONF.IV/4 & Add.1,2]. The Committee's report, without its annexes, was later annexed to the Final Document of the Fourth Review Conference [BWC/CONF.IV/9].

The Fourth Review Conference opened in Geneva on 25 November. Previous review conferences were held in 1980 [YUN 1980, p. 70], 1986 [YUN 1986, p. 64], and 1991 [YUN 1991, p. 52]. It concluded on 6 December after adopting by consensus a Final Declaration which was contained in the Final Document of the Conference [BWC/CONF.IV/9]. At year's end, there were 139 parties to the Convention, which had entered into force on 26 March 1975 [YUN 1975, p. 64]. The depositary Governments for the Convention were the Russian Federation, the United Kingdom and the United States.

At the opening of the Conference, Iran proposed two amendments to the Convention that would stipulate specifically a ban on use, and would entail the addition of the word "use" to the title and the phrase "to use biological weapons" in article I. Following consultations, it was decided to include the proposal in the agenda under the item "Other matters", and to reflect it under article XI in the Declaration that was being

drafted. In accordance with article 40 (2) of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006], all States parties would have to be notified of the proposed amendment, and each had the right to take part in any decision or negotiation regarding it; thus, no decision could be taken by the Fourth Review Conference itself. A communication on the matter was issued by the United Nations Office of the Legal Counsel [BWC/CONF.IV/7]. The subject of use was commented upon by many delegations in various contexts throughout the Conference.

The general debate focused on issues related to scope of the Convention, compliance, confidence-building measures, the work of the Ad Hoc Group, export control, technical cooperation, the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, known as the 1925 Geneva Protocol, and the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction [YUN 1992, p. 65].

At the conclusion of the general debate, the Committee of the Whole [BWC/CONF.IV/6 & Add.1] met six times and held some additional informal consultations, during which it reviewed the articles of the Convention and received proposals concerning the text for the Final Declaration.

The Drafting Committee [BWC/CONF.IV/DC/2], following the conclusion of the Committee of the Whole, held 11 meetings and additional informal consultations; it worked on the basis of the proposals put before the Committee of the Whole and drew on the language of the Final Declaration of the Third Review Conference, at which there had been no new proposals.

At its last plenary meeting, on 6 December, the Conference concluded its work with the adoption by consensus of its Final Document, which contained the Final Declaration. The Declaration consisted of a preamble, an article-by-article review of the Convention, and a section on the Ad Hoc Group.

The Declaration stressed the prohibition of use at several points in the article-by-article review. As a result of general concern over the matter and with the submission of the proposal by Iran, it was decided to state explicitly, both under article I and article IV, that the use of bacteriological and toxin weapons was prohibited. Moreover, under article VIII, the Conference adopted what was considered very strong language to the effect that reservations to the Geneva Protocol concerning retaliation through the use of any of the objects

prohibited by the Convention were "totally incompatible" with the Convention, and stressed the importance of the withdrawal of all reservations to the Protocol relating to the Convention. In addition, under article II, the Conference specified that the destruction of prohibited items required under that article would have to be completed upon a State's accession, that it should be carried out completely and effectively, and that submission of information on destruction could enhance confidence in the Convention.

In its review of article IX, the Declaration incorporated language identical with some paragraphs of the draft resolution that had been negotiated in the First Committee at the end of November; the draft was subsequently adopted by the General Assembly on 10 December as **resolution 51/45 T** (see below).

Regarding article X, the Declaration referred to parties' legal obligation to facilitate and right to participate in technological exchange and emphasized that provisions of the Convention should not be imposed to restrict transfers consistent with its objectives.

As to the work of the Ad Hoc Group, the Declaration did not set a target date for the completion of the Group's work. The Conference agreed to encourage the Group "to review its method of work and to move to a negotiating format". In addition, under article XIV, the Declaration contained an appeal to parties to participate actively in the Ad Hoc Group.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/54**.

#### **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

The General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and to their destruction,

Noting with satisfaction that there are one hundred and thirty-nine States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, including all the permanent members of the Security Council,

Bearing in mind its call upon all States parties to the Convention to participate in the implementation of the recommendations of the Review Conferences, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and to provide such information and data in conformity with standardized procedure to

the Secretary-General on an annual basis and no later than 15 April,

Recalling its resolution 46/35 A, adopted without a vote on 6 December 1991, in which it welcomed, inter alia, the establishment, proceeding from the recommendations of the Third Review Conference, of an ad hoc group of governmental experts open to all States parties to identify and examine potential verification measures from a scientific and technical standpoint,

Recalling also its resolution 48/65, adopted without a vote on 16 December 1993, in which it commended the final report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint, agreed to by consensus at the last meeting of the Ad Hoc Group at Geneva on 24 September 1993,

Recalling further its resolution 49/86, adopted without a vote on 15 December 1994, in which it welcomed the final report of the Special Conference of the States Parties to the Convention, adopted by consensus on 30 September 1994, in which the States parties agreed to establish an ad hoc group, open to all States parties, whose objective should be to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument to be submitted for the consideration of the States parties,

Recalling the provisions of the Convention related to scientific and technological cooperation and the related provisions of the final report of the Ad Hoc Group of Governmental Experts, the final report of the Special Conference of the States Parties to the Convention, held from 19 to 30 September 1994, and the final documents of the Review Conferences,

1. Welcomes the information and data provided to date, and reiterates its call upon all States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention;

2. Also welcomes the progress made by the Ad Hoc Group in pursuing the mandate established by the Special Conference of the States Parties to the Convention on 30 September 1994, and urges the Ad Hoc Group, in order to fulfil its mandate, to intensify its work with a view to completing it as soon as possible before the commencement of the Fifth Review Conference and to submit its report, which shall be adopted by consensus, to the States parties to be considered at a special conference;

3. Requests the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, as well as the decisions contained in the final report of the Special Conference, including all necessary assistance to the Ad Hoc Group;

4. Welcomes the convening, at the request of the States parties, of the Fourth Review Conference of the Parties to the Convention at Geneva from 25 November to 6 December 1996;



5. Calls upon all signatory States that have not yet ratified the Convention to do so without delay, and also calls upon those States that have not signed the Convention to become parties thereto at an early date, thus contributing to the achievement of universal adherence to the Convention;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

General Assembly resolution 51/54

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.20) without vote, 11 November (meeting 19); 56-nation draft (A/C.1/51/L.2); agenda item 80. Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 16, 19; plenary 79.

Also on 10 December, the Assembly adopted resolution **51/45 P**.

### Measures to uphold the authority of the 1925 Geneva Protocol

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolution 43/74 of 7 December 1988,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control,

Recalling the long-standing determination of the international community to achieve the effective prohibition of the development, production, stockpiling and use of chemical and biological weapons as well as the continuing support for measures to uphold the authority of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, as expressed by consensus in many previous resolutions,

Welcoming the end of the cold war, the ensuing easing of international tension and the strengthening of trust between States,

Welcoming also the recent initiatives by some States parties to withdraw their reservations to the 1925 Geneva Protocol,

1. Renews its previous call to all States to observe strictly the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and reaffirms the vital necessity of upholding its provisions;

2. Calls upon those States that continue to maintain reservations to the 1925 Geneva Protocol to withdraw those reservations;

3. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution.

General Assembly resolution 51/45 P

10 December 1996 Meeting 79 165-0-7 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (132-0-10), 11 November (meeting 19); draft by Colombia, for Non-Aligned Movement (A/C.1/51/L.41); agenda item 71. Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 19; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Belarus, Israel, Kazakhstan, Republic of Korea, Russian Federation, Tajikistan, United States.

## Chemical weapons convention

On 31 October, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Conference on Disarmament in 1992 [YUN 1992, p. 65] and opened for signature in 1993 [YUN 1993, p. 111], received its sixty-fifth instrument of ratification, which was required for its entry into force. Under the Convention, its entry into force would take place 180 days following receipt of the deposit of the sixty-fifth instrument of ratification, on 29 April 1997. As at 31 December 1996, there were 67 States parties to the Convention.

## Preparatory Commission

In 1996, the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons (OPCW), set up in 1992 [YUN 1992, p. 65] to prepare for the Convention's implementation, held its thirteenth (18-22 March) [PC-XIII/18], fourteenth (22-27 July) [PC-XIV/29] and fifteenth (16-20 December) [PC-XV/25] sessions, all at The Hague.

The Commission considered verification issues, and progress was made in developing procedures to implement the inspection and declaration provisions of the Convention. Some 400 inspections were foreseen for the first year after the Convention's entry into force, and practical arrangements were set out for the General Training Scheme for inspectors. The OPCW Laboratory and Equipment Store was inaugurated in Rijswijk, the Netherlands, and proficiency tests involving a number of laboratories in different

parts of the world got under way with a view to creating a worldwide network of laboratories that would meet OPCW analytical standards. Regarding concerns that the 1990 Agreement between the United States and the USSR on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons [CD/1000 & CD/1001], under which national teams of the two States would verify each other's destruction programme, would not be in force at the time of entry into force of the Convention itself, the Convention secretariat submitted estimates for the additional resources for inspection that would be required. Moreover, the secretariat continued to assist States, as far as possible, in establishing their national implementation programmes.

Outstanding issues at year's end included: agreement on some declaration issues related to the chemical industry and chemical weapons facilities, and verification measures to be applied to inspections of chemical weapons and chemical weapons production facilities converted to civilian use, as well as to old and abandoned chemical weapons sites; the question of the timing of a harmonization of export controls with the provisions of article XI (on economic and technological development); and decisions on the composition of the Executive Council, the future Director-General and the top management structure of OPCW, which needed to be resolved before the first session of the Conference of States Parties, scheduled for May 1997.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 T**.

#### **Status of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction**

The General Assembly,

Recalling its previous resolutions on the subject of chemical and bacteriological (biological) weapons, in particular resolution 47/39 of 30 November 1992, adopted without a vote, in which it commended the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,

Noting with satisfaction that, since the Convention was opened for signature at a signing ceremony held in Paris from 13 to 15 January 1993, one hundred and sixty States have signed the Convention,

Determined to achieve the effective prohibition of the development, production, acquisition, transfer, stockpiling and use of chemical weapons and their destruction,

Convinced of the urgent necessity of universal adherence to the Convention so as to abolish an entire category of weapons of mass destruction, and thus elimi-

nate the risk to mankind of renewed use of these inhumane weapons,

Noting the ongoing work of the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons,

1. Welcomes the fact that the required sixty-five instruments of ratification have now been deposited and that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction will therefore enter into force on 29 April 1997;

2. Stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities should be among the original parties to the Convention and, in this context, the importance of the United States of America and the Russian Federation, having declared possession of chemical weapons, being among the original States parties to the Convention;

3. Also stresses that this would promote the full realization and effective implementation of the Convention;

4. Calls upon all States that have not yet done so to sign and/or ratify the Convention without delay;

5. Notes that the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons, at its fourteenth session from 22 to 26 July 1996, entrusted the Chairman of the Commission, in close consultation with its member States, with the task of convening, as necessitated by circumstances in connection with the occurrence of the trigger point, a meeting of the Commission to provide appropriate guidance;

6. Urges the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons to intensify efforts to complete its remaining work;

7. Decides to include in the provisional agenda of its fifty-second session an item entitled "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction".

General Assembly resolution 51/45 T

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.11) without vote, 18 November (meeting 25); 5-nation draft (A/C.1/51/L.48/Rev.1); agenda item 71.

Sponsors: Canada, India, Iran, Mexico, Poland.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 25; plenary 79.

## **Conventional weapons and related issues**

### **Landmines**

**Report of Secretary-General.** Pursuant to General Assembly resolution 50/700 [YUN 1995, p. 223], the Secretary-General reported [A/51/313] in August on information received from Governments and the EU on steps taken to implement moratoriums declared on the export of anti-

personnel landmines. The Secretary-General described unilateral, regional and global initiatives to limit their export.

### **Ottawa conference**

By a letter [A/C.1/51/10] of 16 October, Canada transmitted information concerning the Ottawa International Strategy Conference, which was convened by the Government of Canada from 3 to 5 October in its capital, with the theme "Towards a global ban on anti-personnel mines".

The Conference led to the adoption of the Ottawa Declaration, by which the 50 participating States, known as the "Ottawa Group", agreed to enhance cooperation and coordination of efforts to achieve their goal, taking into account that the extreme humanitarian and socio-economic costs associated with the use of anti-personnel mines required urgent action on the part of the international community to ban and eliminate them. Until such a ban was achieved, the Declaration said, States must work to encourage universal adherence to the prohibitions or restrictions contained in amended Protocol II of the Convention on Certain Conventional Weapons. Mine-affected States must halt all new deployment of anti-personnel mines to ensure the effectiveness and efficiency of mine-clearance operations, and the international community must provide significantly greater resources to mine-awareness programmes, mine-clearance operations and victim assistance. In addition, the members of the Ottawa Group committed themselves to work together to ensure the following: the earliest possible conclusion of a legally binding international agreement to ban anti-personnel mines; progressive reductions in new deployments of mines with the urgent objective of halting all new deployments; support for a General Assembly resolution calling on Member States, among other things, to implement national moratoriums, bans or other restrictions, particularly on the operational use and transfer of anti-personnel mines, at the earliest possible date; regional and sub-regional activities in support of a global ban; and a follow-up conference, to be hosted by Belgium in June 1997, to review the progress in achieving a global ban.

The Chairman of the Conference presented his Agenda for Action to advance a total ban on anti-personnel mines. The Agenda envisaged global measures, such as building public awareness and political will for a global ban, rapid entry into force and universal adherence to amended Protocol II, increased exchanges of information and data on anti-personnel mines, and preparation of a draft agreement, as well as regional action in all parts of the world. The

Agenda also dealt with landmine clearance, mine awareness and victim assistance. The Government of Canada expressed its intention to host a ceremony in December 1997, at which time the treaty banning anti-personnel mines would be signed.

**Communications.** By a letter [CD/1381] of 23 January, Turkey communicated the text of a statement by its Ministry of Foreign Affairs concerning the introduction by Turkey of a comprehensive moratorium, for a renewable term of three years, on all anti-personnel landmine exports and transfers. On 26 January, Canada announced that it was declaring comprehensive unilateral moratoriums on the production, export and operational use of anti-personnel landmines [A/51/313]. Singapore, on 7 May, informed the Secretary-General that it had declared a two-year moratorium on the export of anti-personnel landmines that had no self-destruct or self-neutralizing mechanisms [A/51/136]. On 14 May, Italy, on behalf of the EU, transmitted a declaration by the EU on anti-personnel landmines [A/51/139], which stated that the European Union would consider the possibility of conducting specific demining actions. Denmark on 23 May said that it would renounce unilaterally the use of anti-personnel landmines and destroy existing stockpiles [A/51/323]. On 15 July, Israel informed [A/51/313] the Secretary-General of its decision to extend its moratorium on export of anti-personnel landmines for a further period of three years. By a letter [A/51/266-S/1996/621] of 24 July, Germany presented a seven-point action programme on anti-personnel mines. Germany stated that in January it had imposed a unilateral unlimited moratorium on all exports of anti-personnel mines, and in April, the Federal Armed Forces relinquished totally and unconditionally the use of anti-personnel mines. Existing stocks were to be destroyed. France, by a letter [A/C.1/51/7] of 4 October, stated that the Council of Ministers, on 2 October, had adopted important decisions relating to anti-personnel mines. It drew attention to the country's commitment to refrain from the use of anti-personnel mines and its determination to arrive at a legally binding and verifiable international agreement on a total and comprehensive ban on anti-personnel mines within the framework of the Conference on Disarmament. Belgium, on 17 October, reporting on the status of Belgian legislation on anti-personnel mines, informed [A/C.1/51/11] the Secretary-General that the Act of 24 June required the State or the public authorities to destroy existing stocks of anti-personnel mines and similar traps or devices within three years. A lim-

ited number of anti-personnel mines would, however, be kept for research and training.

Similar statements were made in various forums. The following were announced at the Review Conference. Australia stated that it had decided to unilaterally suspend the use of anti-personnel landmines. Bulgaria informed the Conference that by a decision of 2 May concerning changes and amendments to the import and export regime of the country, a timely moratorium on the export of anti-personnel landmines had been introduced; the decision took effect immediately upon adoption and was valid until 30 April 1999. China declared that, pending the entry into force of Protocol II, it would implement a moratorium on its export of anti-personnel landmines that were not in conformity with the technical specifications on detectability, self-destruction and self-deactivation as provided for by the Protocol, and would ban the export of booby traps. Croatia on 19 April issued a statement declaring a moratorium on the use, production, stockpiling, import and export of anti-personnel landmines, booby traps and remotely delivered anti-personnel mines. Luxembourg reported the introduction of a complete moratorium on the production, transfer, stockpiling or use of landmines, and with the exception of a small number of devices intended for training deminers, existing stockpiles would be destroyed. New Zealand on 22 April announced a formal renunciation of the use of anti-personnel landmines. South Africa, on 3 May, announced that it had decided to suspend the operational use of anti-personnel landmines by its defence force, which would conduct a study to review long-term policy. It had also decided to replace an earlier moratorium on the export of landmines with a prohibition on the export of all types of landmines.

Speaking before the General Assembly on 26 September, the Foreign Minister of Italy announced that the Government pledged to renounce the production and export of anti-personnel landmines. The country would also initiate the destruction of existing devices and promote further restrictions.

On 11 March, the Netherlands declared that its army would no longer use anti-personnel landmines and that stockpiled mines would be destroyed. On 21 March, the Minister for Foreign Affairs announced in Parliament that the Government would not allow anti-personnel mines to be exported from the Netherlands, and on 2 April, a resolution calling for a bill banning the production of those weapons was passed by a unanimous vote of the Lower House of the Dutch Parliament, which was the final step to a compre-

hensive ban in the Netherlands. On 22 April, the Minister of State for Foreign and Commonwealth Affairs of the United Kingdom announced that the United Kingdom would destroy a substantial part of its existing stocks of anti-personnel landmines; would not use any of those mines operationally, except in exceptional circumstances and with specific ministerial authorization; and would also extend with immediate effect its national export moratorium to prohibit the export of all types of anti-personnel landmines to all destinations. On 16 May, the United States President, in announcing his Government's landmine policy, stated that the country would undertake not to use, and to place in inactive stockpile status with intent to demilitarize by the end of 1999, all non-self-destructing anti-personnel landmines not needed to train personnel engaged in demining and countermining operations, or to defend the United States and its allies from armed aggression across the Korean Demilitarized Zone. Between the present and the time an international agreement took effect, the United States would reserve the option to use self-destructing/self-deactivating anti-personnel landmines, subject to the restrictions it had accepted in the Convention on Certain Conventional Weapons, in military hostilities to safeguard American lives and hasten the end of fighting.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 S**.

#### **An international agreement to ban anti-personnel landmines**

The General Assembly,

Recalling with satisfaction its resolutions 48/75 K of 16 December 1993, 49/75 D of 15 December 1994 and 50/70 O of 12 December 1995, in which it, inter alia, urged States to implement moratoriums on the export of anti-personnel landmines,

Also recalling with satisfaction its resolutions 49/75 D and 50/70 O, in which it, inter alia, established as a goal of the international community the eventual elimination of anti-personnel landmines,

Noting that, according to the 1995 report of the Secretary-General entitled "Assistance in mine clearance", it is estimated that there are one hundred and ten million landmines in the ground in more than sixty countries throughout the world,

Noting also that, according to the same report, the global landmine crisis continues to worsen as an estimated two million new landmines are laid each year, while only an estimated one hundred and fifty thousand were cleared in 1995,

Expressing deep concern that anti-personnel landmines kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and the return

of internally displaced persons, and have other severe consequences for years after emplacement.

Gravely concerned about the suffering and casualties caused to non-combatants as a result of the proliferation, as well as the indiscriminate and irresponsible use, of anti-personnel landmines,

Recalling with satisfaction its resolutions 48/7 of 19 October 1993, 49/215 A of 23 December 1994 and 50/82 of 14 December 1995 calling for assistance in mine clearance,

Welcoming the recent decisions taken at the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly with respect to the amended Protocol II to the Convention, and believing that the amended Protocol is an essential part of the global effort to address problems caused by the proliferation, as well as the indiscriminate and irresponsible use, of anti-personnel landmines,

Welcoming also the adoption of the declaration entitled "Towards a Global Ban on Anti-Personnel Mines" by participants at the Ottawa International Strategy Conference on 5 October 1996, including its call for the earliest possible conclusion of a legally binding international agreement to ban anti-personnel landmines, and further welcoming the follow-on conference at Brussels in June 1997,

Welcoming further the recent decisions taken by States to adopt various bans, moratoriums or other restrictions on the use, stockpiling, production and transfer of anti-personnel landmines, and other measures taken unilaterally as well as multilaterally,

Recognizing the need to conclude an international agreement to ban all anti-personnel landmines as soon as possible,

1. Urges States to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible;

2. Urges States that have not yet done so to accede to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and Protocol II as amended on 3 May 1996, and urges all States immediately to comply to the fullest extent possible with the applicable rules of Protocol II as amended;

3. Welcomes the various bans, moratoriums or other restrictions already declared by States on anti-personnel landmines;

4. Calls upon States that have not yet done so to declare and implement such bans, moratoriums or other restrictions—particularly on operational use and transfer—at the earliest possible date;

5. Requests the Secretary-General to prepare a report on steps taken to complete an international agreement banning the use, stockpiling, production and transfer of anti-personnel landmines, and on other steps taken by Member States to implement such bans, moratoriums or other restrictions and to submit it to the General Assembly at its fifty-second session under the item entitled "General and complete disarmament";

6. Requests Member States to provide the requested information for the report of the Secretary-General on steps taken to complete an international agreement banning the use, stockpiling, production and transfer of anti-personnel landmines, and on other steps taken to implement bans, moratoriums or other restrictions on anti-personnel landmines and to submit such information to the Secretary-General by 15 April 1997.

General Assembly resolution 51/45 S

10 December 1996 Meeting 79 155-0-10 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (141-0-10), 13 November (meeting 21); 116-nation draft (A/C.1/51/L.46); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 21; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Belarus, China, Cuba, Democratic People's Republic of Korea, Israel, Pakistan, Republic of Korea, Russian Federation, Syrian Arab Republic, Turkey.

## Excessively injurious conventional weapons

### Convention and Protocol

In accordance with General Assembly resolution 50/74 [YUN 1995, p. 222], the Secretary-General, in a July report [A/51/254], presented information on actions taken between 1 July 1995 and 30 June 1996 concerning the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects [YUN 1980, p. 86], and its three Protocols (dealing with non-detectable fragments; mines, booby traps and other devices; and incendiary weapons). The Convention is also known as the Convention on Certain Conventional Weapons.

As at 31 December 1996, 63 States were parties to the Convention. During the year, Djibouti, Georgia, Luxembourg, Mauritius, the Philippines and the former Yugoslav Republic of Mace-

donia became parties to the Convention and its Protocols, which had entered into force in 1983 [YUN1983,p.66].

### Review conference

Pursuant to its 1995 decision [YUN 1995, p. 222] to continue work on amendments to the Convention's Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, the Review Conference of the Convention on Certain Conventional Weapons met twice during the year (Geneva, 15-29 January and 22 April-3 May) [CCW/CONF.I/16].

The first resumed session focused on the further elaboration of articles 2 to 6 and the Technical Annex of Protocol II, concentrating on military-technical aspects, with a view to finding acceptable compromises that would strengthen the provisions of the Protocol. The work was carried out within the framework of the President's consultations.

On 19 January, the President submitted to the Conference a working paper incorporating changes to articles 2 to 6 and the Technical Annex of the draft amending Protocol II contained therein for the consideration of delegations, and to serve as a basis for the work of the concluding session of the Review Conference. The President's text reflected the stage of negotiations as seen by the President and did not commit any delegation. The parties agreed to continue negotiations on the basis of that text, with a view to reaching agreement on an amended Protocol II during the concluding phase of the resumed session, in April.

At the second resumed session, the Conference continued its work on amending Protocol II through the President's consultations and consultations of Friends of the Chair. While the President himself undertook to work on the understanding regarding technical matters, the Friends of the Chair dealt with those provisions of the Protocol relating to consultations and compliance, technical cooperation and assistance, transfers, and protection from the effects of minefields, mined areas, mines, booby traps and other devices. As agreed to during the first resumed session, the President's texts on Protocol II and its Technical Annex served as a basis for the negotiations.

On 3 May, the President's consultations and those of his Friends resulted in a compromise agreement to amend Protocol II in a number of important areas. The scope of application of the Protocol was extended to cover both international and internal armed conflicts; restrictions on the use of all types of mines were increased significantly; the use of non-detectable anti-

personnel mines was prohibited, albeit with a long period of deferral (nine years from the entry into force of the Protocol as amended); the use of non-self-destructing and non-self-deactivating mines outside fenced, monitored and marked areas was prohibited; the transfer of non-detectable anti-personnel mines was prohibited with effect from the Protocol's entry into force, i.e., after 20 States parties had notified their consent to be bound by the Protocol. There was, however, a political obligation to refrain from such transfers with effect from the date of the Protocol's adoption. Broader obligations of protection in favour of peacekeeping and other UN missions and agencies were imposed on States parties or parties to a conflict; and the Protocol required States to enforce compliance with its provisions within their jurisdiction, and called for penal sanctions in case of violation. Annual conferences were instituted to ensure periodic reviews of the operation of the provisions of the Protocol. The UN Secretary-General, in his capacity as depositary, would convene, at an early date following entry into force of the Protocol, a preparatory meeting for the first Annual Conference to elaborate draft rules of procedure and agenda items, which might include a review of the operation and status of the Protocol.

Although the focus of the resumed session was on amending Protocol II, the Conference did continue its review of the scope and operation of the Convention and its annexed protocols and its elaboration of a Final Declaration.

In its review of the preamble of the Convention, the Conference stressed the obligation of parties to determine whether the use of a weapon that they were considering to develop or acquire would in some or all circumstances be unlawful, and reaffirmed the need to continue the progressive development of international law applicable to conventional weapons that might be excessively injurious or have indiscriminate effects. Parties emphasized the desirability of achieving universal adherence by the year 2000.

In connection with article 1 (scope of application of the Convention and its annexed protocols), the parties agreed to broaden the scope of Protocol II to include conflicts not of an international character. With a view to ensuring the effectiveness of the Convention, parties recognized that it was important that the provisions of the Convention be well known to their respective armed forces (article 6, "Dissemination"). It was widely felt that international cooperation and collaboration could facilitate that process, for example, through the exchange of experience at all levels and the exchange of instructors. In that

context, Switzerland's offer to host a seminar on dissemination was noted.

The Convention made no provision for convening review conferences at regular intervals (article 8). Participants agreed, however, that such conferences should be held more frequently, and considered doing so every five years. They decided, consistent with article 8, subparagraph 3(c), to convene a review conference five years following the entry into force of the amendments that they were in the process of adopting, but in any case not later than 2001 with preparatory expert meetings starting as early as 2000 if necessary. Concerning the next Review Conference, Switzerland proposed the consideration of an additional protocol on small-calibre weapons and ammunition; Sweden, measures related to naval mines; and Mexico, consideration of certain other conventional weapons.

On 3 May, the Conference concluded its work with the adoption of amended Protocol II and the Final Declaration.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/49**.

#### **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**

The General Assembly,

Recalling its resolution 50/74 of 12 December 1995 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), which entered into force on 2 December 1983,

Also recalling with satisfaction the adoption, on 13 October 1995, of the Protocol on Blinding Laser Weapons (Protocol IV),

Reaffirming its conviction that a general and verifiable agreement on prohibitions or restrictions on the use of certain conventional weapons would significantly reduce the suffering of civilians and combatants,

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by the existing Protocols or to review the scope and application of the Convention and the Protocols annexed thereto and to examine any proposed amendments or additional protocols,

Welcoming the fact that the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects met at resumed sessions at Geneva from 15 to 19 January 1996 and from 22 April to 3 May 1996 and concluded its work,

Particularly welcoming the adoption on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),

Recalling the desire expressed by the States party to the Convention that all States, pending the entry into force of the amended Protocol, respect and ensure respect for the substantive provisions of the amended Protocol to the fullest extent possible,

Also recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols annexed thereto,

Welcoming the national measures adopted by an increasing number of Member States relating to bans, moratoriums or restrictions on the transfer, use or production of anti-personnel landmines or to the reduction of existing stockpiles of such mines,

Desirous of reinforcing international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons, in particular for the removal of minefields, mines and booby traps,

Recalling, in this respect, its resolution 50/82 of 14 December 1995 and previous resolutions on assistance in mine clearance,

Noting with appreciation contributions pledged to the Voluntary Trust Fund for Assistance in Mine Clearance,

1. Registers its satisfaction with the report of the Secretary-General;

2. Welcomes the fact that additional States have ratified or accepted the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which was opened for signature in New York on 10 April 1981, or have acceded to the Convention;

3. Urgently calls upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and its Protocols, and upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

4. Calls upon the Secretary-General, in his capacity as depositary of the Convention and the Protocols annexed thereto, to continue to inform it periodically of ratifications and acceptances of and accessions to the Convention and the Protocols;

5. Takes note with appreciation of the final report of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, adopted at Geneva on 3 May 1996;

6. Commends the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) to all States, with a view to achieving the widest possible adherence to this instrument at an early date, and calls, in particular, on the States parties to express their consent to be bound by

the Protocol with a view to its entry into force as soon as possible;

7. Again commends the Protocol on Blinding Laser Weapons (Protocol IV) to all States, with a view to achieving the widest possible adherence to this instrument at an early date, and calls, in particular, on the States parties to express their consent to be bound by the Protocol with a view to its entry into force as soon as possible;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

General Assembly resolution 51/49

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.15) without vote, 13 November (meeting 21); 48-nation draft (A/C.1/51/L.40); agenda item 75. Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 21; plenary 79.

## Confidence-building

### UN Register of Conventional Arms

Pursuant to General Assembly resolution 50/70 D [YUN 1995, p. 213], the Secretary-General published in August the fourth annual report [A/51/300 & Add.1-5] on the United Nations Register of Conventional Arms, established in 1992 [YUN 1992, p. 75] to promote enhanced levels of transparency regarding arms transfers. The report contained information provided by 96 Governments for the calendar year 1995 on imports and exports of conventional arms in the seven categories (battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers) covered under the Register and/or background information on their military holdings, procurement through national production, legislation and policies. Of the 32 Governments submitting information, 27 reported on military holdings and 19 on procurement through national production. The submissions for 1995 revealed again high participation by Western European States and the same or higher level of participation from those of Asia and Eastern Europe. Participation from nations of Latin America and the Caribbean was lower than in previous years. Participation from African and Middle Eastern States remained low. After four years of operation, the overall number of participants in the Register continued to increase, rising to 134.

Although not all publicly known importers participated in the Register, the information provided by the major exporters reflected most "import" transactions. Twenty-three States that were identified by exporting States as recipients of

arms in 1995—as compared to 19 in 1994, 19 in 1993 and 25 in 1992—did not participate in the information exchange.

The question of the continued operation and further development of the Register was scheduled for examination in 1997 by a Group of Governmental Experts, which was to consider issues related to participation, adjustment of the categories of weapons covered, the addition of new categories of weapons and the possible inclusion of information on military holdings and procurement through national production on the same basis as information on imports and exports.

### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 H**.

#### Transparency in armaments

The General Assembly,

Recalling its resolutions 46/36 L of 9 December 1991, 47/52 L of 15 December 1992, 48/75 E of 16 December 1993, 49/75 C of 15 December 1994 and 50/70 D of 12 December 1995,

Continuing to take the view that an enhanced level of transparency in armaments contributes greatly to confidence-building and security among States and that the establishment of the United Nations Register of Conventional Arms constitutes an important step forward in the promotion of transparency in military matters,

Welcoming the consolidated report of the Secretary-General on the Register, which includes the returns of Member States for 1995,

Welcoming also the response of Member States to the request contained in paragraphs 9 and 10 of resolution 46/36 L to provide data on their imports and exports of arms, as well as available background information regarding their military holdings, procurement through national production and relevant policies,

Welcoming further the report of the Disarmament Commission at its 1996 session on the subject of international arms transfers, which was adopted by consensus,

Stressing that the continuing operation of the Register and its further development should be reviewed in order to secure a Register that is capable of attracting the widest possible participation,

1. Reaffirms its determination to ensure the effective operation of the United Nations Register of Conventional Arms as provided for in paragraphs 7, 8, 9 and 10 of resolution 46/36 L;

2. Calls upon Member States to provide the requested data and information for the Register, on the basis of resolutions 46/36 L and 47/52 L and the annex and appendices to the 1994 report of the Secretary-General on the continuing operation of the Register and its further development, to the Secretary-General by 30 April annually;

3. Reaffirms its decision, with a view to the further development of the Register, to keep the scope of and participation in the Register under review, and, to that end:



(a) Recalls its request to Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction;

(b) Recalls its request to the Secretary-General, with the assistance of a group of governmental experts to be convened in 1997, on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development, taking into account the report of the Disarmament Commission at its 1996 session on the subject of international arms transfers, the work of the Conference on Disarmament, the views expressed by Member States and the 1994 report of the Secretary-General on the continuing operation of the Register and its further development, with a view to a decision at its fifty-second session;

4. Requests the Secretary-General to ensure that sufficient resources are made available for the Secretariat to operate and maintain the Register;

5. Invites the Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments;

6. Reiterates its call upon all Member States to cooperate at the regional and subregional levels, taking fully into account the specific conditions prevailing in the region or subregion, with a view to enhancing and coordinating international efforts aimed at increased openness and transparency in armaments;

7. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the progress made in implementing the present resolution;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "Transparency in armaments".

#### General Assembly resolution 51/45 H

10 December 1996 Meeting 79 154-0-15 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (133-0-15), U November (meeting 22); 95-nation draft (A/C.1/51/L.18); agenda item 71 (b).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 16, 22; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Algeria, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, India, Indonesia, Iran, Lebanon, Libyan Arab Jamahiriya, Mexico, Myanmar, Nigeria, Saudi Arabia, Syrian Arab Republic.

In the Committee, paragraphs 3(b) and 5 were adopted by separate recorded votes of 124 to none, with 11 abstentions, and 125 to none, with 14 abstentions, respectively.

The Assembly retained those paragraphs by recorded votes of 147 to none, with 13 abstentions, and 146 to none, with 18 abstentions, respectively.

#### Transparency of military budgets

In June, the Secretary-General submitted a report [A/51/179] containing the views of Italy on behalf of the European Union (EU) and of the countries of Central and Eastern Europe associated with it (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia), as well as of the associated countries Cyprus and Malta, in reply to his request on ways to implement guidelines and recommendations for objective information on military matters, pursuant to General Assembly resolution 49/66 [YUN 1994, p. 161].

In a July report [A/51/209], the Secretary-General provided information received from 28 Member States concerning their military expenditures, as requested by the General Assembly in resolution 40/91 B [YUN 1985, p. 84]. Annexed to the report was the standardized form for international reporting of military expenditures.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/38**.

#### Objective information on military matters, including transparency of military expenditures

The General Assembly,

Recalling its resolution 49/66 of 15 December 1994 on objective information on military matters, including transparency of military expenditures,

Also recalling its resolution 35/142 B of 12 December 1980, which introduced the United Nations system for the standardized reporting of military expenditures, and its resolution 48/62 of 16 December 1993, calling upon all Member States to participate in it, and its resolution 47/54 B of 9 December 1992, endorsing the guidelines and recommendations for objective information on military matters and inviting Member States to provide relevant information to the Secretary-General regarding their implementation,

Noting that since then national reports on military expenditures and on the guidelines and recommendations for objective information on military matters have been submitted by a number of Member States belonging to different geographic regions,

Welcoming the report of the Secretary-General on ways and means to implement the guidelines and recommendations for objective information on military

matters, including, in particular, how to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures,

Expressing its appreciation to the Secretary-General for providing Member States with the reports on military expenditures in standardized form reported by States and on guidelines and recommendations for objective information on military matters,

Welcoming the decision of many Member States to exchange and to publish information annually on their military budgets and to implement the guidelines and recommendations for objective information on military matters, as appropriate,

Reaffirming its firm conviction that a better flow of objective information on military matters can help to relieve international tension and contribute to the building of confidence among States and to the conclusion of concrete disarmament agreements,

Convinced that the improvement of international relations forms a sound basis for promoting further openness and transparency in all military matters,

Recalling that the guidelines and recommendations for objective information on military matters recommended certain areas for further consideration, such as the improvement of the United Nations system for the standardized reporting of military expenditures,

1. Recommends the guidelines and recommendations for objective information on military matters to all Member States for implementation, fully taking into account specific political, military and other conditions prevailing in a region, on the basis of initiatives and with the agreement of the States of the region concerned;

2. Calls upon all Member States to report annually, by 30 April, to the Secretary-General their military expenditures for the latest fiscal year for which data are available, using, for the time being, the reporting instrument as recommended in its resolution 35/142 B;

3. Requests the Secretary-General to circulate annually the reports on military expenditures as received from Member States;

4. Also requests the Secretary-General to seek the views of Member States and make recommendations on necessary changes to the content and structure of the United Nations system for the standardized reporting of military expenditures in order to strengthen and broaden participation, and to submit a report within existing resources on the subject to the General Assembly at its fifty-second session;

5. Calls upon all Member States, in time for the deliberation by the General Assembly at its fifty-second session, to provide the Secretary-General with their views on ways and means to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures, including necessary changes to its content and structure;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Objective information on military matters, including transparency of military expenditures".

General Assembly resolution 51/38

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.2) without vote, 14 November (meeting 22); 30-nation draft (A/C.1/51/L.47); agenda item 61.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 16, 22; plenary 79.

## Arms transfers

### International arms transfers

**Disarmament Commission.** In 1996, the Disarmament Commission continued to consider the item "International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991" [YUN 1991, p. 56]. By that resolution, the Assembly had called on all States to give high priority to eradicating illicit trade in all kinds of weapons and military equipment.

Working Group I, which dealt with the item, based its discussion on the Chairman's 1995 working paper [YUN 1995, p. 218]. It agreed on a set of guidelines, covering both licit and illicit transfers, which the Commission subsequently adopted and annexed to its report [A/51/42].

The guidelines assigned equal responsibility to suppliers and recipients. The former were to seek to ensure that the quantity and level of sophistication of their exports did not contribute to instability and conflict, and the latter were to ensure that their level of armaments was commensurate with their legitimate self-defence and security requirements. The guidelines suggested a number of ways, both national and international, to ensure effective control over transfers, and proposed institutional arrangements, including the role of the United Nations.

### Illicit transfers

In accordance with General Assembly resolution 49/75 M [YUN 1994, p. 166], the Secretary-General, in a June report [A/51/181], provided information received from seven Governments regarding measures they had taken to curb the illicit transfer and use of conventional arms.

Pursuant to Assembly resolution 50/70 H [YUN 1995, p. 220], the Secretary-General transmitted an October report [A/51/452] on further developments regarding the issue of assistance to States for curbing the illicit traffic in small arms and collecting them.

As requested by the General Assembly in resolution 50/70 B [YUN 1995, p. 217], the Secretary-General appointed a Panel of Governmental Experts on Small Arms to prepare a report [A/52/298] on the types of small arms and light weapons actually used in conflicts, the causes of their excessive and destabilizing accumulation

and transfer, and the ways and means to prevent and reduce their transfer. The Panel held its first meeting in New York from 24 to 28 June 1996.

To gain better insight into the problems created by the accumulation, proliferation and use of small arms in various regions, the Panel decided to hold a series of workshops. The first regional workshop (Pretoria, South Africa, 23-25 September) adopted an appeal by which the participants declared themselves ready to adopt collective regional measures, including combating criminal activity, harmonizing national legislation, standardizing licensing procedures for arms possession, pooling relevant intelligence and entering into extradition agreements. They appealed to the donor community to make provision in their development assistance policies for programmes to reintegrate demobilized military personnel into civil society, and called on the United Nations to ensure that its post-conflict peace programmes included arrangements for destruction and disposal of weapons and for trade-off of weapons and equipment for gainful employment.

**Communication.** In accordance with Assembly resolution 50/70 B [YUN 1995, p. 217], Italy, by a letter [A/51/377] of 29 May addressed to the Secretary-General, presented a common reply to the resolution on behalf of the EU and of countries of Central and Eastern Europe associated with it—Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia—as well as of the associated countries Cyprus and Malta. The response dealt with definition of small arms, the nature and cause of the excessive and destabilizing accumulation and transfer of such arms, including their illicit trade, and ways and means of preventing or reducing the phenomenon.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 F**.

#### Measures to curb the illicit transfer and use of conventional arms

The General Assembly,

Recalling its resolution 46/36 H of 6 December 1991 and its decision 47/419 of 9 December 1992 on international arms transfers,

Recalling also its resolutions 48/75 F and H of 16 December 1993, 49/75 M of 15 December 1994 and 50/70 J of 12 December 1995 on measures to curb the illicit transfer and use of conventional arms,

Recognizing that the availability of massive quantities of conventional weapons and especially their illicit transfer, often associated with destabilizing activities, are most disturbing and dangerous phenomena, in particular for the internal situation of affected States and the violation of human rights,

Bearing in mind that in certain situations mercenaries, terrorists and child soldiers are supplied with weapons acquired from illicit transfers of conventional arms,

Convinced that peace and security are inextricably interlinked with and in some cases imperative for economic development and reconstruction, including in war-stricken countries,

Realizing the urgent need to resolve conflicts and to diminish tension, and to accelerate efforts towards general and complete disarmament with a view to maintaining regional and international peace and security,

Recognizing the curbing of the illicit transfer of arms as an important contribution to the relaxation of tension and peaceful reconciliation processes,

Stressing the need for effective national control measures on the transfer of conventional weapons,

Convinced that effective measures to curb the illicit transfer and use of conventional arms will help enhance regional and international peace, security and economic development,

1. Welcomes the adoption by the Disarmament Commission of the report on international arms transfers, with particular reference to General Assembly resolution 46/36 H, as well as a text entitled "Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991";

2. Invites Member States:

(a) To enact adequate national legislation and/or regulations and adopt administrative procedures in order to exercise effective control over armaments and the export and import of arms, inter alia, with the aim of preventing trafficking in illicit arms and bringing offenders to justice;

(b) To provide the Secretary-General, by 15 April 1997, with relevant information on national control measures on arms transfers with a view to preventing illicit arms transfers;

3. Also invites Member States to provide the Secretary-General, by 15 April 1997, with their views on:

(a) Effective ways and means of collecting weapons transferred illicitly, in particular in the light of experience gained by the United Nations;

(b) Concrete proposals concerning measures at national, regional and international levels to curb the illicit transfer and use of conventional arms;

4. Requests the Secretary-General:

(a) To submit to the General Assembly at its fifty-second session a report containing the views expressed by Member States;

(b) To report to the General Assembly at its fifty-second session on the effective implementation of the present resolution;

5. Decides to include in the provisional agenda of its fifty-second session the item entitled "Measures to curb the illicit transfer and use of conventional arms".

General Assembly resolution 51/45 F

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.11) without vote, 14 November (meeting 22); 15-nation draft (A/C.1/51/L.16); agenda item 71 (f).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 16, 22; plenary 79.

Also on 10 December, the Assembly adopted **resolution 51/45 L**.

### **Assistance to States for curbing the illicit traffic in small arms and collecting them**

The General Assembly,

Recalling its resolutions 46/36 H of 6 December 1991, 47/52 G and J of 9 December 1992, 48/75 H and J of 16 December 1993, 49/75 G of 15 December 1994 and 50/70 H of 12 December 1995,

Considering that the illicit circulation of massive quantities of small arms throughout the world impedes development and is a source of increased insecurity,

Considering also that the illicit international transfer of small arms and their accumulation in many countries constitute a threat to the populations and to national and regional security and are a factor contributing to the destabilization of States,

Basing itself on the statement of the Secretary-General relating to the request of Mali concerning United Nations assistance for the collection of small arms,

Gravely concerned at the extent of the insecurity and banditry linked to the illicit circulation of small arms in Mali and the other affected States of the Saharo-Saharan subregion,

Taking note of the first conclusions of the United Nations advisory missions sent to the affected countries of the subregion by the Secretary-General to study the best way of curbing the illicit circulation of small arms and ensuring their collection,

Taking note also of the interest shown by other States of the subregion in receiving a United Nations advisory mission,

Noting the actions taken and those recommended at the meetings of the States of the subregion held at Banjul, Algiers and Bamako to establish close regional co-operation with a view to strengthening security,

1. Welcomes the initiative taken by Mali concerning the question of the illicit circulation of small arms and their collection in the affected States of the Saharo-Saharan subregion;

2. Also welcomes the action taken by the Secretary-General in implementation of this initiative in the context of General Assembly resolution 40/151 H of 16 December 1985;

3. Thanks the Governments concerned in the subregion for the substantial support that they have given to the United Nations advisory missions, and welcomes the declared readiness of other States to receive the United Nations Advisory Mission;

4. Encourages the Secretary-General to continue his efforts, in the context of the implementation of resolution 49/75 G and of the recommendations of the United Nations advisory missions, to curb the illicit circulation of small arms and to collect such arms in the affected States that so request, with the support of the United Nations Regional Centre for Peace and Disarmament in Africa and in close cooperation with the Organization of African Unity;

5. Notes that, as part of its efforts to halt the flow of small arms into Mali and the Saharo-Saharan subregion, the Malian Government oversaw the destruction, at the "Flame of Peace" ceremony held at Timbuktu on 27 March 1996, of thousands of small arms handed over by ex-combatants of the armed movements of northern Mali;

6. Encourages the setting up in the countries of the Saharo-Saharan subregion of national commissions against the proliferation of small arms;

7. Requests the Secretary-General to continue to examine the issue and to report to the General Assembly at its fifty-second session.

General Assembly resolution 51/45 L

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.11) without vote, 13 November (meeting 21); 20-nation draft (A/C.1/51/L.35), orally revised; agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 16, 20, 21; plenary 79.

On the same date, the Assembly adopted **resolution 51/45 N**.

### **Consolidation of peace through practical disarmament measures**

The General Assembly,

Reaffirming the purpose of the United Nations to maintain peace and security and, in this context, reaffirming in particular the role of the United Nations in the field of disarmament, as well as the commitment of Member States to take concrete steps in order to strengthen that role,

Convinced that a comprehensive and integrated approach towards certain practical disarmament measures, such as, inter alia, arms control, particularly with regard to small arms and light weapons, confidence-building measures, demobilization and reintegration of former combatants, demining and conversion, often is a prerequisite to maintaining and consolidating peace and security and thus provides a basis for effective rehabilitation and social and economic development,

Noting in this context the reports of the Secretary-General entitled "An Agenda for Peace" and "Supplement to an Agenda for Peace" in which the Secretary-General, inter alia, stressed the urgent need for "practical disarmament in the context of the conflicts the United Nations is actually dealing with and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands", and in which, with regard to practical disarmament measures, the Secretary-General stated that "the assembly, control and disposal of weapons has been a central feature of most of the comprehensive peace settlements in which the United Nations has played a peacekeeping role",

Recalling its resolutions 49/75 M of 15 December 1994 and 50/70 B and 50/70 J of 12 December 1995 concerning small arms and light weapons, as well as the control and the illicit transfer of such weapons, and, in this context, encouraging the work of the United Nations expert panel on small arms,

Welcoming the adoption by the Disarmament Commission of the "Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991",

Recalling its resolutions 49/75 G of 15 December 1994 and 50/70 H of 12 December 1995, in which it welcomed the initiative taken by Mali concerning the question of illicit circulation of small arms and their collection in the affected States of the Saharo-Saharan

subregion, as well as the action taken by the Secretary-General in the implementation of that initiative,

Welcoming, in this context, the measures taken and other ongoing efforts by the Central African States to promote, within the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa, confidence-building and conflict prevention in their subregion,

Recalling its resolution 50/70 D of 12 December 1995 on transparency in armaments, and continuing to take the view that an enhanced level of transparency could contribute to confidence-building and security among States,

Recalling also its resolutions 50/70 O and 50/74 of 12 December 1995 and 50/82 of 14 December 1995 addressing the global landmine problem,

Welcoming the adoption on 3 May 1996 of a revised Protocol II by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as a further step, and also welcoming respective national measures adopted by a growing number of States,

1. Stresses the particular importance of certain practical disarmament measures, such as the collection, control and disposal of arms, especially small arms and light weapons, coupled with restraint over the production and procurement as well as transfers of such arms, the demobilization and reintegration of former combatants, demining and conversion, for the maintenance and consolidation of peace and security in areas that have suffered from conflict;
2. Underlines the important role of the United Nations in providing a political framework for such practical disarmament measures in those areas and in facilitating their implementation;
3. Requests the Secretary-General, in the light of experience gained from conflict resolution, to make recommendations and suggestions for an integrated approach to such practical disarmament measures, taking also into account the work of the United Nations expert panel on small arms, and to report thereon to the General Assembly at its fifty-second session;
4. Also requests the Secretary-General, in this connection, to seek the views of Member States on this subject and to include them in his report;
5. Calls upon Member States, as well as regional arrangements or agencies, to assist the Secretary-General in his endeavours in this regard and to contribute actively to the implementation of such practical disarmament measures;
6. Encourages United Nations organs and agencies to join in this task within the framework of their responsibilities, in particular the United Nations Institute for Disarmament Research on the basis of its Disarmament and Conflict Resolution Project;
7. Decides to include in the provisional agenda of its fifty-second session an item entitled "Consolidation of peace through practical disarmament measures".

General Assembly resolution 51/45 N

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.11) without vote, 15 November (meeting 24); 43-nation draft (A/C.1/51/L.38/Rev.1); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 24; plenary 79.

## Regional approaches to disarmament

### Africa

The signing in April in Cairo of the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba) constituted an important contribution by the African countries to the maintenance of international peace and security (see above, under "Nuclear-weapon-free zones").

Reports of the Secretary-General described demobilization, collection of arms and the reintegration of military forces into civilian society in Angola [S/1996/1000], Liberia [S/1997/90] and Sierra Leone [S/1997/80].

In Angola, the Government and the União Nacional para a Independência Total de Angola (UNITA) continued talks on completing the formation of the Angolan Armed Forces (FAA), and they agreed on a timetable for the quartering of UNITA troops and their incorporation into FAA. Only limited progress was made in that area during 1996, however. The disarmament and demobilization processes in Liberia began on 22 November as scheduled and, despite constraints, made some progress by the end of the year, especially in extending the demobilization exercise to all designated disarmament sites. With respect to Sierra Leone, a Peace Agreement was signed in Abidjan, Cote d'Ivoire, on 30 November by the newly elected Government and the Revolutionary United Front, under which the United Nations was requested to lend its assistance, in particular with demobilization and the reintegration of former combatants.

The International Commission of Inquiry, established by Security Council resolution 1013(1995) [YUN 1995, p. 382] to investigate reports of military training of and arms transfers to former Rwandan government forces, completed its work in March [S/1996/195]. The Commission recommended that, when an arms embargo was imposed, neighbouring States be encouraged to participate in a data bank of movements and acquisitions of small arms; that they be urged to adhere to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects [YUN 1980, p. 76], especially its Protocol II, on land-

mines; and that suppliers be requested not to transfer such arms to non-State entities.

Two forums took place in 1996 to address the problems of destabilization and armed conflict: a regional workshop on small arms, convened by the Panel of Governmental Experts on Small Arms (Pretoria, South Africa, 23-25 September) (see above), and a High-level Consultation on Post-conflict Peace-building in West Africa: Political and Development Initiatives (New York, 21 October) [A/51/730-S/1996/1043], held under the auspices of the Secretary-General. The Consultation was attended by the members of the Economic Community of West African States (ECOWAS), 21 donor countries and five multilateral institutions.

The Secretary-General, in an August report [A/51/287], stated that he had attended the first meeting of heads of State and Government of States members of the UN Standing Advisory Committee on Security Questions in Central Africa (Yaounde, Cameroon, 8 July) [A/51/274-S/1996/631]. At the meeting, a Non-Aggression Pact designed to prevent future armed conflicts among the States of the subregion was signed by Burundi, Cameroon, Chad, the Congo, Equatorial Guinea, Gabon, Sao Tome and Principe, and Zaire. Subsequently, it was also signed by the Central African Republic. The Final Declaration of the summit set out a course of action on subregional security cooperation and outlined a number of specific measures, among them establishment under UN auspices of an early warning mechanism, a disarmament programme to deal with the wide proliferation of weapons, and model peacekeeping units within the armed forces of member States. Subsequently, the first training seminar, for senior military and civilian officials who would train the specialized peacekeeping units took place in Yaounde from 9 to 17 September.

Convinced of the value of coordinating policies in order to strengthen regional stability, the heads of State or Government of the Southern African Development Community (SADC) met in Gaborone, Botswana, on 28 June [A/50/1001] and established the SADC Organ on Politics, Defence and Security. Among its objectives were to mediate inter-State and intra-State disputes; pre-empt conflict through an early warning system; develop a collective security capacity and a regional peacekeeping capacity; and encourage and monitor the ratification of international and regional arms control and disarmament conventions. (See also PART ONE, Chapter II.)

## Asia and the Pacific

Concerning nuclear issues, France, the United Kingdom and the United States on 25 March signed the three Protocols to the 1985 South Pacific Nuclear Free Zone Treaty, thereby contributing to stability in the Asian-Pacific region. In addition, consultations continued between members of the Association of South-East Asian Nations (ASEAN) and the nuclear-weapon States regarding the Protocol to the 1995 Treaty on the South-East Asia Nuclear-Weapon-Free Zone, known as the Bangkok Treaty (see above under "Nuclear-weapon-free zones").

Significant confidence-building took place in various subregions. On 26 April, China, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan signed an agreement in Shanghai, China, on confidence-building in the military field in the border area [A/51/137]. By the 16-article Agreement, the Joint Party (Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan) and China committed themselves to a series of confidence-building measures, such as information exchanges on their respective border units, notification of large-scale military activity, invitation of observers to military exercises, and increased cooperation between the armed forces in contiguous military districts. The Agreement stated that armed forces in the border area "shall not be used to attack the other Party or carry out any military activity threatening the other Party and disturbing tranquillity and stability in the border area". Also in April, China and the Russian Federation reaffirmed their commitment to resolve outstanding boundary issues between them and agreed to set up a telephone hotline between their capitals [A/51/127].

At the third ASEAN Regional Forum (ARF) meeting (Jakarta, Indonesia, 23 July), the issues discussed included the security situations in the South China Sea and on the Korean peninsula. ARF held meetings of the Inter-sessional Support Group on Confidence-building Measures (Tokyo, 18 and 19 January; Jakarta, 15 and 16 April). The Group proposed more dialogue on security issues and information exchange on defence programmes.

## Europe

Important issues related to confidence-building and international security, such as the projected enlargement of the North Atlantic Treaty Organization (NATO) and the modernization of the 1990 Conventional Armed Forces in Europe Treaty (CFE), preoccupied European countries throughout most of 1996. At the first CFE Treaty Review Conference (Vienna, 15-31 May), member States reaffirmed the fundamen-

tal role of the Treaty with regard to European security and resolved to continue the conventional arms control process. The parties agreed to begin negotiations on modernization in Vienna in January 1997.

In the context of regional efforts to deal with arms control issues and plans to enlarge NATO, 54 heads of State of the Organization for Security and Cooperation in Europe (OSCE) met in Lisbon, Portugal, on 2 and 3 December, to assess the situation.

By a letter of 4 December [A/51/716], the Permanent Observer Mission of Switzerland to the United Nations transmitted to the Secretary-General the Lisbon Document, adopted on 3 December, which contained the Lisbon Summit Declaration and the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century. It also contained a Framework for Arms Control and information on the development of the agenda of the Forum for Security Cooperation, which aimed at strengthening security and stability within the OSCE community of States. In the Lisbon Document, OSCE articulated a vision of a common security space for Europe in which all member States were equal partners—a concept elaborated on in its Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century and the Framework for Arms Control. In the latter document, members stressed that arms control was an integral part of OSCE's comprehensive and cooperative concept of security, and that the CFE Treaty had established a core of military stability and predictability that was fundamental to the security of OSCE members.

Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and Republika Srpska, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) signed the Agreement on Subregional Arms Control on June 14, in Florence, Italy. The parties agreed to set limits on five categories of armaments—battle tanks, armoured combat vehicles, artillery of 75 millimetre calibre and above, combat aircraft, and attack helicopters. They also agreed to an extensive information exchange and on-site inspection regime to verify compliance with the Agreement. The Agreement established the Subregional Consultative Commission to act as an implementation review body, the chairmanship of which would rotate among the parties (see also PART ONE, Chapter V).

### **Latin America and the Caribbean**

Regional efforts to promote peace and security in the Americas continued during the year, with

some significant achievements. On 30 December [S/1996/1045/Add.2], the Secretary-General informed the Security Council that the Agreement on a Firm and Lasting Peace had been signed on 29 December between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca. To support the peace process, the Secretary-General requested the Council to approve the establishment of a military component in the existing UN Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, to undertake verification of the ceasefire, the separation of forces and the demobilization of combatants, as called for in the peace accords.

Regarding the border dispute that had erupted into armed confrontation between Ecuador and Peru in 1995 [YUN 1995, p. 214], the parties, by the Santiago Agreement signed on 29 October, decided to begin substantive talks to reach a complete and lasting solution to their differences [A/51/648-S/1996/900].

As part of its continuing efforts to enhance regional confidence-building and transparency in military matters, the Organization of American States (OAS) on 7 June adopted a resolution dealing with confidence- and security-building measures in the Americas, by which it urged member States to implement the recommendations of the 1995 Declaration of Santiago on Confidence- and Security-building Measures [YUN 1995, p. 214], and requested them to provide the OAS Secretary-General, by 15 May each year, with the same information that they submitted to the UN Register of Conventional Arms and to the UN standardized system of reporting of military expenditures.

Concerned that there were still approximately 170,000 anti-personnel landmines in Central America, OAS adopted on 7 June a resolution by which member States committed themselves to the global elimination of anti-personnel landmines and to conversion of the western hemisphere into a mine-free zone. Member States were urged to adhere to the 1980 Convention on Certain Conventional Weapons, especially amended Protocol II (see above, under "Landmines"). It also called for the establishment of a complete and integrated registry of anti-personnel landmines based on information provided annually by member States with respect to the approximate numbers of mines in their stockpiles, the number removed during the past year, and plans for clearance. In addition, it urged members to establish stockpile controls, to adopt domestic legislation to prohibit the private possession and transfer of mines and to inform the OAS Secretary-General of such action.

At a high-level meeting (Cochabamba, Bolivia, 3 and 4 September), members of the Rio Group attending the meeting—Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica (representing the Central American countries), Ecuador, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago (representing the Caribbean Community), Uruguay, Venezuela—approved in principle two proposals of Mexico: adoption of a convention to impede the illicit transfer of weapons and adoption of measures to prevent an arms race in Latin America and the Caribbean.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 K**.

#### Regional disarmament

The General Assembly,

Recalling its resolutions 45/58 P of 4 December 1990, 46/36 I of 6 December 1991, 47/52 J of 9 December 1992, 48/75 I of 16 December 1993, 49/75 N of 15 December 1994 and 50/70 K of 12 December 1995 on regional disarmament,

Believing that the efforts of the international community to move towards the ideal of general and complete disarmament are guided by the inherent human desire for genuine peace and security, the elimination of the danger of war and the release of economic, intellectual and other resources for peaceful pursuits,

Affirming the abiding commitment of all States to the purposes and principles enshrined in the Charter of the United Nations in the conduct of their international relations,

Noting that essential guidelines for progress towards general and complete disarmament were adopted at the tenth special session of the General Assembly,

Taking note of the guidelines and recommendations for regional approaches to disarmament within the context of global security adopted by the Disarmament Commission at its 1993 substantive session,

Welcoming the prospects of genuine progress in the field of disarmament engendered in recent years as a result of negotiations between the two super-Powers,

Taking note of the recent proposals for disarmament and nuclear non-proliferation at the regional and subregional levels,

Recognizing the importance of confidence-building measures for regional and international peace and security,

Convinced that endeavours by countries to promote regional disarmament, taking into account the specific characteristics of each region and in accordance with the principle of undiminished security at the lowest level of armaments, would enhance the security of smaller States and would thus contribute to international peace and security by reducing the risk of regional conflicts,

1. Stresses that sustained efforts are needed, within the framework of the Conference on Disarmament and under the umbrella of the United Nations, to make progress on the entire range of disarmament issues;

2. Affirms that global and regional approaches to disarmament complement each other and should

therefore be pursued simultaneously to promote regional and international peace and security;

3. Calls upon States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels;

4. Welcomes the initiatives towards disarmament, nuclear non-proliferation and security undertaken by some countries at the regional and subregional levels;

5. Supports and encourages efforts aimed at promoting confidence-building measures at the regional and subregional levels in order to ease regional tensions and to further disarmament and nuclear non-proliferation measures at the regional and subregional levels;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Regional disarmament".

General Assembly resolution 51/45 K

10 December 1996 Meeting 79 170-0-1 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (145-0-1), U November (meeting 22); 26-nation draft (A/C.1/51/L.31); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 22; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: India.

Also on 10 December, the Assembly adopted **resolution 51/45 Q**.

#### Conventional arms control at the regional and subregional levels

The General Assembly,

Recalling its resolutions 48/75 J of 16 December 1993, 49/75 O of 15 December 1994 and 50/70 L of 12 December 1995,

Recognizing the crucial role of conventional arms control in promoting regional and international peace and security,

Convinced that conventional arms control needs to be pursued primarily in the regional and subregional contexts since most threats to peace and security in the



post-cold-war era arise mainly among States located in the same region or subregion,

Aware that the preservation of a balance in the defence capabilities of States at the lowest level of armaments would contribute to peace and stability and should be a prime objective of conventional arms control,

Desirous of promoting agreements to strengthen regional peace and security at the lowest possible level of armaments and military forces,

Noting with particular interest the initiatives taken in this regard in different regions of the world, in particular the commencement of consultations among a number of Latin American countries and the proposals for conventional arms control made in the context of South Asia, and recognizing, in the context of this subject, the relevance and value of the Treaty on Conventional Armed Forces in Europe, which is a cornerstone of European security,

Believing that militarily significant States, and States with larger military capabilities, have a special responsibility in promoting such agreements for regional security,

Believing also that an important objective of conventional arms control in regions of tension should be to prevent the possibility of military attack launched by surprise and to avoid aggression,

1. Decides to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels;

2. Requests the Conference on Disarmament, as a first step, to consider the formulation of principles that can serve as a framework for regional agreements on conventional arms control, and looks forward to a report of the Conference on this subject;

3. Decides to include in the provisional agenda of its fifty-second session the item entitled "Conventional arms control at the regional and subregional levels".

General Assembly resolution 51/45 Q

**10 December 1996 Meeting 79 164-1-2 (recorded vote)**

Approved by First Committee (A/51/566/Add.11) by recorded vote (144-1-4), 14 November (meeting 22); 17-nation draft (A/C.1/51/L.44/Rev.1); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 22; plenary 79.

Recorded vote in Assembly as follows:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United

Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: India.

Abstaining: Cuba, Libyan Arab Jamahiriya.

On the same date, the Assembly adopted **resolution 51/46 C**.

### **Regional confidence-building measures**

The General Assembly,

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

Bearing in mind the guidelines for general and complete disarmament adopted at its tenth special session, the first special session devoted to disarmament,

Recalling its resolutions 43/78 H and 43/85 of 7 December 1988, 44/21 of 15 November 1989, 45/58 M of 4 December 1990, 46/37 B of 6 December 1991, 47/53 F of 15 December 1992, 48/76 A of 16 December 1993, 49/76 C of 15 December 1994 and 50/71 B of 12 December 1995,

Considering the importance and effectiveness of confidence-building measures taken at the initiative and with the participation of all States concerned and taking into account the specific characteristics of each region, in that they can contribute to regional disarmament and to international security, in accordance with the principles of the Charter,

Convinced that the resources released by disarmament, including regional disarmament, can be devoted to economic and social development and to the protection of the environment for the benefit of all peoples, in particular those of the developing countries,

Convinced also that development can be achieved only in a climate of peace, security and mutual confidence both within and among States,

Bearing in mind the establishment by the Secretary-General on 28 May 1992 of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the purpose of which is to encourage arms limitation, disarmament, non-proliferation and development in the subregion,

Recalling the Brazzaville Declaration on Cooperation for Peace and Security in Central Africa,

1. Takes note of the report of the Secretary-General on regional confidence-building measures, which deals with the activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa in the period since the adoption by the General Assembly of resolution 50/71 B;

2. Reaffirms its support for efforts aimed at promoting confidence-building measures at regional and subregional levels in order to ease tensions and conflicts in the subregion and to further disarmament, non-proliferation and the peaceful settlement of disputes in Central Africa;

3. Also reaffirms its support for the programme of work of the Standing Advisory Committee adopted at the organizational meeting of the Committee held at Yaounde in July 1992;

4. Welcomes the fact that the Committee's programme of work has led to specific actions and measures promoting confidence-building and security in the Central African subregion;

5. Notes the holding of the First Summit of Heads of State and Government of Countries Members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, at Yaounde on 8 July 1996;

6. Welcomes with great satisfaction the signature at that Summit of the Non-Aggression Pact between the States members of the United Nations Standing Advisory Committee, and reaffirms its conviction that the Pact is likely to contribute to the prevention of conflicts and further confidence-building in the Central African subregion;

7. Invites the States members of the Standing Advisory Committee that have not yet signed the Pact to do so, and encourages all member States to expedite ratification so that it may enter into force as soon as possible;

8. Welcomes with satisfaction the Final Declaration of the First Summit of the Standing Advisory Committee, which aims at the implementation of the following measures:

(a) The promotion of participatory systems of governance as a means of preventing conflicts;

(b) The organization, under United Nations auspices, of training seminars for officers in the armed forces, republican guard, gendarmerie and police forces of the Central African States, in order to promote a culture of peace by explaining, once again, their role in a democratic context;

(c) The development of a programme to combat illicit arms trafficking, in order to remove this source of insecurity and a threat to the stability of States in the subregion;

(d) The setting-up, under United Nations auspices, of an early warning system as the basic instrument for preventive diplomacy in Central Africa;

(e) The strengthening of cooperation between States of the subregion and bilateral and multilateral partners on the question of peace and security in Central Africa;

9. Expresses its conviction that the democratic process offers a valuable means to build confidence, promote development and prevent conflicts, and welcomes with satisfaction the decision taken by the States members of the Standing Advisory Committee to hold a subregional conference at Brazzaville in January 1997 on the topic "Democratic institutions and peace in Central Africa";

10. Welcomes the holding, under United Nations auspices, of the first training seminar for instructors in peace operations, at Yaounde from 9 to 17 September 1996, with a view to strengthening the capacity of the units specializing in peace operations in the armed forces of the States members of the Standing Advisory Committee;

11. Expresses its gratitude to those Governments which responded favourably to the request from the General Assembly and contributed towards financing the aforementioned training seminar;

12. Emphasizes once again the importance of continuing with this training programme in order to strengthen the participation of States members of the Standing Advisory Committee in future United Nations peace operations;

13. Commends the Secretary-General for having established the Trust Fund for the United Nations Stand-

ing Advisory Committee on Security Questions in Central Africa;

14. Appeals to Member States and governmental and non-governmental organizations to make additional voluntary contributions to the Trust Fund for the implementation of the programme of work of the Standing Advisory Committee, in particular the measures and objectives referred to in paragraphs 8, 9 and 12 of the present resolution;

15. Requests the Secretary-General to continue to provide assistance to the States members of the Standing Advisory Committee to ensure that they are able to carry on with their efforts;

16. Also requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

17. Decides to include in the provisional agenda of its fifty-second session the item entitled "Regional confidence-building measures".

General Assembly resolution 51/46 C

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.12) without vote, 15 November (meeting 24); draft by Congo, for members of UN Standing Advisory Committee on Security Questions in Central Africa (A/C.1/51/L.15), orally revised; agenda item 72 (c).

Financial implications. S-G, A/C.1/51/L.52.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 22, 24; plenary 79.

## Other disarmament issues

In 1996, there were a number of issues that had been before the international community for some time, but that for various reasons were not directly addressed to any extent in the different disarmament forums. They were, however, the subject of resolutions adopted by the General Assembly. Studies, training and information programmes in the area of disarmament continued in 1996.

### Prevention of an arms race in outer space

Despite general agreement among Member States on re-establishing the ad hoc committee on the prevention of an arms race in outer space, the Conference on Disarmament [A/51/27] did not do so in 1996, mainly because it concentrated its efforts on the nuclear-test ban (see above, under "Comprehensive Nuclear-Test-Ban Treaty"). As a result, outer space issues, to the extent that they were addressed, were referred to in plenary meetings.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/44**.

### Prevention of an arms race in outer space

The General Assembly,

Recognizing the common interest of all mankind in the exploration and use of outer space for peaceful purposes,

Reaffirming the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes and shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development,

Reaffirming also provisions of articles III and IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Recalling the obligation of all States to observe the provisions of the Charter of the United Nations regarding the use or threat of use of force in their international relations, including in their space activities,

Reaffirming paragraph 80 of the Final Document of the Tenth Special Session of the General Assembly, in which it is stated that in order to prevent an arms race in outer space further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty,

Recalling its previous resolutions on this issue and taking note of the proposals submitted to the General Assembly at its tenth special session and at its regular sessions, and of the recommendations made to the competent organs of the United Nations and to the Conference on Disarmament,

Recognizing that prevention of an arms race in outer space would avert a grave danger for international peace and security,

Emphasizing the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, including bilateral agreements, and with the existing legal regime concerning the use of outer space,

Considering that wide participation in the legal regime applicable to outer space could contribute to enhancing its effectiveness,

Noting that the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, taking into account its previous efforts since its establishment in 1985 and seeking to enhance its functioning in qualitative terms, continued the examination and identification of various issues, existing agreements and existing proposals, as well as future initiatives relevant to the prevention of an arms race in outer space, and that this contributed to a better understanding of a number of problems and to a clearer perception of the various positions,

Regretting the inability of the Conference on Disarmament to re-establish the Ad Hoc Committee in 1996,

Emphasizing the mutually complementary nature of bilateral and multilateral efforts in the field of preventing an arms race in outer space, and hoping that concrete results will emerge from those efforts as soon as possible,

Convinced that further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space,

Stressing that the growing use of outer space increases the need for greater transparency and better information on the part of the international community,

Recalling in this context its previous resolutions, in particular resolutions 45/55 B of 4 December 1990, 47/51 of 9 December 1992 and 48/74 A of 16 December 1993, in which, inter alia, it reaffirmed the importance of confidence-building measures as means conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space,

Conscious of the benefits of confidence- and security-building measures in the military field,

Recognizing that the conclusion of an international agreement or agreements to prevent an arms race in outer space remains the fundamental task of the Ad Hoc Committee and that the concrete proposals on confidence-building measures could form an integral part of such agreements,

1. Reaffirms the importance and urgency of preventing an arms race in outer space, and the readiness of all States to contribute to that common objective, in conformity with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;

2. Reaffirms its recognition, as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, that the legal regime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space, that this legal regime plays a significant role in the prevention of an arms race in that environment, that there is a need to consolidate and reinforce that regime and enhance its effectiveness, and that it is important strictly to comply with existing agreements, both bilateral and multilateral;

3. Emphasizes the necessity of further measures with appropriate and effective provisions for verification to prevent an arms race in outer space;

4. Calls upon all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

5. Reiterates that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects;

6. Requests the Conference on Disarmament to re-establish the Ad Hoc Committee with a negotiating mandate at the beginning of its 1997 session, taking into account the work undertaken since 1985, with a view to conducting negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects;

7. Recognizes, in this respect, the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security in the peaceful uses of outer space;

8. Urges States conducting activities in outer space, as well as States interested in conducting such activities,

to keep the Conference on Disarmament informed of the progress of bilateral or multilateral negotiations relating to the prevention of an arms race in outer space, if any, so as to facilitate its work;

9. Decides to include in the provisional agenda of its fifty-second session the item entitled "Prevention of an arms race in outer space".

General Assembly resolution 51/44

10 December 1996 Meeting 79 126-0-44 (recorded vote)

Approved by First Committee (A/51/566/Add.10) by recorded vote (98-0-40), 14 November (meeting 23); 19-nation draft (A/C.1/51/L.43), orally revised; agenda item 70.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 16, 23; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Albania, Andorra, Argentina, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States, Uzbekistan.

In the Committee, paragraph 6 was adopted by a recorded vote of 87 to 1, with 39 abstentions, and the seventeenth preambular paragraph was adopted by a recorded vote of 85 to 1, with 39 abstentions.

The Assembly retained those paragraphs by recorded votes of 117 to 1, with 45 abstentions, and 116 to 1, with 45 abstentions, respectively.

## Disarmament and development

In accordance with General Assembly resolution 50/70 G [YUN 1995, p. 226], the Secretary-General submitted a July note [A/51/207] on the relationship between disarmament and development. The Secretary-General stated that there had been no new developments since the submission of his last report in 1995 [YUN 1995, p. 226].

### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 D**.

## Relationship between disarmament and development

The General Assembly,

Recalling the provisions of the Final Document of the Tenth Special Session of the General Assembly concerning the relationship between disarmament and development,

Recalling also the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development,

Recalling further its resolutions 49/75 J of 15 December 1994 and 50/70 G of 12 December 1995,

Bearing in mind the Final Document of the Eleventh Conference of Heads of State or Government of the Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995,

Stressing the growing importance of the symbiotic relationship between disarmament and development in current international relations,

1. Acknowledges the note by the Secretary-General and actions taken in accordance with the Final Document of the International Conference on the Relationship between Disarmament and Development;

2. Urges the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever widening gap between developed and developing countries;

3. Invites all Member States to communicate to the Secretary-General, by 15 April 1997, their views and proposals for the implementation of the action programme adopted at the International Conference on the Relationship between Disarmament and Development, as well as any other views and proposals with a view to achieving the goals of the action programme, within the framework of current international relations;

4. Requests the Secretary-General to continue to take action, through appropriate organs and within available resources, for the implementation of the action programme adopted at the International Conference;

5. Also requests the Secretary-General to submit a report to the General Assembly at its fifty-second session;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Relationship between disarmament and development".

General Assembly resolution 51/45 D

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.11) without vote, 14 November (meeting 23); draft by Colombia, for Non-Aligned Movement (A/C.1/51/L.12); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 23; plenary 79.

## Science and technology

In 1996, as in past years, the General Assembly adopted two resolutions on the subject of the role of science and technology in disarmament.

### GENERAL ASSEMBLY ACTION

On 10 December the General Assembly adopted **resolution 51/39**.

### **The role of science and technology in the context of international security and disarmament**

The General Assembly,

Recognizing that scientific and technological developments can have both civilian and military applications and that progress in science and technology for civilian applications needs to be maintained and encouraged,

Concerned that military applications of scientific and technological developments can contribute significantly to the improvement and upgrading of weapons of mass destruction,

Aware of the need to follow closely the scientific and technological developments that may have a negative impact on international security and disarmament, and to channel scientific and technological developments for beneficial purposes,

Cognizant that the international transfers of dual-use as well as high-technology products, services and know-how for peaceful purposes are important for the economic and social development of States,

Expressing concern over the growing proliferation of ad hoc and exclusive export control regimes and arrangements for dual-use goods and technologies,

Recalling that the Final Declaration of the Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, noted that restrictions being placed on access to technology through the imposition of non-transparent ad hoc export control regimes with exclusive membership tended to impede the economic and social development of developing countries,

Emphasizing that the internationally negotiated guidelines for the transfer of high technology with military applications should take into account the legitimate defence requirements of all States and requirements for the maintenance of international peace and security, while ensuring that access to high-technology products and services and know-how for peaceful purposes is not denied,

1. Affirms that scientific and technological progress should be used for the benefit of all mankind to promote the sustainable economic and social development of all States and to safeguard international security, and that international cooperation in the use of science and technology through the transfer and exchange of technological know-how for peaceful purposes should be promoted;

2. Invites Member States to undertake additional efforts to apply science and technology for disarmament-related purposes and to make disarmament-related technologies available to interested States;

3. Urges Member States to undertake multilateral negotiations with the participation of all interested States in order to establish universally acceptable, non-discriminatory guidelines for international transfers of dual-use goods and technologies and high technology with military applications;

4. Recalls the report of the Secretary-General entitled "Scientific and technological developments and their impact on international security", and requests the Secretary-General to update and further develop that report in order to evaluate the impact of recent scientific and technological developments, especially those which have potential military applications, and

to submit a report to the General Assembly not later than at its fifty-third session;

5. Encourages United Nations bodies to contribute, within existing mandates, to promoting the application of science and technology for peaceful purposes;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "The role of science and technology in the context of international security and disarmament".

#### **General Assembly resolution 51/39**

**10 December 1996 Meeting 79 105-39-24 (recorded vote)**

Approved by First Committee (A/51/566/Add.3) by recorded vote (81-39-22), 14 November (meeting 23); 17-nation draft (A/C.1/51/L.20/Rev.1); agenda item 63.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 23; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstaining: Argentina, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Brazil, Canada, Chile, Georgia, Germany\*, Japan, Kazakhstan, Kyrgyzstan, Latvia, Marshall Islands, Micronesia, Republic of Korea, Russian Federation, Samoa, Solomon Islands, South Africa, Tajikistan, Ukraine, Uruguay.

\*Later advised the Secretariat that it had intended to vote against.

On the same date, the Assembly adopted **resolution 51/40**.

### **The role of science and technology in the context of international security, disarmament and other related fields**

The General Assembly,

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

1. Invites Member States to enhance bilateral and multilateral dialogue on the role of science and technology in the context of international security, disarmament and other related fields, with a view to:

(a) Ensuring implementation of relevant commitments already undertaken under international legal instruments;

(b) Exploring ways and means of further developing international legal rules on transfers of high technology with military applications;

2. Decides to include in the provisional agenda of its fifty-third session the item entitled "The role of science and technology in the context of international security, disarmament and other related fields".

General Assembly resolution 51/40

10 December 1996 Meeting 79 161-0-8 (recorded vote)

Approved by First Committee (A/51/566/Add.4) by recorded vote (137-0-11), 14 November (meeting 23); 30-nation draft (A/C.1/51/L.34); agenda item 64.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 23; plenary 79.

Recorded vote in Assembly as follows:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Democratic People's Republic of Korea, India, Iran, Japan, Micronesia, Pakistan, Sri Lanka, United States.

## Environment and disarmament

### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/45 E**.

### Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

The General Assembly,

Recalling its resolution 50/70 M of 12 December 1995,

Emphasizing the importance of the observance of environmental norms in the preparation and implementation of disarmament and arms limitation agreements,

Recognizing that it is necessary duly to take into account the agreements adopted at the United Nations Conference on Environment and Development, as well as prior relevant agreements, in the drafting and the implementation of agreements on disarmament and arms limitation,

Mindful of the detrimental environmental effects of the use of nuclear weapons,

Taking note of the preamble to the Comprehensive Nuclear Test-Ban Treaty, opened for signature on 24

September 1996, concerning the contribution to environmental protection provided by the Treaty,

Considering its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, *inter alia*, to consider effective methods to control radiological means of warfare, in the interest of averting the hazards of using radioactive wastes as a means of radiological warfare, and of their impact on international security and environmental preservation,

Recognizing that prevention of the nuclear arms race on the seabed and the ocean floor and in the subsoil thereof contributes to keeping the peace and protecting the environment,

Convinced of the general interest of mankind in the progress of the exploration and use of outer space for peaceful purposes, and the need to preserve the world's environment in this context,

Desirous that, in the interest of mankind, Antarctica should continue to be used for exclusively peaceful purposes and that the balance of that important ecosystem should be preserved,

Taking note of the environment-related provisions laid down in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,

Convinced of the importance of strengthening the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction through the adoption of appropriate measures, including possible verification measures, and the drafting of proposals to be included, as appropriate, in a legally binding instrument, on the basis of the findings of the ad hoc working group set up to that effect, and which, *inter alia*, should take into account the necessity of ensuring the preservation of the environment,

Conscious that the international transfer of relevant technologies, services and know-how for peaceful purposes can contribute positively to abiding by environmental norms in the framework of the disarmament and arms limitation agreements,

1. Invites the Conference on Disarmament to take every necessary measure to include the relevant environmental norms and provisions in negotiating treaties and agreements on disarmament and arms limitation, taking into account the need to preserve the world's environment and to ensure the strict observance of such environmental norms and provisions during the entire process of implementation of the provisions of the aforementioned treaties and agreements, particularly during the process of destruction of the arms covered by them;

2. Requests the Conference on Disarmament to take into account, in the negotiations for a convention on the prohibition of radiological weapons, radioactive wastes as part of the scope of such a convention, as well as express provisions relating to environmental protection;

3. Expresses grave concern regarding any use of nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States and for preserving the environment;

4. Urges States parties to comply strictly with the provisions of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in

the Subsoil Thereof, and calls on States that possess nuclear weapons and other weapons of mass destruction that have not yet done so, to become parties to the Treaty, as a major contribution to international peace and the ecologically rational use of the environment;

5. Calls upon all States, especially those that have major space programmes, to contribute actively to the attainment of the goals of using outer space for peaceful purposes, preserving the world's environment and preventing the arms race in outer space and, for the sake of international peace and security and of promoting international cooperation, to refrain from acting counter to the spirit of that international legal instrument;

6. Welcomes the concrete measures taken by several countries to ensure compliance with the Antarctic Treaty, and calls upon all countries to refrain from carrying out any activity counter to the spirit of that international legal instrument;

7. Emphasizes the importance of the compliance by all States parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and calls upon them to cooperate and to preserve the environment in the process of the implementation of the Convention in all its relevant aspects;

8. Urges States parties to consider all the relevant norms related to the protection of the environment in implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;

9. Calls upon States to adopt unilateral, bilateral, regional and multilateral measures so as to contribute to ensuring the application of scientific and technological progress in the framework of international security, disarmament and other related spheres, without detriment to the environment or to its effective contribution to attaining sustainable development;

10. Decides to include in the provisional agenda of its fifty-second session the item entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control".

General Assembly resolution 51/45 E

10 December 1996 Meeting 79 137-4-27 (recorded vote)

Approved by First Committee (A/51/566/Add.11) by recorded vote (116-4-26), 14 November (meeting 23); draft by Colombia, for Non-Aligned Movement (A/C.1/51/L.14); agenda item 71.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 23; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of

Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: France, Israel, United Kingdom, United States.

Abstaining: Albania, Andorra, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Italy, Japan, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Tajikistan, Turkey, Uzbekistan.

## Studies, information and training

### Disarmament Information Programme

Pursuant to General Assembly resolution 49/76 A [YUN 1994, p. 178], the Secretary-General, in a July report [A/51/219], presented information covering the implementation of the activities for the Disarmament Information Programme in 1995 and 1996, and outlined future activities for the following two years.

The Centre for Disarmament Affairs (CDA) continued to carry out its information and education activities. In addition to producing publications, CDA organized several meetings and workshops in Africa and the Asia-Pacific region through the regional centres for peace and disarmament, and participated in an international seminar on arms control and disarmament for scholars and educators (Pennsylvania, United States).

In cooperation with the NGO Committee on Disarmament, the Centre sponsored a panel, in January, to commemorate the fiftieth anniversary of the adoption of General Assembly resolution 1(I) [YUN 1946-1947, p. 461], on the establishment of a commission to deal with problems raised by the discovery of atomic energy; a two-day discussion, in April, on the theme "Disarmament at a critical juncture"; and panel discussions, during Disarmament Week (October), on the NPT review process (see above, under "Nuclear non-proliferation and disarmament"), the ICJ advisory opinion (see above, under "Nuclear non-proliferation and disarmament"), implementation of CTBT (see above, under "Comprehensive Nuclear-Test-Ban Treaty"), and conventional weapons and landmines (see above under "Conventional weapons and related issues").

Activities of the Department of Public Information (DPI) included wide radio and television coverage of relevant statements made by the Secretary-General; the provision of information on disarmament in its regular publications; the distribution, loan and screening of films and videos; and answering of public inquiries. The UN information centres conducted programmes to promote public awareness of the Organization's work in disarmament.

In a November addendum [A/51/219/Add.1] to his report, the Secretary-General stated that as at 30 June 1996, the balance remaining in pledges

and contributions to the Voluntary Trust Fund for the Disarmament Information Programme amounted to \$377,582, of which \$254,166 was in convertible and \$123,416 in non-convertible currencies.

Unlike in previous years, no Pledging Conference for the Programme was convened, as the Secretary-General had not been requested by the General Assembly to do so. On 11 October, the Secretary-General invited all States wishing to do so to make contributions to the various disarmament trust funds and to the United Nations Institute for Disarmament Research (UNIDIR).

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/46 A**.

#### United Nations Disarmament Information Programme

The General Assembly,

Recalling its decision taken in 1982 at its twelfth special session, the second special session devoted to disarmament, by which the World Disarmament Campaign was launched,

Bearing in mind its various resolutions on the subject, including resolution 47/53 D of 9 December 1992, in which it decided, *inter alia*, that the World Disarmament Campaign should be known thereafter as the "United Nations Disarmament Information Programme" and the World Disarmament Campaign Voluntary Trust Fund as the "Voluntary Trust Fund for the United Nations Disarmament Information Programme",

Recalling its resolution 49/76 A of 15 December 1994,

Having examined the report of the Secretary-General of 19 July 1996 on the United Nations Disarmament Information Programme,

Deeply concerned by the continuing decrease in contributions to the Programme, which has already affected a number of activities, beginning with the suspension of publications such as the Disarmament Newsletter and Topical Papers,

1. Takes note with concern of the report of the Secretary-General of 19 July 1996 on the United Nations Disarmament Information Programme;

2. Commends the Secretary-General for his efforts to make effective use of the limited resources available to him in disseminating as widely as possible information on arms limitation and disarmament to Governments, the media, non-governmental organizations, educational communities and research institutes, and in carrying out a seminar and conference programme;

3. Stresses the importance of the Programme, as a significant instrument in enabling developing countries to participate fully in the deliberations and negotiations on disarmament in the various United Nations bodies;

4. Notes with appreciation the contributions to the efforts of the Programme by the United Nations information centres and the regional centres for disarmament;

5. Recommends that the Programme focus its efforts:

(a) To inform, to educate and to generate public understanding of the importance of multilateral action and support for it, including action by the United Na-

tions and the Conference on Disarmament, in the field of arms limitation and disarmament, in a factual, balanced and objective manner, in particular through the continuing publication in all official languages of The United Nations Disarmament Yearbook and Disarmament: A Periodic Review by the United Nations, and the updating of the Status of Multilateral Arms Regulation and Disarmament Agreements;

(b) To facilitate unimpeded access to and an exchange of information on ideas between the public sector and public interest groups and organizations, and to provide an independent source of balanced and factual information that takes into account a range of views to help further an informed debate on arms limitation, disarmament and security;

(c) To organize meetings to facilitate exchanges of views and information between governmental and non-governmental sectors and between governmental and other experts in order to facilitate the search for common ground;

6. Invites all Member States to contribute to the Voluntary Trust Fund for the United Nations Disarmament Information Programme;

7. Commends the Secretary-General for supporting the efforts of universities, other academic institutions and non-governmental organizations active in the educational field in widening the worldwide availability of disarmament education, and invites him to continue to support and cooperate with educational institutions and non-governmental organizations engaged in such efforts, without cost to the regular budget of the United Nations;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report covering both the implementation of the activities of the Programme by the United Nations system during the previous two years and the activities of the Programme contemplated by the system for the following two years;

9. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations Disarmament Information Programme".

General Assembly resolution 51/46 A

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/566/Add.12) without vote, 14 November (meeting 23); 14-nation draft (A/C.1/51/L.8); agenda item 72 (a).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 23; plenary 79.

#### Advisory Board on Disarmament Matters

The Advisory Board on Disarmament Matters, which advised the Secretary-General on the disarmament studies programme and implementation of the Disarmament Information Programme and served as the Board of Trustees of UNIDIR, held only one session in 1996 (Geneva, 1-5 July) [A/51/352], owing to the Organization's financial crisis.

The Board discussed the comprehensive nuclear-test-ban treaty; the strengthened review process of NPT; microdisarmament and anti-personnel landmines; and the fourth special session of the General Assembly on disarmament (see above, under "UN role in disarmament"). It also discussed issues relat-



ing to "preventive disarmament" as a contribution to conflict prevention.

In its capacity as the Board of Trustees of UNIDIR, the Advisory Board reviewed the Director's report covering the period from July 1995 to June 1996 (see below).

By a note of 21 November [A/C.5/51/33], the Secretary-General transmitted to the General Assembly for approval the recommendation of the UNIDIR Board of Trustees for a subvention of \$213,000 for 1997 from the UN regular budget. By **resolution 51/221 A, section II**, of 18 December, the Assembly approved the subvention.

### UN Institute for Disarmament Research

By a September note [A/51/364], the Secretary-General transmitted to the General Assembly the UNIDIR Director's report covering activities from July 1995 to June 1996, and the report of the Board of Trustees concerning the 1997 work programme. During the period under review, the research programme continued to focus on collective security, regional security studies and non-proliferation studies. In addition, it addressed UNIDIR's contribution to the fourth special session of the General Assembly devoted to disarmament (see above, under "UN role in disarmament").

### Disarmament fellowship, training and advisory services

In 1996, 19 fellows participated in the UN disarmament fellowship, training and advisory services programme, which began on 8 September in Geneva and ended on 1 November in New York [A/51/553]. It included lectures and briefings; speaking, drafting and simulation exercises; research projects; and study visits to IAEA (Vienna) and the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons (OPCW) (The Hague), as well as to Germany and Japan.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/46 F**.

#### United Nations disarmament fellowship, training and advisory services

The General Assembly,

Recalling its decision, contained in paragraph 108 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, to establish a programme of fellowships on disarmament, as well as its decisions contained in annex IV to the Concluding Document of the Twelfth Special Session of the General Assembly, the second special session devoted to disarmament, in which it decided, inter alia, to continue the programme,

Noting with satisfaction that the programme has already trained an appreciable number of public officials selected from geographical regions represented in the United Nations system, most of whom are now in positions of responsibility in the field of disarmament affairs in their respective countries or Governments,

Recalling all the annual resolutions on the matter since the thirty-seventh session of the General Assembly, in 1982, including resolution 50/71 A of 12 December 1995,

Noting with satisfaction that the programme, as designed, continues to enable an increased number of public officials, in particular from the developing countries, to acquire more expertise in the sphere of disarmament,

Believing that the forms of assistance available to Member States, in particular to developing countries, under the programme will enhance the capabilities of their officials to follow ongoing deliberations and negotiations on disarmament, both bilateral and multilateral,

1. Reaffirms its decisions contained in annex IV to the Concluding Document of the Twelfth Special Session of the General Assembly and the report of the Secretary-General approved by the Assembly in its resolution 33/71 E of 14 December 1978;

2. Expresses its appreciation to the Governments of Germany and Japan for inviting the 1996 fellows to study selected activities in the field of disarmament, thereby contributing to the fulfilment of the overall objectives of the programme;

3. Commends the Secretary-General for the diligence with which the programme has continued to be carried out;

4. Requests the Secretary-General to continue to implement annually the Geneva-based programme within existing resources and to report thereon to the General Assembly at its fifty-third session;

5. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations disarmament fellowship, training and advisory services".

#### General Assembly resolution 51/46 F

**10 December 1996 Meeting 79 Adopted without vote**

Approved by First Committee (A/51/566/Add.12) without vote, 14 November (meeting 23); 37-nation draft (A/C.1/51/L.32); agenda item 72 (b).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 23; plenary 79.

### Regional centres for peace and disarmament

In response to General Assembly resolution 50/71 C [YUN 1995, p. 231], the Secretary-General reported [A/51/403] on his efforts to seek new alternative sources of financing for the United Nations Regional Centre for Peace and Disarmament in Africa and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean. He stated that there were possibilities to integrate the operational and administrative functioning of the centres with projects and activities of existing UN development programmes. The Secretary-General noted that consultations with the United Nations Development Programme were under way.

The Secretary-General's report included an account of the Centres' activities covering the period from July 1995 to June 1996.

#### Africa

The activities of the Regional Centre for Peace and Disarmament in Africa, established in Lome, Togo, in 1986 [YUN 1986, p. 85], continued to be curtailed owing to financial constraints. However, the Centre continued to organize monthly informal meetings at which political leaders, NGO representatives, academics and the general public could discuss and propose solutions for issues relating to peace, security and disarmament in Africa. The Centre's documentation reference library increased and diversified its holdings through an inter-library loan system linking it with several research and academic institutions. The Centre widened distribution of its quarterly bilingual publication, *The African Peace Bulletin/Bulletin Africain de la Paix*. Moreover, it provided substantive and organizational support to two ministerial meetings of the United Nations Standing Advisory Committee on Security Questions in Central Africa.

#### Latin America/Caribbean

As to the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, established in Lima, Peru, in 1987 [YUN 1987, p. 88], the Secretary-General stated that he was obliged to suspend its activities at the end of June owing to insufficient funds to cover the costs of the salary of its only staff member and of the planned operational activities for the second half of 1996. Activities involving the region were being carried out through UN Headquarters. Up until then, the Centre had published issues of a Spanish-language bulletin and regularly distributed disarmament and security-related publications of its own or from other UN offices throughout the region, and continued to open its reference library to researchers and students.

The Secretary-General strongly appealed to Member States, as well as to international and national organizations and foundations, to make substantial contributions to the centres.

#### Asia and Pacific

Pursuant to Assembly resolution 50/71 D [YUN 1995, p. 232], the Secretary-General submitted an October report [A/51/445] describing the activities of the Regional Centre for Peace and Disarmament in Asia and the Pacific established in Kathmandu, Nepal, in 1989 [YUN 1989, p. 88]. Despite limited financial resources available during the reporting period (August 1995 to July 1996), the

Centre organized two major regional meetings. The first regional meeting, "Priority issues on the current disarmament agenda: global and regional concerns" (Kathmandu, 21-24 February), focused on nuclear disarmament issues such as the status of the negotiations on CTBT, non-proliferation of nuclear weapons, nuclear-weapon-free zones and transfer of technology. The second regional event was a conference on disarmament issues entitled "Common efforts towards a safer and nuclear-weapon-free world" (Hiroshima, Japan, 17-20 July), which addressed such issues as CTBT, the role of nuclear weapons and deterrence in the post-cold-war era, and nuclear safety. In addition, the Centre assisted the United Nations Association of Japan in organizing a symposium (Kanazawa, Japan, 3-5 June), which dealt with issues in the subregion, including the development of common and shared values, economic and technical cooperation and non-military challenges in north-east Asia.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/46 E**.

#### United Nations Regional Centre for Peace and Disarmament in Africa

The General Assembly,

Recalling its resolutions 40/151 G of 16 December 1985, 41/60 D of 3 December 1986, 42/39 J of 30 November 1987 and 43/76 D of 7 December 1988 on the United Nations Regional Centre for Peace and Disarmament in Africa, and its resolution 46/36 F of 6 December 1991 and 47/52 G of 9 December 1992 on regional disarmament, including confidence-building measures,

Reaffirming its resolutions 48/76 E of 16 December 1993, 49/76 D of 15 December 1994 and 50/71 C of 12 December 1995 on the United Nations Regional Centre for Peace and Disarmament in Africa and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean,

Mindful of the provisions of Article 11, paragraph 1, of the Charter of the United Nations stipulating that a function of the General Assembly is to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms limitation,

Taking into account the guidelines for international arms transfers adopted by the Disarmament Commission at its 1996 substantive session,

Welcoming the activities carried out by the United Nations Regional Centre for Peace and Disarmament in Africa, which have contributed substantially to understanding and cooperation among the African States and have thereby strengthened its role in the areas of peace, disarmament, security and development,

Bearing in mind the financial situation of the Regional Centre as described by the Secretary-General in his report on the activities of the Regional Centre,

Underlining, therefore, the need to provide the Regional Centre with financial stability so as to facilitate

the effective planning and implementation of its programmes of activities,

1. Expresses its gratitude to the Member States, international governmental and non-governmental organizations and foundations that have, so far, contributed to the Trust Fund of the United Nations Regional Centre for Peace and Disarmament in Africa;

2. Commends the activities carried out by the Regional Centre in identifying and broadening the understanding of pressing disarmament and security issues in the African region;

3. Reaffirms its support for the further operation and strengthening of the Regional Centre, and encourages it to continue to intensify its efforts in promoting cooperation with subregional and regional organizations, as well as among the African States, in order to facilitate the development of effective measures of confidence-building, arms limitation and disarmament, with a view to promoting peace and security;

4. Appeals once again to Member States, mainly to African countries, as well as to international governmental and non-governmental organizations and foundations, to make regular and appropriate voluntary contributions in order to revitalize the Regional Centre, strengthen its programmes of activities and facilitate the effective implementation of such programmes;

5. Requests the Secretary-General, in the light of the current financial situation of the Regional Centre, to intensify his efforts in exploring new ways and means of funding, and to continue to provide all necessary support to the Regional Centre for better achievements and results;

6. Also requests the Secretary-General to ensure that the Director of the Regional Centre is, as far as possible and within existing resources, locally based in order to revitalize the activities of the Regional Centre;

7. Further requests the Secretary-General to report to the General Assembly at its fifty-third session, under the item entitled "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly", on the activities of the United Nations Regional Centre for Peace and Disarmament in Africa, and on the implementation of the present resolution.

#### **General Assembly resolution 51/46 E**

**10 December 1996 Meeting 79 Adopted without vote**

Approved by First Committee (A/51/566/Add.12) without vote, 14 November (meeting 23); draft by Togo, for African Group (A/C.1/51/L.26/Rev.1); agenda item 72 (d).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 17, 23; plenary 79.

Also on 10 December, the Assembly adopted **resolution 51/46 B.**

#### **United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific**

The General Assembly,

Recalling its resolutions 42/39 D of 30 November 1987 and 44/117 F of 15 December 1989, by which it established the United Nations Regional Centre for Peace and Disarmament in Asia and renamed it the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, with headquarters at

Kathmandu and with the mandate of providing, on request, substantive support for the initiatives and other activities mutually agreed upon by the Member States of the Asia-Pacific region for the implementation of measures for peace and disarmament, through appropriate utilization of available resources,

Welcoming the report of the Secretary-General, in which he expresses his belief that the mandate of the Regional Centre not only remains valid but is even more relevant today in the changed international environment,

Commending the useful activities carried out by the Regional Centre in encouraging regional and subregional dialogue for the enhancement of openness, transparency and confidence-building, as well as the promotion of disarmament and security through the organization of regional meetings, which has come to be widely known within the Asia-Pacific region as the "Kathmandu process",

Noting that trends in the post-cold-war era have emphasized the function of the Regional Centre in assisting Member States as they deal with new security concerns and disarmament issues emerging in the region,

Recognizing the need for the Regional Centre to pursue effectively its expanded function,

Expressing its appreciation to the Regional Centre for its organization of substantive regional meetings at Kathmandu and at Hiroshima, Japan, in 1996,

Appreciating highly the important role Nepal has played as the host nation of the headquarters of the Regional Centre,

1. Reaffirms its resolution 50/71 D of 12 December 1995, in particular its strong support for the continued operation and further strengthening of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific as an essential promoter of the regional peace and disarmament dialogue in the Asia-Pacific region known as the "Kathmandu process";

2. Expresses its appreciation for the political support and financial contribution received by the Regional Centre;

3. Appeals to Member States, in particular those within the Asia-Pacific region, as well as to international governmental and non-governmental organizations and foundations, to make voluntary contributions in order to strengthen the programme of activities of the Regional Centre and its implementation;

4. Requests the Secretary-General to provide all necessary support, within existing resources, to the Regional Centre in carrying out its programme of activities;

5. Also requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific".

#### **General Assembly resolution 51/46 B**

**10 December 1996 Meeting 79 Adopted without vote**

Approved by First Committee (A/51/566/Add.12) without vote, 14 November (meeting 23); 18-nation draft (A/C.1/51/L.10); agenda item 72 (d).

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 23; plenary 79.

## Chapter VIII

## Other political and security questions

During 1996, the United Nations continued to consider a number of general issues related to international peace and security, as well as regional aspects of such security, the eradication of colonialism, information, the peaceful uses of outer space and the effects of atomic radiation.

The United Nations supported government efforts to promote and consolidate new or restored democracies, through such means as providing electoral assistance and building institutions for democracy. According to the Secretary-General, the Organization had a distinct role to play in democratization by helping each State that so requested to pursue its own path in that direction through a variety of processes. The General Assembly encouraged the Secretary-General to continue to improve the UN capacity to respond to Member States' requests by supporting their efforts to achieve democratization.

In 1996, the Assembly took action on the specific regional security issues of the South Atlantic, the Indian Ocean and Antarctica, after having considered relevant reports on UN activities in those areas.

In the area of decolonization, the Assembly acted on the recommendations of its Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

UN activities in the field of information focused on two areas—the use of information and related technology in the service of humanity, and UN public information policies and activities. The Assembly acted on both topics.

Acting on the recommendations of the Committee on the Peaceful Uses of Outer Space—the main body dealing with space issues, particularly in the scientific, technical and legal fields—the Assembly in December adopted the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries. In doing so, it stated its desire to apply the principle that the exploration and use of outer space would be the province of all mankind. The Assembly also endorsed the Committee's recommendations on its future programme of work.

The United Nations Scientific Committee on the Effects of Atomic Radiation continued its studies on atomic and ionizing radiation and analysed its effects on mankind and the environment. The Assembly noted with satisfaction the Committee's completion in 1996 of a scientific annex on the effects of radiation on the environment and called on the Committee to ensure the widest possible dissemination of that study to Member States.

### General aspects of international security

#### Implementation of the 1970 Declaration

In December 1996, the General Assembly adopted **decision 51/415**.

#### Review of the implementation of the Declaration on the Strengthening of International Security

At its 79th plenary meeting, on 10 December 1996, the General Assembly, on the recommendation of the First Committee, decided to include in the provisional agenda of its fifty-second session the item entitled "Review of the implementation of the Declaration on the Strengthening of International Security" [YUN 1970.p.

General Assembly decision 51/415

118-0-53 (recorded vote)

Approved by First Committee (A/51/566/Add.21) by recorded vote (95-0-51), 15 November (meeting 24); draft by Colombia, for Non-Aligned Movement (A/C.1/51/L.22); agenda item 81.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-14, 24; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States, Uzbekistan.

### **Maintenance of international security—prevention of the violent disintegration of States**

During the debate in the General Assembly's First (Disarmament and International Security) Committee, the former Yugoslav Republic of Macedonia introduced a draft resolution entitled "The maintenance of international security—prevention of the violent disintegration of States". It said the text took into account the emergence of new opportunities for building a peaceful world; its starting point was respect for the principles and purposes of the Charter of the United Nations and international law, strict compliance with the principle of the inviolability of international borders, and good-neighbourliness and friendly relations among States.

#### **GENERAL ASSEMBLY ACTION**

On 10 December, the General Assembly adopted **resolution 51/55**.

### **The maintenance of international security—prevention of the violent disintegration of States**

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations,

Convinced that the observance of the Charter and the principles of international law is essential for the strengthening of international peace and security,

Considering the emergence of new opportunities for building a peaceful world,

Mindful of the obligations of all States under the Charter, inter alia, to refrain in their international relations from threat or use of force against the territorial integrity or political independence of any State, to develop friendly relations among nations and to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Deeply concerned that situations that may lead to a breach of international peace are continuing in spite of the efforts of the United Nations to put an end to them and to avert such conflicts in the future,

Stressing the importance of the activities of the international organizations, such as the Organization of African Unity, the Organization for Security and Cooperation in Europe, the Organization of American States, the Association of South-East Asian Nations, the Council of Europe, the League of Arab States and the Organization of the Islamic Conference, with the aim of preventing the violent disintegration of States, of maintaining international peace and security and of promoting international cooperation for development,

Considering that the violent disintegration of States may threaten the maintenance of international peace and security,

Affirming the need for United Nations measures to help prevent the violent disintegration of States, thereby enhancing the maintenance of international peace and security and the economic and social advancement of all peoples,

1. Calls upon all States, the relevant international organizations and competent organs of the United Nations to continue to undertake measures in accordance with the Charter of the United Nations as appropriate to help prevent the violent disintegration of States;

2. Stresses the importance of good-neighbourliness and the development of friendly relations among States to the solution of problems among States, to prevent the violent disintegration of States and to promote international cooperation in accordance with the Charter;

3. Affirms the need for strict compliance with the principle of the inviolability of international borders among States;

4. Affirms also the need for strict compliance with the principle of the territorial integrity of any State;

5. Requests all States and the relevant international organizations to communicate to the Secretary-General their views on the maintenance of international security—prevention of the violent disintegration of States;

6. Decides to include in the provisional agenda of its fifty-third session an item entitled "The maintenance of international security—prevention of the violent disintegration of States".

General Assembly resolution 51/55

10 December 1996 Meeting 79 162-0-8 (recorded vote)

Approved by First Committee (A/51/566/Add.21) by recorded vote (137-0-7), 15 November (meeting 24); 25-nation draft (A/C.1/51/L.42/Rev.1); agenda item 81.

Meeting numbers. GA 53rd session: 1st Committee 3-8, 10-13, 16, 24; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Algeria, Armenia, China, Costa Rica, Guatemala, Mexico, Pakistan, United Republic of Tanzania.

### Support for democracies

In October [A/51/512], the Secretary-General reported on support by the UN system of the efforts of Governments to promote and consolidate new or restored democracies, as requested by the General Assembly in 1995 [YUN 1995, p. 294]. The 1996 report followed up on his 1995 report [YUN 1995, p. 293]—the first comprehensive one—on the subject. Both reports covered developments in the promotion of a democratic culture, including the provision of electoral assistance and the building of institutions for democracy. The 1996 report contained suggestions on ways the United Nations could respond effectively to Member States' requests for assistance in that field.

As he had stated in the first report, the Secretary-General reaffirmed that the UN system did not promote any specific form of government and that democracy could take many forms. The term "democratization" was used to denote a process by which an authoritarian society became increasingly participatory. Mechanisms to achieve that goal included periodic elections to representative bodies, a free press, an independent judiciary and a transparent and accountable public administration. The pace at which democratization could proceed was dependent on many political, economic, social and cultural factors, the Secretary-General said, and the goal might be attained only gradually.

Since the recommendation was made in the 1995 report that the United Nations should increase cooperation in institution-building and governance, the Administrative Committee on Coordination (ACC) took the initiative towards improving efficiency and coordination while avoiding duplication in that area. It established three task forces to support countries' implementation of commitments made at global conferences and a sub-group on capacity-building for governance chaired by the United Nations Development Programme (UNDP).

In order to improve the effectiveness of governance programmes in the development area of the UN system, the Secretary-General stated, they needed to be coordinated with the work of the departments and offices concerned with the peace and democratization agendas of the Organization. Many activities in institution-building and governance in the development field—whether their ultimate purpose was to enhance accountability, transparency, free flow of information, or full participation and the rule of law—were as crucial for a successful democratization process to take place as they were for promoting sustainable development. At the same time, the work of the departments that had the lead role in preventive diplomacy, peacemaking,

peacekeeping, peace-building and humanitarian affairs included many aspects of governance, whether in a preventive, emergency, negotiation or post-conflict context.

Since 1995, individual UN agencies, programmes, funds and offices had strengthened their governance programmes. UNDP, for example, had taken steps to support new or restored democracies, primarily in three areas: improvement of UNDP's internal capacity to respond to requests to support the strengthening of democratization; leadership of components of UN system-wide special initiatives on governance; and an expanded number of programmes and projects in governance and areas related to democratization. Measures to improve UNDP's internal capacity included training programmes for UNDP staff and national counterparts; support for international workshops to exchange experience and increase awareness about democratic governance programmes; preparation of a UNDP governance policy paper to provide clear direction to managers and operational staff; and creation of a UNDP management development and governance home page on the World Wide Web that included a Management and Governance Network (MAGNET) to exchange knowledge, information and experience about democratic governance within UNDP and among its development partners.

UNDP established an agency-wide task force to expand in-house communication and information on governance, as well as regional networks linking country offices with regional experts. In response to the increase in requests for UNDP support to democratic governance projects, the focus on governance had been incorporated in the new five-year (1997-2001) UNDP country cooperation framework documents of many countries. Most of the requests were for electoral assistance; from 1989 up to 7 August 1996, the United Nations had received 123 such requests, 99 of which were either accepted or under consideration. A total of 76 Member States had requested assistance since 1989, plus Palestine and Western Sahara.

The Secretary-General pointed out that the Organization's capacity to respond to Member States' requests to consolidate and promote new and restored democracies might be limited by the lack of adequate funding. In some instances, trust funds had been established to finance particular aspects of a democratic transition. In Haiti, for example, the trust fund was being used to support the institutional transformation of the Haitian national police.

The Secretary-General recommended that the work of the sub-group on capacity-building for

governance, established by ACC and chaired by UNDP (see above), be expanded gradually to a system-wide blueprint in order to integrate and coordinate all UN activities in that field more effectively. He would ensure that the Secretariat programmes related to public administration and development were fully coordinated with UN governance programmes.

The Secretary-General emphasized the need for the UN system to integrate civil society into its efforts to consolidate democratic development, and warned that a rapid process of democratization could create severe social and economic problems, as widespread disillusion with the results of democratization could have direct political consequences for electoral processes and government policies. Greater interaction and coordination between Governments, the UN system, other international organizations, non-governmental organizations and the business sector would facilitate the creation of conditions for further democratization in the decades to come. The Secretary-General hoped that those partners in democratization would find ways to work together more effectively.

In December [A/51/761], the Secretary-General issued a supplement to his two earlier reports. He noted that from Latin America to Africa, Europe and Asia, a number of authoritarian regimes had given way to democratic forces, increasingly responsive Governments and increasingly open societies. That phenomenon of democratization had had a marked impact on the United Nations, and the desire for democratization was evident not only within States but also among them and throughout the international system. Following a new wave of accessions to statehood and political independence, Member States were turning to the United Nations for support in democratization. While that had been most visible in the requests for electoral assistance, virtually no area of UN activity had been left untouched. The peace-keeping mandates entrusted to the United Nations now often included both the restoration of democracy and protection of human rights. UN departments, agencies and programmes had been called on to help States draft constitutions, create independent systems for justice administration, provide police forces that enforced the rule of law, de-politicize military establishments and establish national institutions for promoting and protecting human rights.

According to the Secretary-General, the United Nations had a distinct role to play in democratization, not by offering a model of democracy, but rather by helping each State to pursue its own particular path towards democratization

in a variety of processes and experiences. As with its development activities, the goal of the United Nations in the area of democratization was to provide and help coordinate assistance, and to seek a strengthened context in which those requesting it and those responding might achieve success. Democratization was a new area for technical assistance, as the wave of economic and political transitions witnessed in the post-cold-war period had led Member States to reorient their requests for such assistance towards areas more relevant to democratization. The United Nations was strengthening the context for supporting democratization through information-gathering and awareness-raising and by offering Member States and the international community a universally legitimate global forum for dialogue, debate and consensus-building. Through the United Nations, multilateral agreements could be reached which helped to define a common political and legal framework for action.

According to the Secretary-General, the emerging consensus on democracy found the United Nations well placed to respond to requests for assistance in democratization. The growing interest in democratization and requests for UN support received added impetus from international conferences such as the 1993 World Conference on Human Rights [YUN 1993, p. 908], and the First and Second International Conferences of New or Restored Democracies, held respectively in Manila, Philippines, in June 1988, with 13 countries attending, and in Managua, Nicaragua, in July 1994 [YUN 1994, p. 250], with 74 countries participating. Those conferences evidenced an emerging global consensus on democracy and on an array of issues relevant to democratization. The United Nations responded by establishing a Focal Point for Electoral Assistance Requests within the UN Department of Political Affairs, along with an Electoral Assistance Division; establishing various trust funds for electoral assistance; creating a global Electoral Assistance Information Network; and refining procedures and designing new approaches to electoral assistance.

The evolution of the reform process in the electoral field coincided with increased requests for technical assistance in institution-building, encompassing assistance provided in many forms before, during and after the holding of elections. In Cambodia (1993) and El Salvador (1994), the United Nations helped the parties conduct a fair electoral campaign through diplomacy, civic education programmes and efforts to ensure fair access to the media. In Mozambique (1994), the United Nations assisted the transformation of the *Resistência Nacional de Moçambique* (RENAMO) into a political party and facilitated

the country's transition from a one-party to a multi-party system.

In conclusion, the Secretary-General stated that the UN role in democratization was to help States and the international community deal with prioritization and timing as they arose both nationally and internationally. Through the United Nations, he said, the three goals of peace, development and democracy could receive the treatment they deserved.

The role of the United Nations in new or restored democracies, as well as in post-conflict, post-election or mid-transition conditions, was underlined by the General Assembly during its consideration of public administration and development in April 1996 (see PART THREE, Chapter I).

#### GENERAL ASSEMBLY ACTION

On 6 December, the General Assembly adopted **resolution 51/31**.

#### **Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies**

The General Assembly,

Bearing in mind the indissoluble links between the principles enshrined in the Universal Declaration of Human Rights and the foundations of any democratic society,

Recalling the Manila Declaration adopted by the First International Conference of New or Restored Democracies in June 1988,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, including the promotion and encouragement of respect for human rights and fundamental freedoms for all and other important principles, such as respect for the equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recalling its resolutions 49/30 of 7 December 1994 and 50/133 of 20 December 1995, in which it recognized the importance of the Managua Declaration and Plan of Action adopted by the Second International Conference of New or Restored Democracies in July 1994,

Recalling also the view expressed in the Managua Declaration that the international community must pay closer attention to the obstacles facing the new or restored democracies,

Taking note of the views of Member States expressed in the debate on this item at its forty-ninth, fiftieth and fifty-first sessions,

Taking note also of the holding of the Informal Ministerial Meeting of New or Restored Democracies in New York on 30 September 1996 in accordance with the Managua Plan of Action,

Bearing in mind that such activities of the United Nations carried out in support of the efforts of Governments are undertaken in accordance with the Charter

of the United Nations and only at the specific request of the Member States concerned,

Bearing in mind also that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and on their full participation in all aspects of their lives,

Noting that a considerable number of societies have recently undertaken considerable efforts to achieve their social, political and economic goals through democratization and the reform of their economies, pursuits that are deserving of the support and recognition of the international community,

Noting with satisfaction that the Third International Conference of New or Restored Democracies will take place at Bucharest from 2 to 4 September 1997,

Stressing the importance of support by Member States, the United Nations system, the specialized agencies and other intergovernmental organizations of the holding of the Third International Conference,

Having considered the report of the Secretary-General on assistance provided in the past by the United Nations, at the request of Member States, as well as important concepts and considerations that are pertinent to this question,

1. Welcomes the report of the Secretary-General;
2. Commends the Secretary-General, and through him the United Nations system, for the activities undertaken at the request of Governments to support the efforts to consolidate democracy, as reflected in his report;
3. Recognizes that the Organization has an important role to play in providing timely, appropriate and coherent support to the efforts of Governments to achieve democratization within the context of their development efforts;
4. Stresses that activities undertaken by the Organization must be in accordance with the Charter of the United Nations;
5. Encourages the Secretary-General to continue to improve the capacity of the Organization to respond effectively to the request of Member States through coherent, adequate support of their efforts to achieve the goal of democratization;
6. Encourages Member States to promote democratization and to make additional efforts to identify possible steps to support the efforts of Governments to promote and consolidate new or restored democracies;
7. Invites the Secretary-General, Member States, the relevant specialized agencies and bodies of the United Nations system, as well as other intergovernmental organizations, to collaborate in the holding of the Third International Conference of New or Restored Democracies;
8. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session on the implementation of the present resolution, including innovative ways and means as well as other reflections, to enable the Organization to respond effectively and in an integrated manner to requests of Member States for assistance in the field of democratization;
9. Decides to include in the provisional agenda of its fifty-second session the item entitled "Support by the United Nations system of the efforts of Governments



to promote and consolidate new or restored democracies".

General Assembly resolution 51/31

6 December 1996

Meeting 75

Adopted without vote

73-nation draft (A/51/L.20/Rev.1 & Rev.1/Add.1); agenda item 41.

Meeting numbers. GA 51st session: plenary 61, 75.

## Regional aspects of international peace and security

### South Atlantic

As requested by General Assembly resolution 50/18 [YUN1995, p. 181], the Secretary-General reported on the zone of peace and cooperation of the South Atlantic, which had been established in 1986 [YUN 1986, p. 369] to promote cooperation among States of the region in political, economic, scientific, technical, cultural and other fields. In the October report [A/51/458], the Secretary-General reproduced the replies received from five Governments to his request for views on the implementation of the declaration on the zone, as well as from seven UN organizations and bodies.

By a letter of 28 June [A/51/183], South Africa transmitted the Final Declaration and decisions adopted by the fourth meeting of the States of the zone of peace and cooperation of the South Atlantic (Somerset West, South Africa, 1-2 April). By the Declaration, the participants decided that cooperation among them must be pursued in all areas, especially in the economic, technological, environmental, cultural and sporting fields, and reiterated their commitment to encourage democracy and political pluralism, to promote human rights and to pursue the non-proliferation of weapons of mass destruction. They agreed that the zone had a valuable role to play as a forum for dialogue on multilateral issues, including those relating to the maintenance of international peace and security, protection of the environment and strengthening the role of the United Nations. They encouraged Member States to expand regional economic cooperation and commercial links across the South Atlantic, to facilitate the establishment of sea, air and telecommunications links, to collaborate in developing new technologies, to share natural resources and international communications systems, and to develop human resources in science and technology. They called for further cooperation in fulfilling environmental agreements, safe transportation of nuclear material and radioactive waste through the South Atlantic, monitoring and

eliminating drug trafficking in the zone, and halting the spread of AIDS.

The three decisions adopted by the meeting dealt with drug trafficking control, protection of the marine environment and halting illegal fishing activities in the zone.

#### GENERAL ASSEMBLY ACTION

On 14 November, the General Assembly adopted **resolution 51/19**.

#### Zone of peace and cooperation of the South Atlantic

The General Assembly,

Recalling its resolution 41/11 of 27 October 1986, in which it solemnly declared the Atlantic Ocean, in the region between Africa and South America, the "Zone of peace and cooperation of the South Atlantic",

Recalling also its subsequent resolutions on the matter, including resolution 45/36 of 27 November 1990, in which it reaffirmed the determination of the States of the zone to enhance and accelerate their cooperation in the political, economic, scientific, cultural and other spheres,

Reaffirming that the questions of peace and security and those of development are interrelated and inseparable, and that cooperation for peace and development among States of the region will promote the objectives of the zone of peace and cooperation of the South Atlantic,

Aware of the importance that the States of the zone attach to the environment of the region, and recognizing the threat that pollution from any source poses to the marine and coastal environment, its ecological balance and its resources,

1. Reaffirms the importance of the purposes and objectives of the zone of peace and cooperation of the South Atlantic as a basis for the promotion of cooperation among the countries of the region;

2. Calls upon all States to cooperate in the promotion of the objectives established in the declaration of the zone of peace and cooperation of the South Atlantic and to refrain from any action inconsistent with those objectives and with the Charter of the United Nations and relevant resolutions of the Organization, particularly action which may create or aggravate situations of tension and potential conflict in the region;

3. Takes note of the report of the Secretary-General, submitted in accordance with its resolution 50/18 of 27 November 1995;

4. Recalls the agreement reached at the third meeting of the States members of the zone of peace and cooperation of the South Atlantic, held at Brasilia in 1994, to encourage democracy and political pluralism and, in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, to promote and defend all human rights and fundamental freedoms and to cooperate towards the achievement of those goals;

5. Welcomes with satisfaction the holding of the fourth meeting of the States members of the zone at Somerset West, South Africa, on 1 and 2 April 1996, and takes note of the Final Declaration, the decision on drug trafficking, the decision on the protection of the marine

environment and the decision on illegal fishing activities in the zone, adopted at the meeting;

6. Welcomes the progress towards the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), and the conclusion of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba);

7. Also welcomes the efforts of the Government of Angola to implement the Lusaka Protocol, expresses its deep concern at the delay in fully implementing the Lusaka Protocol and calls upon the União Nacional para a Independência Total de Angola to fulfil immediately the tasks enumerated in the "Mediation Document" formulated by the Special Representative of the Secretary-General in consultation with the three observer States, as contained in Security Council resolution 1075(1996) of 11 October 1996;

8. Reaffirms its willingness to contribute by all means at its disposal to an effective and lasting peace in Angola;

9. Urges the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation of the Angolan national economy and the resettlement of displaced persons, and stresses the importance of such assistance at this time in order to consolidate the gains in the peace process;

10. Welcomes the outcome of the summit meeting of the Economic Community of West African States Committee of Nine on Liberia, which revalidated the Abuja Agreement and, inter alia, foresees the holding of democratic elections in Liberia by 30 May 1997;

11. Commends and encourages Nigeria in its capacity as chair of the Committee of Nine, as well as all the members of the Economic Community of West African States, to pursue positive efforts towards peace in Liberia, and requests the international community to support the endeavours of the new chairperson of the Council of State of the Liberian National Transitional Government and to provide the necessary assistance to the Economic Community of West African States Monitoring Group to enable it to carry out its mandate;

12. Commends the efforts of Member States and humanitarian organizations to render humanitarian assistance to Angola and Liberia, and urges them to continue to provide and to increase such assistance;

13. Affirms the importance of the South Atlantic to global maritime and commercial transactions and its determination to preserve the region for all peaceful purposes and activities protected by international law, in particular the United Nations Convention on the Law of the Sea;

14. Welcomes the offer by Argentina to host the fifth meeting of the States members of the zone;

15. Requests the relevant organizations, organs and bodies of the United Nations system to render all appropriate assistance which States of the zone may seek in their joint efforts to implement the declaration of the zone of peace and cooperation of the South Atlantic;

16. Requests the Secretary-General to keep the implementation of resolution 41/11 and subsequent resolutions on the matter under review and to submit a report to the General Assembly at its fifty-second session, taking into account, inter alia, the views expressed by Member States;

17. Decides to include in the provisional agenda of its fifty-second session the item entitled "Zone of peace and cooperation of the South Atlantic".

General Assembly resolution 51/19

14 November 1996 Meeting 58 117-0-1 (recorded vote)

23-nation draft (A/51/L.16); agenda item 32.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Congo, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Iran, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Marshall Islands, Mauritania, Mexico, Micronesia, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Against: None.

Abstaining: United States.

## Indian Ocean

As requested in General Assembly resolution 50/76 [YUN 1995, p. 182], the Chairman of the Ad Hoc Committee on the Indian Ocean continued to meet in 1996 with the permanent members of the Security Council and major maritime users of the Indian Ocean and to apprise the Ad Hoc Committee of his consultations and other relevant developments. The Committee held its 1996 session in New York on 8 July, its only formal meeting during the year, and issued its report [A/51/29] later that month.

The Chairman reported on his consultations with the three permanent members of the Security Council that had withdrawn from the Committee—France, the United Kingdom and the United States—emphasizing the context in which the consultations were being conducted, especially the newly emerging international climate of confidence following the end of the cold war and the reduction of tensions as a consequence of the end of super-Power rivalry. Those events, he said, augured well for peace in the Indian Ocean area, and it was the Committee's view that the renewed participation of those permanent Council members in its work was important.

The United States reiterated its position that it disagreed with the concept of the Indian Ocean as a zone of peace because it felt that the initiative restricted the free movement of its navy there, and it was not clear as to what the Indian Ocean as a zone of peace was seeking to achieve. It considered the points made in the 1971 Declaration of the Indian Ocean as a Zone of Peace [GA res. 2832(XXVI)] to be ir-

relevant in the context of present-day developments. It also felt that if the Indian Ocean countries were seeking to address their concerns, they should do so themselves on a regional basis without involving outside Powers, such as the zone of peace arrangements in the South Atlantic, an initiative of the States concerned.

In the United Kingdom's view, the Committee was not making any significant progress and therefore there was no reason for it to change its position on rejoining the Committee. France confirmed its position, as conveyed in 1995, that suppression of the references to the 1971 Declaration in the resolution of the General Assembly defining the mandate of the Ad Hoc Committee was a prerequisite to its eventual return to the Committee. France drew attention to its contribution to peace and security in the Indian Ocean; in particular, its signing of the three protocols to the Treaty of Pelindaba—approved by the Assembly of Heads of State and Government of the Organization of African Unity in June 1995 [YUN 1995, p. 203], which created a nuclear-weapon-free zone in Africa—had contributed, France said, to peace and security in the western part of the Indian Ocean.

At the Committee meeting, the Chairman informed the members of his intention to hold informal consultations concerning a draft resolution to be submitted to the General Assembly.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/51**.

#### Implementation of the Declaration of the Indian Ocean as a Zone of Peace

The General Assembly,

Recalling the Declaration of the Indian Ocean as a Zone of Peace, contained in its resolution 2832(XXVI) of 16 December 1971, and recalling also its resolution 50/76 of 12 December 1995 and other relevant resolutions,

Recalling also the report of the Meeting of the Littoral and Hinterland States of the Indian Ocean held in July 1979,

Emphasizing the need to foster consensual approaches, in particular given the prevailing international climate, which is conducive to the pursuit of such endeavours,

Noting the initiatives taken by countries in the region to promote cooperation, in particular economic cooperation, in the Indian Ocean area and the possible contribution of such initiatives to overall objectives of a zone of peace,

Convinced that the participation of all the permanent members of the Security Council and the major maritime users of the Indian Ocean in the work of the Ad Hoc Committee on the Indian Ocean is important and would assist the progress of mutually beneficial dialogue to develop conditions of peace, security and stability in the Indian Ocean region,

Having considered the report of the Ad Hoc Committee, including the statement by its Chairman on 8 July 1996, as contained in paragraph 8 of the report,

1. Takes note of the report of the Ad Hoc Committee on the Indian Ocean;

2. Reiterates its conviction that the participation of all the permanent members of the Security Council and the major maritime users of the Indian Ocean in the work of the Ad Hoc Committee is important and would greatly facilitate the development of a mutually beneficial dialogue to advance peace, security and stability in the Indian Ocean region;

3. Requests the Ad Hoc Committee to examine its future work, taking into account, inter alia, the statement made by the Chairman on 8 July 1996, and to make recommendations for consideration by the General Assembly at its fifty-second session;

4. Also requests the Ad Hoc Committee to hold a session during 1997, of a duration of no more than three working days;

5. Further requests the Ad Hoc Committee to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

6. Requests the Secretary-General to continue to render all necessary assistance to the Ad Hoc Committee, including the provision of summary records;

7. Decides to include in the provisional agenda of its fifty-second session the item entitled "Implementation of the Declaration of the Indian Ocean as a Zone of Peace".

#### General Assembly resolution 51/51

10 December 1996 Meeting 79 131-3-37 (recorded vote)

Approved by First Committee (A/51/566/Add.17 & Corr.1) by recorded vote (106-3-35), 14 November (meeting 23); draft by Colombia, for Non-Aligned Movement (A/C.1/51/L.13); agenda item 77.

Meeting numbers. GA 51st session: 1st Committee 3-8, 10-13, 15, 23; plenary 79.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: France, United Kingdom, United States.

Abstaining: Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey.

### Antarctica

In response to General Assembly resolution 49/80 [YUN 1994, p. 240], the Secretary-General issued in September 1996 a report [A/51/390] on the state of the environment in Antarctica. Information was taken from reports of the Nineteenth Antarctic Treaty Consultative Meeting (Seoul, Republic of Korea, 8-19 May 1995) and the Twentieth Meeting (Utrecht, Netherlands, 29 April-10 May 1996). Reports on activities in the Antarctic were also provided by the World Meteorological Organization, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the UN Department of Public Information, the UN Division for Ocean Affairs and the Law of the Sea, and the World Bank. The report was prepared on behalf of the Secretary-General by the United Nations Environment Programme with the assistance of the International Centre for Antarctic Information and Research, Christchurch, New Zealand.

As the coldest, highest, driest, windiest, remotest and cleanest of continents, Antarctica's scientific and environmental values were of high priority for protection, the report said, and the continent and the Southern Ocean surrounding it played a critical role in the global environmental system. Major processes of interaction between the atmosphere, oceans, ice and biota affected the entire global system through feedbacks, biogeochemical cycles, circulation patterns, transport of energy and pollutants, and changes in ice mass balance.

Under the terms of the 1959 Antarctic Treaty [United Nations, Treaty Series, vol. 402, No. 5778], the States parties agreed to make available data and information from research done there, and, under the 1991 Protocol on Environmental Protection to the Antarctic Treaty (the Madrid Protocol) [International Legal Materials, vol. XXX, No. 6, p. 1461], they designated Antarctica as a natural reserve, devoted to peace and science, and pledged to protect its environment. Other provisions of the Protocol dealt with arbitration and dispute settlement; environmental impact assessment; conservation of Antarctic wildlife; waste disposal and management; prevention of marine pollution; and area protection and management. The Protocol was adopted by 26 States parties to the Antarctic Treaty. As of 1 August 1996, instruments of ratification had been deposited by 22 of the States that were party to its negotiation: ratification by Finland, Japan, the Russian Federation and the United States was required for the agreement to enter into full international legal effect. Other international conventions on Antarctic life were in force, including those on conservation of seals, conservation of

marine living resources and regulation of whaling.

Scientific research concerning Antarctica was carried out by various international organizations on a variety of subjects, such as sea-ice processes in the physical climate system; the physical and dynamic processes controlling the ice sheet; palaeo environmental evidence from ice cores; ice sheet effect on sea level; the ecology of the Antarctic sea-ice zone; monitoring of Antarctic ozone levels; weather patterns and climatic change; other issues affecting the marine environment; pollution; and the ecosystem. According to the Secretary-General's report, scientific investigation was the predominant human activity in Antarctica, followed by tourism, with more than 60,000 tourists estimated to have visited the area over the previous 40 years. Tourism was a growing industry, with the number of sites being visited, as well as the range of types of activity, increasing dramatically.

Fishing, sealing and whaling were regulated by the Convention on the Conservation of Antarctic Marine Living Resources and stringent measures to halt the further decline of fish stocks were implemented by 1989. Prior to the Convention's coming into force in 1982, many Antarctic fish stocks were over-exploited. Current fishing was below total allowable levels set by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), but some kinds of marine life, particularly krill, were still attracting much commercial activity. Problems had been encountered with birds being killed as a result of long-line fishing, and also with illegal fishing within the CCAMLR area.

Long-range pollutants, originating primarily in the industrialized areas of the world, were transported to Antarctica in the upper atmosphere as vapour, or by ocean currents. Air reaching Antarctica from outside had to pass through the zone of cyclonic storms surrounding the continent; that acted as a filter, removing some of the particles and gases from the air and depositing them in the Southern Ocean. Examples of such pollutants included chlorofluorocarbons, responsible for Antarctic ozone depletion, trace gases such as carbon dioxide and methane, and radioactive debris from past atmospheric tests and accidents. A substantial Antarctic ozone "hole" in the atmosphere was expected to occur each austral spring for many more decades due to increased levels of stratospheric chlorine and bromine, thereby increasing surface ultraviolet radiation and posing a threat to Antarctic ecosystems. Those levels were not expected to be reduced until the next century and would peak around 1998. It was only because of the restric-

dons set by the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, which controlled chlorine and bromine emissions and entered into force in 1988 and 1989 [YUN 1989, p. 420], respectively, that the Antarctic ozone "hole" could be expected to disappear.

Sea ice, an important environmental parameter, was being studied in an effort to understand causes and effects of global climate changes; however, there was insufficient evidence to predict trends.

At the Twentieth Antarctic Treaty Consultative Meeting, it was suggested that the Scientific Committee on Antarctic Research prepare a state of the Antarctic environment report. The relevant UN scientific and technical agencies were willing to assist in issuing such a report and to contribute to meeting goals agreed under Agenda 21 [YUN 1992, p. 672], adopted in 1992 by the United Nations Conference on Environment and Development, and the common interests of both States parties to the Antarctic Treaty and the non-Antarctic Treaty States.

#### GENERAL ASSEMBLY ACTION

On 10 December, the General Assembly adopted **resolution 51/56**.

#### Question of Antarctica

The General Assembly,

Recalling its resolution 49/80 of 15 December 1994, in which it requested the Secretary-General to submit information provided by the Antarctic Treaty Consultative Parties on their consultative meetings and on their activities, and on developments in relation to Antarctica,

Taking into account the debates on the question of Antarctica held since its thirty-eighth session,

Conscious of the particular significance of Antarctica to the international community, including for international peace and security, the global and regional environment, its effects on global and regional climate conditions, and scientific research,

Reaffirming that the management and use of Antarctica should be conducted in accordance with the purposes and principles of the Charter of the United Nations and in the interest of maintaining international peace and security and of promoting international cooperation for the benefit of mankind as a whole,

Recognizing that the Antarctic Treaty, which provides, *inter alia*, for the demilitarization of the continent, the prohibition of nuclear explosions and the disposal of nuclear wastes, the freedom of scientific research and the free exchange of scientific information, is in furtherance of the purposes and principles of the Charter,

Recognizing also the designation, in the Protocol on Environmental Protection to the Antarctic Treaty, of Antarctica as a natural reserve devoted to peace and science and the provisions contained in the Protocol regarding the protection of the Antarctic environ-

ment and dependent and associated ecosystems, including for environmental assessment, in the planning and conduct of all activities in Antarctica,

Welcoming the continuing cooperation among countries undertaking scientific research activities in Antarctica, which may help to minimize human impacts on the Antarctic environment,

Welcoming also the increasing awareness of an interest in Antarctica shown by the international community, and convinced of the advantages to the whole of mankind of a better knowledge of Antarctica,

Reaffirming its conviction that, in the interest of all mankind, Antarctica should continue for ever to be used exclusively for peaceful purposes and that it should not become the scene or object of international discord,

1. Takes note of the report of the Secretary-General on the question of Antarctica and the role accorded by the Secretary-General to the United Nations Environment Programme in preparing his report, and also of the Nineteenth and Twentieth Antarctic Treaty Consultative Meetings, which took place at Seoul from 8 to 19 May 1995 and at Utrecht, the Netherlands, from 29 April to 10 May 1996, respectively;

2. Recalls the statement under chapter 17 of Agenda 21, adopted by the United Nations Conference on Environment and Development, that States carrying out research activities in Antarctica should, as provided for in article III of the Antarctic Treaty, continue:

(a) To ensure that data and information resulting from such research are freely available to the international community;

(b) To enhance the access of the international scientific community and the specialized agencies of the United Nations system to such data and information, including the encouragement of periodic seminars and symposia;

3. Welcomes the invitations to the Executive Director of the United Nations Environment Programme to attend Antarctic Treaty Consultative Meetings in order to assist such meetings in their substantive work, and urges the parties to continue to extend such invitations for future consultative meetings;

4. Welcomes also the practice whereby the Antarctic Treaty Consultative Parties regularly provide the Secretary-General with information on their consultative meetings and on their activities in Antarctica, and encourages the Parties to continue to provide the Secretary-General and other interested States with information on developments in relation to Antarctica, and requests the Secretary-General to submit a report which shall consist of that information to the General Assembly at its fifty-fourth session;

5. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Question of Antarctica".

General Assembly resolution 51/56

10 December 1996 Meeting 79 Adopted without vote

Approved by First Committee (A/51/567) without vote, 25 November (meeting 26); draft by Chairman (A/C.1/51/L.55); agenda item 62.

## Trusteeship and decolonization

The United Nations continued in 1996 its efforts to eradicate colonialism. The General Assembly's Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) held its annual session in New York in two parts—on 16 February and 4 April for the first part, and from 22 July to 1 August for the second. As the Assembly had requested in 1995 [YUN 1995, p. 237], the Special Committee reported [A/51/23] in September 1996 on its 1996 activities. The Committee considered various aspects of the implementation of the 1960 Declaration [GA res. 1514(XV)], both general decolonization issues and the situation of individual Non-Self-Governing Territories (NSGTs). It considered reports of its Working Group [A/AC.109/L.1852] (which functioned as a steering committee), its Open-ended Working Group [A/AC.109/L.1842] (which made recommendations on how to improve the efficiency of the Special Committee) and its Subcommittee on Small Territories, Petitions, Information and Assistance [A/AC.109/L.1843]. As at 1 January 1996, the Special Committee was composed of 23 members.

The Territories considered specifically by the Special Committee and by the General Assembly in 1996 were East Timor, the Falkland Islands (Malvinas), Gibraltar, New Caledonia, Tokelau and Western Sahara (see PART ONE, Chapter II), as well as a number of small island Territories.

### Decade for the Eradication of Colonialism

As part of its effort to implement the 1991 plan of action [YUN 1991, p. 777] for the International Decade for the Eradication of Colonialism (1990-2000), declared by the General Assembly in 1988 [GA res. 43/47] and aimed at ushering in, in the twenty-first century, a world free from colonialism, the Special Committee on decolonization organized a Pacific Regional Seminar to Review the Situation in the Non-Self-Governing Territories, particularly their Political Evolution towards Self-Determination by the Year 2000 (Port Moresby, Papua New Guinea, 12-14 June) [A/AC.109/2058]. The Seminar identified areas in which the international community could enhance its participation in assistance and development programmes and adopt a comprehensive approach to ensure the viable and sustainable development of the Territories concerned.

The Seminar, expressing concern that there still remained a core of NSGTs (mostly small island States) even after three and a half decades since the Declaration on decolonization was adopted, took note of a suggestion that another option be considered as a legitimate means for decolonization, namely, "any other political status freely determined by the people". The Seminar felt that the free association formula as it was being developed acknowledged the fact that local resources could not cover the material side of self-determination and self-government without assistance from the former administering Power, the United Nations and the international community. The Seminar affirmed that all options for self-determination were valid as long as they were in accordance with the freely expressed wishes of the peoples concerned and in conformity with the principles contained in General Assembly resolutions on decolonization. It reiterated that the administering Powers should adhere to the wishes of the people of the Territory in formulating any law for the Territory. The question of emigration from and immigration to a Territory should be addressed in a manner that would protect the interests of the people of that Territory.

Reaffirming the need for the United Nations to send visiting missions to the NSGTs to obtain information on the process of self-determination, the Seminar recognized that for small island NSGTs, self-determination was not an end in itself but required an ongoing post-decolonization role of the United Nations. Bearing in mind that most of the remaining NSGTs were small islands with vulnerable ecosystems, assistance programmes should be formulated by the administering Powers in co-operation with the United Nations Development Programme (UNDP) and other UN bodies.

Concerning specific Territories, the Seminar affirmed the right to self-determination of the Chamorro people in Guam and recommended that a UN mission visit the Territory. It noted with satisfaction the positive constitutional developments that had occurred in Tokelau. With regard to New Caledonia, the Seminar supported self-determination referendums as well as conciliation efforts between the Government of France and the political parties of New Caledonia. The Seminar recommended that the Special Committee should expedite its efforts to find a satisfactory solution to the question of East Timor.

### Implementation of the 1960 Declaration

On 13 December, the General Assembly adopted **resolution 51/146**.

**Implementation of the Declaration on the  
Granting of Independence  
to Colonial Countries and Peoples**

The General Assembly,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all its subsequent resolutions concerning the implementation of the Declaration, most recently resolution 50/39 of 6 December 1995, as well as the relevant resolutions of the Security Council,

Recognizing that the eradication of colonialism is one of the priorities of the Organization for the decade that began in 1990,

Deeply conscious of the need to take, speedily, measures to eliminate the last vestiges of colonialism by the year 2000, as called for in its resolution 43/47 of 22 November 1988,

Reiterating its conviction of the need for the elimination of colonialism, as well as of the need for the total eradication of racial discrimination and violations of basic human rights,

Noting with satisfaction the achievements of the Special Committee in contributing to the effective and complete implementation of the Declaration and other relevant resolutions of the United Nations on decolonization,

Stressing the importance of the participation of the administering Powers in the work of the Special Committee,

Noting with satisfaction the cooperation and active participation of some administering Powers in the work of the Special Committee, as well as their continued readiness to receive United Nations visiting missions in the Territories under their administration,

Noting with concern the negative impact that the non-participation of certain administering Powers has had on the work of the Special Committee, depriving it of an important source of information on the Territories under their administration,

Aware of the pressing need of newly independent and emerging States for assistance from the United Nations and its system of organizations in the economic, social and other fields,

Aware also of the pressing need of the remaining Non-Self-Governing Territories, including in particular the small island Territories, for economic, social and other assistance from the United Nations and the organizations within its system,

Taking special note of the fact that the Special Committee held a Pacific Regional Seminar to Review the Situation in the Non-Self-Governing Territories, particularly their Political Evolution towards Self-Determination by the Year 2000, at Port Moresby from 12 to 14 June 1996,

1. Reaffirms its resolution 1514(XV) and all other resolutions on decolonization, including its resolution 43/47, in which it declared the decade that began in 1990 as the International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all neces-

sary steps to enable the peoples of the Territories concerned to exercise fully as soon as possible their right to self-determination, including independence;

2. Affirms once again that the continuation of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Reaffirms its determination to continue to take all steps necessary to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

4. Affirms once again its support for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence;

5. Approves the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 1996, including the programme of work envisaged for 1997;

6. Calls upon all States, in particular the administering Powers, as well as the specialized agencies and other organizations of the United Nations system, to give effect within their respective spheres of competence to the recommendations of the Special Committee for the implementation of the Declaration and other relevant resolutions of the United Nations;

7. Calls upon the administering Powers to ensure that no activity of foreign economic and other interests in the Non-Self-Governing Territories under their administration hinders the peoples of those Territories from exercising their right to self-determination, including independence;

8. Takes note of the decision of some of the administering Powers to close or reduce some of the military bases in the Non-Self-Governing Territories;

9. Calls upon the administering Powers to eliminate the remaining military bases in the Non-Self-Governing Territories in compliance with the relevant resolutions of the General Assembly, and urges them not to involve those Territories in any offensive acts or interference against other States;

10. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide moral and material assistance to the peoples of colonial Territories, and requests that the administering Powers, in consultation with the Governments of the Territories under their administration, take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economies of those Territories;

11. Requests the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out those actions approved by the General Assembly regarding the International Decade for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its fifty-second session;

(b) To continue to examine the implementation by Member States of resolution 1514(XV) and other relevant resolutions on decolonization;

(c) To continue to pay special attention to the small Territories, in particular through the dispatch of regular visiting missions, and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination and independence;

(d) To take all necessary steps to enlist worldwide support among Governments, as well as national and international organizations, for the achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

12. Calls upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to receive visiting missions to the Territories to secure first-hand information and to ascertain the wishes and aspirations of their inhabitants;

13. Also calls upon the administering Powers that have not participated in the work of the Special Committee to do so at its 1997 session;

14. Requests the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to the Non-Self-Governing Territories and to continue to do so, as appropriate, after they exercise their right to self-determination, including independence;

15. Requests the Secretary-General to provide the Special Committee with the facilities and services required for the implementation of the present resolution, as well as of the other resolutions and decisions on decolonization adopted by the General Assembly and the Special Committee.

General Assembly resolution 51/146

13 December 1996 Meeting 83 143-2-19 (recorded vote)

8-nation draft (A/51/L.51); agenda item 19.

Sponsors: Cote d'Ivoire, Cuba, Fiji, Grenada, Indonesia, Papua New Guinea, Syrian Arab Republic, Trinidad and Tobago.

Recorded vote in Assembly as follows:

In favour Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United Kingdom, United States.

Abstaining: Azerbaijan, Belarus, Belgium, Bulgaria, Finland, France, Georgia, Germany, Hungary, Israel, Kazakhstan, Latvia, Lithuania, Luxembourg, Netherlands, Palau, Russian Federation, Turkey, Ukraine.

### Implementation by international organizations

As requested by General Assembly resolution 50/34 [YUN 1995, p. 241], the Secretary-General reported [A/51/212] in July 1996 on the implementation of the Declaration on decolonization by the specialized agencies and the international institutions associated with the United Nations. The Secretary-General had requested information from the executive heads of 25 such organizations on measures they had taken to implement the relevant resolutions. The answers received were summarized in a July report [E/1996/85] by the President of the Economic and Social Council. According to the information provided, a number of agencies and organizations continued to provide assistance to the peoples of NSGTs. Several extended or formulated assistance programmes from within their own budgetary resources, in addition to their contributions as executing agencies of projects funded by UNDP, the primary provider of assistance.

UNDP funded projects in human resources development, reform of the public sector, environmental and natural resources management, teacher training, disaster assistance, development strategy, and economic planning and management. For Anguilla, the UNDP indicative planning figure for 1992-1996, including cost sharing, was \$1,269,000; for the British Virgin Islands, it was \$97,000 for 1995-1996; for the Cayman Islands, \$1,457,000 for 1993-1996; for Montserrat, \$632,000 for 1992-1996; and for the Turks and Caicos Islands, \$910,000 for 1993-1996. Planning for the next programming period, 1997-1999, was under way.

The International Maritime Organization (IMO) reported that, with financing from Norway (\$891,000), it had completed a project to develop port state control capabilities in the Caribbean, and a regional agreement on the matter was adopted in February 1996. The project aimed to enhance the capacities of the island nations and Territories of the Caribbean to implement global standards for maritime safety. Three fellowships were allocated in the context of the project, to the Turks and Caicos Islands, Bonaire and Curaçao. UNESCO had supported training activities for journalists and media specialists from NSGTs. In particular, journalists and other specialists from Anguilla, the British Virgin Islands, Montserrat and Tokelau attended training courses under its regional projects. Another UNESCO project, focusing on environment and development in coastal regions and small islands and aimed at securing integrated coastal zone planning and



management in the South Pacific, East Africa, South-East Asia and Caribbean regions, was also to take into account the needs of the remaining small island NSGTs.

In his report, the Council President expressed the view that UN bodies should strengthen measures of support and formulate additional assistance programmes to the NSGTs, most of which were islands, small in size and population, geographically isolated, vulnerable to natural disasters and economically relatively undeveloped and particularly dependent on external assistance. The President's observations were formulated on the basis of his close contact with the Chairman of the Special Committee on decolonization. The President considered strengthened cooperation between them useful in order to mobilize the maximum possible assistance.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/37**.

#### **Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations**

The Economic and Social Council,

Having examined the report of the Secretary-General and the report of the President of the Economic and Social Council on consultations held with the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having heard the statement by the Acting Chairman of the Special Committee,

Recalling General Assembly resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960, resolutions of the Special Committee and other relevant resolutions and decisions, including, in particular, Economic and Social Council resolution 1995/58 of 28 July 1995,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are lim-

ited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing the importance of securing necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their respective spheres of competence, to ensure the full implementation of resolution 1514(XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum, the Caribbean Community and other regional organizations for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of assistance programmes to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the Non-Self-Governing small island Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea-level rise, and recalling other relevant General Assembly resolutions,

Recalling General Assembly resolution 50/34 of 6 December 1995 on cooperation and coordination of the specialized agencies and the international institutions associated with the United Nations in their assistance to Non-Self-Governing Territories,

1. Takes note of the report of the President of the Economic and Social Council on his consultations with the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and endorses the observations and suggestions arising therefrom;

2. Also takes note of the report of the Secretary-General;

3. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions of the United Nations;

4. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

5. Reaffirms also that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

6. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of General Assembly resolution 1514(XV) and other relevant resolutions of the United Nations, and requests all the specialized agencies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

7. Requests the specialized agencies and other organizations of the United Nations system and international and regional organizations to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

8. Requests the specialized agencies and the international institutions associated with the United Nations and regional organizations to strengthen existing measures of support and to formulate appropriate programmes of assistance to the remaining Non-Self-Governing Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

10. Recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations;

11. Welcomes the continued initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

12. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

13. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the agencies and organizations so that the Territories may benefit from the related activities of the specialized agencies and other organizations of the United Nations system;

14. Recommends that all Governments intensify their efforts with the specialized agencies and other organizations of the United Nations system of which they are members to ensure the full and effective implementation of resolution 1514(XV) and other relevant resolutions of the United Nations and, in that connection, ac-

cord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

15. Draws the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the present resolution and to the discussion held on the subject at the substantive session of 1996 of the Economic and Social Council;

16. Requests the President of the Economic and Social Council to continue to maintain close contact on these matters with the Chairman of the Special Committee and to report thereon to the Council;

17. Requests the Secretary-General to follow the implementation of the present resolution, paying particular attention to cooperation and integration arrangements for maximizing the efficiency of the assistance activities undertaken by various organizations of the United Nations system, and to report thereon to the Economic and Social Council at its substantive session of 1997;

18. Decides to keep these questions under continuous review.

#### Economic and Social Council resolution 1996/37

26 July 1996

Meeting 5 129-0-20 (recorded vote)

5-nation draft (E/1996/L.42); agenda item 5 (c).

Sponsors: Cuba, Lebanon, Papua New Guinea, Syrian Arab Republic, United Republic of Tanzania.

Meeting numbers. ESC 44, 46, 50, 51.

#### Recorded vote in Council as follows:

In favour: Argentina, Australia, Brazil, Central African Republic, China, Colombia, Congo, Cote d'Ivoire, Egypt, Gabon, Ghana, India, Indonesia, Jamaica, Jordan, Lebanon, Malaysia, Nicaragua, Pakistan, Paraguay, Philippines, Senegal, South Africa, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela.

Against: None.

Abstaining: Belarus, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Poland, Portugal, Romania, Russian Federation, Sweden, United Kingdom, United States, Zimbabwe.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/141**.

#### **Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations**

The General Assembly,

Having considered the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations",

Having also considered the reports submitted on the item by the Secretary-General and the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the item,

Recalling its resolutions 1514(XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, and resolu-

tions of the Special Committee, as well as other relevant resolutions and decisions of the United Nations,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514(XV),

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing also the importance of securing necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their respective spheres of competence, to ensure the full implementation of resolution 1514(XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum and the Caribbean Community, as well as other regional organizations, for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of assistance programmes to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the Non-Self-Governing small island Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea-level rise, and recalling its relevant resolutions,

Recalling its resolution 50/34 of 6 December 1995 on the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations,

1. Takes note of the report of the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on his consultations with the President of the Economic and Social Council and endorses the observations and suggestions arising therefrom;

2. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions of the United Nations;

3. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

4. Reaffirms also that the recognition by the General Assembly and other United Nations organs of the legitimacy of the aspiration of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

5. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations;

6. Requests the specialized agencies and the international institutions associated with the United Nations, as well as regional organizations, to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories and strengthen existing measures of support, and, in that regard, to formulate appropriate programmes of assistance to the remaining Non-Self-Governing Territories, within the framework of their respective mandates;

7. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

8. Also recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations;

9. Welcomes the continuing initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

10. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

11. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the spe-

cialized agencies and other organizations of the United Nations system so that the Territories may benefit from the related activities of those agencies and organizations;

12. Recommends that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are members to ensure the full and effective implementation of resolution 1514(XV) and other relevant resolutions of the United Nations and, in that connection, accord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

13. Requests the Secretary-General to continue to assist the specialized agencies and other organizations of the United Nations system in working out appropriate measures for implementing the relevant resolutions of the United Nations and to prepare for submission to the relevant bodies, with the assistance of those agencies and organizations, a report on the action taken in implementation of the relevant resolutions, including the present resolution, since the circulation of his previous report;

14. Commends the Economic and Social Council for its debate and its resolution 1996/37 of 26 July 1996 on this issue, and requests it to continue to consider, in consultation with the Special Committee, appropriate measures for coordination of the policies and activities of the specialized agencies and other organizations of the United Nations system in implementing the relevant resolutions of the General Assembly;

15. Requests the specialized agencies to report periodically to the Secretary-General on the implementation of the present resolution;

16. Requests the Secretary-General to transmit the present resolution to the governing bodies of the appropriate specialized agencies and international institutions associated with the United Nations so that those bodies may take the necessary measures to implement the resolution, and also requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

17. Requests the Special Committee to continue to examine the question and to report thereon to the General Assembly at its fifty-second session.

#### General Assembly resolution 51/141

13 December 1996 Meeting 83 115-0-51 (recorded vote)

Approved by Fourth Committee (A/51/597) by recorded vote (62-2-39), 22 November (meeting 20); draft by Special Committee on decolonization (A/51/23); agenda items 90 & 12.

Meeting numbers. GA 51st session: 4th Committee 2-5, 20; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates,

United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Albania, Andorra, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, Norway, Palau, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Explaining the abstention of the States members of the European Union (EU), Ireland said they supported the humanitarian, technical and educational work of the specialized agencies in the NSGTs, but believed that the agencies' statutes should be strictly respected.

#### Foreign interests impeding implementation of the Declaration

In 1996, the Special Committee on decolonization, as in previous years, considered activities of foreign economic and other interests impeding implementation of the 1960 Declaration on decolonization. The Special Committee had before it working papers prepared by the Secretariat containing information on economic conditions, with particular reference to foreign economic activities, in the Territories of Anguilla, Bermuda, the Cayman Islands, Montserrat, the Turks and Caicos Islands, and the United States Virgin Islands [A/AC.109/2041 & Corr.1, A/AC.109/2045, A/AC.109/2051-2053, A/AC.109/2054 & Add.1].

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/140**.

#### Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination

The General Assembly,

Having considered the item entitled "Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination",

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the item,

Recalling its resolution 1514(XV) of 14 December 1960, as well as all its other relevant resolutions, including, in particular, resolution 46/181 of 19 December 1991, endorsing the Plan of Action for the International Decade for the Eradication of Colonialism,

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the hu-

man and natural resources of those Territories against abuses,

Reaffirming also that any economic or other activity that constitutes an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and obstructs efforts aimed at the elimination of colonialism is a direct violation of the rights of the inhabitants and of the principles of the Charter and all relevant resolutions of the United Nations,

Reaffirming further that the natural resources are the heritage of the indigenous populations of the colonial and Non-Self-Governing Territories,

Aware of the special circumstances of the geographical location, size and economic conditions of each Territory, and bearing in mind the need to promote the economic stability, diversification and strengthening of the economy of each Territory,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Conscious also that foreign economic investment, when done in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes, could make a valid contribution to the socio-economic development of the Territories and could also make a valid contribution to the exercise of their right to self-determination,

Concerned about the activities of those foreign economic, financial and other interests which exploit the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories and deprive them of their right to control the wealth of their countries,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

1. Reaffirms the right of peoples of Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and General Assembly resolution 1514(XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to enjoyment of their natural resources and their right to dispose of those resources in their best interest;

2. Affirms the value of foreign economic investment undertaken in collaboration with the people of the Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories;

3. Reiterates that any administering Power that deprives the colonial peoples of Non-Self-Governing Territories of the exercise of their legitimate rights over their natural resources, or subordinates the rights and interests of those peoples to foreign economic and financial interests, violates the solemn obligations it has assumed under the Charter;

4. Reaffirms its concern about the activities of those foreign economic, financial and other interests which continue to exploit the natural resources that are the heritage of the indigenous populations of the colonial

and Non-Self-Governing Territories in the Caribbean, the Pacific and other regions, as well as their human resources, to the detriment of their interests, thus depriving them of their right to control the resources of their Territories and impeding the realization by those peoples of their legitimate aspirations for self-determination and independence;

5. Reiterates its deep concern about those activities of foreign economic and other interests in the colonial and Non-Self-Governing Territories which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514(XV), and the efforts to eliminate colonialism;

6. Calls once again upon all Governments that have not yet done so to take, in accordance with the relevant provisions of its resolution 2621 (XXV) of 12 October 1970, legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in colonial and Non-Self-Governing Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises and to prevent new investments that run counter to the interests of the inhabitants of those Territories;

7. Reiterates that the damaging exploitation and plundering of the marine and other natural resources of colonial and Non-Self-Governing Territories by foreign economic interests, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of those Territories;

8. Invites all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of colonial and Non-Self-Governing Territories over their natural resources is fully respected and safeguarded;

9. Urges the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the colonial and Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

10. Calls upon the administering Powers concerned to ensure that no discriminatory working conditions prevail in the Territories under their administration and to promote in each Territory a fair system of wages applicable to all the inhabitants without any discrimination;

11. Requests the Secretary-General to continue, through all means at his disposal, to inform world public opinion of those activities of foreign economic and other interests which impede the implementation of the Declaration;

12. Appeals to the mass media, trade unions and non-governmental organizations, as well as individuals, to continue their efforts for the implementation of the Declaration;

13. Decides to follow the situation in the colonial and Non-Self-Governing Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interest of the indigenous peoples and at promoting

the economic and financial viability of those Territories, in order to facilitate and accelerate the exercise by the peoples of those Territories of their right to self-determination and independence;

14. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the General Assembly at its fifty-second session.

General Assembly resolution 51/140

13 December 1996 Meeting 83 107-49-4

Approved by Fourth Committee (A/51/596) by recorded vote (87-44), 20 November (meeting 18); draft by Special Committee on decolonization (A/51/23), amended by Ireland for EU (A/C.4/51/L.2), and orally amended by Acting Chairman; agenda items 89 & 19.

Meeting numbers. GA 51st session: 4th Committee 2-5, 8, 18; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Micronesia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Armenia, Australia, Austria, Belarus, Belgium, Bulgaria, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstaining: Mali, Mauritania, Palau, Republic of Korea.

\*Later advised the Secretariat it had intended to vote in favour.

Ireland, on behalf of the States members of the EU, explained that they had voted against the resolution as, despite consultations with the Special Committee, the final version of the text was still not satisfactory. The EU once again requested the Special Committee to be more mindful of its observations in drafting a resolution in 1997.

### **Military activities and arrangements in colonial countries**

The Special Committee on decolonization considered military activities and arrangements by colonial Powers in Territories under their administration. For that purpose, it had before it working papers prepared by the Secretariat containing information on military activities and arrangements in Bermuda, Guam and the United States Virgin Islands [A/AC.109/2041 & Corr.1, A/AC.109/2047 & Add.1, A/AC.109/2054 & Add.1].

#### **GENERAL ASSEMBLY ACTION**

The General Assembly adopted **decision 51/427** in December.

#### **Military activities and arrangements by colonial Powers in Territories under their administration**

At its 83rd plenary meeting, on 13 December 1996, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text:

"1. The General Assembly, having considered the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to an item on the agenda of the Special Committee entitled 'Military activities and arrangements by colonial Powers in Territories under their administration', and recalling its resolution 1514(XV) of 14 December 1960 and all other relevant resolutions and decisions of the United Nations relating to military activities in colonial and Non-Self-Governing Territories, reaffirms its strong conviction that military bases and installations in the Territories concerned could constitute an obstacle to the exercise by the people of those Territories of their right to self-determination, and reiterates its strong views that existing bases and installations, which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be withdrawn.

"2. Aware of the presence of such bases and installations in some of those Territories, the General Assembly urges the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States.

"3. The General Assembly reiterates its concern that military activities and arrangements by colonial Powers in Territories under their administration might run counter to the rights and interests of the colonial peoples concerned, especially their right to self-determination and independence. The Assembly once again calls upon the administering Powers concerned to terminate such activities and to eliminate such military bases in compliance with its relevant resolutions.

"4. The General Assembly reiterates that the colonial and Non-Self-Governing Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

"5. The General Assembly deplores the continued alienation of land in colonial and Non-Self-Governing Territories, particularly in the small island Territories of the Pacific and Caribbean regions, for military installations. The large-scale utilization of the local resources for this purpose could adversely affect the economic development of the Territories concerned.

"6. The General Assembly takes note of the decision of some of the administering Powers to close or

downsize some of those military bases in the Non-Self-Governing Territories.

"7. The General Assembly requests the Secretary-General to continue to inform world public opinion of those military activities and arrangements in colonial and Non-Self-Governing Territories which constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

"8. The General Assembly requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to it at its fifty-second session."

General Assembly decision 51/427

109-47-5 (recorded vote)

Approved by Fourth Committee (A/51/596) by recorded vote (87-46), 20 November (meeting 18); draft by Special Committee on decolonization (A/51/23); agenda items 89 & 19.

Meeting numbers. GA 51st session: 4th Committee 2-5, 8, 18; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Armenia, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstaining: Mauritania, Micronesia, Palau, Republic of Korea, Uzbekistan.

On behalf of the EU States members, Ireland stated that they felt compelled to vote against the decision as the question it referred to was not included among the agenda items the Assembly had allocated to the Fourth Committee.

### Information dissemination

As described in its 1996 report [A/51/23], the Special Committee and its Subcommittee on Small Territories, Petitions, Information and Assistance considered the question of the dissemination of information on decolonization. The Subcommittee reported [A/AC.109/L.1843] as well on its consultations with representatives of the Departments of Public Information and of Political Affairs of the Secretariat, and on the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and

Human Rights (27-31 May 1996), which had been observed annually since 1972. Speaking on the occasion of the Week of Solidarity, the Subcommittee Chairman said the task in the field of decolonization was still unfinished. Those peoples who had not achieved self-determination were mostly of small island NSGTs mainly in the Pacific and Caribbean regions; they were confronted with problems due to the small size of their Territories, low population, geographic remoteness, limited natural resources and vulnerability to natural disasters. Their situations required new and innovative solutions geared towards implementation of the International Decade for the Eradication of Colonialism (1990-2000). The Chairman, emphasizing that there was no alternative to the principle of self-determination, added that the wishes of the peoples of the NSGTs should not be ignored when examining again the options of self-determination available to them.

### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/147**.

#### Dissemination of information on decolonization

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the dissemination of information on decolonization and publicity for the work of the United Nations in the field of decolonization,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 50/40 of 6 December 1995,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving complete decolonization by the year 2000,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 e of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the dissemination of information on decolonization

and publicity for the work of the United Nations in the field of decolonization;

2. Considers it important to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. Requests the Department of Political Affairs and the Department of Public Information of the Secretariat to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, *inter alia*:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. Requests all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above;

5. Requests the Special Committee to follow the implementation of the present resolution and to report thereon to the General Assembly at its fifty-second ses-

Abstaining: Belgium, Finland, France, Kazakstan, Luxembourg, Netherlands, Romania, Russian Federation.

The amendment proposed by the EU, which added the fifth preambular paragraph, was adopted by a recorded vote of 143 to none, with 8 abstentions.

### Puerto Rico

At a July meeting, the Special Committee on decolonization postponed again, until 1997, consideration of its decision of 15 August 1991 [YUN 1991, p. 790], by which it had deplored the fact that the United States Congress had not adopted a legal framework for holding a referendum to enable the people of Puerto Rico to determine their political future. The Committee agreed, on the basis of its usual practice, to give due consideration to requests for hearings and heard representatives of 10 Puerto Rican organizations.

### Other general questions

#### Scholarships

The Secretary-General reported in September 1996 [A/51/373] on offers by Member States of study and training facilities for inhabitants of NSGTs. Since 1954, Member States had been invited by the General Assembly to offer education and training, not only at the university level, but also at the post-primary level, and technical and vocational training of immediate practical value. Those offers were communicated by the Secretariat to the administering Powers to enable them to give them appropriate publicity in the Territories under their administration.

As requested by General Assembly resolution 50/35 [YUN 1995, p. 246], the September 1996 report provided information on the offers and awards made during the period from 1 October 1995 to 30 September 1996. Over the years, 46 Member States and one non-member State had offered scholarships. During the reporting period, two countries, Austria and the United Kingdom, informed the Secretary-General of their offers. Austria said that it regularly provided vocational training and capacity-building in the infrastructure and education sectors for inhabitants of Western Sahara. The United Kingdom stated that during the 1995/96 financial year, it had offered 64 scholarships to students from the British Territories of Anguilla (5), Bermuda (20), the British Virgin Islands (5), the Cayman Islands (8), the Falkland Islands (Malvinas) (2), Gibraltar (2), Montserrat (3), St. Helena (including Tristan da Cunha) (18) and the Turks and Caicos Islands (1). Between 16 September 1995 and 15

General Assembly resolution 51/147

13 December 1996

Meeting 83

154-3-8

Draft by Special Committee on decolonization (A/51/23), amended by Ireland for EU (A/51/L.46); agenda item 19.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United Kingdom, United States.



September 1996, the UN Secretariat received requests from 29 students for information on the availability of scholarships; none of them were inhabitants of NSGTs.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/142**.

#### **Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories**

The General Assembly,

Recalling its resolution 50/35 of 6 December 1995,

Having examined the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories, prepared pursuant to its resolution 845(IX) of 22 November 1954,

Conscious of the importance of promoting the educational advancement of the inhabitants of Non-Self-Governing Territories,

Strongly convinced that the continuation and expansion of offers of scholarships is essential in order to meet the increasing need of students from Non-Self-Governing Territories for educational and training assistance, and considering that students in those Territories should be encouraged to avail themselves of such offers,

1. Takes note of the report of the Secretary-General;
2. Expresses its appreciation to those Member States that have made scholarships available to the inhabitants of Non-Self-Governing Territories;
3. Invites all States to make or continue to make generous offers of study and training facilities to the inhabitants of those Territories that have not yet attained self-government or independence and, wherever possible, to provide travel funds to prospective students;
4. Urges the administering Powers to take effective measures to ensure the widespread and continuous dissemination in the Territories under their administration of information relating to offers of study and training facilities made by States and to provide all the necessary facilities to enable students to avail themselves of such offers;
5. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;
6. Draws the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the present resolution.

General Assembly resolution 51/142

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/598) without vote, 28 October (meeting 8); 18-nation draft (A/C.4/51/L.6); agenda item 91.

Meeting numbers. GA 51st session: 4th Committee 2-5, 8; plenary 83.

#### **Information to the United Nations**

As in previous years, the General Assembly had in 1995 [YUN 1995, p. 247] requested Member States, which had responsibilities for the administration of Territories whose peoples had not fully attained self-government, to inform the Secretary-General of economic, social and educational con-

ditions in those Territories, as prescribed in Article 73 e of the UN Charter. The Secretary-General reported [A/51/316 & Add.1] in August 1996, with additional information presented in September, on those replies transmitted to him in respect of the years from 1993 to 1996. Countries which had submitted information were: New Zealand (Tokelau), United Kingdom (Anguilla, Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Gibraltar, Pitcairn, St. Helena (including Tristan da Cunha)) and United States (American Samoa, Guam, United States Virgin Islands). The Special Committee on decolonization considered information from NSGTs on 22 July.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/139**.

#### **Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations**

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations and the action taken by the Special Committee in respect of that information,

Having also examined the report of the Secretary-General on the item,

Recalling its resolution 1970(XVIII) of 16 December 1963, in which it requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 e of the Charter and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514(XV) of 14 December 1960,

Recalling also its resolution 50/32 of 6 December 1995, in which it requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970(XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 e of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations;

2. Reaffirms that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to

transmit information under Article 73 e of the Charter with respect to that Territory;

3. Requests the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

4. Requests the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

5. Requests the Special Committee to continue to discharge the functions entrusted to it under resolution 1970(XVIII), in accordance with established procedures, and to report thereon to the General Assembly at its fifty-second session.

General Assembly resolution 51/139

13 December 1996 Meeting 83 162-0-7

Approved by Fourth Committee (A/51/595) by recorded vote (130-0-4), 28

October (meeting 8); draft by Special Committee on decolonization (A/51/23); agenda item 88.

Meeting numbers. GA 51st session: 4th Committee 2-5, 8; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: France, Israel, Marshall Islands, Micronesia, Palau, United Kingdom, United States.

The United Kingdom explained that it had abstained because it did not agree with paragraph 2.

### Visiting missions

The Chairman of the Special Committee on decolonization held consultations in 1996 with representatives of the administering Powers on the question of sending visiting missions to Territories, as requested by the Committee in 1995 [YUN 1995, p. 247]. During those consultations, the Chairman informed them that the Committee continued to attach importance to the dispatch of

UN visiting missions to the NSGTs as a means of securing first-hand information on those Territories. He appealed to the administering Powers to cooperate with the United Nations in that regard and indicated that some territorial Governments had expressed willingness to receive such missions.

In a July report [A/AC.109/L.1848], the Chairman said that the representative of one administering Power stated that his Government's record on decolonization had been good and that its position with regard to visiting missions to the Territories under its administration had not changed, adding that those territorial Governments willing to receive visiting missions should first consult with the administering Power concerned. Concerning decolonization, the representative said that the Territories under his Government's administration had democratically elected Governments and it was up to them to decide their future status. So far, none of those Territories had taken any action in that direction.

The representatives of two administering Powers stated that they remained open to any suggestions by local Governments regarding their readiness to receive UN visiting missions. They recalled their Governments' communications informing the United Nations that they would stop participating in the work of the Special Committee and indicated that they did not foresee a change of that policy. However, they reiterated their commitment to fulfil their obligations concerning transmission of information under Article 73 e of the Charter.

The representative of one administering Power stated that it was difficult for his Government to facilitate the access of a visiting mission to the Territory concerned. He expressed the hope that the Secretary-General would succeed in his efforts to bring the parties concerned together and make possible the dispatch of a visiting mission to the Territory in the near future.

New Zealand reiterated its readiness to continue to provide the Committee with all relevant information on Tokelau and to participate in the Committee's work. It expressed the hope that, in view of the current constitutional developments in Tokelau, it would be possible for the people of the Territory to decide soon on their future status, within their own time-frame.

According to the report, the latest visiting mission dispatched by the Committee was in 1994 to Tokelau.

The Committee, by a resolution of 24 July, stressed the need to dispatch periodic visiting missions to NSGTs, called on administering Powers to cooperate by receiving UN missions and requested the Chairman to continue consultations

with those Powers. It also requested the Chairman to enter into consultations with the administering Power of Guam, with a view to facilitating the dispatch of a UN mission there.

### Other colonial Territories

#### East Timor

The Special Committee on decolonization considered the question of East Timor on 23 and 24 July, having before it a working paper [A/AC.109/2049 & Corr.2] prepared by the Secretariat containing information on political developments, the human rights situation, and economic, social and educational conditions in the Territory. The paper was based on international media reports, as well as UN documentation, and covered consideration of the issue by the United Nations. Since 1977, Portugal, as administering Power, had annually informed the Secretary-General that, owing to conditions in the Territory, namely, the presence of armed forces of Indonesia, it had been prevented from transmitting any information concerning East Timor under Article 73 e of the Charter. In 1982 [YUN 1982, p. 1349], the General Assembly had requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring ways of achieving a comprehensive settlement of the problem, and since then the Secretary-General had kept the Assembly apprised of developments related to the exercise of his good offices.

The Secretary-General held the seventh round of talks on the question of East Timor in London on 16 January 1996, with the Foreign Ministers of Portugal and Indonesia, continuing discussions on those substantive issues which had been identified as related to an eventual framework for the achievement of a just, comprehensive and internationally acceptable solution, as well as other related issues, including the preservation and promotion of the cultural identity of the East Timorese people and bilateral relations between Indonesia and Portugal.

In March, an all-inclusive intra-East Timorese dialogue was held in Schläining castle, Austria, at the end of which the 29 participants, representing a broad cross-section of political opinion from inside and outside the Territory, called for continuation of the discussion initiated by the Secretary-General in an effort to find a solution. In a signed declaration, they noted the positive atmosphere that had prevailed during the talks and expressed readiness to continue the sessions. The consensus declaration expressed interest in establishing an East Timorese cultural centre in

Dili to research the culture, language, customs and traditions of the Territory. It welcomed Portugal's support for East Timor University, as well as practical training for East Timorese youth, and proposed that Indonesia provide further opportunities for East Timorese to play a greater role in the administration of the Territory.

The United Nations High Commissioner for Human Rights visited Indonesia and East Timor in December 1995. The human rights situation in East Timor was raised by the Chairman of the Commission on Human Rights, in a statement of 10 April 1996 agreed on by consensus by the Commission. Expressing its deep concern at the reports on human rights violations there, the Commission recalled the undertakings by Indonesia to promote human rights in East Timor. It stressed the need to take further steps towards their implementation, including the early release of the East Timorese detained or convicted and the further clarification of the circumstances surrounding the Dili incident of 1991 [YUN 1991, p. 798], involving the killing of a number of demonstrators at the Santa Cruz cemetery, when Indonesian armed forces opened fire on the group. Noting with satisfaction the greater access recently granted by the Indonesian authorities to international media and humanitarian organizations, the Commission welcomed the visit of the High Commissioner for Human Rights in December 1995. (For other action on human rights in East Timor, see PART TWO, Chapter III.)

According to the Indonesian military, as of July 1995, the number of rebels of the Frente Revolucionaria de Timor Leste Independente (FRETILIN) stood at 200 persons, supported by a 3,000-member clandestine network throughout Indonesia. During the period from March 1995 to January 1996, 20 FRETILIN members were killed by the Indonesian security forces and 27 others had been captured by or had surrendered to the Indonesian authorities. In late 1995, Indonesia withdrew two army battalions from East Timor, leaving six battalions stationed there. Throughout the reporting period, there were a number of violent incidents and clashes between FRETILIN supporters and Indonesians.

After hearing statements from a number of petitioners, the Special Committee, on the proposal of the Acting Chairman, decided to continue consideration of the question at its next (1997) session, subject to any directives that the General Assembly might give at its forthcoming session.

Portugal, by a note verbale of 28 June [A/51/187], reported to the Secretary-General that it continued to be prevented *de facto* from exercising its responsibilities for the administration of East Timor due to its illegal occupation by a

third country; nonetheless, other sources allowed it to report on some aspects of the situation in the Territory. Since its last report a year earlier, Portugal said that ethnic and religious tensions between East Timorese and Indonesians (fostered by the latter's immigration into the Territory), a pattern of short and arbitrary detentions of young people accompanied by beatings and torture, "disappearances", summary executions and a difficult social and economic situation with high unemployment rates had contributed to a climate of fear, distrust and intimidation. In Portugal's view, Indonesia intended to subdue the opponents to integration. According to the Indonesian military, a reported 5,000 soldiers and 4,500 policemen were posted in East Timor in 1995, but some sources, Portugal said, estimated the total figure at between 13,000 and 15,000 armed forces. After widely reported religious incidents in September 1995, riots occurred in which between 50 and 100 persons were arrested, reportedly the worst riots since the 1991 killings at the Santa Cruz cemetery. On 10 October 1995, two people died as a result of confrontations in Dili, which were followed by four days of riots and involved hundreds of youths. The protest was crushed by the armed forces, who conducted round-ups and house-to-house searches, leading to the detention of 150 persons.

According to Amnesty International, at least 300 people were arrested for their alleged involvement in the October riots. Recently, further incidents involving hundreds of young people had broken out in the city of Baucau, reportedly resulting in the death of two persons and the wounding of an undetermined number of others. It appeared, Portugal stated, that from September 1995 to June 1996, the combination of terror and despair had caused a wave of young East Timorese to leave Indonesia for political asylum abroad.

Stressing that involvement of the East Timorese was crucial, Portugal expressed support for the all-inclusive intra-East Timorese talks, organized and facilitated by the United Nations. UN involvement in those talks had ensured their credibility and independence, as well as enlarged representative participation by the different East Timorese political currents. Portugal viewed as positive the fact that participants not only were able to establish a dialogue, but could also agree on a platform of common concerns on several issues.

Following the seventh round of talks, the Prime Minister of Portugal met President Suharto of Indonesia in Bangkok, Thailand, during the Asia-Europe Meeting on 29 February. The Prime Minister put forward a proposal that

Portugal would agree to the opening of an interests section in a friendly embassy in Jakarta and accept an Indonesian interests section in a friendly embassy in Lisbon provided that Indonesia agreed to release the East Timorese leader, Xanana Gusmão, and his followers and ensure respect of human rights in East Timor under UN monitoring.

### **Falkland Islands (Malvinas)**

On 22 July, the Special Committee on decolonization considered the question of the Falkland Islands (Malvinas). Having before it a working paper prepared by the Secretariat covering developments in the Territory [A/AC.109/2048], the Committee heard a number of speakers, but the United Kingdom, the administering Power concerned, did not participate in the Committee's consideration of the item. At the meeting, the Committee adopted a resolution reiterating its view that the way to end the dispute over sovereignty between Argentina and the United Kingdom was through a peaceful and negotiated settlement. The Committee requested those two Governments to resume negotiations in order to find a quick and peaceful solution in accordance with General Assembly resolutions on the issue.

The Secretariat working paper issued in June described political developments and economic and social conditions over the previous year. On 8 January 1996, Richard Ralph was sworn in as Governor of the Territory. At his swearing-in ceremony, he reaffirmed the commitment of the United Kingdom to uphold the right of the islanders to choose under which flag they wished to be governed and stated that the islanders' views would be taken into account over the development of cooperation over fishing (the mainstay of the economy) and oil. The fishing issue had been raised at talks a few months earlier between the Prime Minister of the United Kingdom and the President of Argentina, the first such high-level meeting since the 1982 conflict. The Foreign Minister of Argentina, at a meeting with the Secretary-General on 17 April 1996, informed him about recent incidents in the South Atlantic resulting from the United Kingdom's enforcement of collection of licence fees on Argentine trawlers fishing off the coast of South Georgia, south-east of the Falkland Islands (Malvinas). The Foreign Minister said he had already met twice with the Foreign Minister of the United Kingdom on the issue and that a settlement of the dispute over licence fees had been under discussion.

The two Governments reached an understanding on hydrocarbons in the maritime areas of dispute in the south-west Atlantic in September

1995. According to the understanding, the two Governments established a Joint Commission to coordinate commercial activities by the offshore oil and gas industry, including the formation of joint ventures and joint projects for exploration, production and use of infrastructure, and to set standards for protection of the marine environment. The understanding would not affect the positions of the two countries on sovereignty. The Joint Commission held its first meeting on 29 February and 1 March 1996.

Another area of recent agreement was mine clearing. In July 1994, Argentina and the United Kingdom agreed to request the collaboration of the United States in removing mines laid by the Argentine armed forces in 1982. Having agreed, the United States began working with the Argentine Government in 1995 on the modality for the procedure.

The Secretariat paper noted that a declaration on the Territory was adopted on 4 June 1996 by acclamation by the General Assembly of the Organization of American States, which welcomed Argentina's reiteration of its intention to explore ways for a peaceful settlement of the dispute and its positive considerations towards the inhabitants of the Falkland Islands (Malvinas).

On 15 March, the Latin American Parliament issued a declaration expressing its support of Argentina's claim to sovereignty. Brazil, in a note verbale of 9 July to the Secretary-General [A/51/205], forwarded a declaration issued on 25 June by the tenth meeting of the Presidents of the States members of the Southern Cone Common Market (MERCOSUR) and the Presidents of Bolivia and Chile in which they reaffirmed their support for Argentina's claim to sovereignty over the Territory.

#### GENERAL ASSEMBLY ACTION

By **decision 51/407** of 25 October 1996, the General Assembly deferred consideration of the question of the Falkland Islands (Malvinas) and included it in the agenda of its 1997 session.

#### Gibraltar

The Special Committee on decolonization considered the question of Gibraltar on 23 July, having before it a working paper prepared by the Secretariat describing developments concerning the Territory [A/AC.109/2057]. The Committee acceded to the request of Spain to participate in its consideration of the question. It decided to continue its consideration of the question at its next session, subject to any directives that the General Assembly might give.

The Secretariat, in its July working paper, reported that general elections were held in Gibralt

tar on 16 May 1996. According to the administering Power, the United Kingdom, 88 per cent of the registered voters participated in the elections. The Gibraltar Social Democratic Party, with 52.2 per cent of the votes, won eight seats in the Territorial Legislative Assembly, while the Gibraltar Socialist Labour Party obtained seven. Peter Caruana, the leader of the winning party, was appointed Chief Minister of Gibraltar. In his first interview after taking office, Mr. Caruana said that while he would seek negotiations with Spain on economic issues, the sovereignty issue would not be up for discussion. Spain maintained its position that the question of sovereignty should be negotiated at the talks between it and the United Kingdom.

In accordance with plans announced in July 1994, the United Kingdom continued to reduce manpower levels of the garrison stationed in Gibraltar, with the intention of having some 500 servicemen and between 350 and 700 civilians stationed there by the end of the decade.

#### GENERAL ASSEMBLY ACTION

In December, the General Assembly adopted **decision 51/430**.

#### Question of Gibraltar

At its 83rd plenary meeting, on 13 December 1996, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text as representing the consensus of the members of the Assembly:

"The General Assembly, recalling its decision 50/415 of 6 December 1995 and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984 stipulates, *inter alia*, the following:

'The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and the United Kingdom of Great Britain and Northern Ireland hold annual meetings alternately in each capital, the most recent of which took place in London on 20 December 1994, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

General Assembly decision 51/430

Adopted without vote

Approved by Fourth Committee (A/51/588) without vote, 28 October (meeting 8); draft by Chairman (A/C.4/51/L.5); agenda item 19.  
Meeting numbers. GA 51st session: 4th Committee 2-5, 8; plenary 83.

## New Caledonia

The Special Committee on decolonization considered the question of New Caledonia on 24 July. It heard statements by Papua New Guinea and representatives of the Front de libération nationale kanake socialiste (FLNKS) and of the Congrès populaire. The Special Committee also had before it a working paper [A/AC.109/2046] prepared by the Secretariat, which covered recent developments in the Territory, particularly progress in implementing the Matignon Accords of 1988 [YUN 1988, p. 742]. Those accords provided for a 10-year period of economic and social development, leading to a self-determination referendum to be held in 1998. The signatories to the accords were the Government of France and the two main Caledonian political groupings—the Rassemblement pour la Calédonie dans la République (RPCR) and FLNKS. On 16 October 1995, the signatories met at Hotel Matignon to discuss implementation of the Accords. In a communique issued after the meeting, they agreed that implementation of economic and social development measures should be accelerated and stated their intention to meet at regular intervals. During a February 1996 visit to the Territory, the Minister for Overseas Departments and Territories of France said that the real issues concerned, first, the link to France and, second, New Caledonia's control over its economic and social development. During his visit, the three signatories established a Preliminary Discussion Committee in order to seek a consensual solution which could be proposed to the Caledonians at the end of the period covered by the Accords. The Committee would focus on the nature of the link between the Territory and France; increasing local responsibility; and institutional alignment and political representation. In addition, the parties agreed on a timetable for drafting a general framework of an agreement.

### GENERAL ASSEMBLY ACTION

On 13 December 1996, the General Assembly adopted **resolution 51/144**.

### Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia,

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Welcoming the strengthening of the process of review of the Matignon Accords through the increased frequency of coordination meetings,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. Urges all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the mid-term review of the Matignon Accords, to maintain their dialogue in a spirit of harmony;

2. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Matignon Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

3. Welcomes measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon Accords;

4. Also welcomes the importance attached by the parties to the Matignon Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

5. Acknowledges the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

6. Notes the positive initiatives aimed at protecting New Caledonia's natural environment, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

7. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and provincial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the South Pacific Forum;

8. Welcomes, in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the South Pacific Forum;

9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue the examination of this question at its next session and to report thereon to the General Assembly at its fifty-second session.

General Assembly resolution 51/144

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/588) without vote, 28 October (meeting 8); draft by Special Committee on decolonization (A/51/23); agenda item 19.

Meeting numbers. GA 51st session: 4th Committee 2-5, 8; plenary 83.

## Tokelau

The Special Committee on decolonization considered the question of Tokelau on 25 July, having before it a working paper [A/AC.109/2050] prepared by the Secretariat on political developments and economic and social conditions in the Territory.

The national representative body of Tokelau, the General Fono, established a broadly based Special Committee on Constitutional Developments at the end of 1994, with a core membership of 30. In March and April 1995, workshops on constitutional developments were held on each atoll by the Tokelau government, with financial support by UNDP. The workshops led to a clearer identification of Tokelau's needs in terms of self-determination.

The General Fono made all major decisions for Tokelau, but recent experience highlighted the need for a devolution of legislative power, a principle under discussion with Tokelau elders for a decade. In 1995, planning was undertaken to confer legislative power on the General Fono by amending the Tokelau Act of 1948. In May 1996, the Parliament of New Zealand, the administering Power, passed a Tokelau Amendment Bill conferring on the General Fono the power to make rules for Tokelau, including imposing taxes, and providing that such rules could be disallowed by the Administrator of Tokelau. It also amended the 1948 Act as it related to the sources of law for Tokelau and the jurisdiction of Tokelau Commissioners. The Bill acknowledged that Tokelau had been developing its own administrative and decision-making capabilities and moving towards a greater degree of self-government. The existing constitutional relationship with New Zealand was maintained and New Zealand retained the power to legislate for Tokelau. The Bill also acknowledged New Zealand's responsibility to Tokelau, the international community and the United Nations to support and encourage the process towards self-government and economic self-sufficiency.

The people of Tokelau, according to the Secretariat, had expressed a strong preference for a

status of free association with New Zealand. In a reply dated 14 February 1996 to the message of the New Zealand Administrator of Tokelau, the Ulu-o-Tokelau (the highest authority of Tokelau) stated that the political process Tokelau was engaging in, and had been engaging in over the past three years, reflected the wishes of the people. Tokelau had set no timetable for self-determination, but it would continue to discuss with New Zealand the shape that a future relationship of free association might take.

As administering Power, New Zealand continued to participate in the work of the Special Committee in relation to Tokelau. The Administrator of Tokelau and the Ulu-o-Tokelau made statements to the Committee.

## GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/145**.

### Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the question of Tokelau,

Recalling the solemn declaration on the future status of Tokelau delivered by the Ulu-o-Tokelau (the highest authority on Tokelau) on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary co-operation of New Zealand as the administering Power with the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. Notes that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in

principle VI of the annex to General Assembly resolution 1541(XV) of 15 December 1960;

2. Also notes Tokelau's desire to move at its own pace towards an act of self-determination;

3. Commends Tokelau for seeking on the basis of wide consultation with its people a form of national government that reflects its unique traditions and environment, and for charting its own constitutional course;

4. Acknowledges the collaboration between New Zealand and Tokelau regarding the Tokelau Amendment Act 1996, which provides Tokelau's national government with a legislative power, supplementing the executive power delegated in 1994;

5. Also acknowledges Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

6. Welcomes the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

7. Invites the administering Power and United Nations agencies to continue their assistance to the social and economic development of Tokelau.

General Assembly resolution 51/145

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/588) without vote, 28 October (meeting 8); draft by Special Committee on decolonization (A/51/23); agenda item 19.

Meeting numbers. GA 51st session: 4th Committee 2-5, 8; plenary 83.

### Island Territories

The Special Committee on decolonization had before it working papers by the Secretariat describing political developments and economic and social conditions in the following island Territories: American Samoa [A/AC.109/2044 & Add.1], Anguilla [A/AC.109/2045], Bermuda [A/AC.109/2041 & Corr.1], British Virgin Islands [A/AC.109/2055], Cayman Islands [A/AC.109/2053], Guam [A/AC.109/2047 & Add.1], Montserrat [A/AC.109/2052], Pitcairn [A/AC.109/2056], St. Helena [A/AC.109/2043], Turks and Caicos Islands [A/AC.109/2051] and United States Virgin Islands [A/AC.109/2054 & Add.1]. The Special Committee decided to allocate those Territories, plus Tokelau (see above), for consideration to the Subcommittee on Small Territories, Petitions, Information and Assistance, which considered the 12 Territories en bloc from 26 June to 8 July [A/AC.109/L.1843]. The Subcommittee reviewed the political, economic and social conditions in each of the Territories in the light of the information contained in the working papers. It noted that that information was not always up to date and that the Secretariat relied at times on published sources. The Subcommittee requested the administering Powers to cooperate

with the Secretariat in furnishing information on the Territories.

The Subcommittee focused its review on: progress in ascertaining the wishes of the population regarding their future status; the position of the territorial Governments and political parties on the future status of the Territories; socio-economic developments and specific problems in respect of environment, drug trafficking, etc.; and the dispatch of visiting missions and participation of representatives of NSGTs in the Committee's work. The Subcommittee noted that in some cases there was no up-to-date information on the wishes of the population regarding their future status. It was aware that some of the Territories were not seeking independence but other options of self-determination, and some attached priority to their socio-economic development before making a choice.

After consideration of the 12 island Territories, the Subcommittee recommended draft resolutions for action by the Committee—one on those 12 Territories (including Tokelau) in general and 11 others on the individual Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands. The Committee acted on those drafts on 22 July, approving them all and recommending them to the General Assembly for adoption. By the consolidated resolution, the Assembly would, among other things: approve the part of the Special Committee's report dealing with the 12 Territories; reaffirm the right of the Territories' peoples to self-determination; request the administering Powers to report regularly on the aspirations of the people regarding their status; reaffirm the responsibility of those Powers to promote economic and social development; and call on them, in cooperation with the territorial Governments, to counter problems of drug trafficking, money laundering and other offences.

With regard to American Samoa, the Assembly would request the administering Power to continue to assist the territorial Government in the Territory's economic and social development, including measures to rebuild financial management capabilities and strengthen other governmental functions. Concerning Anguilla, it would call on the administering Power, all countries and UN organizations to assist it in social and economic development. On Bermuda, the Assembly would request the administering Power to elaborate development programmes specifically to alleviate the economic, social and environmental consequences of the closure of certain military bases in the Territory. The administering Power



of the British Virgin Islands, UN organizations and financial institutions would be requested to provide assistance to the Territory for socio-economic development, bearing in mind the vulnerability of the Territory to external factors.

Noting the lack of up-to-date information on the Cayman Islands, the Territory's stable political and economic climate, and the fact that it had become one of the world's leading offshore financial centres, the Assembly would request the administering Power to keep it informed of the aspirations of the people on their future political status, and to counter problems related to money-laundering, smuggling of funds and other related crimes, as well as drug trafficking. Regarding Guam, the Assembly, conscious that immigration into Guam had resulted in the indigenous Chamorros becoming a minority in their homeland, and taking note of the proposed closing of four United States Navy installations there, called on the administering Power to facilitate the exercise of self-determination by the Chamorro people, as endorsed through a referendum by the people of Guam in the 1987 draft Guam Commonwealth Act. The Assembly would also request the administering Power to continue the transfer of land to the people, and to promote sustainable development of economic activities by the Chamorro people, including commercial fishing and agriculture. Noting the dire consequences of the 1996 volcanic eruption on Montserrat, the Assembly would call on the administering Power and UN and other organizations to provide urgent emergency assistance to the Territory. The Assembly, taking into account the unique nature of Pitcairn in terms of population (58) and area, would request the administering Power to continue its assistance for the improvement of socio-economic conditions.

The Assembly would request the administering Power of St. Helena to conduct a constitutional review, as requested by the local Legislative Council, taking into account the wishes of the population. It would call on the administering Power of the Turks and Caicos Islands to continue to provide assistance for the improvement of the social, educational and other conditions of the population and to cooperate with the territorial Government to counter problems related to money-laundering, smuggling of funds and drug trafficking. The Assembly would request the administering Power to facilitate the participation of the United States Virgin Islands in various organizations, in particular the Organization of Eastern Caribbean States and the Caribbean Community, and would welcome the negotiations between the administering Power and the

territorial Government on the question of Water Island.

The two draft resolutions (one on the 12 island Territories in general and the other on the 11 individual Territories) were considered together by the General Assembly's Fourth (Special Political and Decolonization) Committee [A/51/588]. During the process of consultations at the meetings, the United Kingdom and the United States introduced amendments [A/C.4/51/L.11] to the two resolutions.

The Chairman of the Committee, having organized informal consultations between the sponsors of the amendments and the Committee in an effort to find a compromise solution, announced that it had not been possible to resolve all the differences; however, both parties had shown signs of flexibility and a willingness to co-operate and had managed to reach agreement on 7 of the 25 amendments [A/C.4/51/SR.20]. The sponsors, for their part, had withdrawn two of the amendments. After a discussion, the United Kingdom moved that the debate on the item be adjourned until March 1997. The motion was adopted by a recorded vote of 52 to 46, with 22 abstentions.

The United Kingdom said it would be desirable to continue negotiating in search of further areas of agreement. Others expressing support for postponement in order to achieve a consensus were Chile, Ireland (speaking on behalf of the EU), Norway, Romania (speaking also on behalf of the Republic of Moldova), the Russian Federation, Sierra Leone, the United States and Venezuela. Those expressing opposition to deferment were China, Colombia, Cuba, India, Indonesia, Iran, Pakistan, Papua New Guinea (speaking in its capacity as Acting Chairman of the Special Committee) and the Syrian Arab Republic. The Acting Chairman felt it was not reasonable to expect the Committee to withdraw resolutions that it had itself prepared and to accept amendments which devalued the basic agreements reached, especially in regard to protection of the rights and aspirations of the peoples of NSGTs which the international community had a moral and legal obligation to report. Postponing action might have serious consequences for the interests of those peoples.

The United States recalled that it and the United Kingdom had withdrawn from the Committee in 1971, deeming the work there to be pointless. The Committee's practices and policies did not serve the objectives of the Organization, its members or the Territories, and remained a relic of the ideological issues of the cold war. The United States was pleased to note that in 1996, for the first time, the Chairman of the

Fourth Committee had taken the initiative of bringing the parties together with a view to initiating a dialogue on unresolved questions. The process had produced some goodwill and confidence.

Speaking in explanation of vote as a member of the Committee and as Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance, Trinidad and Tobago said it had voted in accordance with the position of the Chairman of the Committee that consideration of the draft should not be deferred. It was disappointed that it had not been possible to resolve the matter in the Committee itself and that it had been necessary to refer the issue to the Fourth Committee. Trinidad and Tobago was encouraged that informal consultations had been initiated with the administering Powers. Agreeing that it was regrettable that common ground had not been reached, Fiji noted that the administering Powers had displayed little willingness to compromise on certain critical issues and some Special Committee members had refused to yield, resulting in an impasse.

Having abstained, Uruguay advocated consultations between the administering Powers and the Special Committee, but felt that negotiations should be concerned with how to achieve the objective of eliminating colonialism before the year 2000 and not merely a possible consensus resolution. Argentina, also abstaining, said it recognized the Committee's efforts to adjust its work to the new international situation and it continued to stress the importance of observance of the principles of self-determination and the territorial integrity of States.

Cuba voted against the motion because it believed it was not in the interests of the population of the NSGTs; Papua New Guinea also believed that the motion had serious consequences for the interests of those peoples and gave a negative signal.

### **Future of Trusteeship Council**

In 1996, discussion continued on the future of the Trusteeship Council, which in 1994 had effectively completed its work with respect to the 11 Territories placed under the International Trusteeship System. The Secretary-General, in response to General Assembly resolution 50/55 [YUN1995,p.266], sought comments from Member States. In an August 1996 report [A/50/1011], he conveyed to the Assembly the 19 responses he had received. Of those replies, 11 Member States agreed with his 1994 proposal [YUN 1994, p. 8] to dissolve the Council, in accordance with Article 108 of the Charter, i.e., by amending the Charter.

One country said the Trusteeship Council had fulfilled its mandate but did not believe that it should be dissolved. Four countries (including Malta) expressed support for Malta's proposal to include in the Council's mandate responsibility for safeguarding the "common heritage of mankind". Three other States believed the Council should be given new functions but did not specifically mention Malta's proposal. Of those three, one made a similar suggestion—that it preserve humankind's common heritage; another said the Council should be given a new mandate over the global commons in the collective interest of humanity, which included the atmosphere, outer space, the oceans beyond national jurisdiction, and the related environment and systems that contributed to the support of human life; and the third said that the Assembly should decide on the areas of the Council's future activities.

### **Information**

UN public information activities continued to focus in 1996 on publicizing the work of the Organization and enhancing the communication capabilities of developing countries. Within the Secretariat, that work was largely carried out by the Department of Public Information (DPI). Other bodies involved were the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Joint United Nations Information Committee (JUNIC), an inter-agency committee of UN officials which coordinated information activities within the UN system.

The General Assembly's Committee on Information, at its eighteenth session (New York, 6-17 May) [A/51/21], continued to examine UN public information policies and activities in the light of the evolution of international relations, an evaluation of progress made by the UN system in the field of information and communications, and the need to establish a new international economic order and a new world information and communication order. In considering those questions, the Committee, whose membership numbered 89 States, had before it the Secretary-General's reports on the allocation of resources to UN information centres (UNICs) in 1995 [A/AC.198/1996/2] and a review of DPI publications [A/AC.198/1996/3]. Also before the Committee was a report on activities of JUNIC [A/51/96], prepared by its secretariat.

The recommendations of the Committee on Information were considered by the Fourth (Spe-

cial Political and Decolonization) Committee in November and by the General Assembly in December. The Assembly adopted two resolutions on information: one calling for the development of information flows and communication capabilities in the service of humanity, particularly in developing countries, and the other outlining UN public information policies and activities.

### Communication issues

The Committee on Information, at its 1996 session, continued to promote the establishment of a new, more just and more effective world information and communication order intended to strengthen peace and international understanding and based on the free circulation and wider and better-balanced dissemination of information, as requested by the General Assembly.

Among UN activities in that field was a seminar held by the United Nations and UNESCO for Arab media representatives (Sana'a, Yemen, 7-11 January). At its conclusion, the participants issued the Sana'a Declaration on Promoting Independent and Pluralistic Arab Media, which was transmitted to the Secretary-General by Yemen on 10 April [A/51/96].

The Fifth Conference of Ministers of Information of Non-Aligned Countries (Abuja, Nigeria, 3-6 September) adopted a Final Declaration in which the Ministers agreed that the struggle for the new world information and communication order should be intensified in spite of the end of the cold war. In addition, they noted the continued imbalances in the field of international information and communication. The text of the Declaration was transmitted to the Secretary-General by a 17 September letter from Nigeria [A/51/372].

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/138 A**.

#### Information in the service of humanity

The General Assembly,

Taking note of the comprehensive and important report of the Committee on Information,

Also taking note of the report of the Secretary-General on questions relating to information,

Urges all countries, organizations of the United Nations system as a whole and all others concerned, reaffirming their commitment to the principles of the Charter of the United Nations and to the principles of freedom of the press and freedom of information, as well as to those of the independence, pluralism and diversity of the media, deeply concerned by the disparities existing between developed and developing countries and the consequences of every kind arising from those disparities that affect the capability of the public,

private or other media and individuals in developing countries to disseminate information and communicate their views and their cultural and ethical values through endogenous cultural production, as well as to ensure the diversity of sources and their free access to information, and recognizing the call in this context for what in the United Nations and at various international forums has been termed "a new world information and communication order, seen as an evolving and continuous process":

(a) To cooperate and interact with a view to reducing existing disparities in information flows at all levels by increasing assistance for the development of communication infrastructures and capabilities in developing countries, with due regard for their needs and the priorities attached to such areas by those countries, and in order to enable them and the public, private or other media in developing countries to develop their own information and communication policies freely and independently and increase the participation of media and individuals in the communication process, and to ensure a free flow of information at all levels;

(b) To ensure for journalists the free and effective performance of their professional tasks and condemn resolutely all attacks against them;

(c) To provide support for the continuation and strengthening of practical training programmes for broadcasters and journalists from public, private and other media in developing countries;

(d) To enhance regional efforts and cooperation among developing countries, as well as cooperation between developed and developing countries, to strengthen communication capacities and to improve the media infrastructure and communication technology in the developing countries, especially in the areas of training and dissemination of information;

(e) To aim, in addition to bilateral cooperation, at providing all possible support and assistance to the developing countries and their media, public, private or other, with due regard to their interests and needs in the field of information and to action already adopted within the United Nations system, including:

- (i) The development of the human and technical resources that are indispensable for the improvement of information and communication systems in developing countries and support for the continuation and strengthening of practical training programmes, such as those already operating under both public and private auspices throughout the developing world;
- (ii) The creation of conditions that will enable developing countries and their media, public, private or other, to have, by using their national and regional resources, the communication technology suited to their national needs, as well as the necessary programme material, especially for radio and television broadcasting;
- (iii) Assistance in establishing and promoting telecommunication links at the subregional, regional and interregional levels, especially among developing countries;
- (iv) The facilitation, as appropriate, of access by the developing countries to advanced communication technology available on the open market;
- (f) To provide full support for the International Programme for the Development of Communication

of the United Nations Educational, Scientific and Cultural Organization, which should support both public and private media.

General Assembly resolution 51/138 A  
13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/594) without vote, 7 November (meeting 11); draft by Committee on Information (A/51/21); agenda item 87.

Meeting numbers. GA 51st session: 4th Committee 9-11; plenary 83.

## UN public information

### DPI activities

Efforts to publicize UN activities throughout the world were the main focus of DPI, which had significantly enhanced its capacity to disseminate public information about the goals and achievements of the Organization, the Secretary-General stated in an October 1996 report [A/51/406]. The Department had integrated advanced technologies to increase cost-effectiveness and the range of its outreach. By implementing efficiency measures to raise productivity, it had met the challenge of managing rising interest and the need for services even as resources declined. At the same time, DPI had sought to articulate a coherent message regarding the diverse work of the United Nations by working more closely with other areas of the Organization and by sharpening the focus on key issues and constituencies. Its principal goal had been to foster greater support for the Organization's central role in meeting the challenges of peace, security and development. To that end, it had been effective in bringing the message of the United Nations to all corners of the world through a variety of media formats and in many languages.

During the reporting period, DPI had sought to reflect the diversity of the Organization's work, the Secretary-General stated, highlighting its peacekeeping operations and efforts in social development, and had given attention to correcting distorted public perceptions of the Organization's work and effectiveness. DPI had cooperated with peacekeeping and other field missions as well as other UN bodies, enabling new efficiencies and enhancing the outreach of the network of UNICs at the country level.

The Department had undertaken new initiatives designed to address the pressures of increased demand for its information products and diminished financial resources, including: emphasis on the priority issues of peace, security and development, and the identification of targeted audiences, with priority given to redissimulators of information products to maximize multiplier effect; integration of advanced information technologies, including use of the Internet and electronic publishing, for efficient pro-

duction and more extensive dissemination of information products; closer cooperation with other departments and members of the UN system to ensure professionalism and efficiency; and streamlining of the organizational structure. The management of DPI consulted regularly with the Committee on Information, the representatives of each regional group, the Group of 77 and China on implementation of its mandates, as well as for an exchange of views on the coverage of issues of particular interest to Member States.

As part of ongoing DPI activities, the Office of the Spokesman for the Secretary-General was the main contact point with the world press covering the United Nations, particularly with the media representatives accredited at UN Headquarters. Through daily briefings, as well as an increasing number of one-on-one contacts with journalists, the Office provided authoritative and timely information on UN activities. The Assistant Secretary-General of DPI maintained direct contacts with media officials, which had been strengthened as a result of the fiftieth anniversary of the United Nations and recent major UN conferences on development. In view of the heightened interest of information media in the Organization, DPI and Italy's public broadcasting organization, RAI, organized the first UN world television forum on 19 and 20 November to address the impact of audio-visual media and their influence on society and international affairs.

During the reporting period, liaison and assistance were extended to more than 5,000 accredited correspondents. The world media's interest in UN affairs was demonstrated during the second United Nations Conference on Human Settlements (Habitat II) (see PART THREE, Chapter VIII), for which 3,865 accreditations were arranged.

DPI provided press releases, photographic, television and radio coverage and programmes, video feature productions and technical services to the media. As supported by the General Assembly in 1995 [YUN 1995, p. 272], and despite budget constraints, DPI continued to produce press releases in both working languages of the Secretariat (English and French), but financial considerations had compelled curtailment of coverage of some meetings. The Department continued to produce monthly, weekly and daily radio programmes in 15 languages. Radio programmes were fed by the integrated system of digital network lines to the World Radio Network, for retransmission by cable, satellite and AM and FM radio to Europe, Africa, North America, Asia and the Pacific. The radio series "Population and Development", commissioned by the United Nations Population Fund (UNFPA), was broadcast by

approximately 1,300 radio stations, and the series "Law of the Sea" by about 600 stations. The possibility of packaging radio programmes into sound files for posting on the UN "home page" on the Internet was being investigated. Full-text searchable databases of audio-visual materials on Security Council activities, as well as of the Department's video series "UN in Action", had been prepared for posting onto the "home page". In addition, UN photographs were accessed electronically, as well as available at Headquarters. A total of 25,383 visits to the UN photo page and 460,548 downloadings of individual images were registered during the first six months of 1996.

Television reports on the fiftieth anniversary of the United Nations were sold to 64 television broadcasters for use in their programmes. Eight 30-second public service announcements, "UN Facts", were broadcast in 27 countries. An award-winning documentary on the role of the United Nations, "A Place to Stand", was produced in six languages and broadcast during the anniversary period. A 50-minute video documentary on the history and role of peacekeeping, "No Place to Hide", adapted into 15 languages and aired in many countries, also won awards. The series "UN in Action", produced in English and adapted into Arabic, French, Russian and Spanish, was aired weekly by about 110 television stations. The English version was broadcast weekly by CNN with the capacity to reach 400 million households worldwide.

DPI expanded its utilization of satellite transmission where appropriate. The 1995 "Year in Review", a 15-minute video in six languages, was transmitted by satellite, reaching an estimated 350 million households, and the Secretary-General's United Nations Day Message 1995 was for the first time sent by satellite in three languages, reaching an estimated 400 million households.

Non-governmental organizations (NGOs) continued to serve as a link with the public at large and DPI remained in contact with 1,500 of them, organizing weekly briefings to keep them informed of UN activities. The DPI/NGO Web site, established in August 1996, became a cost-effective tool to make UN publications and information available to NGOs. The guided tours programme at Headquarters continued to rank among the leading tourist attractions in New York City, despite the restrictions in tour size for security reasons. DPI hosted a UN Information Fair at Headquarters from 22 to 25 October 1996, bringing together, for the seventh consecutive year, most UN programmes and organizations and providing a forum to acquaint the public with their activities. The Department continued

to respond to an increasing number of inquiries from the public by answering individual questions, providing fact sheets and making information available on the UN "home page". It planned to open an electronic mail address to the public as an additional channel of communicating UN information.

Education outreach was another area of DPI's efforts, by building on the network of teachers and professors who brought their students for briefings at the United Nations. During the reporting period, DPI developed the capacity to design exhibits utilizing, for the first time, in-house computer-generated designs. The first computer-generated exhibit on UN history and major UN activities was produced for display at the G-7 Summit held in Lyon, France, in June, and was easily adaptable for use elsewhere. In cooperation with the United Nations International Drug Control Programme, DPI produced the exhibit "Sports against Drugs" for display at UN premises in New York and Vienna and at the Olympic Village in Atlanta, United States, during the 1996 Olympic Games. It also produced a display for Habitat II which could be modified at minimal cost. Other exhibits the Department provided assistance for included "The Chernobyl Disaster: Ten Years After" and a major exhibit on landmines, both mounted at Headquarters.

DPI's annual training programme for broadcasters and journalists from developing countries, a six-week programme held at Headquarters, had seen a total of 237 journalists from 124 countries taking part. The 1996 programme took place from 16 September to 24 October with participants from 18 countries. DPI also continued its training activities for Palestinian broadcasters, begun in 1995. On 15 September 1996, 10 Palestinian journalists began a six-week training course at UN Headquarters.

Through its Promotion and Public Services Division, DPI developed thematically integrated information programmes on priority issues before the international community, focusing on the Organization's role in furthering sustainable development, peace and security, democracy, human rights and humanitarian assistance. It did that through such means as producing special publications (for example, Development Update), disseminating promotional packets, developing radio and television products and producing media kits.

In cooperation with UNESCO, DPI continued promoting independent and pluralistic media. As it had done previously for other regions, it organized a seminar for the Arab region in Sana'a, Yemen, from 6 to 11 January 1996.

Since 1994, DPI had focused on the promotion of four major international conferences on development issues: the International Conference on Population and Development (Cairo, Egypt, 1994) [YUN 1994, p. 955], the World Summit for Social Development (Copenhagen, Denmark, 1995) [YUN 1995, p. 1113], the Fourth World Conference on Women (Beijing, 1995) [YUN 1995, p. 1169] and Habitat II (Istanbul, Turkey, 1996) (see PART THREE, Chapter VIII). Publicizing the plans of action emanating from those conferences was coordinated by Junic, under the chairmanship of the Assistant Secretary-General. Junic decided in 1996 to establish a working group to coordinate promotional activities on development issues in follow-up to those conferences. For Habitat II, a wide range of print and audio-visual activities were carried out. At the Conference site, the Department prepared an inter-agency exhibit, organized a journalists' encounter and provided press services including media liaison, press releases and radio and television coverage.

#### Dissemination of information related to peace and security

As requested by General Assembly resolution 50/31 B [YUN 1995, p. 272], DPI's public information initiatives on peace and security focused on three main goals: ensuring a coordinated approach to public information relating to peacekeeping and other field operations; improving the Organization's capacity to reach wider audiences with timely information about the UN role in promoting peace and security; and communicating the message that UN peacemaking and peacekeeping efforts must be complemented by international support for post-conflict reconstruction and sustainable development, respect for human rights and improved governance. As peacemaking, peacekeeping and peace-building efforts had grown in number, size and complexity, the audiences had expanded and channels of communication had multiplied; consequently, efforts to disseminate information had become increasingly complex, requiring speed, volume and immediacy of reporting.

Those factors, said the Secretary-General, had demonstrated the need for a closer working relationship between DPI and the departments and offices dealing with political, peacekeeping and humanitarian issues. An Interdepartmental Working Group on Media Strategies for Peacekeeping and Other Field Operations was established for advance planning of public information components in the field. In addition to DPI, the Departments of Political Affairs, Peacekeeping Operations and Humanitarian Affairs participated in the Working Group. The Group

elaborated guidelines for planning, establishing and supporting information components of peacekeeping and other field operations. During 1996, it facilitated interdepartmental consultations on public information issues relating to field missions in Angola, Burundi, Haiti, Rwanda and the former Yugoslavia. It addressed technical and policy questions, such as staffing and budgetary requirements for information components in the field, as well as UN radio and television coverage of missions.

Radio broadcasting options in several mission areas were considered by the Group. There was a growing perception that the United Nations should have an independent capacity for radio broadcasting—the most powerful and effective medium—in mission areas or conflict zones, but lessons learned from several attempts to establish and maintain UN radio stations in peacekeeping missions had proved that that was more easily conceived of than done. Setting up a radio station required support that went beyond frequency attribution or the requisition of a transmitter. It involved staffing, training, programming in relevant languages, building a listenership, interacting with the target population and monitoring and evaluating feedback, and raised political, legal and programmatic questions.

In an effort to benefit from recent UN public information efforts in field missions, DPI participated in lessons-learned exercises on the United Nations Operation in Somalia and the United Nations Assistance Mission for Rwanda, as well as in the mid-mission review of the United Nations Mission in Haiti conducted by the Department of Peacekeeping Operations (DPKO). From those exercises, it became evident that the planning, staffing and supporting of information components of missions needed to be more systematic and focused. In order to arrive at realistic public information objectives and requirements, DPI aimed to ensure that field missions benefited from the input of staff members who had technical expertise and professional experience in broadcasting, publishing and press relations, as well as a clear understanding of the United Nations. DPI was working with DPKO to develop standard operating procedures for public information components in the field, as well as a manual for public information personnel in field missions, based on guidelines adopted by the Interdepartmental Working Group. The Department continued to provide personnel and technical support to peacekeeping missions, and produced and disseminated information materials worldwide through print, broadcasts and the Internet.

## Publications

Publications continued to be a DPI priority, given the broad and long-term impact of authoritative, institutional publications on opinion and policy. At the same time, publications were being carefully differentiated to avoid duplication and ensure that their content and approach met the needs of their respective audiences.

In response to a 1995 General Assembly request to review DPI publications to ensure that they fulfilled an identifiable need and did not duplicate other publications inside or outside the UN system and were cost-effective [YUN 1995, p. 272], the Secretary-General presented a report in March 1996 [A/AC.198/1996/3] to the Committee on Information. During 1995, the Assistant Secretary-General for Public Information, together with senior programme managers, undertook a review of the publications programme, with the following considerations in mind: ensuring that each publication had a well-defined target audience; enhancing sales and marketing efforts for those with commercial potential; consolidating products where possible to eliminate duplication; improving cost-effectiveness; and utilizing new technologies for electronic publishing and dissemination.

Important gains were made on several fronts, including the deployment of advanced publishing technology; closer cooperation with substantive units, thus sharpening message and content; a more streamlined editorial process through which different units could use research already done by others; growing use of electronic publishing, thus widening outreach and helping reduce print runs; and greater use of internal reproduction facilities.

Among the recurrent publications was the annual report of the Secretary-General on the work of the Organization, intended for government officials, media representatives, NGOs and the academic community. It reviewed the work of the Organization in all its primary fields of endeavour. The Yearbook of the United Nations, published annually in a single volume, was the most comprehensive reference book on all aspects of the work of the UN system. The 1994 edition was released on schedule, in April 1996. In August 1995, a Special Edition of the Yearbook was published to commemorate the fiftieth anniversary of the United Nations, highlighting major achievements of the Organization. The magazine UN Chronicle provided, in a journalistic style, an overview of all major UN activities. Sold through subscription, it was also available on-line and through CD-ROM. Updated every two years, Basic Facts gave a concise account of UN operations and the contributions the Organization had

made to the major issues facing the international community. The latest version was published in 1995. Everyone's United Nations, last produced in 1986, duplicated much of Basic Facts, and a decision was taken to postpone publication of its next edition, originally scheduled for 1995, pending a review of its status. UN in Brief, a 20-page illustrated pamphlet, was updated regularly and available in all official languages. It was primarily distributed through UNICs and to visitors to the United Nations. Other recurrent publications were Image and Reality, a booklet in question-and-answer format intended to dispel various misconceptions about the Organization's work and financing, and Student Booklet, aimed at secondary-school students.

Among thematic publications issued in 1995 were seven volumes in the United Nations Blue Books Series, launched in December 1994. The series provided UN research and reference materials to scholars, policy makers, journalists and others, and each volume highlighted the role of the United Nations in a major international endeavour. The 1995-1996 publications in the series, issued before the Secretary-General's March report, were: The United Nations and Cambodia, 1991-1995; The United Nations and Nuclear Non-Proliferation; The United Nations and El Salvador, 1990-1995; The United Nations and Mozambique, 1992-1995; The United Nations and Human Rights, 1945-1995; The United Nations and the Advancement of Women, 1945-1995; and The United Nations and Somalia, 1992-1996. The publication Development Update, an eight-page bimonthly, began its third full year of publication in 1996. It covered UN social and economic initiatives with articles on major UN conferences, regional economic programmes and trends affecting the developing countries. Development Business, published in newspaper format twice a month, contained articles about investing in the developing world. It also provided bidding information on economic development projects funded by the United Nations, thus catering to the procurement information needs of Member States' development banks, companies and other organizations. It assisted developing countries and countries in transition in procuring goods and services at competitive prices. The quarterly magazine Africa Recovery was intended to increase international awareness of the critical economic situation in Africa by reporting on regional developments from a UN perspective.

DPI continued to produce a number of non-recurrent publications to promote the work of the United Nations in economic and social development, peacekeeping and peacemaking, human rights and humanitarian assistance. Those

publications included information kits, back-grounders, feature articles, reference papers, pamphlets, booklets and posters, aimed at providing succinct, easy-to-read yet authoritative information in formats suitable for use by a variety of audiences, including the media, NGOs and educational institutions. Most of them were published at Headquarters. DPI coordinated its production of non-recurrent publications with relevant substantive departments to ensure accuracy and avoid duplication.

The Publications Board, under the chairmanship of the Assistant Secretary-General, coordinated the 1996-1997 publications programme of the United Nations. The Board met in December 1995 and June 1996 to approve new UN initiatives, including those on publishing in electronic formats. Its Working Committee considered technical matters, including external contracts for publication of UN materials, and reviewed changes in the publications programme with the goal of achieving efficiency savings.

#### Library services

The Dag Hammarskjöld Library (DHL) made use of advanced technologies to become more cost-efficient and audience-focused. It installed a CD-ROM server capable of sharing more than 15 CD-ROM disks on the Headquarters local area network (LAN). Through link-ups to the LAN and a CD-ROM server, DHL was able to make full text information from outside on-line services and databases concurrently available to Secretariat units. Where access was not possible, DHL made selective dissemination of information available through cc:Mail. Other new services available included two Optical Disk System workstations for DHL users, enabling them to download and/or print the text of UN documents. In July 1996, the Library launched the UN World Wide Web site, presenting an overview of services and collections, as well as on-line research tools with a focus on the Organization and its work. Reference files for UN documentation were posted on the "home page" and could be accessed worldwide. DHL also initiated on-line indexing of UN documentation and was developing a shared indexing network among the libraries of the UN system. As reported in October, seven additional depository libraries were established, bringing the total to 355 libraries in 142 countries and territories.

#### UN information centres

UN information centres (UNICs)—a global network of over 70 offices—were engaged in reaching out to key audiences to heighten public awareness of, and interest in, the United Nations.

In 1996, that included follow-up activities in connection with the fiftieth anniversary of the United Nations in 1995, often with local partners.

The centres continued to build new audiences, focusing on cooperation with major redisseminators, such as educational institutions, national media, UN associations and NGOs, to enhance awareness of the Organization's priority issues. With activities such as "model United Nations" and lectures, the centres extended their outreach to young audiences. In coordination with local UN system partners and others, the centres continued to arrange publication of booklets and other materials, and to organize round tables, press briefings, lectures and special events to help promote the work of the Organization.

The centres devoted special attention to the promotion of economic and social development issues, in particular the main concerns of Habitat II (see PART THREE, Chapter VIII). Arrangements were made with local partners for the training of journalists, publication of newsletters, organization of journalists' encounters and translation into local languages of major UN publications and information material. By the end of the second quarter of 1996, UNICs had disseminated more than 3,000 UN titles, of which approximately 30 per cent were translated into local languages.

The centres co-produced programmes in cooperation with other UN bodies and continued to strengthen their relationships with radio and television organizations and producers to encourage the development and airing of programmes about the Organization. On a daily basis, they responded to an increasing volume of inquiries about the Organization and its work.

The centres made positive strides in applying advanced information technologies to their daily functions. Multimedia presentations, production of CD-ROMs with local partners and creation of local "home pages" on the World Wide Web were gradually becoming part of their operations. The introduction of new technologies resulted in significant savings in external printing and other communications costs.

In a March report [A/AC.1987/1996/2], the Secretary-General stated that the critical financial situation of the Organization had affected the UNICs, particularly limiting travel and the purchase of equipment, including computers, and had slowed progress towards modernizing communication capabilities. In the current financial climate, it would be difficult for DPI to maintain the current level of UNIC activities. Therefore, the financial support provided by sev-



eral host Governments had been invaluable to UNIC operations.

In keeping with the General Assembly's request, efforts continued to facilitate the integration of UNICs with UNDP field offices whenever feasible, on a case-by-case basis. The objective of integration remained to ensure a unified image of the United Nations in the field, to enhance information activities in all areas, including development issues, and to achieve economies by sharing common services. By March 1996, 15 UNICs were integrated with UNDP offices, and another 15 were operating under the supervision of UNDP resident representatives. All centres carried out their mandates with regular programmatic and administrative guidance from DPI. To avert problems that might arise in the field and to enhance the performance of the integrated centres, a UNDP/DPI working group began meeting monthly in February.

### Coordination in the UN system

The Joint United Nations Information Committee (JUNIC), an inter-agency committee of representatives to coordinate information activities within the UN system, held its twenty-second session in Geneva from 3 to 5 July 1996 [ACC/1996/13]. It discussed, *inter alia*, ways to promote public understanding of UN achievements, ongoing JUNIC projects, special events calling for JUNIC participation and inter-agency participation in audio-visual productions. It was agreed that the UN system needed to develop a simple joint message stressing the interrelationship among system members, while preserving the diversity and identity of its different components. Among potential new audiences, JUNIC recognized the importance of the business community as a partner in promoting sustainable development and expressed interest in the business community as a possible source of funding for public information activities.

JUNIC recognized the role played by the Non-Governmental Liaison Service (NGLS) in promoting cooperation between the UN system and the non-governmental community. It endorsed the decision to undertake a strategic review of the NGLS role in the UN system. With regard to requests for UN participation in two international expositions, the 1998 Lisbon (Portugal) Exposition on "The oceans, a heritage for the future" and the 2000 Hannover (Germany) Exposition on "Mankind, nature, technology", JUNIC stated that, in the future, it should be made clear to host authorities from the outset that the United Nations could not allocate any financial resources for participation in international expositions or take part in fund-raising activities. JUNIC agreed

to remind the Administrative Committee on Coordination (ACC) of its own decision delegating consideration of UN-system participation in international expositions to JUNIC, in accordance with 1992 ACC guidelines, amended in 1994. JUNIC further reviewed inter-agency participation in UN special events dealing with such topics as the 1996 World Food Summit (see PART THREE, Chapter XIII) and mobilization for the UN System-wide Special Initiative on Africa (see PART THREE, Chapter III). Other issues discussed included preparation of a new system-wide film and video catalogue to be available on line, and development of a short-wave radio broadcasting capacity for the United Nations.

### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/138 B**.

#### United Nations public information policies and activities

The General Assembly,

Reaffirming its primary role in elaborating, coordinating and harmonizing United Nations policies and activities in the field of information,

Also reaffirming that the Secretary-General should ensure that the activities of the Department of Public Information of the Secretariat, as the focal point for the public information tasks of the United Nations, are strengthened and improved, keeping in view the purposes and principles of the Charter of the United Nations, the priority areas defined by the General Assembly and the recommendations of the Committee on Information,

Taking note of all the reports of the Secretary-General submitted to the Committee at its eighteenth session,

Encouraging the Secretary-General to develop a concrete plan to continue to enhance the public image of the United Nations,

1. Welcomes the Democratic People's Republic of Korea to membership in the Committee on Information;
2. Recalls its decision to consolidate the role of the Committee as its main subsidiary body mandated to make recommendations relating to the work of the Department of Public Information of the Secretariat;
3. Calls upon the Secretary-General, in respect of the public information policies and activities of the United Nations, to implement fully the recommendations contained in paragraph 2 of its resolution 48/44 B of 10 December 1993;
4. Takes note of the reductions in the resources allocated to the Department of Public Information, expresses its concern about the proposals of the Secretary-General on further reductions in the Department's budget which might negatively affect the activities mandated by the General Assembly, and requests the Secretary-General to support the Department of Public Information, in accordance with section II, paragraph 6, of Assembly resolution 50/214 of 23 December 1995;

5. Also takes note of the efforts of the Secretary-General to put into practice the need for an effective public information capacity of the Department of Public Information for the formation and day-to-day functioning of the information components of peace-keeping and other field operations of the United Nations, and requests the Secretariat to continue to ensure the involvement of the Department at the planning stage of such future operations through interdepartmental consultations and coordination with the other substantive departments of the Secretariat;

6. Requests the management of the Department of Public Information to review the Department's publications and proposals for publications to ensure that all publications fulfil an identifiable need, that they do not duplicate other publications inside or outside the United Nations system and that they are produced in a cost-effective manner, and to report thereon to the Committee at its nineteenth session;

7. Takes note of the report of the Secretary-General regarding the review of major publications of the Department of Public Information, and urges all efforts to ensure timely production and dissemination of its major publications, in particular the UN Chronicle, the Yearbook of the United Nations, the World Media Handbook and Africa Recovery, maintaining consistent editorial independence and accuracy, taking the necessary measures to ensure that they contain adequate, objective and equitable information about issues before the Organization and reflecting divergent opinions wherever they occur;

8. Requests the Secretary-General to conduct a review of existing publications produced and disseminated by the Department of Public Information in the sphere of development and to renew his efforts to improve existing publications or explore the possibility of alternative publications, in such a manner as to respond to the development-related information needs of people, in accordance with the requirements that the publications fulfil an identifiable need, that they do not duplicate other publications inside or outside the United Nations system and that they are produced in a cost-effective manner;

9. Reaffirms the importance attached by Member States to the role of United Nations information centres in effectively and comprehensively disseminating information in all parts of the world, particularly in developing countries and countries in transition, and especially in those countries where there is a need for greater understanding about United Nations activities;

10. Reaffirms also that United Nations information centres meet the primary objectives outlined by the Committee in its report to the General Assembly at its forty-second session;

11. Recalls the report of the Secretary-General on the results of the trial of integrating United Nations information centres with field offices of the United Nations system in general, and requests the Secretary-General to continue the integration exercise in a cost-effective manner and whenever feasible, on a case-by-case basis, taking into account the views of the host country and ensuring that the information functions and the autonomy of United Nations information centres are not adversely affected and to report thereon to the Committee;

12. Welcomes the action by some Member States with regard to financial and material support to United Nations information centres in their respective capitals, and invites the Secretary-General, through the Department of Public Information, to consult Member States, where appropriate, on the possibility of providing the centres with additional voluntary support on a national basis;

13. Takes note of the report of the Secretary-General on the allocation of resources to United Nations information centres in 1995, and calls upon him to continue to study ways and means to rationalize and effect equitable disbursement of available resources to all United Nations information centres;

14. Also takes note of the important impact on the functioning and the fulfilment of the objectives of some of the United Nations information centres of the development of new technologies such as the Internet and CD-ROM, and their effect on the dissemination of information, the increase in the number of United Nations depository libraries in some Member States and the increased importance of all concerned actors of the international community in their cooperation with the Organization;

15. Requests the Secretary-General therefore to submit a report to the Committee, for its consideration at its nineteenth session, on United Nations information centres, in particular, on added value, efficiency, cost-effectiveness and avoidance of duplication, especially in the areas of new technologies, with a view to offering recommendations on the review, strengthening and rationalization of their activities;

16. Reaffirms the role of the General Assembly in relation to the opening of new United Nations information centres, and invites the Secretary-General to make such recommendations as he may judge necessary regarding the establishment and location of these centres;

17. Recognizes the continued enhanced cooperation between the Department of Public Information and the University for Peace in Costa Rica as a focal point for promoting United Nations activities and disseminating United Nations information materials;

18. Takes note of the requests of Bulgaria, Gabon, Guinea, Haiti, Kyrgyzstan and Slovakia for information centres or information components;

19. Requests the Secretary-General to conduct an evaluation, within existing resources and without detriment to mandated programmes and activities, through the services of an independent consultant selected after an open and transparent selection process, of the functioning of the Dag Hammarskjöld Library, covering, inter alia, its infrastructure, operations, and

all its services and taking advantage of new, cost-effective automated and electronic library information and communication technologies and services and taking into account previous studies on the subject, and to submit a report thereon to the Committee at its nineteenth session;

20. Expresses its full support for the wide and prompt coverage of United Nations activities through a continuation of United Nations press releases in both working languages of the Secretariat, namely, English and French, and stresses the importance of the contin-

ued speedy issue and high quality of those press releases in both working languages;

21. Encourages the Secretary-General to explore ways and means to improve the access of United Nations radio to airwaves worldwide, bearing in mind that radio is one of the most cost-effective and far-reaching media available to the Department of Public Information and is an important instrument in United Nations activities, such as development and peacekeeping, in accordance with its resolution 48/44 B;

22. Underlines the continued importance for the Department of Public Information of using traditional and mass media channels in disseminating information on the United Nations, and encourages the Department to take full advantage of recent developments in information technologies, such as the Internet and CD-ROM, in order to improve in a cost-effective, comprehensive and timely manner the dissemination of information on the United Nations, taking into account the linguistic diversity of the Organization;

23. Commends the Department of Public Information for the important role it played in responding to the increased public interest resulting from the fiftieth anniversary of the United Nations;

24. Requests the Department of Public Information to continue to ensure the greatest possible access to United Nations guided tours, as well as to ensure that displays in public areas are kept as informative, up to date and relevant as possible;

25. Invites Member States and relevant international organizations to submit to the Secretary-General by 15 March 1997 their observations and suggestions on ways and means of furthering the development of communication infrastructures and capabilities in developing countries, and requests the Secretary-General to submit a report thereon to the Committee at its nineteenth session;

26. Recommends, in order to continue to facilitate contact between the Department of Public Information and the Committee between sessions, that the Bureau of the Committee, together with representatives of each regional group, the Group of 77 and China, in close contact with the members of the Committee, should continue to meet on a regular basis and consult at periodic intervals with representatives of the Department;

27. Takes note of the contribution made by Member States, in cooperation with the Department of Public Information and the United Nations Coordinator of International Cooperation on Chernobyl, to information activities for the tenth anniversary of the Chernobyl disaster, and recalls its resolutions concerning the consequences of the above-mentioned disaster, in particular, resolutions 50/31 B of 6 December 1995 and 50/134 of 20 December 1995, encouraging the regular exchange of information with the countries concerned and with the relevant organizations and bodies of the United Nations system, with a view to enhancing world public awareness of the consequences of such disasters;

28. Recognizes the positive role of the regional seminars held at Windhoek, Santiago, Almaty and Sana'a for the promotion of independent and pluralistic media, takes note of the invitation of the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-eighth session, in its resolution 4.6 of 15 November 1995, to cooperate

with the Director-General of the Organization in the preparation and organization of a similar regional seminar in 1997 in Central and Eastern Europe, depending on the availability of funding, also takes note of the offer of the Government of Bulgaria to host such a seminar, and invites the Department of Public Information to provide the requested assistance in jointly mobilizing the support of various other voluntary funding sources;

29. Requests the Secretary-General to report to the Committee at its nineteenth session and to the General Assembly at its fifty-second session on the activities of the Department of Public Information and on the implementation of the recommendations contained in the present resolution;

30. Decides that the nineteenth session of the Committee should last no more than ten working days, and requests the Bureau of the Committee to explore ways and means of making optimum use of the Committee's time;

31. Requests the Committee to report to the General Assembly at its fifty-second session;

32. Decides to include in the provisional agenda of its fifty-second session the item entitled "Questions relating to information".

#### General Assembly resolution 51/138 B

13 December 1996 Meeting 83 172-0 (recorded vote)

Approved by Fourth Committee (A/51/594) without vote, 7 November (meeting 11); draft by Committee on Information (A/51/21), amended in plenary by Costa Rica, for Group of 77 and China (A/51/L.61); agenda item 87.

Meeting numbers. GA 51st session: 4th Committee 9-11; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

During the Assembly's debate, Costa Rica tabled an amendment proposing that the original operative paragraph 29 be deleted and subsequent paragraphs renumbered. By that paragraph, the Assembly would have requested that DPI be provided with an identification of all costs, including estimated man-hours and printing, publishing and material expenditures, arising

from mandates contained in resolutions other than the annual resolution of the Assembly as recommended by the Committee on Information. By a recorded vote of 101 to 55, with 5 abstentions, the Assembly adopted the amendment.

Introducing the amendment on behalf of the Group of 77 and China, Costa Rica stated that the paragraph in question would establish a difficult procedure without specifying who would be responsible for its implementation, which in turn could have a negative impact on resolutions relating to DPI. The paragraph contradicted the position that financial considerations should be left up to the Fifth (Administrative and Budgetary) Committee and should not be included in draft resolutions adopted by other Main Committees.

On behalf of the EU, Ireland expressed the view that consensus on the text should be upheld because it had been reached after difficult negotiations in the Committee on Information. The paragraph in question did not contain any hidden implications, but had been included to assist good administrative practice. There was nothing in the paragraph that might, for example, prevent implementation of the DPI special information programme on the question of Palestine. The United States reiterated that view and, noting concern expressed by the Palestinian delegation that paragraph 29 would adversely affect programmes related to Palestinian issues, said that was neither the intention nor the effect of the resolution.

Bulgaria, speaking also in its capacity as Chairman of the Committee on Information, supported the statements by Ireland and the United States and stated that the proposed amendment, coming at such a late stage, could have a negative impact on the Committee's future work. The Russian Federation and Ukraine also expressed regret that the consensus had been broken.

### World Television Day

On 21 and 22 November, the first World Television Forum was held at the United Nations. Leading media figures from more than 50 countries met under UN auspices to discuss the growing significance of television and to consider how they might enhance future cooperation. Italy, by a 5 December letter to the Secretary-General [A/51/235], forwarded an explanatory memorandum on the Forum and a draft resolution on the proclamation of a World Television Day. According to the memorandum, the representatives of the broadcasters—both private and public—discussed the increasing impact television had on decision-making by alerting world attention to international conflicts and threats to peace and security and television's potential role in sharp-

ening the focus on other major—including economic, social and cultural—issues. It was also recognized that the United Nations faced increasing demands to address the major issues facing mankind and that television could play a role in presenting those issues to the public.

Italy felt that it would be appropriate for the General Assembly to recognize a day on which special attention would be given by broadcasters to issues facing the international community.

### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/205**.

### Proclamation of 21 November as World Television Day

The General Assembly,

Recalling its resolution 13(I) of 13 February 1946, in which it stated, *inter alia*, that the United Nations cannot achieve its purposes unless the peoples of the world are fully informed of its aims and activities,

Recalling also its resolutions concerning information in service of humanity and United Nations public information policies and activities,

Reaffirming its commitment to the principles of the Charter of the United Nations and to the principles of freedom of information, as well as to those of the independence, pluralism and diversity of the media,

Underlining that communications have become one of today's central international issues, not only for their relevance for the world economy, but also for their implications for social and cultural development,

Recognizing the increasing impact that television has on decision-making by alerting world attention to conflicts and threats to peace and security and its potential role in sharpening the focus on other major issues, including economic and social issues,

Underlining that the United Nations faces ever-increasing demands to address the major issues facing humankind and that television, as one of today's most powerful communications media, could play a role in presenting these issues to the world,

Noting with satisfaction the holding at Headquarters, on 21 and 22 November 1996, of the first World Television Forum, where leading media figures met under the auspices of the United Nations to discuss the growing significance of television in today's changing world and to consider how they might enhance their mutual cooperation,

1. Decides to proclaim 21 November World Television Day, commemorating the date on which the first World Television Forum was held;
2. Invites all Member States to observe World Television Day by encouraging global exchanges of television programmes focusing, among other things, on such issues as peace, security, economic and social development and the enhancement of cultural exchange;
3. Requests the Secretary-General to bring the present resolution to the attention of all Governments and appropriate non-governmental organizations.

General Assembly resolution 51/205

17 December 1996

Meeting 88

141-0-11

147-nation draft (A/51/L.60 &amp; Add.1); agenda item 164.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Dominica, Ecuador, Egypt, El Salvador, Estonia, Fiji, France, Gabon, Georgia, Ghana, Grenada, Guinea-Bissau, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Czech Republic, Denmark, Finland, Germany, Haiti,\* Japan, Netherlands, Norway, Sweden, United Kingdom, United States.

\*Later advised the Secretariat it had intended to vote in favour.

Explaining its abstention, the United States said the resolution was unneeded and unnecessary and the proclamation of 21 November as World Television Day was a doubtful expenditure of time and energy; a commemorative day that did not have the concept of facilitating the free and uncensored flow of information and ideas to ordinary people around the world ran the risk of providing legitimacy for those who would misuse television as a tool of repression and control. The Netherlands felt that the resolution did not address an issue important enough to be discussed by the Assembly, but only added another so-called special day to the seemingly endless list of days, mostly of questionable use. Further, paragraph 2 of the text could be considered as requesting Member Governments to influence the contents of television programmes, which was against the basic values and convictions of the Netherlands. Although welcoming the World Television Forum, Germany noted that there were already three UN days encompassing similar subjects; also, television was only one means of information and an information medium to which the poor majority of the world population had no access. Germany also considered paragraph 2 to be ambiguous and giving rise to concern that it would have negative implications for freedom of the press.

Cuba stated that it voted for the resolution as the proclamation of World Television Day should serve as a point of departure and a time of reflection on those peoples and nations that did not even know what television was, on those who did

not have access to a well-balanced flow of information, and on those subjected to television signals intended to undermine their territorial integrity, sovereignty and freely chosen political and social system and broadcast in violation of the most basic norms of international telecommunications treaties. Cuba was confident that the Day would stimulate promotion of the fact that television should always benefit the oppressed and the needy, and not the wealthy and powerful nations.

France believed that the initiative to proclaim World Television Day opened a door which should be explored for two reasons: for the United Nations, as it needed to be better known through the exceptional medium of television, and for world television itself. Cooperation between television and the United Nations should serve both.

## Peaceful uses of outer space

In 1996, issues relating to international cooperation in the peaceful uses of outer space were again considered by the Committee on the Peaceful Uses of Outer Space (Committee on outer space) and its Scientific and Technical and Legal Subcommittees. At its thirty-ninth session (Vienna, 3-14 June), the Committee discussed ways of maintaining outer space for peaceful purposes and spin-off benefits of space technology, and reviewed the work of the Subcommittees.

In December, the General Assembly endorsed the recommendations of the Committee for its future work, including that of its Subcommittees. The Assembly also adopted the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, approved by the Committee.

## Space science and technology

The Scientific and Technical Subcommittee of the Committee on outer space, at its thirty-third session (Vienna, 12-23 February) [A/AC.105/637 & Corr.1], reviewed the UN Programme on Space Applications, coordination of space activities within the UN system and implementation of the recommendations of the Second (1982) United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-82) [YUN 1982, p. 162]. The Subcommittee also dealt with matters relating to remote sensing of the Earth by

satellites, including applications for developing countries; the use of nuclear power sources in outer space; space debris; space transportation; the physical nature and technical attributes of the geostationary orbit and its utilization for space communications; life sciences, including space medicine; space activities related to the Earth environment; planetary exploration; astronomy; and the use of small satellites for the expansion of low-cost space activities.

### **Implementation of the recommendations of UNISPACE-82**

In August 1996 [A/51/276], the Secretary-General, as requested by General Assembly resolution 50/27 [YUN 1995, p. 282], reported on implementation of the recommendations of UNISPACE-82. The Committee on outer space, its Scientific and Technical Subcommittee and the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space considered the question during their 1996 sessions. The Subcommittee endorsed the recommendations of the Working Group as annexed to its report [A/AC.105/637 & Corr.1].

The Working Group noted that training courses and workshops in remote sensing, satellite communications and other topics had been organized for the benefit of developing countries with UN assistance, and recommended that such courses on advanced applications of space science and technology and on new technological developments should continue to be organized regularly. It also recommended that the recent advances in space technologies and applications for development be brought to the attention of planners, administrators and decision makers in developing countries. Particularly the developed Member States and international organizations were requested to support the training programme on an ongoing basis. In addition, the Working Group recommended that the reports prepared by the Office for Outer Space Affairs on the resources and technological capabilities of States in space activities, as well as in the areas of education, training, research and fellowship opportunities for the promotion of cooperation in the peaceful uses of outer space, should continue to be periodically updated. The Group recommended that the Committee request all States, particularly those with major space capabilities, to inform the Secretary-General about those activities that could be the subject of greater international cooperation, with particular emphasis on the needs of developing countries.

Another recommendation of the Working Group called for further studies by the Office for Outer Space Affairs, with emphasis on developing countries' needs, on space technology applications for preventing and mitigating the effects of natural disasters and on the use of new technologies in communications and information networks. In order to promote national space programmes, the United Nations should continue to arrange, on request, for expert consultants to assist in preparing national plans for initiating, strengthening or reorienting space applications programmes, in conformity with other national development programmes.

As for the UNISPACE-82 recommendation regarding free exchange of scientific and technological information and the transfer of technologies to promote the use of space technology in the developing countries, the Working Group said a greater international understanding needed to evolve to overcome the difficulties faced by developing countries in that regard. Among other priorities emanating from UNISPACE-82 were the promotion of a greater exchange of experiences in space applications; UN support for the full implementation of the Programme on Space Applications; and voluntary cash and in-kind contributions for Programme activities.

The Scientific and Technical Subcommittee, in considering implementation of UNISPACE-82 recommendations, noted that the Assembly had specifically mentioned the following as needing urgent attention: all countries should have the opportunity to use the techniques resulting from medical studies in space; national and regional data banks should be expanded and an international space information service established; the United Nations should support the creation of regional training centres, with funding made available through financial institutions; and the United Nations should organize a fellowship programme for advanced students from developing countries. The Subcommittee adopted the Working Group's report on the understanding that its recommendations would be carried out in accordance with the UNISPACE-82 recommendations.

Endorsing the Working Group's recommendations, the Committee on outer space noted the conclusion that many of the UNISPACE-82 recommendations had not been fully implemented and the disappointment expressed by developing countries at the lack of financial resources to implement those recommendations fully.

### **UN Programme on Space Applications**

In accordance with its 1982 mandate [GA res. 37/90], the UN Programme on Space Applications

continued to focus on developing indigenous capabilities in space science and technology, through the provision of fellowships for training and technical advisory services; organizing regional and international training courses and conferences; assisting in disseminating space-related information; and promoting cooperation between developed and developing countries.

The Scientific and Technical Subcommittee considered the report of the UN Expert on Space Applications [A/AC.105/625] and noted that the Programme on Space Applications for 1995 had been carried out satisfactorily. The Subcommittee noted that some of the activities it had endorsed at its previous session had had to be postponed to 1996 because of the UN financial situation. It continued to express concern over the still limited financial resources available for the Programme and appealed to Member States for support. The Committee on Outer Space also expressed concern over the Programme's financial resources and appealed for voluntary contributions. The Committee noted that the Programme was the priority activity of the Office for Outer Space Affairs.

In 1996, 10 training courses, workshops, expert meetings and symposia, on the regional and international level, were scheduled in cooperation with the host Governments. The Programme received 15 long-term fellowship offers for 1995-1996, with Brazil offering 10 in the field of remote-sensing technology and the European Space Agency (ESA) offering 5 in several areas of study. For 1996-1997, ESA offered five long-term fellowships.

Technical advisory services were provided by the Programme in support of regional space applications projects. Such assistance was provided to Ecuador in promoting the regional operation, administration and funding of the remote-sensing receiving station in Cotopaxi; to Chile in its follow-up, as *pro tempore* secretariat, of the recommendations of the Second Space Conference of the Americas; and to the Republic of Korea in establishing the Asia-Pacific Satellite Communications Council. The Programme included collaboration with ESA in several areas. One project was to address a recommendation of the 1993 Dakar Regional Conference on Space Technology for Sustainable Development in Africa, regarding the need to establish a communications network among African and European scientists, professionals, educators and decision makers. Other collaboration was in follow-up activities to the November 1995 training course on remote-sensing applications for natural resources, renewable energy and the environment (Frascati, Italy). Collaboration with ESA also included

follow-up activities relating to the workshop series on basic space science.

In 1996, the Programme co-sponsored the participation of scientists from developing countries in the Thirty-first Scientific Assembly of the Committee on Space Research (COSPAR) (Birmingham, United Kingdom, 14-21 July) and the UN/International Astronautical Federation (IAF)/ESA workshop on space technology and application in the developing world (Beijing, 3-6 October). Proposals were made for five workshops and training courses in 1997.

In order to facilitate the development of indigenous capability, as had been recommended by UNISPACE-82, regional centres for space science and technology education were being established. In 1995, the General Assembly had endorsed [GA res. 50/27] the Committee's recommendation that those centres be established on the basis of affiliation to the United Nations as early as possible. The Committee noted that the Centre for Space Science and Technology Education in Asia and the Pacific had been inaugurated in India in November 1995 and its first education programme began in April 1996. Brazil and Mexico were nearing agreement on a centre in Latin America and the Caribbean. Offers were made by Morocco and Nigeria, respectively, to establish, operate and sustain a centre for French-speaking African countries and for English-speaking African countries. Discussions were in progress on the establishment of such a centre in western Asia, and Jordan, Saudi Arabia and the Syrian Arab Republic had indicated their interest in hosting it. Bulgaria, the Czech Republic, Greece, Hungary, Poland, Romania and Turkey had agreed to establish an educational system consisting of a network of space science and technology education institutions, with the activities of each member of the network being in harmony with existing institutions in Europe and open to international cooperation. Those countries agreed that a group of experts should be established under the aegis of the Office for Outer Space Affairs in order to prepare a technical study of a framework for and modalities of such a network.

The General Assembly, in **resolution 51/123** (see below), endorsed the 1997 UN Programme on Space Applications, as proposed by the Expert on Space Applications.

### Remote sensing

The Scientific and Technical Subcommittee continued in 1996 its consideration of matters relating to remote sensing of the Earth by satellites, including applications for developing countries. It reviewed national and cooperative programmes in remote sensing, particularly exam-

pies of national programmes in developing and developed countries and of international programmes based on bilateral, regional and international cooperation, including programmes of technical cooperation between developing countries. Argentina, Australia, Austria, Brazil, Canada, China, France, Germany, India, Indonesia, Japan, Morocco, the Russian Federation, Ukraine, the United States and ESA continued their programmes for remote-sensing satellites. The Subcommittee noted that the launches of the European Remote Sensing (ERS-2) satellite and the RADARSAT satellite of Canada would provide valuable microwave data to complement previously launched European and Japanese satellites, as well as visible and infra-red data from other satellites. Other remote-sensing systems were being developed for future launch, including by Argentina, Canada, China, India, Japan and the Russian Federation and some joint programmes (Brazil/China and Japan/United States).

The Subcommittee reiterated its view that remote-sensing activities should take into account the need to provide non-discriminatory assistance to meet the needs of developing countries. Emphasizing the importance of making remote-sensing data and analysed information available to all countries at reasonable cost and in a timely manner, the Subcommittee also recognized the example of international cooperation in the World Meteorological Organization (WMO) in the exchange of meteorological data. Those countries which had freely and openly provided meteorological satellite data were encouraged to continue to do so.

International cooperation in the use of remote-sensing satellites should be encouraged, the Subcommittee said, through coordination of the operations of ground stations and through meetings between satellite operators and users. Continuity in the acquisition of data was important, as was the sharing of experiences and technologies, cooperation through international and regional remote-sensing centres, and joint work on collaborative projects. The Subcommittee noted the value of remote-sensing systems for environmental monitoring and, in that context, stressed the need for the international community to utilize remote-sensing data in an effort to implement the recommendations contained in Agenda 21 [YUN 1992, p. 672] of the 1992 United Nations Conference on Environment and Development.

The Committee on outer space also noted the importance, particularly for developing countries, of sharing experiences and technologies, of cooperating through international and regional

remote-sensing centres and of working on collaborative projects. In that connection, it noted that the Middle East and African Remote Sensing International Symposium on Space Remote Sensing for the Environment had been held in Ifrane, Morocco, in 1995. It recognized the importance of ongoing international efforts to ensure the continuity, compatibility and complementarity of systems for remote sensing and to promote cooperation through meetings of satellite operators, ground-station operators and users. The Committee also agreed with the Subcommittee on the value of remote-sensing systems for environmental monitoring and on the importance of making the data widely available. In addition, the Committee endorsed the Subcommittee's recommendation that the item on remote sensing by satellites be retained on the Subcommittee's agenda as a priority item.

### **Nuclear power sources**

As in previous years, the Scientific and Technical Subcommittee considered the use of nuclear power sources in outer space. Recalling that the General Assembly in 1992 had adopted the Principles Relevant to the Use of Nuclear Power Sources in Outer Space [GA res. 47/68], the Subcommittee noted that the Committee on outer space in 1995 had agreed that the Principles should remain in their current form until amended and that consideration should be given to the aims and objectives of any proposed revision. The Subcommittee agreed that, at the current time, revision of the Principles was not warranted.

As requested by Assembly resolution 50/27 [YUN 1995, p. 282], the Working Group on the Use of Nuclear Power Sources in Outer Space was reconvened on 21 February 1996. No further work was undertaken in the Working Group during the Subcommittee's session.

In a statement to the Subcommittee, the International Atomic Energy Agency (IAEA) emphasized that it was important that the safety principles for nuclear power sources in outer space should be consistent with the most recent international recommendations on radiation protection, which were based on the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources, jointly adopted by the Food and Agriculture Organization of the United Nations (FAO), IAEA, the International Labour Organization (ILO), the Organisation for Economic Cooperation and Development (Nuclear Energy Agency) and the Pan American Health Organization. The Subcommittee noted that the new safety practice document on emergency planning and prepar-



edness for re-entry of a nuclear-powered satellite had been approved by IAEA and was due to be published in its final form in 1996.

Mindful of the differences in the safety principles applied for space and the safety standards for terrestrial systems, the Subcommittee agreed that a study of those developments, arising from the latest International Commission on Radiological Protection recommendations, should be continued.

In response to the Assembly's request for information on the problem of collisions of space objects, including those with nuclear power sources, with space debris, Canada, Chile, Germany, Japan and the United Kingdom had submitted information to the Subcommittee. Working papers were submitted by the United Kingdom on the interpretation and development of safety principles for nuclear power sources in space and by the Russian Federation on the problem of collisions between nuclear power sources in space and space debris. The Subcommittee took note of a view expressed on principles for nuclear power sources in space, as contained in the working paper submitted by the United Kingdom, namely, that further discussions should be held on concepts such as risk justification, maximum tolerable risk, risk reduction and the numerical values related to those.

The Subcommittee agreed that Member States should continue to be invited to report to the Secretary-General on national and international research concerning the safety of space objects with nuclear power sources, and that further studies, to be reported to the Subcommittee, should be conducted on the collision of orbiting space objects with nuclear power sources on board with space debris.

The Committee on outer space agreed with the findings of the Subcommittee, including that revision of the Principles was not currently warranted and that discussions on the issue should continue. The Committee considered that IAEA participation was a useful contribution to its work and was desirable for future sessions of the Committee and its subsidiary bodies. The Committee agreed with the Subcommittee that study of the different safety principles regarding nuclear power sources should be continued.

### Space debris

The item on space debris was put on the agenda of the Scientific and Technical Subcommittee in 1994 and a multi-year work plan adopted in 1995 for specific topics to be covered during 1996-1998. Space debris was understood to be inactive man-made objects, such as spent upper stages, spent satellites, fragments or parts

generated during launch or mission operations, or fragments from explosions and other break-ups. In accordance with its multi-year plan, the Subcommittee in 1996 focused its attention on measurements of space debris, understanding of data and effects of that environment on space systems.

The Subcommittee agreed that international cooperation was needed to expand affordable strategies to minimize the potential impact of space debris on future space missions. Stating that it would be desirable to compile information on steps taken by space agencies for reducing the growth or damage potential of space debris and to encourage common acceptance by the international community on a voluntary basis, the Subcommittee noted with appreciation the report prepared by the Secretariat on the subject [A/AC.105/620] and recommended that it be updated annually. The Subcommittee took note of programmes of some Member States (Canada, Germany, Japan, Russian Federation, United States) and organizations, including ESA, on the acquisition and understanding of data on the characteristics of the space debris environment, and on measuring, modelling and mitigating the orbital debris environment. The Subcommittee noted that cooperation continued through the Inter-Agency Space Debris Coordination Committee, with the participation of Japan, the National Aeronautics and Space Administration (NASA) of the United States, ESA and the Russian Space Agency (RSA), and since 1995 the Chinese National Space Agency, to enable its members to exchange information on space debris activities, facilitate cooperation in space debris research and identify debris mitigation options.

The Subcommittee agreed that Member States should pay more attention to the problem of collisions of space objects, that national research on space debris should continue and that the results of that research should be made available to all interested parties. France, Germany, the United Kingdom, the United States and ESA made scientific and technical presentations on space debris to the Subcommittee, and the Russian Federation submitted a working paper on its work on the problem of the technogenic pollution of near space. The Subcommittee said the research already undertaken had allowed for a better understanding of the sources of debris, the areas in near-Earth orbit that were reaching high levels of space debris density, the probabilities and effects of collisions and the necessity of minimizing the creation of space debris.

The Committee on outer space endorsed many of the Subcommittee's findings and agreed

that it should continue its consideration of space debris as a priority matter.

### Space transportation

The Scientific and Technical Subcommittee at its 1996 session considered space transportation systems and their implications for future activities in space, reviewing national and international cooperative programmes in such systems, including expendable launchers, reusable space shuttles and space stations. In particular, it noted that China was continuing to develop its Long March series of launch vehicles; that India was continuing development of the Geostationary Satellite Launch Vehicle and had launched the Polar Satellite Launch Vehicle; that Japan had introduced into service its H-II launch vehicle, had launched the J-1 launch vehicle and was continuing development of the H-IIA and M-V vehicles; that the Russian Federation had launched space objects of various types using expendable launchers and had sent a number of national and international crews to the Mir space station; that Ukraine, in cooperation with the Russian Federation, was producing and using two types of rocket launchers; that the United Kingdom was cooperating with ESA in its Future European Space Transportation Investigation Programme; that the United States was continuing its programme of expendable launchers and flights of the reusable space shuttle, many involving international participation; that Canada, Japan, the Russian Federation, the United States and ESA were continuing preparations on the international space station programme; and that ESA was continuing to develop the Ariane series of launch vehicles.

The Subcommittee took note of developments in the United States commercial launch industry, including expendable vehicles, and the reusable launch vehicle technology programme. It also took note of the automatic landing flight experiment and a study of an experimental unmanned winged vehicle of Japan. In addition, it noted developments in the Russian Federation, including improved and ecologically clean launchers and airborne launched systems, as well as the introduction into the Russian space transportation system of launchers that were based on converted ballistic missiles.

The Subcommittee and the Committee on outer space stressed the importance of international cooperation in space transportation in order to provide all countries with access to the benefits of space science and technology.

The Committee took note of the progress being achieved in various programmes by China, India, Japan, the Russian Federation, Ukraine,

the United Kingdom, the United States and ESA, and of recent developments in the launch vehicle industry.

### Technical aspects of the geostationary orbit

In its examination of the physical nature and technical attributes of the geostationary orbit and its utilization and applications, the Scientific and Technical Subcommittee reviewed national and international cooperative programmes in satellite communications, in particular technology that would make satellite communications more accessible and less expensive and increase the communications capacity of the geostationary orbit and the electromagnetic spectrum. The Subcommittee took note of the growing use of communications satellite systems for telecommunications, television broadcasting, data networks, environmental data relay, mobile communications, disaster warning and relief, telemedicine and other communications functions.

Some Subcommittee members expressed the view that the geostationary orbit was a limited natural resource and that saturation should be avoided in order to ensure that all countries had non-discriminatory access to it. Those delegations felt that a special *sui generis* legal regime was required to ensure equitable access by all States, particularly developing countries. Some expressed the view that in considering the question of equitable access, account should be taken of the geographic situation of the equatorial countries, while others believed that a geostationary satellite, like all satellites, was attracted by the entire body of the Earth and that, therefore, it could not be said that the phenomenon of a geostationary satellite was linked to gravitational phenomena produced uniquely in the plane of the terrestrial equator. Some delegations noted that the use of the geostationary orbit, like other orbits, was affected by the problem of space debris and that efforts were needed to minimize the generation of debris in the orbit and to move satellites shortly before the end of their useful lives into disposal orbits beyond the geostationary orbit.

The Committee on outer space noted that delegations had reiterated views concerning the geostationary orbit that had been reflected in earlier reports of the Committee and its two Subcommittees. The Committee expressed its appreciation to the International Telecommunication Union (ITU) for submitting its annual progress report on telecommunication and the peaceful uses of outer space [A/AC.105/634].

Legal aspects of the geostationary orbit were considered by the Legal Subcommittee (see below).

### Space and Earth environment

The Scientific and Technical Subcommittee continued in 1996 its consideration of progress in national and international space activities related to the Earth environment, in particular progress in the geosphere-biosphere (global change) programme. The Subcommittee noted the progress being made through international cooperation in that programme, with the participation of many countries. It noted that such a joint international effort was important for managing natural resources, and that there was a need to involve as many countries as possible in the scientific activities of the programme, in both developed and developing countries. Other important contributions of satellite remote sensing were noted—for environmental monitoring, planning sustainable development, water-resource development, monitoring crop conditions, and predicting and assessing drought. The Subcommittee also noted the progress made in India in climate modelling, monsoon dynamics, atmospheric chemistry and radiation, and land, air and ocean interaction. The important contribution of meteorological and atmospheric research satellites was noted for studying global climate change, the greenhouse effect, the degradation of the ozone layer and other global environmental processes. A number of previously launched satellites were useful for that purpose, as would be planned spacecraft voyages. The Subcommittee noted the need for further space research relating to climate change, weather patterns, vegetation distribution, storm and flood risk and other environmental factors.

The Committee on outer space agreed that it could promote international cooperation in the applications of space technologies for environmental monitoring and sustainable development. In particular, it felt that the UN Programme on Space Applications could play an important role in assisting developing countries in strengthening their capabilities in related space technologies and applications, particularly in reducing poverty and enhancing rural development.

### Spin-off benefits

The Committee on outer space agreed that spin-offs of space technology were yielding substantial benefits in many fields and took note of the efforts in many Member States to develop such spin-off benefits and to disseminate information on such activities to interested countries. Spin-offs had led to new techniques in industrial measurement and control, image and data processing, human health and telemedicine, computer systems, aviation, meteorology, robotics, power generation, special materials and chemi-

cals, water treatment, public safety, consumer goods, manufacturing and refrigeration. Recent spin-offs included a lightweight metal cutter for emergency rescue operations, an automotive assembly fastener, a catalyst to convert carbon monoxide to carbon dioxide, a portable ultraviolet indicator, a new greenhouse for agricultural crops, new foods and medicines and honeycomb fire-proof insulation material. The Committee remarked on the growing importance of international cooperation in developing spin-off benefits and in ensuring that all countries, in particular developing countries, had access to those benefits.

The Committee reiterated its 1993 recommendation that the UN Programme on Space Applications consider devoting at least one of its training courses or meetings each year to the promotion of spin-off benefits from space, and it expressed satisfaction that, pursuant to that recommendation, the Programme had organized the United Nations/United States of America International Conference on Spin-off Benefits of Space Technology: Challenges and Opportunities (Colorado Springs, 9-12 April 1996) [A/AC.105/642].

The Committee believed that further efforts should be made to promote space activities for sustainable development and for improving the quality of life on Earth and that the conversion of military industries to productive uses would facilitate the transfer and use of space technologies and their spin-off benefits. It acknowledged a need to examine ways of strengthening international cooperation by improving the access of all countries to spin-off benefits, particularly those through which the social and economic needs of developing countries could be addressed.

The Committee noted with interest Ukraine's proposal to utilize the Evpatoria Centre of Deep Science Communication as the basis for a new international centre for space research that could be used by the UN Programme on Space Applications for its activities as a way of strengthening international cooperation in the peaceful uses of outer space. The Committee agreed that micro-satellite technologies were particularly important in that regard as they could provide substantial spin-off benefits at a lower cost than other satellite technologies.

### Micro- and small satellites

Pursuant to General Assembly resolution 50/27 [YUN 1995, p. 282], the Scientific and Technical Subcommittee in 1996 paid special attention to the utilization of micro- and small satellites for the expansion of low-cost space activities, taking into account the special needs of developing coun-

tries. The Subcommittee noted with satisfaction that, at its invitation, COSPAR and IAF had organized a symposium on the theme (Vienna, 12-13 February).

The Subcommittee noted the fact that as a consequence of the evolution of space-related technologies, in particular microelectronics, power generation and storage, as well as propulsion technology, micro- and small satellites could make significant space capabilities accessible to a wide range of users, including students in secondary schools and universities and engineers and scientists in many countries. It regarded small satellite projects as ideal for extensive international cooperation, as relatively sophisticated technological experiments as well as application missions could be flown in space at modest costs. Particular application areas included space physics, astronomy, astrophysics, technology demonstrations, communications and data relay experiments, and acquisition of Earth resource data, including disaster-related information. In the Subcommittee's view, small satellites represented an excellent method for training students, engineers and scientists in different disciplines, including engineering, computer software development, and management of sophisticated technical programmes. Among the difficulties in promoting the use of small satellite technology for developing countries was a low awareness of policy-making officials and the general public of the importance and benefits of a national space programme, as well as a lack of trained local personnel, the Subcommittee stated. It recommended that more activities of the Programme on Space Applications be devoted to the topic.

### **Coordination in the UN system**

In 1995 [YUN 1995, p. 282], the General Assembly had requested all UN bodies and other intergovernmental organizations working in the field of outer space or related matters to cooperate in implementing the recommendations of UNISPACE-82 (see above). In that connection, the Committee on outer space, in its 1996 report to the Assembly, noted with appreciation the cooperation in its work by UN bodies and other international organizations. Those UN bodies with extensive space-related programmes that were contributing to implementing UNISPACE-82 recommendations were the United Nations Environment Programme (UNEP), the Economic Commission for Africa (ECA), the Economic and Social Commission for Asia and the Pacific (ESCAP), UNDP, the United Nations Institute for Training and Research (UNITAR), UNESCO, the International Civil Aviation Organization (ICAO), FAO, ITU and WMO. The Secretary-General outlined their pro-

grammes in his report on coordination of outer space activities within the UN system for 1996-1997 [A/AC.105/631]. The programmes and projects of UN organizations were coordinated at annual inter-agency meetings. At its seventeenth session (Vienna, 7-9 February 1996) [A/AC.105/630], the Inter-Agency Meeting on Outer Space Activities agreed that the use of advanced information technologies, in particular the Internet, should be expanded as a means of strengthening inter-agency coordination and that the Office for Outer Space Affairs could serve as a coordinating node for accessing space-related information of UN bodies.

The Committee on outer space found that the reports submitted by UN organizations helped to enable it and its subsidiary bodies to fulfil their role as a focal point for international cooperation in space, especially with respect to the practical applications of space science and technology in developing countries.

### **Convening of a third UNISPACE**

As recommended by General Assembly resolution 50/27 [YUN 1995, p. 282], the Scientific and Technical Subcommittee, through its Working Group of the Whole, considered the organization of a third UN Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) prior to the turn of the century, including technical and political objectives, a detailed agenda, funding, timing and organizational aspects, as well as other means to achieve the goals set for the conference.

The Committee on outer space considered the matter and agreed that a special session of the Committee, open to all UN Members (UNISPACE III), should be convened in Vienna in 1999, unless it decided the year 2000 was more appropriate depending on agreement on an agenda. The Committee agreed to act as the Preparatory Committee for UNISPACE III, with the Scientific and Technical Subcommittee acting as the Advisory Committee and the Office for Outer Space Affairs acting as the executive secretariat.

The Committee requested the Advisory Committee, at its 1997 session, to finalize the agenda and decide on a specific date for the special session, taking into account the objectives agreed upon by the Working Group [A/AC.105/637]. The Working Group had defined as the basic objective of the proposed UNISPACE III to promote effective means of using space technology to assist in solving problems of regional or global significance and to strengthen the capabilities of Member States, in particular developing countries, to use the applications of space research for economic, social and cultural development.

The Committee further requested the Advisory Committee to work out organizational aspects of the conference and a schedule of events and recommended that it outline the desired form of participation of international, regional and other governmental and non-governmental organizations in the preparations. Prior to the 1997 session of the Scientific and Technical Subcommittee, the Secretariat should provide details of the venue, the financial basis for the planning and execution of the conference and other information, in order to assist the Subcommittee in its role as the Advisory Committee. The Committee stated a need to provide the Subcommittee with some further guidelines to assist it in that role, as well as a need for a sufficiently detailed agenda to allow the Subcommittee to invite international organizations to become involved in the planning and the preparatory activities, as well as in supporting the event in kind or financially.

### Other questions

The Committee on outer space and its Scientific and Technical Subcommittee considered other space-related questions, including life sciences and space medicine. The Subcommittee noted that studies of human and animal physiology under the microgravity conditions of space flight had led to important advances in medical knowledge in such areas as blood circulation, sensory perception, immunology and the effects of cosmic radiation. New information in those fields had been obtained through experiments on the Mir space station, particularly during a 1995 joint ESA-Russian mission, during the first long-duration flight of a woman cosmonaut, during the first flight of a United States astronaut aboard the Mir space station and during two docking missions of the United States space shuttle with the Mir space station. Important data were gathered during several United States space shuttle missions, in particular on microgravity. The Subcommittee noted that applications of space technologies were demonstrating growing promise in medicine and public health on Earth. In that connection, it noted that Portuguese specialists had studied a new "vibration disease" that occurred after prolonged stays in specific industrial, aeronautical and spatial environments. Products of space biotechnology, such as pharmaceutical and medical instruments, could have applications for improved health care. The Subcommittee encouraged further research and exchange of information on those applications, and called for international cooperation to enable all countries to benefit from those advances.

The Subcommittee, continuing its consideration of planetary exploration and astronomy,

noted that several planetary exploration missions were currently under way. The Galileo spacecraft had entered into the orbit of Jupiter and sent a probe into Jupiter's atmosphere. The ESA Ulysses spacecraft, following its swing-by trajectory from Jupiter, was studying the solar polar regions that had not been previously investigated. Other missions were planned for studying Mars, the Moon, Saturn, asteroids and comets. Noting the high degree of international cooperation in all those investigations, the Subcommittee stressed the need to enable all countries to benefit from and participate in those activities.

The Subcommittee noted that the use of spacecraft for making astronomical observations from above the atmosphere had greatly advanced knowledge of the universe by allowing observations in all regions of the electromagnetic spectrum. A number of telescopes, observatories and satellites had contributed to the expanded knowledge, and the Subcommittee noted with satisfaction that those projects were open to broad international cooperation.

### Space law

The Legal Subcommittee of the Committee on outer space, at its thirty-fifth session (Vienna, 18-28 March) [A/AC.105/639], continued its review and possible revision of the 1992 Principles Relevant to the Use of Nuclear Power Sources in Outer Space [GA res. 47/68]; matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit; and legal aspects of the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interest of all States, taking into particular account the needs of developing countries.

The Committee on outer space [A/51/20] took note with appreciation of the Legal Subcommittee's report.

### Nuclear power sources

Continuing its review of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, adopted by the General Assembly in 1992 [GA res. 47/68], the Legal Subcommittee concurred with the view of the Scientific and Technical Subcommittee (see above) that revision of the Principles was not warranted at the current time. The Subcommittee also agreed that consideration by its Working Group on the subject should again be suspended for one year, pending the results of the work in the Scientific and Technical Subcommittee, unless sufficient progress was made by that Subcommittee in 1997 to war-

rant reconvening the Group. The item would be retained on the Legal Subcommittee's agenda to give delegations an opportunity to discuss it in plenary meetings.

The Committee on outer space endorsed those recommendations and agreed that the Principles would remain valid for the time being, with the Scientific and Technical Subcommittee considering the need for revision in the light of changing technology before the Legal Subcommittee or the Committee undertook any actual revision.

### **Geostationary orbit and definition of outer space**

The Legal Subcommittee continued through a working group to consider matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including ways to ensure the rational and equitable use of that orbit without prejudice to the role of ITU. It noted that the Scientific and Technical Subcommittee, at its 1996 session, had dealt with certain scientific aspects of the geostationary orbit (see above). The Legal Subcommittee had before it a working paper submitted by Colombia on some considerations concerning the utilization of the geostationary orbit, and replies from Member States [A/AC.105/635 & Add.1.2] to a questionnaire that it had finalized in 1995 [YUN 1995, p. 281] containing their views on possible legal issues with regard to aerospace objects. The Subcommittee endorsed the recommendations of the Working Group that the Secretariat encourage those States members of the Committee on outer space who wished to submit replies to do so as early as possible; that the Secretariat prepare in time for the Subcommittee's 1997 session a comprehensive analysis of the replies received in order to assist the Working Group in its deliberations; and that the Secretariat, in cooperation with the ITU secretariat, provide for the next session of the Working Group an analysis of the compatibility of the approach contained in Colombia's working paper with the existing ITU rules and procedures relating to the use of the geostationary orbit. The Committee on outer space agreed with the last of those recommendations.

Noting the work of the Subcommittee and its Working Group, the Committee remarked on the variety of views expressed on the definition and delimitation of outer space, which were elaborated on during the 1996 Committee session. Some delegations reiterated that a conventionally defined boundary between airspace and outer space was needed and that the Legal Subcommittee should continue to consider the question, with a view to establishing such a boundary.

In that regard, the view was expressed that a delimitation between airspace and outer space was necessary in order to establish which activities would be governed under the sovereignty of States and which under the *res communis omnium*. Other delegations believed that attempts to establish a boundary prematurely might complicate and impede progress in the peaceful exploration and use of outer space. Still others noted that the lack of any definition/delimitation had not precluded international cooperation in sharing frequencies and orbital positions which had been established in a satisfactory manner by ITU.

The Committee recognized that space debris was a cause for concern in the geostationary orbit, as well as in lower orbits. Some delegations believed that the topic of space debris should be included in the agenda of the Legal Subcommittee, while others found that premature in view of the many technical issues that needed to be dealt with first in the Scientific and Technical Subcommittee.

### **Exploration of outer space**

The Legal Subcommittee again considered, through a working group, the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries. The Subcommittee had before it two working papers on the topic and another, informal, working paper representing a merger of the other two as a result of extensive informal consultations.

The Committee on outer space took note with satisfaction of the consolidated text and held informal consultations of its own on the basis of that text. At that time, the Chairman of the Working Group submitted a text containing a draft declaration. The Committee was able to reach a consensus on the basis of that text, recommending that the Assembly adopt it.

#### **GENERAL ASSEMBLY ACTION**

On 13 December, the General Assembly adopted **resolution 51/122**.

#### **Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries**

The General Assembly,

Having considered the report of the Committee on the Peaceful Uses of Outer Space on the work of its thirty-ninth session and the text of the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of De-

veloping Countries, as approved by the Committee and annexed to its report,

Bearing in mind the relevant provisions of the Charter of the United Nations,

Recalling notably the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Recalling also its relevant resolutions relating to activities in outer space,

Bearing in mind the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, and of other international conferences relevant in this field,

Recognizing the growing scope and significance of international cooperation among States and between States and international organizations in the exploration and use of outer space for peaceful purposes,

Considering experiences gained in international cooperative ventures,

Convinced of the necessity and the significance of further strengthening international cooperation in order to reach broad and efficient collaboration in this field for the mutual benefit and in the interest of all parties involved,

Desirous of facilitating the application of the principle that the exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind,

Adopts the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, set forth in the annex to the present resolution.

#### ANNEX

##### **Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries**

1. International cooperation in the exploration and use of outer space for peaceful purposes (hereinafter "international cooperation") shall be conducted in accordance with the provisions of international law, including the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. It shall be carried out for the benefit and in the interest of all States, irrespective of their degree of economic, social or scientific and technological development, and shall be the province of all mankind. Particular account should be taken of the needs of developing countries.

2. States are free to determine all aspects of their participation in international cooperation in the exploration and use of outer space on an equitable and mutually acceptable basis. Contractual terms in such cooperative ventures should be fair and reasonable and they should be in full compliance with the legitimate rights and interests of the parties concerned, as, for example, with intellectual property rights.

3. All States, particularly those with relevant space capabilities and with programmes for the exploration and use of outer space, should contribute to promoting

and fostering international cooperation on an equitable and mutually acceptable basis. In this context, particular attention should be given to the benefit and the interests of developing countries and countries with incipient space programmes stemming from such international cooperation conducted with countries with more advanced space capabilities.

4. International cooperation should be conducted in the modes that are considered most effective and appropriate by the countries concerned, including, inter alia, governmental and non-governmental; commercial and non-commercial; global, multilateral, regional or bilateral; and international cooperation among countries in all levels of development.

5. International cooperation, while taking into particular account the needs of developing countries, should aim, inter alia, at the following goals, considering their need for technical assistance and rational and efficient allocation of financial and technical resources:

(a) Promoting the development of space science and technology and of its applications;

(b) Fostering the development of relevant and appropriate space capabilities in interested States;

(c) Facilitating the exchange of expertise and technology among States on a mutually acceptable basis.

6. National and international agencies, research institutions, organizations for development aid, and developed and developing countries alike should consider the appropriate use of space applications and the potential of international cooperation for reaching their development goals.

7. The Committee on the Peaceful Uses of Outer Space should be strengthened in its role, among others, as a forum for the exchange of information on national and international activities in the field of international cooperation in the exploration and use of outer space.

8. All States should be encouraged to contribute to the United Nations Programme on Space Applications and to other initiatives in the field of international cooperation in accordance with their space capabilities and their participation in the exploration and use of outer space.

General Assembly resolution 51/122

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/590) without vote, 13 November (meeting 14); draft by Austria, for Working Group on International Cooperation in the Peaceful Uses of Outer Space (A/C.4/51/L.7); agenda item 83.

Meeting numbers. GA 51st session: 4th Committee 2, 12-14; plenary 83.

#### **Working methods**

Changes in the working methods of the Legal Subcommittee, particularly achieved through a flexible approach to its work schedule, begun in 1995 [YUN 1995, p. 281], were reviewed in 1996 and were generally regarded by delegations as improvements. A number of delegations, however, believed that further improvements were necessary. Some of them were of the opinion that the Subcommittee's work schedule should be further rationalized following the example of other UN bodies. The view was expressed that the scheduled length of each Subcommittee session

should be two weeks, which, if necessary, could be extended on an ad hoc basis; others opposed such a reduction. Some delegations suggested that the Committee on outer space consider adopting a multi-year plan for its work and having simultaneous plenary and working group meetings.

Pursuant to General Assembly resolution 50/27 [YUN 1995, p. 282], the Committee on outer space reconvened the Working Group of the Whole to examine the working methods of the Committee and its subsidiary bodies. The Working Group agreed that the following matters should be examined: composition and election of the offices of the Committee and its subsidiary bodies, and the issue of rotation; issues regarding rules of procedure; Committee working methods, records and new agenda items; duration of sessions; and other issues, including rationalization and improvement of working methods. The question of consensus was also discussed.

Summing up the discussion, the Committee Chairman stated, on behalf of all members of the bureau, that they did not want to stand in the way of the Committee's work and would step down as soon as a new bureau was agreed upon. In order to provide for a smooth transition from one bureau to another, he would undertake further inter-sessional informal consultations with a view to reaching a consensus on the modalities of a new composition and election of bureaux of the Committee and its subsidiary bodies. All issues involved, such as geographical distribution and rotation, as well as other proposals regarding the agenda, duration of sessions and rationalization of working methods, would be taken into account in those consultations. Accordingly, the Committee entrusted its Chairman, with the assistance of the other bureau members and the Secretariat, to undertake informal consultations with the aim of reaching consensus decisions before the Committee's next session on the modalities of establishing a new composition of bureaux keeping in view the principles of equitable geographical representation and rotation. The Committee further recommended that all other proposals, including those on the need for agenda restructuring and an examination of session duration, be taken into account during those consultations.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/123**.

#### **International cooperation in the peaceful uses of outer space**

The General Assembly,  
Recalling its resolution 50/27 of 6 December 1995,  
Deeply convinced of the common interest of mankind in promoting the exploration and use of outer space

for peaceful purposes and in continuing efforts to extend to all States the benefits derived therefrom, and also of the importance of international cooperation in this field, for which the United Nations should continue to provide a focal point,

Reaffirming the importance of international cooperation in developing the rule of law, including the relevant norms of space law and their important role in international cooperation for the exploration and use of outer space for peaceful purposes,

Stressing the importance of the widest possible adherence to international treaties that promote the peaceful uses of outer space,

Concerned about the possibility of an arms race in outer space,

Recognizing that all States, in particular those with major space capabilities, should contribute actively to the goal of preventing an arms race in outer space as an essential condition for the promotion of international cooperation in the exploration and use of outer space for peaceful purposes,

Considering that space debris is an issue of concern to all nations,

Noting the progress achieved in the further development of peaceful space exploration and application as well as in various national and cooperative space projects, which contribute to international cooperation, and the importance of further international cooperation in this field,

Taking note of the report of the Secretary-General on the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space,

Having considered the report of the Committee on the Peaceful Uses of Outer Space on the work of its thirty-ninth session,

1. Endorses the report of the Committee on the Peaceful Uses of Outer Space on the work of its thirty-ninth session;

2. Invites States that have not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties;

3. Notes that, at its thirty-fifth session, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in its working groups, continued its work as mandated by the General Assembly in its resolution 50/27;

4. Endorses the recommendations of the Committee that the Legal Subcommittee, at its thirty-sixth session, taking into account the concerns of all countries, particularly those of developing countries, should:

(a) Continue its consideration of the question of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space;

(b) Continue, through its working group, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union;

5. Also endorses the recommendation of the Committee that the Legal Subcommittee, at its thirty-sixth session, should suspend consideration in its working group of the Principles Relevant to the Use of Nuclear



Power Sources in Outer Space pending the results of the work in the Scientific and Technical Subcommittee, without prejudice to the possibility of reconvening its working group on that item if in the opinion of the Legal Subcommittee sufficient progress was made in the Scientific and Technical Subcommittee at its session in 1997 to warrant the reconvening of the working group;

6. Notes that deliberations on the question of the geostationary orbit have been undertaken by the Legal Subcommittee as reflected in its report, on the basis of recent proposals which might provide a new and enhanced basis for future work;

7. Endorses the recommendations and agreements concerning the organization of work in the Legal Subcommittee;

8. Notes that the Chairman of the Legal Subcommittee, at its thirty-fifth session, conducted open-ended informal consultations with all members of the Subcommittee on the working methods of the Subcommittee, including the consideration of possible additional items for inclusion in its agenda, as outlined in the report of the Committee, and that the implementation of several recommendations made by the Subcommittee at its thirty-fourth session resulted in a general recognition of the improvements in the working methods of the Subcommittee at its thirty-fifth session;

9. Welcomes the fact that, pursuant to its request in paragraph 12 of its resolution 50/27, the Legal Subcommittee reviewed its requirement for summary records and that, beginning with its thirty-sixth session, it would be provided with unedited verbatim transcripts in lieu of summary records;

10. Notes with satisfaction that, in accordance with paragraph 11 of its resolution 50/27, the Committee was provided, at its thirty-ninth session, with unedited verbatim transcripts of that session in lieu of verbatim records and that the Committee would evaluate the use of unedited verbatim transcripts at its fortieth session to inform the General Assembly at its fifty-second session of the experience of the Committee with the transcripts;

11. Notes that, in accordance with paragraph 9 of its resolution 50/27, the Committee reconvened, at its thirty-ninth session, the Working Group of the Whole to examine the working methods of the Committee and its subsidiary bodies;

12. Endorses the recommendations of the Committee as contained in its report on its thirty-ninth session with regard to its working methods;

13. Notes that, in accordance with the agreement of the Committee at its thirty-ninth session, the Chairman of the Committee undertook and will continue to hold, as necessary, inter-sessional informal consultations among the members of the Committee with a view to reaching consensus decisions before the fortieth session of the Committee on the modalities of establishing a new composition of bureaux, keeping in view the principles of equitable geographical representation and rotation, and that all proposals made by delegations and groups of delegations, including the need for agenda restructuring and an examination of session duration, were taken into account in the framework of those informal consultations;

14. Agrees that if consensus agreement is reached among the members of the Committee on measures re-

lating to the working methods of the Committee and its subsidiary bodies, including the composition and election of the bureaux, duration of sessions of those bodies and inclusion of additional items in the agenda of the Legal Subcommittee, those measures should be implemented during the 1997 sessions of the Committee and its subsidiary bodies as the transitional arrangements for the year 1997;

15. Notes that the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its thirty-third session, continued its work as mandated by the General Assembly in its resolution 50/27;

16. Notes with satisfaction that the Scientific and Technical Subcommittee continued to consider on a priority basis the agenda item on space debris and that the work of the Subcommittee at its thirty-third session concentrated on the topic of measurements of space debris, understanding of data and effects of this environment on space systems, based on the multi-year work plan adopted by the Subcommittee at its thirty-second session;

17. Agrees that the multi-year work plan for the consideration of the item on space debris should continue to be implemented with flexibility;

18. Endorses the recommendations of the Committee that the Scientific and Technical Subcommittee, at its thirty-fourth session, taking into account the concerns of all countries, particularly those of developing countries, should:

- (a) Consider the following items on a priority basis:
  - (i) United Nations Programme on Space Applications and the coordination of space activities within the United Nations system;
  - (ii) Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space;
  - (iii) Matters relating to remote sensing of the Earth by satellites, including, inter alia, applications for developing countries;
  - (iv) Use of nuclear power sources in outer space;
  - (v) Space debris;
- (b) Consider the following items:
  - (i) Questions relating to space transportation systems and their implications for future activities in space;
  - (ii) Examination of the physical nature and technical attributes of the geostationary orbit and of its utilization and applications, including, inter alia, in the field of space communications, as well as other questions relating to space communications developments, taking particular account of the needs and interests of developing countries;
  - (iii) Matters relating to life sciences, including space medicine;
  - (iv) Progress in national and international space activities related to the Earth's environment, in particular progress in the international geosphere-biosphere (global change) programme;
  - (v) Matters relating to planetary exploration;
  - (vi) Matters relating to astronomy;
- (vii) The theme fixed for special attention at the thirty-fourth session of the Scientific and Technical Subcommittee: "Space systems for direct

broadcasting and global information systems for space research"; the Committee on Space Research and the International Astronautical Federation, in liaison with Member States, should be invited to arrange a symposium, with as wide a participation as possible, to be held during the first week of the Subcommittee's session, to complement discussions within the Subcommittee on the special theme;

19. Considers, in the context of paragraph 18 (a) (ii) above, that it is particularly urgent to implement the following recommendations:

(a) All countries should have the opportunity to use the techniques resulting from medical studies in space;

(b) Databases at the national and regional levels should be strengthened and expanded and an international space information service should be established to function as a centre of coordination;

(c) The United Nations should support the creation of adequate training centres at the regional level, linked, whenever possible, to institutions implementing space programmes; necessary funding for the development of such centres should be made available through financial institutions;

(d) The United Nations should organize a fellowship programme through which selected graduates or postgraduates from developing countries should get in-depth, long-term exposure to space technology or applications; it is also desirable to encourage the availability of opportunities for such exposure on other bilateral or multilateral bases outside the United Nations system;

20. Endorses the recommendations of the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, of the Scientific and Technical Subcommittee, as endorsed by the Committee and as contained in the report of the Working Group of the Whole;

21. Also endorses the recommendation of the Committee that the Scientific and Technical Subcommittee should reconvene, at its thirty-fourth session, the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, to continue its work;

22. Invites Member States to report to the Secretary-General on a regular basis with regard to national and international research concerning the safety of space objects with nuclear power sources on board;

23. Endorses the United Nations Programme on Space Applications for 1997, as proposed to the Committee by the Expert on Space Applications;

24. Emphasizes the urgency and importance of implementing fully the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, in particular those relating to the promotion of the establishment and strengthening of regional mechanisms of cooperation through the United Nations system;

25. Invites all Governments within the organizations of the United Nations system and other intergovernmental organizations working in the field of outer space or on space-related matters to take effective action for the implementation of the recommendations of the Conference, and also invites the Secretary-

General to report to the General Assembly at its fifty-second session on the implementation of the recommendations of the Conference;

26. Notes with satisfaction that, in accordance with paragraph 30 of resolution 50/27 and in the context of paragraph 19 (c) above, the Centre for Space Science and Technology Education in Asia and the Pacific began its first education programme in April 1996 and that significant progress has also been achieved in establishing regional centres for space science and technology education in the other regions covered by the regional commissions;

27. Notes that, pursuant to its recommendation in paragraph 33 of resolution 50/27, the Scientific and Technical Subcommittee, at its thirty-third session, continued to discuss the possibility of holding a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space before the turn of the century, and that the Committee continued these discussions at its thirty-ninth session with a view to making a final recommendation to the General Assembly at its fifty-first session;

28. Endorses the recommendation of the Committee that a special session of the Committee (UNISPACE III), open to all States Members of the United Nations, should be convened at the United Nations Office at Vienna, preferably in 1999, unless progress towards agreeing on an agenda in the Scientific and Technical Subcommittee at its thirty-fourth session makes it more appropriate to consider the year 2000;

29. Requests the Committee and the Scientific and Technical Subcommittee to act as the Preparatory Committee and the Advisory Committee for UNISPACE III and the Office for Outer Space Affairs to act as the executive secretariat; and also requests the Preparatory Committee and the Advisory Committee to carry out the tasks entrusted to them in paragraphs 178 to 185 of the report of the Committee and to report to the General Assembly at its fifty-second session on the progress made in the preparatory work for UNISPACE III;

30. Recognizes the contribution of the Third Space Conference of the Americas, held at Punta del Este, Uruguay, in 1996, towards promoting regional cooperation in space activities, as well as the meetings mentioned in paragraph 13 of the report of the Secretary-General on the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, and calls upon the regional commissions to support those initiatives;

31. Recommends that more attention be paid to all aspects related to the protection and the preservation of the outer space environment, especially those potentially affecting the Earth's environment;

32. Considers that it is essential that Member States pay more attention to the problem of collisions of space objects, including those with nuclear power sources, with space debris, and other aspects of space debris, calls for the continuation of national research on this question, for the development of improved technology for the monitoring of space debris and for the compilation and dissemination of data on space debris, and also considers that, to the extent possible, information thereon should be provided to the Scientific and Technical Subcommittee;

33. Urges all States, in particular those with major space capabilities, to contribute actively to the goal of preventing an arms race in outer space as an essential condition for the promotion of international cooperation in the exploration and uses of outer space for peaceful purposes;

34. Emphasizes the need to increase the benefits of space technology and its applications and to contribute to an orderly growth of space activities favourable to sustained economic growth and sustainable development in all countries, particularly in the developing countries;

35. Requests the Committee to continue to consider, as a matter of priority, ways and means of maintaining outer space for peaceful purposes, taking into account the views expressed at its thirty-ninth session and at the fifty-first session of the General Assembly, and to report thereon to the Assembly at its fifty-second session;

36. Also requests the Committee to continue to consider at its fortieth session its agenda item entitled "Spin-off benefits of space technology: review of current status";

37. Endorses the decision of the Committee to grant permanent observer status to the Planetary Society;

38. Requests the specialized agencies and other international organizations to continue and, where appropriate, enhance their cooperation with the Committee and to provide it with progress reports on their work relating to the peaceful uses of outer space;

39. Requests the Committee to continue its work, in accordance with the present resolution, to consider, as appropriate, new projects in outer space activities, and to submit a report to the General Assembly at its fifty-second session, including its views on which subjects should be studied in the future.

General Assembly resolution 51/123

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/590) without vote, 13 November (meeting 14); draft by Austria, for Working Group on International Cooperation in the Peaceful Uses of Outer Space (A/C.4/51/L.8); agenda item 83.

Meeting numbers. GA 51st session: 4th Committee 2, 12-14; plenary 83.

## Effects of atomic radiation

The United Nations Scientific Committee on the Effects of Atomic Radiation held its forty-fifth session in Vienna from 17 to 21 June 1996. As part of its annual report [A/51/46], the Committee issued one scientific annex entitled "Effects of radiation on the environment", covering the Committee's latest findings and evaluations of the sources and effects of ionizing radiation on man and his environment. The 1996 annex, developed over several annual sessions and completed in 1996, was combined with nine 1993 and two 1994 scientific annexes in a series of reports entitled Sources and Effects of Ionizing Radiation.

In the 1996 annex, the Committee considered the effects of ionizing radiation on plants and ani-

mals in the environment, with information drawn from reported observations in natural and contaminated environments, from experimental studies and from the Committee's own assessments of radiobiological effects. The intention was to provide countries, national and international organizations and the scientific community with a reference on the effects of radiation on plants and animals in all sectors of the environment. Previous Committee assessments had concerned the effects of radiation on human health.

All living organisms had developed and survived in environments subject to a natural radiation background, the 1996 annual report said. Global fallout from nuclear-weapon tests in the second half of the twentieth century had made minor additions to that background. Also, increments in radiation exposures in particular areas had arisen because of emissions to the atmosphere, water bodies and the ground from the operation of nuclear power facilities, from industrial, medical and defence-related operations and from some accidents. Generally, there had been no apparent effects in plants and animals from those radiation exposures. Following accidents, however, damage had been observed in individual organisms and populations.

There was a wide range of sensitivities of plants and animals to ionizing radiation, the report said. In general, mammals were considered the most sensitive, followed by birds, fish, reptiles and insects. Reproductive capacity appeared to be the most radiosensitive attribute. For natural plant and animal communities, there was little evidence that dose rates of 0.1 milligray per hour (i.e., about 1,000 times as great as the natural background) to a small proportion of the individuals (and therefore a lower average dose rate to the remaining organisms) would have any detrimental effects at the population level.

In 1996, the Committee was proceeding with a new work programme to evaluate the sources and effects of ionizing radiation, collecting recent data on radiation exposures worldwide in order to determine representative values and ranges of such exposures in human population groups. New information from radiobiological and epidemiological studies was being reviewed, to improve understanding of radiation effects and the underlying risks.

### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/121**.

#### Effects of atomic radiation

The General Assembly,

Recalling its resolution 913(X) of 3 December 1955, by which it established the United Nations Scientific

Committee on the Effects of Atomic Radiation, and its subsequent resolutions on the subject, including resolution 50/26 of 6 December 1995, in which, *inter alia*, it requested the Scientific Committee to continue its work,

Taking note with appreciation of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation,

Reaffirming the desirability of the Scientific Committee continuing its work,

Concerned about the potentially harmful effects on present and future generations resulting from the levels of radiation to which mankind and the environment are exposed,

Noting the views expressed by Member States at its fifty-first session with regard to the work of the Scientific Committee,

Conscious of the continuing need to examine and compile information about atomic and ionizing radiation and to analyse its effects on mankind and the environment,

1. Commends the United Nations Scientific Committee on the Effects of Atomic Radiation for the valuable contribution it has been making in the course of the past forty-one years, since its inception, to wider knowledge and understanding of the levels, effects and risks of atomic radiation, and for fulfilling its original mandate with scientific authority and independence of judgement;

2. Notes with satisfaction the completion in 1996 of a further scientific annex by the Scientific Committee informing the scientific and world communities of its latest evaluations of the sources and effects of ionizing radiation on man and his environment, and calls upon the Scientific Committee to ensure the widest possible dissemination of this scientific annex to Member States;

3. Requests the Scientific Committee to continue its work, including its important activities to increase knowledge of the levels, effects and risks of ionizing radiation from all sources;

4. Endorses the intentions and plans of the Scientific Committee for its future activities of scientific review and assessment on behalf of the General Assembly;

5. Requests the Scientific Committee to continue at its next session the review of the important problems in the field of radiation and to report thereon to the General Assembly at its fifty-second session;

6. Requests the United Nations Environment Programme to continue providing support for the effective

conduct of the work of the Scientific Committee and for the dissemination of its findings to the General Assembly, the scientific community and the public;

7. Expresses its appreciation for the assistance rendered to the Scientific Committee by Member States, the specialized agencies, the International Atomic Energy Agency and non-governmental organizations, and invites them to increase their cooperation in this field;

8. Invites Member States, the organizations of the United Nations system and non-governmental organizations concerned to provide further relevant data about doses, effects and risks from various sources of radiation, which would greatly help in the preparation of future reports of the Scientific Committee to the General Assembly.

General Assembly resolution 51/121

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/589) without vote, 22 October (meeting 7); 34-nation draft (A/C.4/51/L.3/Rev.1); agenda item 82.

Meeting numbers. GA 51st session: 4th Committee 6, 7; plenary 83.

In response to a request of some Member States at the informal consultations on the draft resolution, the Secretary of the Fourth Committee provided some details on the mandate and budgetary provisions of the Scientific Committee. Its mandate, he said, was to address concerns of a general nature regarding the hazards of ionizing radiation. Until 1980, the Committee's primary concerns had been the testing of nuclear weapons in the atmosphere, the spread of radioactive fallout and its health implications. The Scientific Committee had also evaluated other releases of radioactive materials to the environment, such as those from nuclear fuel cycle installations or from accidents, like the one at Chernobyl, and it also reviewed radiation doses from natural background radiation, medical radiation and occupational exposures. It also reviewed epidemiological and radiobiological studies to evaluate health effects and risks. Although the Scientific Committee had not been in a position to review specific problems of Member States, its published reports had been widely used for comparative purposes.

## PART TWO

# Human rights

## Chapter I

## Promotion of human rights

In 1996, the United Nations continued its efforts to promote human rights through a number of mechanisms, including the Commission on Human Rights and its subsidiary body—the Subcommission on Prevention of Discrimination and Protection of Minorities—and human rights treaty-monitoring bodies which reported on their work to promote respect for human rights to the Economic and Social Council and the General Assembly. In addition, the office of the United Nations High Commissioner for Human Rights, with the assistance of the United Nations Centre for Human Rights, carried out the programme of advisory services in human rights, which in 1996 implemented some 402 activities compared to 215 in 1995.

Human rights instruments during 1996 promoted a wide range of human rights covering civil and political rights, economic, social and cultural rights, racial discrimination, discrimination against women, protection of children and the practice of torture and other cruel, inhuman or degrading treatment or punishment.

### UN machinery

#### Commission on Human Rights

The Commission on Human Rights held its fifty-second session in Geneva from 18 March to 26 April 1996 [E/1996/23], during which it adopted 85 resolutions and 14 decisions. Five draft resolutions and 42 draft decisions were recommended for adoption by the Economic and Social Council.

On 19 March [dec. 1996/101], the Commission invited experts, special rapporteurs, special representatives and chairmen/rapporteurs of various working groups to participate in the discussion of their reports at Commission meetings.

#### Organization of work in 1997

On 23 April [dec. 1996/110], the Commission recommended that its fifty-third session take place from 10 March to 18 April 1997. That recommendation was approved by the Economic and Social Council by **decision** 1996/294 of 24 July.

Also on 23 April [dec. 1996/111], the Commission recommended that the Council authorize 40 fully serviced additional meetings, to be used only if necessary, for the Commission's 1997 session, and requested its Chairman to make every effort to organize the work of the session within the times normally allotted. On 24 July, by **decision** 1996/295, the Council authorized the additional meetings and approved the request to the Chairman.

The Commission, on 24 April [dec. 1996/113], decided that all continuing thematic or country-oriented mandates established by it and entrusted to special rapporteurs, special representatives, independent experts and working groups were expected to report in 1997, even if the relevant 1996 resolutions did not make explicit reference to that reporting obligation.

On the same date [dec. 1996/114], the Commission decided to defer to its 1997 session consideration of a draft text concerning the adoption of decisions and resolutions based on consensus.

#### Thematic procedures

Pursuant to a 1995 Commission request [YUN 1995, p. 688], the Secretariat issued in March a note [E/CN.4/1996/47] containing references to the conclusions and recommendations of the Commission's thematic special rapporteurs and working groups.

**Commission action.** On 19 April [res. 1996/46], the Commission on Human Rights commended Governments that had invited the thematic special rapporteurs or working groups to visit their countries and recommended that Governments consider follow-up visits. Taking note of the recommendations of the 1994 [YUN 1994, p. 1050] and 1995 [YUN 1995, p. 710] meetings of the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme with the United Nations High Commissioner for Human Rights, the Commission asked the Secretary-General to issue annually their conclusions and recommendations and to consider convening further periodic meetings. He was also asked to present annually a list of all persons currently constituting the thematic and country procedures, including their country of

origin, and to ensure the availability of resources for effective implementation of all thematic mandates. Special rapporteurs and working groups were asked to provide comments on problems of responsiveness and the result of analyses, and to make suggestions as to areas that might use the advisory services of the Centre for Human Rights. They were called on to include in their reports gender-disaggregated data and information on human rights violations directed against women.

### **Subcommission on Prevention of Discrimination and Protection of Minorities**

#### **1996 session**

The Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-eighth session (Geneva, 5-30 August 1996) [E/CN.4/1997/2], adopted 39 resolutions and 21 decisions, and recommended 12 draft decisions for adoption by the Commission.

The Subcommission adopted decisions relating to its organization of work, its methods of work, reform of its work, the composition of its pre-session working groups and the dissemination of declarations. It also adopted a decision [1996/105] concerning voting by secret ballot whenever a vote was requested on proposals pertaining to allegations of human rights violations in countries, and another [dec. 1996/115] by which it would take no action in 1997 regarding the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories. In a decision of 6 August, the Subcommission decided to add a new sub-item to its agenda entitled "Thirtieth anniversary of the adoption of the International Covenants on Human Rights". In a subsequent resolution [1996/13] of 23 August, the Subcommission regretted that the anniversary of the Covenants had not been celebrated and asked the Secretary-General to emphasize the role of the Covenants during the celebration in 1998 of the fiftieth anniversary of the Universal Declaration of Human Rights (see below).

**Report of Subcommission Chairman.** The Commission on Human Rights had before it a report [E/CN.4/1996/81] of the Subcommission's 1995 Chairman, Ioan Maxim (Romania), on progress made in implementing a 1995 Commission resolution on improving the Subcommission's work [YUN 1995, p. 688].

#### **Review of Subcommission work**

**Commission action.** On 19 April [E/1996/23 (res. 1996/25)], the Commission asked the Subcommission to review its mandate and working methods with a view to improving its efficiency further and avoiding duplication with the Commission. It asked the Subcommission to devote a portion of its meetings earmarked for a closed exchange of views among the experts and their alternates to consideration of the outcome of the review of its mandate and working methods, and decided to consider the Subcommission report on the issue in 1997. The Commission asked the 1996 Subcommission Chairman to report in 1997 on significant aspects of the Subcommission's work.

**Note by Secretary-General.** In a July note [E/CN.4/Sub.2/1996/3], the Secretary-General provided a review of developments between 15 June 1995 and 1 June 1996 in areas with which the Subcommission had been concerned. Those related to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [GA res. 2106 A (XX)], the 1966 International Covenants on Human Rights [GA res. 2200 A (XXI)], the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [GA res. 39/46], the 1989 Convention on the Rights of the Child [GA res. 44/25], and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [GA res. 45/158].

#### **Office of High Commissioner for Human Rights**

In a March 1996 report [E/CN.4/1996/103], the United Nations High Commissioner for Human Rights, Jose Ayala Lasso (Ecuador), presented policy orientation and guiding elements for his action over the next two years. He also described his activities since the submission of his last report in 1995 [YUN 1995, p. 689].

He discussed cooperation for development and cooperation with Governments, regional and other forums, national institutions, academic institutions and human rights centres, non-governmental organizations (NGOs), the media, the UN system, mechanisms of the Commission and experts of the treaty bodies. Other subjects covered dealt with promoting and protecting human rights, addressing human rights challenges in the field (Burundi, Abkhazia (Georgia), Rwanda, the former Yugoslavia, Zaire), reforming the human rights programme and empowering the United Nations for human rights. The report contained a statistical annex which provided information on human rights treaties, technical cooperation for human rights,

communications, special procedures, field activities, the Centre for Human Rights and budgetary matters.

In a July report [E/1996/87], the High Commissioner briefed the Economic and Social Council on his activities since his March report to the Commission. He described his activities relating to the right to development and his participation in the second United Nations Conference on Human Settlements (Istanbul, June 1996) (see PART THREE, Chapter VIII). Field activities in 1996 included visits by the High Commissioner to Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); the sending of a mission to Georgia, including Abkhazia; the deployment of human rights officers in Burundi and the sending of a mission to the country; the operation of the Human Rights Field Operation in Rwanda; missions to Zaire to attempt to finalize an agreement between the Government and the United Nations to allow the establishment of a human rights office; and a needs assessment survey to South Africa to provide human rights technical assistance. By **decision 1996/253** of 23 July, the Economic and Social Council took note of the High Commissioner's report.

In an October report to the General Assembly [A/51/36], the High Commissioner discussed cooperation for human rights with various entities, and components of the UN human rights programme, including the prevention of human rights violations, assistance to countries in transition to democracy, the technical cooperation programme in the area of human rights, democracy and the rule of law, and human rights education. The High Commissioner reviewed human rights field operations in progress, as well as those being planned. Among the issues presenting challenges to human rights were equality and non-discrimination; extrajudicial, summary or arbitrary executions; the practice of torture; acts of enforced disappearance; and the protection and assistance needs of internally displaced persons. As to the right to development, consultations were held in July between the World Bank and the High Commissioner/Centre for Human Rights to explore, in the context of programmes aimed at sustainable development, various aspects of possible cooperation between the two entities, as well as between them with other partners, including Governments, international organizations, expert bodies and others. Cooperation was earmarked for country projects; reconstruction and development assistance in the transition to democracy; field offices; national capacities for governance and the promotion and protection of human rights; human rights educa-

tion; and cooperation with human rights treaty-based bodies. The High Commissioner described the recent activities of the Commission on Human Rights, special procedures (rapporteurs, representatives, experts and working groups of the Commission and Subcommission) and treaty-based bodies. In a later addendum [A/51/36/Add.1], the High Commissioner described cooperation with UN agencies and programmes in support of human rights.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/119**.

#### Report of the United Nations High Commissioner for Human Rights

The General Assembly,

Recalling its resolution 48/141 of 20 December 1993, establishing the mandate of the United Nations High Commissioner for Human Rights for the promotion and protection of all human rights,

Reaffirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling its decision 50/465 of 22 December 1995, concerning the organization of work of the Third Committee and the biennial programme of work of the Committee for 1996-1997, which includes in its programme of work the item entitled "Human rights questions: report of the United Nations High Commissioner for Human Rights",

Recognizing, in accordance with resolution 48/141, the crucial and important role that the High Commissioner's functions play in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action,

Having considered the report of the United Nations High Commissioner for Human Rights,

Stressing the importance of enabling the smooth running of the United Nations human rights machinery,

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights on the effective promotion and protection of all human rights;

2. Encourages the High Commissioner to continue his activities in discharging his responsibilities under resolution 48/141;

3. Expresses its appreciation for the constructive manner in which the High Commissioner is carrying out his functions;

4. Decides to consider this question at its fifty-second session under the sub-item entitled "Report of the United Nations High Commissioner for Human Rights".



General Assembly resolution 51/119  
12 December 1996 Meeting 82 Adopted without vote  
Approved by Third Committee (A/51/619/Add.5) without vote, 26 November (meeting 53); 44-nation draft (A/C.3/51/L.42), orally revised; agenda item 110 (e).  
Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

### Centre for Human Rights

**Commission action.** On 24 April [E/1996/23 (res. 1996/82)], the Commission on Human Rights asked the Secretary-General to make available additional resources and to enhance the capability of the High Commissioner and the Centre for Human Rights to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other UN organs, bodies and specialized agencies. It also asked him to facilitate the High Commissioner's participation in all established procedures of existing mechanisms within the UN system with a view to addressing urgent crises in the area of human rights. The High Commissioner was asked to continue to keep States informed on a regular basis of the ongoing process of restructuring the Centre.

On the same date [res. 1996/83], the Commission asked the Secretary-General to continue to convene at least twice yearly in Geneva meetings with all interested States to provide information and exchange views on the activities conducted by the Centre and its process of restructuring. The Economic and Social Council in **decision 1996/286** of 24 July approved the Commission's request to the Secretary-General.

**Reports of Secretary-General.** As requested by the General Assembly [YUN 1995, p. 690], the Secretary-General submitted an interim report [E/CN.4/1996/116] providing details regarding the allocation of resources to the Centre. He submitted a final report [A/51/641] on the subject in November.

In a June report [A/C.5/50/71], the Secretary-General presented the new management structure of the Centre, consisting of a Research and Right to Development Branch, a Support Services Branch and an Activities and Programmes Branch.

### Composition of staff

**Commission action.** By a roll-call vote of 33 to 16, with 4 abstentions, the Commission on Human Rights on 23 April [E/1996/23 (res. 1996/65)] asked the Secretary-General to adopt measures regarding the recruitment of personnel from developing countries for the Centre for Human Rights. It asked him also, In signing agreements with countries on the hiring of junior professional officers (JPOs), to urge those countries to

ensure financial resources to guarantee that personnel from developing countries were able to work as JPOs, with a view to conforming to the principle of equitable geographical distribution. The Secretary-General was urged to report to the General Assembly at its 1996 session on the geographical composition and functions of the Centre's staff, and to make recommendations to improve the current situation.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **decision 1996/272**.

#### Composition of the staff of the Centre for Human Rights

At its 46th plenary meeting, on 23 July 1996, the Economic and Social Council, taking note of Commission on Human Rights resolution 1996/65 of 23 April 1996, approved the Commission's request to the Secretary-General to submit a comprehensive report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the implementation of Commission resolution 1996/65, including measures adopted and their results, and recommendations for improving the present situation.

Economic and Social Council decision 1996/272

32-20 (recorded vote)

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).  
Meeting numbers. ESC 44, 46.

Recorded vote in Council as follows:

In favour: Argentina, Bangladesh, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Egypt, Ghana, Guyana, India, Indonesia, Jamaica, Jordan, Lebanon, Malaysia, Nicaragua, Pakistan, Paraguay, Philippines, Senegal, South Africa, Sudan, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: Australia, Belarus, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Poland, Portugal, Romania, Russian Federation, Sweden, United Kingdom, United States.

**Note by Secretary-General.** As requested by the Commission, the Secretary-General in November provided information to the Assembly on the geographical distribution of Professional posts of the Centre [A/51/650].

### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/90**.

#### Strengthening of the office of the United Nations High Commissioner for Human Rights/ Centre for Human Rights

The General Assembly,

Recalling, inter alia, its resolutions 48/141 of 20 December 1993 and 50/187 of 22 December 1995, and bearing in mind all relevant resolutions of the Economic and Social Council and the Commission on Human Rights, including Commission resolution 1996/82 of 24 April 1996,

Recalling its request to the Secretary-General contained in paragraph 37 of its resolution 50/214 of 23

December 1995 to establish within the biennium 1996-1997 a new branch whose primary responsibilities would include the promotion and protection of the right to development.

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation,

Recalling that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights stressed the importance of strengthening the Centre for Human Rights of the Secretariat,

Taking into account the fact that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme, from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,

Taking into account also the establishment of the post of the United Nations High Commissioner for Human Rights, as well as the mandate for the post, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in resolution 48/141 for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Noting with concern that the response to the above-mentioned requests has not been commensurate with the needs, resulting in a serious and continuing imbalance between the mandates assigned to the High Commissioner and the Centre by the competent bodies of the United Nations system in the field of human rights and the resources available to fulfil all of those mandates,

Taking into account the fact that the responsibilities of the High Commissioner include engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights, with a view to improving its efficiency and effectiveness,

Taking into account also the fact that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights urged United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication,

Bearing in mind that Article 101, paragraph 3, of the Charter of the United Nations states that the paramount consideration in the employment of the staff of the Secretariat and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity and that due regard shall be paid to the importance of recruiting the staff of the Secretariat on as wide a geographical basis as possible,

Taking note of the report of the Secretary-General on the strengthening of the office of the United Nations High Commissioner for Human Rights/Centre for

Human Rights and the note by the Secretary-General on the composition of the staff of the Centre, as well as the report of the High Commissioner,

Taking note with appreciation of the information provided by the High Commissioner with regard to the restructuring of the Centre with a view to increasing the efficiency and effectiveness of the Centre and ensuring that all its mandates can be implemented,

Considering that this process should contribute to the strengthening of the functional framework for integrated and consolidated activities of the Secretariat in the field of human rights,

Emphasizing that, while further improvement in the functioning and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to fulfil all mandates entrusted to it and cope with its constantly increasing workload, good management practices need to be complemented by resources commensurate with mandates,

1. Supports and encourages the efforts of the Secretary-General to enhance the role and further improve the functioning of the Centre for Human Rights, as an integral part of the Secretariat of the United Nations, under the overall supervision of the United Nations High Commissioner for Human Rights;

2. Reiterates the need to ensure that all the necessary human, financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable it to carry out its mandates efficiently, effectively and expeditiously, having due regard to the need to finance and implement activities of the United Nations relating to development;

3. Requests the Secretary-General to enhance the capability of the High Commissioner and the Centre to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system, including on logistical and administrative questions;

4. Supports fully the Secretary-General and the High Commissioner in their efforts to strengthen the human rights activities of the United Nations, inter alia, through reorganization of the structure of the Centre to improve its efficiency and effectiveness;

5. Encourages increased cooperation and coordination on human rights issues between the High Commissioner, acting within his mandate, and other departments and offices of the Secretariat;

6. Emphasizes the need for full participation of the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights in all mechanisms related to the follow-up to major United Nations conferences, in particular the inter-agency task forces established for this purpose;

7. Requests the High Commissioner to continue to provide information and exchange of views with all States on a regular basis on the ongoing process of restructuring the Centre, inter alia, through informal open briefing sessions;

8. Encourages the High Commissioner, within his mandate as set out in General Assembly resolution 48/141, to continue to play an active role in promoting and protecting human rights, including by preventing

human rights violations throughout the world, and in this context requests the Secretary-General to support activities proposed by the High Commissioner;

9. Decides to continue its consideration of this question at its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/90  
12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 29 November (meeting 56); 73-nation draft (A/C.3/51/L.39/Rev.1), orally revised; agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 56; plenary 82.

## Strengthening UN action

On 12 December, the General Assembly adopted **resolution 51/105**.

### **Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity**

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Reaffirming all its resolutions in this regard,

Reaffirming also the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the

responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. Calls upon all Member States to base their activities for the promotion and protection of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international instruments and to refrain from activities that are inconsistent with that international framework;

4. Considers that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. Reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. Requests all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. Expresses its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. Stresses, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. Invites Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. Requests the Commission on Human Rights to take duly into account the present resolution and to

consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. Requests the Secretary-General to consult Member States, intergovernmental and non-governmental organizations on ways and means for the strengthening of United Nations action in the field of human rights, including the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this issue to the General Assembly at its fifty-third session;

12. Decides to consider this matter at its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/105

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 27 November (meeting 54); 47-nation draft (A/C.3/51/L.71/Rev.1), orally revised; agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

The Assembly, by **decision 51/420**, also adopted on 12 December, took note of a report [A/51/619] of the Third (Social, Humanitarian and Cultural) Committee on human rights questions.

### Right to promote and protect human rights

**Working Group activities.** The working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms held its eleventh session [E/CN.4/1996/97] in Geneva from 4 to 8 and on 28 March. Annexed to the working group's report was the first reading text of the draft declaration as amended during the second reading at its ninth [YUN 1994, p. 1067] and tenth [YUN 1995, p. 692] sessions, and a compilation of second reading proposals presented during the current session.

**Commission action.** On 23 April [E/1996/23 (res. 1996/81)], the Commission urged the working group to submit the completed draft declaration, and decided to continue in 1997 its work on the elaboration of the draft.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/25**.

#### Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/81 of 23 April 1996,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the fifty-third session of the Commission in order to continue work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

Economic and Social Council resolution 1996/25

23 July 1996 Meeting 46 Adopted without vote

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).

Meeting numbers. ESC 44, 46.

## Human rights instruments

### General aspects

In 1996, there were seven UN human rights instruments in force that required monitoring of their implementation by expert bodies. The instruments and their treaty bodies were: the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [GA res. 2106 A (XX)] (Committee on the Elimination of Racial Discrimination); the 1966 International Covenant on Civil and Political Rights [GA res. 2200 A (XXI)] (Human Rights Committee); the 1966 International Covenant on Economic, Social and Cultural Rights [GA res. 2200 A (XXI)] (Committee on Economic, Social and Cultural Rights); the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid [GA res. 3068 (XXVIII)] (Group of Three, suspended in 1995) [YUN 1995, p. 693]; the 1979 Convention on the Elimination of All Forms of Discrimination against Women [GA res. 34/180] (Committee on the Elimination of Discrimination against Women); the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [GA res. 39/46] (Committee against Torture); and the 1989 Convention on the Rights of the Child [GA res. 44/25] (Committee on the Rights of the Child).

Consideration of the item "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid" was suspended in 1995 by the Commission on Human Rights. The Commission suspended meetings of the Group of Three in 1995.

**Report of High Commissioner.** In January, the High Commissioner for Human Rights submitted a report [E/CN.4/1996/87] containing an inventory of all international human rights standard-

setting activities, covering work and activities that fell under the Commission's purview.

**Commission action.** On 19 April [E/1996/23 (res.1996/22)], the Commission on Human Rights asked the High Commissioner for Human Rights to encourage the independent expert on possible long-term approaches to the supervision of new instruments on human rights to finalize his interim report [A/CONF.157/PC62/Add.11/Rev.1] in time for the final report to be considered in 1997; the Secretary-General was asked to assist him. The High Commissioner was also asked to ensure that the revised UN Manual on Human Rights Reporting [Sales No. E.91.XIV.1] be made available in all official languages. The Commission asked the Secretary-General to report in 1997 on resources for the operations of the human rights treaty bodies and on the implementation of the current resolution.

**Reports of Secretary-General.** At its 1996 session, the Commission on Human Rights considered a report [E/CN.4/1996/77] of the Secretary-General on measures taken to implement a 1995 Commission resolution [YUN 1995, p. 693], which dealt with the effective implementation of international human rights instruments, including reporting obligations.

As requested by a 1995 General Assembly resolution [GA res. 50/170], the Secretary-General submitted in September a report [A/51/425] on measures taken to implement the Assembly's resolution, which dealt with the same subject as the Commission resolution.

By an October note [A/51/482], the Secretary-General transmitted the report of the seventh meeting of persons chairing the human rights treaty bodies (Geneva, 16-20 September 1996), convened pursuant to the 1995 Assembly resolution.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/87**.

#### **Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights**

The General Assembly,  
Recalling its resolution 50/170 of 22 December 1995, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote

universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of the coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or re-occurrence, of serious human rights violations,

Expressing concern that the underresourcing of the Centre for Human Rights of the Secretariat is one impediment to the treaty bodies in their ability to carry out their mandates effectively,

Reaffirming its responsibility to ensure the effective functioning of treaty bodies, and reaffirming also the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Taking note of the report of the Secretary-General,

1. Welcomes the report of the persons chairing the human rights treaty bodies on their seventh meeting, held at Geneva from 16 to 20 September 1996, and takes note of their conclusions and recommendations;

2. Encourages greater efforts to identify measures for more effective implementation of the United Nations human rights instruments;

3. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the treaty bodies, and with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-second session;

4. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing

the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States;

5. Requests the Secretary-General to prepare a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with a view to identifying duplication of reporting required under these instruments;

6. Requests the United Nations High Commissioner for Human Rights, in accordance with his mandate, to encourage the independent expert to finalize his interim report on possible long-term approaches to enhancing the effective operation of the human rights treaty system in time for the final report to be considered by the Commission on Human Rights at its fifty-third session, as requested by the General Assembly in its resolution 48/120 of 20 December 1993;

7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

8. Expresses concern about the increasing backlog of reports on the implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

9. Also expresses concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

10. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

11. Requests the United Nations High Commissioner for Human Rights to ensure that the revised Manual on Human Rights Reporting is available in all official languages at the earliest opportunity;

12. Encourages the efforts of the treaty bodies to examine the progress made in achieving the fulfilment of human rights treaty undertakings by all States parties, without exception;

13. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

16. Welcomes the recommendation by the meeting of persons chairing the treaty bodies that treaty bodies urge each State party to translate, publish and make

widely available in its territory the full text of the concluding observations on its reports to the treaty bodies, and requests the United Nations High Commissioner for Human Rights to make every effort to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

17. Also welcomes the contribution to the work of the treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

18. Further welcomes the recommendation of the persons chairing the treaty bodies that efforts continue to be made to enhance coordination and cooperation between the treaty bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities;

19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the treaty bodies and such organizations;

20. Recalls, with regard to the election of the members of the treaty bodies, the importance of giving consideration to equitable geographic distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and shall serve in their personal capacity and be of high moral character and recognized competence in the field of human rights;

21. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the treaty bodies in their meetings;

22. Welcomes the continuing emphasis by the persons chairing the treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the recommendation by the meeting of the persons chairing the treaty bodies that each treaty body should continue to consider how it might most effectively incorporate gender perspectives in its work practices;

23. Also welcomes all appropriate measures the treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

24. Requests the Secretary-General to report to the General Assembly at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

25. Decides to continue giving priority consideration, at its fifty-second session, to the conclusions and recommendations of the meetings of persons chairing treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

General Assembly resolution 51/87

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.1) without vote, 22 November (meeting 49); 40-nation draft (A/C.3/51/L.34/Rev.1), orally revised; agenda item 110 (a).

Meeting numbers. GA 51st session: 3rd Committee 36, 37, 42, 43, 45, 46, 49; plenary 82.

### Successor States and human rights treaties

Pursuant to a 1995 Commission request [YUN 1995, p. 695], the Secretary-General submitted information [E/CN.4/1996/76] on successor States that were UN Members regarding action taken with respect to their accession to or ratification of international human rights treaties to which the predecessor States had not been parties.

### Fiftieth anniversary of Universal Declaration of Human Rights

On 19 April [E/1996/23 (res. 1996/42)], the Commission on Human Rights asked the High Commissioner to coordinate preparations for the fiftieth anniversary of the 1948 Universal Declaration of Human Rights [YUN 1948-49, p. 535, GA res. 217A (III), 10 Dec. 1948]. Governments were asked to review and assess the progress that had been made since the adoption of the Declaration, to identify obstacles to achieving progress and ways in which they could be overcome and to undertake additional efforts to develop education and information programmes. Human rights treaty bodies were invited to give attention to the anniversary and to reflect on their possible contribution to the preparations. The Commission called on relevant UN organs and agencies to make an assessment of and to put forward pertinent conclusions on the state of implementation and the impact of existing international human rights instruments, and invited them to mark the anniversary by intensifying their own contributions to UN system-wide efforts to promote and protect human rights. NGOs and national institutions were invited to participate in the preparation of the anniversary, to intensify their campaign for greater understanding and better use of the Declaration and to communicate their observations and recommendations to the High Commissioner.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/88**.

### Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that, in adopting the Universal Declaration of Human Rights on 10 December 1948, it recognized the inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis of subsequent progress in the field of human rights,

Concerned that international human rights standards are not fully and universally respected, that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect human rights and fundamental freedoms in all situations and to strengthen United Nations efforts in this regard,

Recalling the significance and the message of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Recalling also its decision 48/416 of 10 December 1993, in which it decided to include in the provisional agenda of its fifty-third session an item entitled "Fiftieth anniversary of the Universal Declaration of Human Rights",

Having considered the report of the United Nations High Commissioner for Human Rights, in particular section IX thereof entitled "1998: Human Rights Year", in which proposals to celebrate the fiftieth anniversary were made, including the convening of a ceremonial meeting of the General Assembly, and welcoming the intention of the High Commissioner to facilitate cooperation between various initiatives aimed at the commemoration of the fiftieth anniversary,

1. Requests the United Nations High Commissioner for Human Rights to continue to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind the provisions set out in the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights, to identify obstacles and ways in which they can be overcome to achieve progress in this area, to undertake additional efforts and to develop programmes of education and information, with a view to disseminating the text of the Declaration and arriving at a better understanding of the universal message;

3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Declaration and to reflect on their possible contribution to the preparations;

4. Endorses the intention of the relevant United Nations organs and agencies, in the light of the purposes set forth in the Declaration, to make an assessment of

and to put forward pertinent conclusions on the state of implementation and impact of existing international human rights instruments;

5. Calls upon the relevant United Nations organs and agencies, in coordination with the High Commissioner, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

6. Invites non-governmental organizations and national institutions to participate fully in the preparations for the fiftieth anniversary of the Declaration, to intensify their campaign for greater understanding and better use of the Declaration and to communicate their observations and recommendations to the High Commissioner;

7. Requests the Secretary-General to include in the proposed programme budget for the biennium 1998-1999 appropriate activities to celebrate the fiftieth anniversary of the Declaration;

8. Decides to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Declaration;

9. Also decides to review during its fifty-second session the state of preparations for the fiftieth anniversary of the Declaration and to consider appropriate measures in this regard, including its own contribution.

General Assembly resolution 51/88

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.1) without vote, 20 November (meeting 46); 41-nation draft (A/C.3/51/L.35/Rev.1); agenda item 110 (a).

Meeting numbers. GA 51st session: 3rd Committee 36, 37, 42, 43, 45, 46; plenary 82.

## Covenant on Civil and Political Rights and Optional Protocols

### Accessions and ratifications

As at 31 December 1996, parties to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly in 1966 [YUN 1966, p. 423, GA res. 2200 A (XXI), 16 Dec. 1966] and in force since 1976 [YUN 1976, p. 609], totalled 136 and 89 States, respectively. Belize, Kuwait, Sierra Leone and Thailand became parties to the Covenant in 1996; Malawi and Sierra Leone acceded to the Optional Protocol.

In 1996, there were no new parties to the Second Optional Protocol, aiming at the abolition of the death penalty—adopted by the Assembly in 1989 [GA res. 44/128] and in force since 1991 [YUN 1991, p. 544]; the total number of States parties remained at 29 as at 31 December 1996.

On 11 April [res. 1996/16], the Commission on Human Rights appealed to States that had not done so to become parties to the Covenant and the Optional Protocols and to make the declaration provided for in article 41 of the Covenant. It asked the Secretary-General to consider ways of

assisting States parties to the Covenant in the preparation of their reports; to provide the Human Rights Committee—the body responsible for monitoring the implementation of the Covenant—with additional means to deal with its increasing workload; and to report in 1997 on the status of the Covenant and its Protocols.

The Secretary-General submitted a report on the status of the Covenant and its Protocols as at 1 November 1996 [E/CN.4/1997/72].

**Monitoring body.** The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights, held three sessions in 1996: its fifty-sixth from 18 March to 4 April in New York, and its fifty-seventh from 8 to 26 July and fifty-eighth from 21 October to 8 November, both in Geneva.

At its 1996 sessions, the Committee considered reports from 12 States—Brazil, Denmark, Gabon, Germany, Guatemala, Mauritius, Nigeria, Peru, Spain, Switzerland, United Kingdom (Hong Kong), Zambia—under article 40 of the Covenant. It adopted views on communications from individuals claiming that their rights under the Covenant had been violated, and decided that other such communications were inadmissible. Those views and decisions were annexed to the Committee's report [A/51/40].

The Committee adopted General Comment No. 25 on article 25 of the Covenant, which recognized and protected the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected, and the right to have access to public service.

## Covenant on Economic, Social and Cultural Rights

On 11 April [E/1996/23 (res. 1996/11)], the Commission on Human Rights, recalling the conclusions and recommendations of the 1993 seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights [YUN 1993, p. 890], recommended that the Centre for Human Rights convene expert seminars focused on specific economic, social and cultural rights with a view to clarifying the content of those rights. By **decision 1996/256** of 23 July, the Economic and Social Council approved the Commission's recommendation.

The Commission asked the Secretary-General to invite international financial institutions to continue considering the possibility of organizing an expert seminar on their role in the realization of economic, social and cultural rights. The High Commissioner was asked to continue to promote coordination of the human rights activi-



ties of the United Nations and those of development agencies with a view to drawing on their expertise and support.

### Accessions and ratifications

As at 31 December 1996, the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in 1966 [YUN 1966, p. 419, GA res. 2200A (XXI)] and in force since 1976 [YUN 1976, p. 609], had been ratified, acceded to or succeeded to by 135 States. During the year, Kuwait and Sierra Leone became parties.

On 11 April [E/1996/23 (res. 1996/16)], the Commission on Human Rights appealed to all States that had not done so to become parties to the Covenant. It asked the Secretary-General to consider ways of assisting States parties in the preparation of their reports; to provide the Committee on Economic, Social and Cultural Rights—the body responsible for monitoring the implementation of the Covenant—with additional means to deal with its increasing workload; and to report in 1997 on the status of the Covenant.

The Secretary-General submitted to the Commission a report [E/CN.4/1997/72] on the status of the Covenant as at 1 November 1996.

### Implementation

On 26 July, the Economic and Social Council adopted **resolution 1996/38**.

#### Follow-up to the International Covenant on Economic, Social and Cultural Rights

The Economic and Social Council,

Recalling its resolution 1988(LX) of 11 May 1976, by which it noted the important responsibilities placed upon the Economic and Social Council by the International Covenant on Economic, Social and Cultural Rights, in particular those resulting from articles 21 and 22, and expressed its readiness to fulfil those responsibilities,

Recalling its decision 1978/10 of 3 May 1978, by which it decided to establish a sessional working group on the implementation of the International Covenant on Economic, Social and Cultural Rights,

Recalling also its resolutions 1979/43 of 11 May 1979 and 1982/33 of 6 May 1982 and its decision 1981/158 of 8 May 1981,

Recalling further its resolution 1985/17 of 28 May 1985, by which it reviewed the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and established the Committee on Economic, Social and Cultural Rights,

Having taken into account the Vienna Declaration and Programme of Action of the World Conference on Human Rights, which reaffirmed that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat them globally in a fair and equal manner, on the same footing, and with the same emphasis,

Aware of the provisions of article 29 of the International Covenant on Economic, Social and Cultural Rights,

Noting that the provisions concerning the follow-up and monitoring of the International Covenant on Economic, Social and Cultural Rights are not consistent with those in other human rights treaties,

Requests the Secretary-General to submit to the Economic and Social Council, at its resumed substantive session of 1996, a report on the legal procedure necessary to bring the Committee on Economic, Social and Cultural Rights in line with other similar human rights treaty bodies.

Economic and Social Council resolution 1996/38

26 July 1996

Meeting 51

Adopted without vote

Draft by Costa Rica, for Group of 77 and China (E/1996/L.38/Rev.1); agenda item 5 (d).

Meeting numbers. ESC 44, 46, 47, 50, 51.

**Report of Secretary-General.** As requested by the Council (see above), the Secretary-General submitted a report [E/1996/101] on the legal procedure required to bring the Committee on Economic, Social and Cultural Rights in line with other similar human rights treaty bodies. He stated that the Committee was the only monitoring body whose establishment had not been provided for in the relevant treaty, and the only way to bring it in line with similar human rights treaty bodies was to grant the Committee a treaty-based status. The Secretary-General cited the procedure for amending treaties under the 1969 Vienna Convention on the Law of Treaties [YUN 1969, p. 734]. Pending the entry into force of the amendments, namely, after their adoption by a majority of the States parties and after their approval by the General Assembly, but prior to their acceptance by a two-thirds majority of the States parties, the Economic and Social Council or the Assembly could, by appropriate action, give effect to the provisions of those amendments.

On 10 October, the Economic and Social Council, by **decision 1996/308**, took note of the Secretary-General's report and asked him to bring it to the attention of the States parties to the Covenant.

**Monitoring body.** The Committee on Economic, Social and Cultural Rights, established in 1985 [YUN 1985, p. 878], held its fourteenth and fifteenth sessions in Geneva, from 30 April to 17 May and from 18 November to 6 December, respectively [E/1997/22]. The Committee's pre-session, five-member working group, established in 1988 [YUN 1988, p. 527], met in Geneva from 11 to 15 December 1995 and from 20 to 24 May 1996 to identify issues that might most usefully be discussed with representatives of reporting States.

The Economic and Social Council, by **decision 1996/253** of 23 July, took note of the Commit-

tee's report on its twelfth and thirteenth (1995) sessions [YUN 1995, p. 698].

In 1996, the Committee examined reports covering articles 1 to 15 of the Covenant submitted by Belarus [E/1994/104/Add.6], the Dominican Republic [E/1990/6/Add.7], El Salvador [E/1990/5/Add.25], Finland [E/1994/104/Add.7], Guatemala [E/1990/5/Add.24], Paraguay [E/1990/5/Add.23], Portugal (Macao) [E/1990/6/Add.8], Spain [E/1994/104/Add.5] and the United Kingdom (Hong Kong) [E/1994/104/Add.10]. In addition, the Committee considered the state of implementation by Guinea of the economic, social and cultural rights contained in the Covenant.

The day of general discussion was devoted to further consideration of the proposed draft optional protocol which would grant the right of individuals or groups to submit communications concerning non-compliance with the Covenant. The Committee concluded consideration of the draft optional protocol. By a December note [E/CN.4/1997/105], the Secretary-General transmitted to the Commission on Human Rights the Committee's report on the draft optional protocol. It provided an analysis of the issues that would need to be examined by the Commission in its consideration of the proposed optional protocol.

Pursuant to a 1976 Economic and Social Council resolution [YUN 1976, p. 615], the Secretary-General transmitted the twenty-first [E/1996/40] and twenty-second [E/1996/98] reports of the International Labour Organization concerning implementation of the Covenant.

### Convention against racial discrimination

As at 31 December 1996, there were 148 parties to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in 1965 [GA res. 2106 A (XX)], and in force since 1969 [YUN 1969, p. 488]. Azerbaijan and Malawi acceded during 1996.

The Secretary-General reported [A/51/435] on the status of the Convention as at 30 August 1996.

On 29 August [E/CN.4/1997/2 (dec. 1996/120)], the Subcommission asked two of its members, working together with two members of the Committee on the Elimination of Racial Discrimination, to prepare a working paper on article 7 of the Convention, to be submitted to the two bodies at their respective sessions in August 1997. Article 7 dealt with the adoption by States parties of measures to combat prejudices which led to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups.

### Implementation

**Monitoring body.** The Committee on the Elimination of Racial Discrimination (CERD), set up under article 8 of the Convention, held its forty-eighth and forty-ninth sessions, both in Geneva, from 26 February to 15 March and from 5 to 23 August, respectively [A/51/18].

The Committee mainly devoted its sessions to examining reports submitted by States parties on measures taken to implement Convention provisions. It considered reports, comments and information submitted by 32 States parties. It summarized its members' views on each country report and the statements made by the States parties concerned.

Under the item dealing with the prevention of racial discrimination, including early warning measures and urgent procedures, the Committee adopted decisions concerning the situations in Bosnia and Herzegovina, Burundi, Cyprus, Liberia and the Federal Republic of Yugoslavia (Serbia and Montenegro). In addition, the Committee adopted a declaration on the situation of Rwanda, in which it recommended the convening of a constitutional conference aimed at structural measures to secure agreement on the form of government acceptable to all people of Rwanda, to guarantee personal security for everyone and to build a democratic society (for details of the political situation in Rwanda, see PART ONE, Chapter II; for information on human rights violations there, see PART TWO, Chapter III).

In conformity with article 14 of the Convention, CERD considered communications from individuals or groups of individuals claiming violation of their rights under the Convention by a State party recognizing CERD's competence to receive and consider such communications. Twenty-three States parties (Algeria, Australia, Bulgaria, Chile, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Peru, Russian Federation, Senegal, Slovakia, Sweden, Ukraine, Uruguay) had declared such recognition.

Under article 15, the Committee was empowered to consider copies of petitions, reports and other information relating to Trust and Non-Self-Governing Territories. CERD observed that it found it impossible to fulfil its functions under article 15 as the documents did not include copies of petitions and did not contain valid information concerning legislative, judicial, administrative or other measures directly related to the Convention's principles and objectives. The Committee asked that the appropriate information be furnished.

On 8 March, the Committee adopted a general recommendation dealing with the nature of obligations under article 5, which contained the obligation of States parties to guarantee the enjoyment of civil, political, economic, social and cultural rights and freedoms without racial discrimination, and the right to self-determination. On 16 August, it adopted a general recommendation on the rights of refugees and persons displaced on the basis of ethnic criteria.

Annexed to the CERD report was a statement adopted on 6 March condemning recent terrorist acts in Israel (see PART ONE, Chapter VI) and a statement of 14 March addressed to the second United Nations Conference on Human Settlements (see PART THREE, Chapter VIII) calling for priority attention to residential segregation in any consideration of the right to live in dignity.

In a September 1996 report [A/51/430], the Secretary-General informed the General Assembly that, as at 30 August, 17 States parties had accepted an amendment to the Convention regarding the financing of CERD. The amendment, adopted in 1992 [YUN 1992, p. 714], was to enter into force when accepted by a two-thirds majority of States parties. The Secretary-General stated that as at 30 September outstanding assessments and arrears totalled \$225,506.

On 19 April [E/1996/23 (res. 1996/22)], the Commission on Human Rights urged States parties to notify the Secretary-General, as depositary of the Convention, of their acceptance of the amendment.

**Seminar.** The Centre for Human Rights in 1996 organized a seminar (Geneva, 9-13 September) [E/CN.4/1997/68/Add.1] to assess the implementation of the Convention, with particular reference to articles 4 and 6. Its aim was to consider the obstacles to the effective implementation of the Convention and propose ways to overcome them. With particular reference to article 4, emphasis was placed on the difficulties which prevented the adoption of measures aiming at the elimination of all forms of incitement to racial hatred and discrimination and the organizations involved in such activities. Under article 6, participants considered the effectiveness of legislation and recourse procedures available to victims of racism and racial discrimination.

The participants noted that despite the efforts taken by the international community, racism, racial discrimination, xenophobia, ethnic antagonism and acts of violence resulting therefrom were increasing. They also noted with concern that technological developments in communications, including computer networks such as the Internet, could be used for dissemination of racist, anti-Semitic and xenophobic propaganda.

The seminar made recommendations for CERD, States parties, the mass media and NGOs. It recommended that a seminar be organized by the Centre for Human Rights in cooperation with CERD, UNESCO, ITU and other relevant UN agencies, NGOs and Internet service providers, to assess the role of the Internet and to suggest ways for its responsible use in the light of the implementation of the Convention's provisions.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/80**.

#### **International Convention on the Elimination of All Forms of Racial Discrimination**

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reiterating once again the need to intensify the struggle for the elimination of all forms of racism and racial discrimination throughout the world, especially its most brutal forms,

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

Expressing its satisfaction at the entry into force on 3 December 1982 of the competence of the Committee to receive and consider communications from individuals or groups of individuals under article 14 of the Convention,

Bearing in mind the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, in particular section II. B. relating to equality, dignity and tolerance, and General Assembly resolution 50/201 of 22 December 1995, in particular paragraph 9 thereof,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and concerned that an amendment to the Convention has not yet entered into force,

Welcoming efforts of the Secretary-General to ensure interim financial arrangements for the financing of the expenses incurred by the Committee,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

## I

### Report of the Committee on the Elimination of Racial Discrimination

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on the work of its forty-eighth and forty-ninth sessions;

2. Commends the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

3. Calls upon States parties to fulfil their obligation, under paragraph 1 of article 9 of the Convention, to submit in due time their periodic reports on measures taken to implement the Convention;

4. Commends the Committee on its working methods, including its procedure for reviewing the implementation of the Convention in States whose initial and periodic reports are overdue and the formulating of concluding observations on reports of States parties to the Convention;

5. Commends the Committee for its contribution to the prevention of racial discrimination, including early warning measures and urgent procedures, and welcomes its relevant action thereon;

6. Encourages the Committee to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action, including by the continued collaboration between the Committee and the Subcommission on Prevention of Discrimination and Protection of Minorities;

7. Welcomes the cooperation and exchange of information between the Committee and relevant structures and mechanisms of the United Nations, including the United Nations High Commissioner for Human Rights, as well as the process of establishing liaisons with other international organizations;

## II

### Financial situation of the Committee on the Elimination of Racial Discrimination

8. Takes note of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;

9. Expresses its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties which are in arrears to fulfil their outstanding financial obligations under paragraph 6 of article 8 of the Convention;

10. Urges States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention regarding the financing of the Committee and expeditiously to notify the Secretary-General in writing of their agreement to the amend-

ment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992, endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

11. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means to ensure the functioning of the Committee;

12. Requests the Secretary-General to invite those States parties that are in arrears to pay the amounts in arrears and to report thereon to the General Assembly at its fifty-second session;

13. Decides to consider at its fifty-second session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee;

## III

### Status of the International Convention on the Elimination of All Forms of Racial Discrimination

14. Takes note of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

15. Expresses its satisfaction at the number of States that have ratified the Convention or acceded thereto;

16. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Third Decade to Combat Racism and Racial Discrimination and for action beyond the Decade;

17. Requests those States that have not yet become parties to the Convention to ratify it or accede thereto;

18. Encourages States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

19. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report concerning the status of the Convention, in accordance with resolution 2106 A (XX) of 21 December 1965.

General Assembly resolution 51/80

12 December 1996 Meeting 82 Adopted without vote  
Approved by Third Committee (A/51/617) without vote, 14 November  
(meeting 38); 53-nation draft (A/C.3/51/L.24); agenda item 108.  
Meeting numbers. GA 51st session: 3rd Committee 24-28, 35, 38; plenary 82.

## Convention against torture

As at 31 December 1996, 101 States were parties to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [GA res. 39/46], which entered into force in 1987 [YUN 1987, p. 755]. Azerbaijan, El Salvador, Honduras, Iceland, Kuwait, Lithuania,

Malawi and Zaire became parties in 1996. The optional provisions of articles 21 and 22 (under which a party recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a party claims that another is not fulfilling its obligations under the Convention, and to receive communications from or on behalf of individuals claiming to be victims of a violation of the Convention by a State party) also entered into force in 1987; 41 parties had made the required declarations under articles 21 and 22. Amendments to articles 17 and 18, adopted in 1992 [YUN 1992, p. 735], had been accepted by 20 States parties by the end of 1996.

The Secretary-General reported on the status of the Convention as at 3 September [A/51/426] and 5 December [E/CN.4/1997/28].

**Commission action.** On 19 April [E/1996/23 (res. 1996/33A)], the Commission on Human Rights urged all States to become parties to the Convention and invited all ratifying or acceding States that had not done so to make the declaration provided for in articles 21 and 22 and to consider withdrawing their reservations to article 20. States parties were encouraged to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18. The Secretary-General was asked to ensure the provision of adequate staffing and technical facilities for the Committee against Torture.

### Draft optional protocol

On 19 April [E/1996/23 (res. 1996/37)], the Commission welcomed the conclusion of the first reading of the draft optional protocol to the Convention made by the working group on the draft optional protocol in 1995 [YUN 1995, p. 703]. The protocol would establish a system of visits to places of detention to be carried out by a committee of experts. The Commission asked the working group to continue its work and to submit a report. The Secretary-General was asked to transmit the report to Governments, specialized agencies, chairpersons of the human rights treaty bodies and intergovernmental organizations and NGOs concerned, and to invite them to submit their comments to the working group. It also wanted Governments, specialized agencies and NGOs, as well as the Chairman of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in working group activities.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution** 1996/22.

### Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/37 of 19 April 1996,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all the necessary facilities for its meetings and to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

Economic and Social Council resolution 1996/22

23 July 1996

Meeting 46

Adopted without vote

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).

Meeting numbers. ESC 44, 46.

**Working group activities.** The working group on the draft optional protocol held its fifth session from 14 to 25 October [E/CN.4/1997/33]. Annexed to the working group report were the text of the articles which constituted the outcome of the second reading and the text of those which constituted the basis for future work.

### Implementation

**Monitoring body.** The Committee against Torture, established as a monitoring body under the Convention, held its sixteenth session in Geneva from 30 April to 10 May [A/51/44]. It examined reports submitted by Armenia, China, Croatia, Finland, Malta and Senegal.

The Committee held four closed meetings during which, in accordance with article 20, it studied confidential information that appeared to contain well-founded indications that torture was systematically practised in a State party to the Convention. Under article 22, the Committee considered communications submitted by individuals who claimed that their rights, as enumerated in the Convention, had been violated by a State party and who had exhausted all available domestic remedies.

The Committee held its seventeenth session, also in Geneva, from 11 to 22 November [A/52/44], during which it reviewed reports submitted by Algeria, Georgia, Poland, the Republic of Korea, the Russian Federation and Uruguay. In closed meetings, the Committee examined communications from individuals claiming to be victims of violations by States parties to the Convention.

## Convention on Elimination of Discrimination against Women

By a note of 11 June [E/CN.4/Sub.2/1996/20], the Secretary-General summarized information received from the UN Division for the Advancement of Women giving the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on whether it would be desirable to have an advisory opinion on the value and legal effect of reservations concerning the 1979 Convention on the Elimination of All Forms of Discrimination against Women [GA res. 34/180].

On 29 August [E/CN.4/1997/2 (res. 1996/21)], the Subcommission appealed to Governments which had not done so to ratify the Convention without resort to reservations.

On 12 December, the General Assembly, in **resolution 51/68**, urged all States that had not ratified or acceded to the Convention to do so as soon as possible, so that universal ratification could be achieved by the year 2000.

(For details on the status of the Convention and work on an optional protocol, see PART THREE, Chapter X.)

## Convention on Rights of the Child

### Accessions and ratifications

As at 31 December, there were 188 States parties to the 1989 Convention on the Rights of the Child [GA res. 44/25], which entered into force in 1990. During 1996, Andorra, Oman and Saudi Arabia became parties.

The Secretary-General reported on the status of the Convention as at 15 August [A/51/424] and 1 November [E/CN.4/1997/93]. On 12 December, the General Assembly, by **decision 51/418**, took note of the Secretary-General's August report.

### Implementation

**Monitoring body.** During 1996, the Committee on the Rights of the Child (CRC) held its eleventh (8-26 January) [CRC/C/50], twelfth (20 May-7 June) [CRC/C/54] and thirteenth (23 September-1 October) [CRC/C/57] sessions, all in Geneva.

Under article 44 of the Convention, the Committee considered initial reports from 19 States parties: China, Croatia, Cyprus, Finland, Guatemala, Iceland, Lebanon, Mauritius, Mongolia, Morocco, Nepal, Nigeria, Republic of Korea, Slovenia, United Kingdom (Hong Kong), Uruguay, Yemen, Federal Republic of Yugoslavia (Serbia and Montenegro), Zimbabwe.

On 7 October, the Committee devoted its day of general discussion to the issue of the child and the media.

**By decision 1996/253** of 23 July, the Economic and Social Council took note of the third biennial report of CRC [A/51/41], covering its activities at the sixth to eleventh sessions.

**Commission action.** On 24 April [res. 1996/85], the Commission on Human Rights urged States that had not done so to sign and ratify or accede to the Convention as a matter of priority, and recalled the responsibility of States parties to implement the Convention. It urged States parties that had made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law. The Commission asked UN bodies and organs and encouraged States parties, intergovernmental organizations, NGOs, the media and the community at large to intensify their efforts to disseminate information on the Convention, promote understanding of it and assist States parties in its implementation. The Secretary-General was asked to ensure the provision of staff and facilities for the effective performance of CRC.

### Children in armed conflict

**Working group activities.** As authorized by the Economic and Social Council in 1995 [YUN 1995, p. 707], a second session of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts was held (Geneva, 15-26 January and 21 March) [E/CN.4/1996/102]. The working group conducted a general discussion on the draft optional protocol and considered proposals relating to the preamble and operative part of the draft. Annexed to the working group's report was a draft text of the optional protocol.

**Commission action.** On 24 April [E/1996/23 (res. 1996/85)], the Commission on Human Rights asked the Secretary-General to transmit the working group's report to Governments, relevant specialized agencies, intergovernmental organizations, NGOs, the International Committee of the Red Cross and the expert appointed to undertake a study on the impact of armed conflicts on children, and to invite their comments thereon in time for circulation prior to the working group's next session. CRC was asked to offer comments on the draft. The Commission asked the working group to meet for a two-week period or less prior to the Commission's 1997 session, with a view to finalizing the draft optional protocol.

The Economic and Social Council, by **decision 1996/288** of 24 July, approved the Commission's request to the working group.

### **Sale of children, child prostitution and child pornography**

**Working group activities.** As authorized by the Economic and Social Council in 1995 [YUN 1995, p. 707], a second session of the working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was held (Geneva, 29 January-9 February and 22 March) [E/CN.4/1996/101]. The working group undertook a general discussion pertaining to its mandate and the content of the protocol and considered proposals relating to the guidelines for a possible draft optional protocol. Annexed to the working group's report were texts resulting from its discussions.

**Commission action.** On 24 April [E/1996/23 (res. 1996/85)], the Commission on Human Rights asked the Secretary-General to transmit the working group's report to Governments, relevant specialized agencies, intergovernmental organizations, NGOs, CRC and the relevant Special Rapporteur, and to invite their comments thereon in time for circulation prior to the working group's next session. The working group was requested to meet for a two-week period, or less if possible, prior to the Commission's 1997 session, with a view to finalizing the draft optional protocol. That request was approved by the Economic and Social Council by **decision 1996/288** of 24 July.

## **Convention on migrant workers**

### **Status of Convention**

As at 31 December 1996, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in 1990 [GA res. 45/158], had been signed and ratified by Morocco and the Philippines, acceded to by Bosnia and Herzegovina, Colombia, Egypt, Seychelles, Sri Lanka and Uganda, and signed by Chile and Mexico.

The Secretary-General reported to the Assembly on the status of the Convention as at 31 August [A/51/415], and to the Commission on Human Rights as at 1 November [E/CN.4/1997/65].

**Commission action.** On 11 April [E/1996/23 (res. 1996/18)], the Commission on Human Rights called on all Member States to sign and ratify or accede to the Convention as a matter of priority. The UN High Commissioner for Human Rights was asked to cooperate with regional and interna-

tional organizations concerned with the protection of the rights of all migrant workers and members of their families. The Commission asked the Secretary-General to provide all assistance necessary to promote the Convention through the World Public Information Campaign for Human Rights and the human rights programme of advisory services, and to report in 1997 on the Convention's status and on the Secretariat's efforts to promote it and the protection of the rights of migrant workers.

(For further information on migrant workers, see PART TWO, Chapter II.)

### **GENERAL ASSEMBLY ACTION**

On 12 December, the General Assembly adopted **resolution 51/85**.

### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the

### Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 50/169 of 22 December 1995, it requested the Secretary-General to submit to it at its fifty-first session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General, and requests him to submit to it at its fifty-second session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fifty-second session under the sub-item entitled "Implementation of human rights instruments".

General Assembly resolution 51/85

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.1) without vote, 20 November (meeting 46); 24-nation draft (A/C.3/51/L.32); agenda item 110 (all Meeting numbers. GA 51st session: 3rd Committee 36, 37, 42, 43, 45, 46; plenary 82.

### Convention on genocide

As at 31 December 1996, 122 States were parties to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [GA res. 260 A (III)]. Azerbaijan and Lithuania acceded to the Convention in 1996.

The Secretary-General reported [A/51/422] to the General Assembly on the status of the Convention as at 31 August.

### Convention against apartheid

As at 31 December 1996, there were 100 States parties to the 1973 International Convention on the Suppression and Punishment of the Crime of

Apartheid [GA res. 3068(XXVIII)], which entered into force in 1976 [YUN 1976, p. 575]. Azerbaijan acceded to the Convention in 1996.

In a September report [A/51/427], the Secretary-General detailed the status of the Convention as at 31 August. On 12 December, the General Assembly took note of the Secretary-General's report by **decision 51/419**.

The Commission on Human Rights in 1995 had suspended consideration of the item "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid" [YUN 1995, p. 790], as well as meetings of the Group of Three [YUN 1995, p. 693], the monitoring body of that Convention.

## Other activities

### Follow-up to 1993 World Conference

**Commission action.** On 23 April [E/1996/23 (res. 1996/78)], the Commission on Human Rights asked the High Commissioner for Human Rights, the General Assembly and other UN organs and bodies related to human rights to take further action towards the full implementation of all recommendations of the 1993 World Conference on Human Rights [YUN 1993, p. 908]. It asked the High Commissioner to coordinate human rights promotion and protection activities throughout the UN system, as set out in a 1993 Assembly resolution [48/141].

The Commission recommended that the Economic and Social Council consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to and implementation of the 1993 Vienna Declaration and Programme of Action [YUN 1993, p. 908] as part of the 1998 five-year review called for in the Declaration and Programme of Action. The Council endorsed that recommendation in **decision 1996/283** of 24 July. The High Commissioner was asked to continue to report on measures taken and progress achieved in the implementation of the Declaration and Programme of Action, particularly concerning the preparation for the 1998 review.

**Note by High Commissioner.** By a September note [E/CN.4/1997/3], the High Commissioner transmitted to the Commission the report of a meeting of special rapporteurs, representatives, experts and chairmen of working groups of the special procedures and advisory services of the Commission (Geneva, 28-30 May), as called for in the Vienna Declaration and Programme of Action. The participants discussed cooperation



with the High Commissioner; restructuring the Centre for Human Rights; format, length and deadlines for reports; assessment of progress made in achieving mandated objectives; coordination between the special procedures system and treaty bodies; the relationship between terrorist activities and human rights in the context of the participants' mandates; integrating the rights of women; and administrative questions.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/118**.

#### **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action**

The General Assembly,

Recalling its resolution 48/121 of 20 December 1993, in which it endorsed the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, as well as its subsequent resolutions on this matter,

Reaffirming the view of the World Conference that the promotion and protection of human rights is a matter of priority for the international community,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Recognizing the importance of dialogue and cooperation between Governments and non-governmental organizations in the field of human rights,

Recalling the request of the Conference to the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations,

Recalling also part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the Conference requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling further that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treat-

ties and protocols adopted within the framework of the United Nations,

Recalling that by its resolution 48/141 of 20 December 1993 the General Assembly decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, including coordination of the human rights promotion and protection activities throughout the United Nations system,

Noting that, at the first regular session of 1994 of the Administrative Committee on Coordination, held in April, the executive heads of all United Nations agencies discussed the implications of the results of the Conference for their respective programmes and committed themselves to support the United Nations High Commissioner for Human Rights in the coordination of the United Nations organs, bodies and the specialized agencies whose activities deal with human rights, as set out in resolution 48/141,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approach throughout the United Nations system,

Noting that the High Commissioner has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with agreed conclusions 1995/1 of the Economic and Social Council,

Having considered the report of the United Nations High Commissioner for Human Rights, in particular chapter IX, entitled "1998: Human Rights Year",

1. Reaffirms the importance of the promotion of universal respect for and observance and protection of all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

2. Reaffirms also the views of the World Conference on Human Rights on the urgency of eliminating denials and violations of human rights;

3. Recognizes that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of hu-

man rights violations resulting therefrom throughout the world;

4. Calls upon all States to take further action with a view to the full realization of all human rights in the light of the recommendations of the Conference;

5. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, including through training programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

6. Requests the United Nations High Commissioner for Human Rights, the General Assembly and the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

7. Also requests the High Commissioner to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

8. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner;

9. Takes note of the intention of the High Commissioner to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action, as part of the 1998 five-year review foreseen in part II, paragraph 100, of the Vienna Declaration and Programme of Action;

10. Welcomes the inter-agency consultations of the High Commissioner with all United Nations programmes and agencies whose activities deal with human rights for the preparation of the 1998 five-year review, and calls upon them to contribute actively to this process;

11. Encourages regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

12. Welcomes and supports Economic and Social Council decision 1996/283 of 24 July 1996, in which the Council endorsed the recommendation of the Commission on Human Rights to consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in part II, paragraph 100, of the Vienna Declaration and Programme of Action;

13. Requests the High Commissioner to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the preparation of the 1998 five-year review;

14. Decides to consider this question at its fifty-second session under the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action".

General Assembly resolution 51/118

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.4) without vote, 27 November (meeting 54); 91-nation draft (A/C.3/51/L.67), orally revised; agenda item 110 (d).

Meeting numbers: GA 51st session: 3rd Committee 38-49, 52, 54; plenary 82.

## International cooperation

On 12 December, the General Assembly adopted **resolution 51/100**.

### Enhancement of international cooperation in the field of human rights

The General Assembly,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights,

Reaffirming its commitment to promote international cooperation, as set forth in the Charter of the United Nations, in particular in Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, to enhance genuine cooperation among Member States in the field of human rights,

Encouraging the Working Group on Human Rights of the Third Committee to continue its efforts to implement section II, paragraph 17, of the Vienna Declaration and Programme of Action, giving due consideration to ways and means to promote international cooperation in the field of human rights with a view to accomplishing its mandate before the conclusion of the fifty-first session of the General Assembly,

1. Supports the consultations initiated during the fifty-second session of the Commission on Human Rights on the need to promote international cooperation through genuine and constructive dialogue on the basis of mutual respect and equality of States;

2. Invites the Commission on Human Rights to pursue the matter with a view to reaching a successful conclusion of this initiative, preferably by the fifty-third session of the Commission.

General Assembly resolution 51/100

12 December 1996 Meeting 82 114-42-16 (recorded vote)

Approved by Third Committee (A/51/619/Add.2) by recorded vote (94-39-15), 26 November (meeting 53); draft by Colombia, for Non-Aligned Movement and China (A/C.3/51/L.58), orally revised; agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Saint Kitts

and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States.

Abstaining: Argentina, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Cyprus, Equatorial Guinea, Fiji, Georgia, Kazakhstan, Kyrgyzstan, Palau, Paraguay, Russian Federation, Zaire.

Also on 12 December, the Assembly, by **decision 51/423**, decided that the item "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action" would remain on the agenda of its fifty-first session to allow the Working Group of the Third Committee to continue its work.

### Advisory services

In 1996 [E/CN.4/1997/86], under the UN programme of advisory services in the field of human rights, established in 1955 [YUN 1955, p. 164], activities carried out rose to 402, compared with 215 in 1995. Activities were funded by the UN regular budget, by the Voluntary Fund for Technical Cooperation in the Field of Human Rights, established in 1987 [YUN 1987, p. 790], and the Trust Fund for a Human Rights Education Programme in Cambodia. During 1996, four multi-year national projects were completed—in Albania, Benin, Sao Tome and Principe, and Slovakia. Implementation of major multi-year technical cooperation projects began in Argentina, Burundi, Latvia, Nepal, Palestine, Papua New Guinea and Togo. In addition, a 15-month project began in Haiti which aimed at strengthening the judicial system and assisting in national reconciliation. As to regional and global projects, global activities concerned a wide range of issues, including women's rights, training for peacekeepers and human rights monitors, training for the military and human rights education; regional activities took place in Africa, Asia and the Pacific, Latin America and Eastern Europe. At year's end, there was a technical cooperation field presence in Bosnia and Herzegovina, Burundi, Cambodia, Gaza (Palestine), Malawi, Mongolia, Rwanda and Togo. Twenty-six new projects were approved in 1996, most to provide assistance to a variety of national counterparts aimed at strengthening national capacity.

**Commission action.** On 19 April [E/1996/23 (res. 1996/55)], the Commission on Human Rights asked the High Commissioner to establish a roster of experts under the programme of advisory

services and technical cooperation, and to invite Member States to provide relevant information to that end. It also asked him to explore further the possibilities offered by cooperation with the Centre for Human Rights, specialized bodies and other UN organizations, and NGOs. The Secretary-General was asked to allocate to the Centre more resources to enlarge the programme of advisory services and technical cooperation in the field of human rights in order to meet the substantially increased demand.

As for the Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Commission asked the Secretary-General to ensure its more efficient management, strict and transparent project management rules, periodic evaluations of its programme and projects, and dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for annual information meetings open to all Member States and organizations directly involved. It also asked that administrative assistance be provided for the Fund's Board of Trustees and that the Board's conclusions be reflected in the annual report to the Commission. The Board was asked to exercise its full mandate as advisory body to promote and solicit contributions to the Fund and to continue to assist the High Commissioner in monitoring, reviewing and improving the process of selecting and implementing technical cooperation projects; the Chairman of the Board was invited to address the Commission.

The Commission asked the Secretary-General to submit in 1997 an inventory and an analysis of the availability of technical cooperation in the field of human rights from all sources, to request relevant information from them and to report on progress made in implementing the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund.

### Voluntary Fund Board

The Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights in 1996 held its fifth and sixth sessions (Geneva, 25-28 June [VFTC/BT5/96/14], 19-22 November [VFTC/BT6/96/7]).

In June, the Board endorsed project proposals in the Arab region, the Asia-Pacific region, Guatemala, Kyrgyzstan and Papua New Guinea. It endorsed, on an ex post facto basis, a project on strengthening human rights in the former Yugoslavia.

In November, the Board noted that as at 31 October 1996 total programming resources amounted to \$8 million, while \$5.8 million was

required to finance ongoing and pipeline projects, including project proposals reviewed during the session. The Board endorsed project proposals for Belarus, Bolivia, Burundi, Chile, Moldova, Morocco, Namibia, Panama and South Africa. It also endorsed a project for Africa, as well as four global projects.

## Cambodia

**Report of Special Representative.** In February, the Special Representative of the Secretary-General for human rights in Cambodia, Michael Kirby (Australia), described his visit to the country (6-16 January), during which he paid particular attention to vulnerable groups [E/CN.4/1996/93 & Add.1]. He reviewed progress made in Cambodia regarding the right to health, cultural rights, the right to education, the right to a healthy environment and the right to sustainable development, the independence of the judiciary and the rule of law, prisons and other custodial institutions, freedom of expression, the right to be elected and to take part in government, the situation of vulnerable groups, reporting obligations under international human rights instruments, and the provision of ongoing technical advice and assistance.

The Special Representative stated that there had been good progress in the areas of the right to health, culture, education and reporting obligations. Implementation and follow-up had been much more limited in other areas, including judicial independence and the rule of law, police and military, prisons and other custodial institutions, and the rights of vulnerable groups. He noted that his recommendations concerning press law had not been followed.

The Special Representative gave notice of his resignation following a governmental appointment.

In a separate addendum, Cambodia presented its observations on the Special Representative's report.

**Commission action.** On 19 April [E/1996/23 (res. 1996/54)], the Commission on Human Rights expressed grave concern about the atrocities that continued to be committed by the Khmer Rouge and about the serious human rights violations detailed by the Special Representative in his reports.

Welcoming the appointment of Thomas Hammarberg (Sweden) as the new Special Representative, the Commission asked him to continue his evaluation of the extent to which the recommendations made by the former Special Representative had been followed up and implemented. It asked the Secretary-General to provide the re-

sources to enable the Special Representative to carry out his work.

The Commission asked the Centre for Human Rights to develop and implement programmes, with the consent and cooperation of the Government, in the priority areas identified by the Special Representative, paying particular attention to women, children, disabled persons and minorities. The Secretary-General was asked to report in 1997 on the role of the Centre and on the recommendations made by the Special Representative.

**Report of Secretary-General.** As requested by the General Assembly in 1995 [YUN 1995, p. 713], the Secretary-General reported [A/51/453] in October on the recommendations made by the Special Representative on matters within his mandate.

The new Special Representative, during his first mission to Cambodia from 25 June to 6 July, focused on the rights of the child, emphasizing child trafficking and prostitution; effective measures for the protection of the individual against land mines; issues relating to the independence of the judiciary and the administration of justice; and problems relating to the forthcoming elections, including guarantees for freedom of expression.

The Special Representative believed that Cambodian society had made remarkable progress since 1993, within three years becoming one of the freest countries in the region. However, Cambodia was still a poor country suffering from a lack of educated officials and professionals. Attitude changes for a broad recognition of basic democratic principles had been slow; there were contradictions within the political scene that could easily paralyse decision-making and government administration. Tendencies towards corruption existed and remaining Khmer Rouge forces threatened public security.

In a later addendum [A/51/453/Add.1], the Government of Cambodia submitted comments on the Secretary-General's report.

**Report of Special Representative.** The Special Representative undertook a second mission to Cambodia from 1 to 13 December [E/CN.4/1997/85]. In addition to following up on the four areas of concern selected during his first visit, he examined labour rights, torture and ill-treatment of prisoners and detainees, and further aspects of impunity.

There had been, the Special Representative reported, significant progress in writing reports on implementation of international human rights treaties which Cambodia had ratified in 1993. He noted the intention to develop further the training of police in the area of human rights in law enforcement. Some progress had been made re-

garding labour rights, but the system of workplace inspections had to be reviewed and made more effective. He expressed deep concern over atrocities committed by the Khmer Rouge, including killings, laying of mines and taking of hostages. Administration of justice was a major concern and the question of impunity had to be addressed, he said. Following visits to two prisons, the Special Representative expressed alarm about their conditions, which appeared to be systematic rather than isolated and coincidental. A recommendation to ban the manufacture, trade and use of anti-personnel mines had not been followed. Although torture was not part of government policy, the practice was not uncommon and had been reported.

In concluding remarks, the Special Representative noted that the human rights situation appeared to be fragile, with tensions between the two major parties slowing the pace of development of laws, structures and broader awareness to protect human rights. The security situation had improved in recent years, but full peace had not been achieved and large areas of the country were traumatized by anti-personnel mines and unexploded ordnance. Progress was being made on human rights education and proposals for laws for the respect of human rights had been submitted to the National Assembly. The Special Representative emphasized that the UN approach to supporting human rights in Cambodia needed to be systematic and long term.

#### Role of Centre for Human Rights

**Reports of Secretary-General.** In a February report [E/CN.4/1996/92], the Secretary-General described the activities and programmes of the Cambodia office of the Centre for Human Rights from July to November 1995. Assistance was provided for legislative reform, the administration of justice, treaty reporting and international obligations, human rights education, NGOs and civil society, the dissemination of human rights information and the activities of the three provincial offices of the Centre.

In October the Secretary-General reported [A/51/552] on the activities of the Centre from December 1995 to July 1996, which included extensive cooperation with the Government, cooperation with other UN agencies with programmes and offices in Cambodia, support for legislative reform, human rights training for the armed forces, human rights education, including teacher training and curriculum development, dissemination of human rights materials, support to NGOs and civil society, and carrying out human rights activities at the provincial level. In addition, assistance was provided for the admin-

istration of justice to the National Assembly's Commission on Human Rights and for reporting obligations under human rights conventions.

In a later report [E/CN.4/1997/84], the Secretary-General detailed Centre activities from July to December 1996, including legislative reform, the administration of justice, national institutions for the promotion and protection of human rights, treaty reporting and international obligations, assistance to human rights NGOs, education and training programme and curriculum development, dissemination and translation of information and documentation, and assistance to provincial offices.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/98**.

#### Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including part III thereof, relating to human rights,

Taking note also of Commission on Human Rights resolution 1996/54 of 19 April 1996, and recalling General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which the Commission recommended the appointment of a special representative for human rights in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Commending the continued operation in Cambodia of the office of the Centre for Human Rights of the Secretariat,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights of the Secretariat, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced func-

tioning of the operational presence in Cambodia of the Centre;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights;

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia to allow the office in Cambodia of the Centre for Human Rights to continue to operate for the next two years and to maintain its technical cooperation programmes;

4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia, and welcomes the appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;

b. Takes note with appreciation of the report of the Special Representative, and endorses his recommendations and conclusions, including those aimed at combating child prostitution and trafficking and ensuring the independence of the judiciary and the establishment of the rule of law, freedom of expression and the promotion of an effective, functioning multi-party democracy;

6. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report and those contained in reports of his predecessor are followed up and implemented;

7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

8. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, in particular in the area of human rights education and the essential area of creating a functioning and impartial system of justice, urges that efforts continue in this area, and encourages the Government to improve the conditions of prisons;

9. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election and take part freely in a representative Government, and to freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

10. Welcomes the proposed measures, outlined by the Government of Cambodia in its comments on the report of the Secretary-General, to ensure that the forthcoming communal and national elections are free and fair, that members of the armed forces remain neutral during the election campaign, that the individual vote is confidential and that local and international observers are welcomed;

11. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed at minor political parties and their supporters, as well as

against media personnel and offices, and to bring to justice those responsible;

12. Also calls upon the Government of Cambodia to ensure fair access to government television and radio regardless of political affiliation and to ensure that the people of Cambodia have access to a variety of information, especially in the lead-up to the elections;

13. Commends the Government of Cambodia for its constructive approach to the inclusion of Cambodian human rights non-governmental organizations in the rehabilitation and reconstruction of Cambodia, and recommends that their skills be drawn upon to assist in ensuring that forthcoming elections are free and fair;

14. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity, whereby the courts in several areas are reluctant or unable to charge members of the military, police and other security forces for serious criminal offences, and encourages the Government of Cambodia, as a matter of urgent priority, to address this problem, which in effect places the military and police above the principle of equality before the law;

15. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative and his predecessor;

16. Also expresses grave concern about the serious violations of human rights as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute in accordance with the due process of the law and international standards relating to human rights all those who have perpetrated human rights violations;

17. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

18. Urges the Government of Cambodia to give priority attention to combating child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the Centre for Human Rights and non-governmental organizations to develop an action plan;

19. Recognizes the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies, and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

20. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

21. Commends the ongoing efforts of the office in Cambodia of the Centre for Human Rights in supporting and assisting the Government of Cambodia, as well as non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government;

22. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments

and international organizations involved in human rights activities in Cambodia;

23. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

24. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;

25. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and urges the Government to ban all anti-personnel landmines;

26. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

27. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-second session.

General Assembly resolution 51/98

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 27 November (meeting 54); 29-nation draft (A/C.3/51/L.56); agenda item 110 (b). Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

## Haiti

**Report of independent expert.** The Commission had before it in 1996 a January report [E/CN.4/1996/94] of Adama Dieng (Senegal), the independent expert on the situation of human rights in Haiti. The report updated information contained in a 1995 report [YUN 1995, p. 823], in particular the results of the December 1995 presidential elections. Also included was a section on the enjoyment of economic, social and cultural rights, which, he stated, the Government was incapable of guaranteeing at the current time.

**Commission action.** On 19 April [E/1996/23 (res. 1996/58)], the Commission on Human Rights expressed concern at recent acts of violence in Haiti, in particular assassinations, possibly of political origin, and cases of reprisals. It urged the Government to intensify the ongoing process of judicial reform and the teaching of interna-

tional humanitarian law and human rights. Welcoming the establishment of the programme of technical cooperation prepared by the Centre for Human Rights, the Commission asked the Secretary-General to ensure resources for the programme's implementation. The independent expert was asked to report in 1997, a request approved by the Economic and Social Council by **decision 1996/269** of 23 July.

**Report of independent expert.** The independent expert reported [E/CN.4/1997/89] on his mission to Haiti and neighbouring countries (31 October-14 November). In Haiti, he met with high-level government officials, including the President. He also met in Miami, Florida, and in New York with Haitian community representatives.

The economic and social situation in Haiti had been deteriorating since 1991, the expert declared. Less than 50 per cent of the population had access to primary health care and the infant mortality rate was high, the result of poor sanitary conditions, nutritional deficiencies, illiteracy, the lack of infrastructure, low incomes and the spread of urban slums. The high illiteracy rate—about 75 per cent—was one of the most pressing problems. Some progress had been made concerning the right to land and women's rights.

As to the administration of justice, the expert stated that a draft law on judicial reform would probably be adopted in 1997. However, until the reform achieved its objectives, the unstable, precarious situation of judicial personnel needed to be addressed. The independence of magistrates was undermined by factors linked to their status, the mass dismissals since the return of democracy and poor remuneration. The quality of criminal procedure and the penal system were other sources of concern. A course on police ethics was included in the national police training programme and there were moves towards ending the culture of impunity for police officials. Corruption was endemic and a real threat to the democratic process. The inhumane and cruel prison conditions reflected the conditions faced by the population at large, which had suffered greatly in the absence of democracy and of the rule of law. The delay in publishing and widely distributing the report of the National Commission for Truth and Justice (see PART ONE, Chapter III) had raised doubts about the Government's willingness to take account of the Commission's recommendations.

The independent expert recommended that Haiti ratify the 1966 International Covenant on Economic, Social and Cultural Rights [GA res. 2200 A (XXI)], the 1984 Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment [GA res. 39/46], and the Optional Protocol to the International Covenant on Civil and Political Rights [GA res. 2200 A (XXI)]; submit its report to the Human Rights Committee; establish a programme of security for peasants; monitor measures called for by the World Health Organization; lower fees for private schools; distribute legal documents to courts, law schools and bar associations; train an initial intake of magistrates; address the question of remuneration for judicial personnel; take urgent measures to ensure respect for judicial guarantees; identify those responsible for the murders of police officers and give greater attention to the availability of weapons; undertake a study on corruption, with a view to establishing a system to combat it; ease prison overcrowding; publish and widely distribute the report of the National Commission for Truth and Justice; and create a special team of prosecutors to prosecute those responsible for human rights violations.

The expert also recommended that: the United States return documents seized which would help bring to justice those responsible for the crimes committed during the regime established following the 1991 coup d'etat [YUN 1991, p. 151]; the mandate of the International Civilian Mission to Haiti (MICIVIH) (see PART ONE, Chapter III) be extended and Mission observers placed in charge of human rights training for magistrates and police; the Minister of Justice ensure that government commissioners systematically open investigations into suspicious deaths; the Ministry of Justice develop a comprehensive programme to provide civic education and human rights training and establish legal services in rural areas; visits to Haiti be made by the Special Rapporteur on violence against women and the Special Rapporteur on the independence of the judiciary; media publicity be given to penalties imposed on police officers found guilty of abuses; and, under bilateral or multilateral assistance, equipment be made available to the Ministry of Justice to provide Haiti with ballistic analysis and fingerprint identification capabilities.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/110**.

#### Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 50/196 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/58 of 19 April 1996,

Taking into account the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Mr. Adama Dieng, appointed to assist the Government of Haiti in the area of human rights, to consider the development of the human rights situation in that country and to verify compliance by it with its obligations in that field, and the recommendations contained in that report,

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti and the National Commission for Truth and Justice to the establishment of a climate of freedom and tolerance propitious to the respect for human rights and the restoration and spread of democracy in Haiti,

Welcoming the renewal by the General Assembly in its resolution 50/86 C of 29 August 1996 of the mandate of the International Civilian Mission to Haiti,

Welcoming also the improvements in the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

Expressing concern at the increase in common crime, and noting the continuing need for technical training of the Haitian National Police and for strengthening of the judicial system,

Expressing its satisfaction with the invitation to visit the country extended by the Government of Haiti to the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,

Considering the request of the Government of Haiti for technical assistance and advisory services in the field of human rights addressed to the Centre for Human Rights of the Secretariat,

1. Expresses its thanks to the Secretary-General and his Special Representative for Haiti for their efforts in favour of the consolidation of democratic institutions in Haiti and the respect of human rights in that country;

2. Welcomes the satisfactory evolution of the political process in Haiti and the holding of presidential elections on 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents;

3. Takes note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti and the conclusions and recommendations contained therein;

4. Expresses its concern about recent and other persistent security challenges to Haitian society caused, inter alia, by difficult economic and social conditions, which threaten progress in the field of human rights and democratic stability in the country;

5. Welcomes the report of the National Commission for Truth and Justice, as well as reports by the International Civilian Mission to Haiti on Haitian justice and on respect for human rights by the Haitian National Police, and urges the Government of Haiti to undertake appropriate follow-up action on the recommendations contained in these reports, with the support of the international community;

6. Supports the Government of Haiti's ongoing process of reform of the judicial system, including instruc-



tions in international human rights law and human rights;

7. Requests the international community, including the United Nations Development Programme, to continue providing funds for the reform of the judicial system and for those activities that contribute to the social and economic development of Haitian society;

8. Encourages the international community to contribute generously to the United Nations trust fund for the Haitian National Police, which will be needed to respond to the request of the Government of Haiti for a technical adviser programme;

9. Welcomes the establishment of the programme of technical cooperation prepared by the Centre for Human Rights aimed at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of this programme to the General Assembly at its fifty-second session;

10. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti;

11. Invites the Special Rapporteur on violence against women, its causes and consequences to consider favourably the invitation to visit the country extended to him by the Government of Haiti, with the support of the United Nations Population Fund;

12. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-second session.

General Assembly resolution 51/110

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) without vote, 26 November (meeting 53); 52-nation draft (A/C.3/51/L.55); agenda item 110 (c).

Meeting numbers: GA 51st session: 3rd Committee 38-53; plenary 82.

## Guatemala

**Report of independent expert.** The independent expert on the situation of human rights in Guatemala, Monica Pinto (Argentina), submitted to the Commission in 1996 a report covering events from January to October 1995 [E/CN.4/1996/15]. She noted that some important decisions had been made, in line with recommendations, but those decisions had not succeeded in solving or changing substantive problems affecting the exercise of human rights in the country.

**Commission action.** On 19 April [E/1996/23 (res. 1996/59)], the Commission, regretting that serious human rights violations persisted in Guatemala, attributed mainly to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees, asked the Government to promote all legislative reforms pertaining to military tribunals so that violations committed by armed forces were excluded from their jurisdiction. It also asked for the adoption

of a law regulating obligatory non-discriminatory military service.

The Commission asked the Secretary-General to increase advisory services to the Government and to develop specific programmes with NGOs. The Secretary-General was also requested to extend the independent expert's mandate so that she might continue to examine the human rights situation in Guatemala, taking into account the work of the United Nations Mission for Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (see PART ONE, Chapter III), provide assistance to the Government and submit a report in 1997. On 23 July, the Economic and Social Council, by **decision 1996/270**, approved the Commission's requests to the Secretary-General.

**Subcommission action.** On 20 August [E/CN.4/1997/2 (dec. 1996/106)], the Subcommission decided, among other things, to authorize its Chairman to issue a statement on the situation of human rights and the progress of the peace process in Guatemala; and to urge the Government to intensify efforts to combat and prevent violations of fundamental human rights, to continue to combat impunity and to prevent the proclamation of amnesties or of any other mechanism that granted impunity to human rights violators.

On the same date, the Subcommission Chairman issued a statement [E/CN.4/1997/2] on the situation of human rights and progress of the peace process in Guatemala.

**Report of independent expert.** The independent expert, who visited Guatemala from 13 to 27 November [E/CN.4/1997/90], observed that an extremely fragmented society, devastated by high levels of violence, was trying to find ways of becoming part of the peace construction process (see PART ONE, Chapter III, for agreements which emerged from the peace negotiations).

Noting that there were major shortcomings in the administration of justice, the expert stated that it was important and urgent for Guatemala to redefine its justice system. The prison system did not have enough resources and there were no guidelines to regulate the rights of prisoners or the career development, rights and duties of prison officials. Leaders of human rights organizations, deputies, trade unionists and church members had been threatened. Threats and harassment of journalists had increased.

The expert described violations of the right to decent and equitable working conditions and trade union rights. Health care coverage was inadequate. Authorities stated that they were working towards equality in education throughout the country.

## Somalia

**Report of independent expert.** In a February report [E/CN.4/1996/14], independent expert Mohamed Charfi (Tunisia) stated that it had been extremely difficult for him to fulfil his mandate against a background of high tension between rival clans, continued violence and banditry, and in the absence of any form of legitimate effective governmental authority with which the United Nations could cooperate in delivering technical assistance in the field of human rights.

The expert stated that hundreds of unarmed civilians had been deliberately killed by members of armed political groups during periods of fighting between opposing clan factions, owing to their membership in a particular clan. Extrajudicial executions were widely reported to be used as a political tool to remove particular opposition leaders. Regarding the treatment of minorities, access to justice and resources depended very much on the relative power of the clan or faction. There were forced displacements and human rights violations against international aid workers. Human rights violations committed by UN troops were under investigation by three national contingents. Minimal progress had been made towards the re-establishment of a system of independent justice.

In April, the expert reported [E/CN.4/1996/14/Add.1] on the situation in Somalia based on a visit to the country from 22 February to 13 March. He discussed the civil war, the demise of a system of administration of justice and the setting up of tribunals, and the impact of the war, including mass population displacement, the destruction of buildings, bridges, ports and airports, a slowdown in agricultural production and the closure of the university, as well as the majority of primary and secondary schools.

**Commission action.** On 19 April [E/1996/23 (res. 1996/57)], the Commission on Human Rights strongly urged all parties in Somalia to respect human rights and humanitarian law, to apply criminal justice standards and to protect UN personnel, humanitarian relief workers and international media representatives. The independent expert was asked to report in 1997. The Secretary-General was to provide adequate resources to fund the activities of the independent expert and the Centre for Human Rights, and Governments and organizations in a position to do so were asked to respond positively to requests for assistance in implementing the Commission's resolution. On 23 July, by **decision 1996/268**, the Economic and Social Council approved the Commission's requests to the expert and to the Secretary-General.

## Togo

**Report of Secretary-General.** In a January report [E/CN.4/1996/89], the Secretary-General described UN cooperation with the Government of Togo towards establishing a programme of advisory services and technical assistance in the field of human rights, and summarized action taken by a number of special rapporteurs. The report reproduced the text of a note verbale from the Government of Togo containing information and comments regarding a 1995 Commission resolution [YUN 1995, p. 716].

**Commission action.** On 23 April [E/1996/23 (res. 1996/67)], the Commission on Human Rights decided to terminate consideration of the question of Togo after noting a 23 March agreement between the United Nations and the Government of Togo on a human rights technical assistance programme. It asked the Government and the Centre for Human Rights to ensure the proper execution of that programme.

## Public information

Pursuant to a 1994 General Assembly request [YUN 1994, p. 1053], the Secretary-General submitted in October a report [A/51/558] on public information activities in the area of human rights, including the World Public Information Campaign on Human Rights, launched by the Assembly in 1988 [YUN 1988, p. 539, GA res. 43/128, 8 Dec. 1988] and carried out by the High Commissioner for Human Rights/Centre for Human Rights and the UN Department of Public Information (DPI). He described activities of the High Commissioner/Centre for Human Rights concerning publications; e-mail, the Internet and CD-ROM capability; external relations, including briefings, exhibitions and human rights observances, fellowships, internships and training courses; and coordination and cooperation with other UN bodies, NGOs and academic and research institutions. The human rights activities of DPI from January 1995 to August 1996 included production and distribution of brochures, pamphlets, backgrounders, booklets, fact sheets, feature articles, posters and information kits. Films and radio and television programmes were also produced and disseminated, and training programmes for journalists and broadcasters were held.

## Human rights education

**Report of High Commissioner.** In a March report [E/CN.4/1996/51], the High Commissioner updated information submitted in 1995 [YUN 1995, p. 717] on the implementation of the Plan of Action

for the United Nations Decade for Human Rights Education (1995-2004), proclaimed by the General Assembly in 1994 [YUN 1994, p. 1039, GA res. 49/184].

The High Commissioner/Centre for Human Rights publicized and sought support for the Plan of Action, coordinated activities with the United Nations Educational, Scientific and Cultural Organization (UNESCO), and launched a two-year project to enhance national capacities for human rights education. States had provided information on steps taken to implement the Plan; Algeria, Argentina, Chad, the Holy See and Norway had established national focal points and centres for human rights education. The High Commissioner summarized action taken by Governments in primary and secondary schools, university law faculties, the justice sector and armed forces, and for the general public. He also presented information on measures taken by the regional commissions, UN bodies, specialized agencies and NGOs, as well as the views of Cuba concerning proposals for supplementing the Plan.

**Commission action.** On 19 April [E/1996/23 (res. 1996/44)], the Commission on Human Rights asked the High Commissioner to accelerate, within existing resources, the implementation of the Plan of Action, and to encourage and facilitate the establishment of national plans of action, focal points and centres of human rights education in Member States. It asked human rights monitoring bodies to consider adopting a general comment on human rights education, emphasizing the implementation by Member States of their international obligation to promote human rights education. The High Commissioner was invited to seek the views of States on ways to increase support to the Decade, emphasizing activities of NGOs in human rights education, and on the advisability of establishing a voluntary fund for that purpose, and to include such information in his report in 1997.

**Reports of High Commissioner.** In accordance with General Assembly resolution 50/177 [YUN 1995, p. 717], the Secretary-General, in October, transmitted a report [A/51/506] of the High Commissioner on the implementation of the Plan of Action, based on the eight components comprising the Plan, namely: assessing needs and formulating strategies to further human rights education; strengthening international programmes and capacities for human rights education; strengthening regional programmes and capacities; strengthening national programmes and capacities; strengthening local programmes and capacities; coordinated development of materials for human rights education;

strengthening the role of the mass media in furthering human rights education; and global dissemination of the Universal Declaration of Human Rights.

A December addendum to the report [A/51/506/Add.1] contained the Plan of Action and reflected comments made by Governments. The Plan defined human rights education, set out general guiding principles, presented the Decade's objectives, defined principal actors and target groups, and put forth a structure for coordination and implementation. A mid-term global evaluation of progress towards achieving Decade objectives was scheduled to take place during the year 2000. The year 2004, the final year of the Decade, would be the target for the achievement of generalized human rights education programmes through implementation of State action plans, as well as for completion of a comprehensive collection of human rights education materials and their broad distribution throughout all Member States. As follow-up to the Decade, the High Commissioner would issue a final report on the state of human rights education at the local, national, regional and international levels. Human rights educational materials developed under the Decade would be subject to periodic review, supplementation and revision.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/104**.

#### **United Nations Decade for Human Rights Education and public information activities in the field of human rights**

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, according to article 26 of which "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and the provisions of other international human rights instruments, such as those of article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article,

Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the World Public Information Campaign on Human Rights, the United Nations Decade for Human Rights Education, 1995-2004, the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and the fiftieth anniversary of the Universal Declaration of Human Rights,

Believing that the World Public Information Campaign on Human Rights is a valuable complement to

the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to human rights education and information,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect,

Recognizing that human rights education and information are essential to the realization of human rights and fundamental freedoms and that carefully designed programmes of teaching, learning, training and sharing of experiences, materials and information can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account the diverse segments of society such as children, indigenous people, minorities and disabled persons,

Taking into account the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the United Nations Children's Fund,

Convinced that each woman, man and child, to realize their full human potential, must be made aware of all their human rights and fundamental freedoms,

Recognizing the invaluable and creative role that non-governmental organizations and community-based organizations can play in disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Aware of the potential supportive role of the private sector in implementing at all levels of society the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and the World Public Information Campaign, through creative initiatives and financial support for governmental and non-governmental activities,

Convinced that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

Recalling that it is within the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education and of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights;

2. Welcomes the steps taken by Governments, inter-governmental and non-governmental organizations to implement the Plan of Action, as indicated in the report of the High Commissioner;

3. Urges all Governments to inform their communities about the World Public Information Campaign on Human Rights and the Decade and to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education and training centres for human rights education or, where such bodies exist, to strengthen them to work towards the elaboration and implementation of an action-oriented national plan for information and education in human rights;

4. Also urges Governments to encourage, support and involve national and local non-governmental organizations and community-based organizations in the implementation of their national action plans;

5. Appeals to Governments, in accordance with their national conditions, to accord priority to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide information and education in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

6. Welcomes the efforts made by the United Nations High Commissioner for Human Rights, together with the Department of Public Information of the Secretariat to increase cooperation with the media, including by the provision of timely and relevant information on human rights issues;

7. Urges the Department of Public Information to continue to utilize United Nations information centres for the timely dissemination, within their designated areas of activity, of basic information, reference and audio-visual materials on human rights and fundamental freedoms, including the reports of States parties under human rights instruments and, to this end, to ensure that the information centres are supplied with adequate quantities of those materials;

8. Requests the office of the United Nations High Commissioner/Centre for Human Rights to continue to coordinate the implementation of the Plan of Action to ensure maximum effectiveness and efficiency in the use, processing, management and distribution of information and educational materials and to continue to coordinate and harmonize human rights information strategies within the United Nations system;

9. Encourages the High Commissioner/Centre for Human Rights to continue the development of training courses and materials, including targeted training manuals for professional audiences, as well as the dissemination of human rights information materials as a component of technical assistance projects, supplemented by electronic means wherever possible, taking particular account of the human rights needs of women, children, remote or isolated communities and persons with low levels of literacy;

10. Requests the human rights mechanisms to place emphasis on the promotion and implementation of

programmes of information and education on human rights;

11. Requests the Secretary-General, in cooperation with the High Commissioner/Centre for Human Rights, to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights activities, including those undertaken by non-governmental organizations;

12. Invites the specialized agencies and relevant United Nations programmes to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign on Human Rights;

13. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the High Commissioner/Centre for Human Rights, in implementing the Plan of Action;

14. Stresses the need for close collaboration between the High Commissioner/Centre for Human Rights and the Department of Public Information in the implementation of the World Public Information Campaign on Human Rights and the Plan of Action and the need to harmonize their activities with those of other organizations such as the United Nations Educational, Scientific and Cultural Organization in the project entitled "Towards a culture of peace" and the International Committee of the Red Cross and relevant non-governmental organizations with regard to the dissemination of information on international humanitarian law;

15. Encourages the High Commissioner/Centre for Human Rights to consider the promotion of educational and cultural activities throughout the world in accordance with the Plan of Action and the World Public Information Campaign on Human Rights when preparing for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

16. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community and to intergovernmental and non-governmental organizations concerned with human rights education and public information and to submit to the General Assembly at its fifty-second session a comprehensive report on the implementation of the present resolution for consideration under the item entitled "Human rights questions".

General Assembly resolution 51/104

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 27 November (meeting 55); 59-nation draft (A/C.3/51/L.70/Rev.1), orally revised; agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-53, 55; plenary 82.

### Culture of peace

In accordance with General Assembly resolution 50/173 [YUN 1995, p. 717], the Secretary-

General, by a September note [A/51/395], transmitted a report on a UNESCO transdisciplinary project entitled "Towards a culture of peace".

The project constituted a coordinated effort to contribute to a global movement from a culture of war and violence to a culture of peace. It comprised four units: education for peace, human rights, democracy, international understanding and tolerance; promotion of human rights and democracy; struggle against discrimination; cultural pluralism and intercultural dialogue; and conflict prevention and post-conflict peace-building. The report, by the UNESCO Director-General, emphasized education, which was considered the leading modality to promote a culture of peace.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/101**.

#### Culture of peace

The General Assembly,

Recalling the preamble to the Charter of the United Nations and the purposes and principles of the United Nations,

Recalling also its resolution 50/173 of 22 December 1995 entitled "United Nations Decade for Human Rights Education: towards a culture of peace", in which it expressed satisfaction with the transdisciplinary project adopted by the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", in particular unit 1, entitled "Education for peace, human rights, democracy, international understanding and tolerance",

Considering that the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, will make a fundamental contribution to understanding and peace and is consistent with the transdisciplinary project entitled "Towards a culture of peace",

Taking note of the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy convened by the United Nations Educational, Scientific and Cultural Organization at Montreal from 8 to 11 March 1993, the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and all relevant provisions included in the declarations and programmes of action adopted in the series of international conferences held under the auspices of the United Nations,

Emphasizing the need for a practical approach that can lead, through sustainable human development and the promotion of tolerance, dialogue and solidarity, to cooperation and the prevention of violence and thus to the consolidation of peace,

Considering the important results of the two international forums for a culture of peace hosted by El Salvador in February 1994 and the Philippines in November 1995,

Considering also the practical lessons learned from the national culture of peace programmes of the United Nations Educational, Scientific and Cultural

Organization in Burundi, the Congo, El Salvador, Guatemala, Mozambique, the Philippines, Rwanda and Somalia, whereby projects in the fields of competence of the United Nations Educational, Scientific and Cultural Organization, in particular in education, have been planned and are being implemented through a process involving all parties concerned;

1. Welcomes the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the transdisciplinary project entitled "Towards a culture of peace";

2. Expresses deep concern about the proliferation of violence and conflicts of a diverse nature in various parts of the world;

3. Calls for the promotion of a culture of peace based on the principles established in the Charter of the United Nations, respect for human rights, democracy, tolerance, dialogue, cultural diversity and reconciliation, and efforts to promote development, education for peace, the free flow of information and the wider participation of women, as an integral approach to prevent violence and conflicts and to contribute to the creation of conditions for peace and its consolidation;

4. Welcomes with satisfaction the memorandum of understanding between the Director-General of the United Nations Educational, Scientific and Cultural Organization and the United Nations High Commissioner for Human Rights, signed in Paris on 19 October 1995;

5. Welcomes the establishment of the Felix Houphouët-Boigny Peace Prize by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-fifth session, the biennial prize awarded by the United Nations Educational, Scientific and Cultural Organization for the teaching of human rights and the annual prize for peace education;

6. Requests the Secretary-General, in coordination with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to report to the General Assembly at its fifty-second session on the implementation of the present resolution and on the progress of educational activities within the framework of the transdisciplinary project entitled "Towards a culture of peace", including the preparation of elements for a draft provisional declaration and programme of action on a culture of peace;

7. Decides to continue its consideration of the question of a culture of peace at its fifty-second session.

General Assembly resolution 51/101

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 27 November (meeting 54); 75-nation draft (A/C.3/51/L.60); agenda item 110 (b). Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

## National institutions and regional arrangements

### National institutions for human rights promotion and protection

**Report of Secretary-General.** In a January report with later addendum [E/CN.4/1996/48 & Add.1], the Secretary-General presented the views

of nine Governments on possible forms of participation by national institutions in UN meetings dealing with human rights. He noted that progress was being made towards ensuring effective participation by national institutions in such meetings. The Secretary-General proposed that the Commission draw up recommendations to improve the action of national institutions in implementing their programmes for the promotion and protection of human rights, and mobilize financial resources for those activities. The Commission should encourage States and national institutions to observe the provisions contained in the Principles relating to the status of national institutions, adopted by the General Assembly in 1993 [GA res. 48/134], and to introduce those Principles into domestic legislation. The Commission should also encourage each country to devise an information strategy to raise awareness among the general public and among all elements of civil society on the need to promote and protect human rights.

**Commission action.** On 19 April [E/1996/23 (res. 1996/50)], the Commission on Human Rights asked the Secretary-General to continue to give high priority to requests from Member States for assistance in establishing and strengthening national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights. It asked the Centre for Human Rights to continue to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which requested them, and asked Governments to contribute additionally to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for those purposes.

The Secretary-General was asked to ensure that national institutions were informed of Centre activities involving national institutions; to continue to provide assistance for holding meetings during Commission sessions of the Coordinating Committee for national institutions, created in 1993 at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights to promote the establishment and strengthening of national human rights mechanisms; and to invite Member States which had not done so to provide information concerning possible forms of participation by national institutions in meetings of the Commission and its subsidiary bodies and to report in 1997. He was also asked to convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held, if

possible, in Latin America during 1996 or 1997, and to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund to finance, where necessary, the attendance by representatives of national institutions. The Secretary-General was asked to report in 1997 on the implementation of the Commission's resolution.

The Commission's requests concerning assistance for meetings of the Coordinating Committee and a fourth international workshop were approved by the Economic and Social Council on 23 July by **decision 1996/265**.

### Regional arrangements

In accordance with a 1994 General Assembly request [GA res. 49/189], the Secretary-General, reporting [A/51/480] in October on the state of regional arrangements for the promotion and protection of human rights, concluded that cooperation of the United Nations human rights programme with regional intergovernmental organizations had proved to be substantial and supportive. The High Commissioner/Centre for Human Rights, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, held a workshop on human rights monitoring for staff of the OSCE mission to Bosnia and Herzegovina. The High Commissioner/Centre supported the First Regional Conference of African National Human Rights Institutions, organized by the National Commission of Human Rights and Freedoms of Cameroon (Yaounde, 5-7 February). In cooperation with the Organization of African Unity and the Economic Commission for Africa, the High Commissioner/Centre organized a meeting of high-level government experts in the African region on the international human rights treaty regime (Addis Ababa, Ethiopia, 14-17 May).

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/102**.

#### Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services in the field of human rights, including its most recent resolution on that subject, 1996/55 of 19 April 1996,

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Recalling that the World Conference on Human Rights reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also that the World Conference on Human Rights recommended that more resources should be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programmes of advisory services and technical assistance of the Centre for Human Rights of the Secretariat,

Having considered the report of the Secretary-General,

Noting the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Noting also the growing exchanges between the United Nations and the bodies created by the United Nations, in accordance with the treaties dealing with human rights on the one hand and the regional intergovernmental organizations on the other, in order to promote the mutual exchange of information between these bodies and the conclusion of regional arrangements for the promotion and protection of human rights,

1. Takes note of the report of the Secretary-General;
2. Welcomes the continuing cooperation and assistance of the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular with regard to advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights;
3. Welcomes also, in that respect, the close cooperation of the High Commissioner/Centre for Human Rights in the organization of regional and subregional training courses and workshops in the field of human rights, high-level government expert meetings and a regional conference of national human rights institutions, aiming at creating greater understanding of the promotion and protection of human rights issues in the regions, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and at identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;
4. Stresses the importance of the programme of advisory services in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information or training

courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with several Governments of the region of Asia and the Pacific;

5. Requests the Secretary-General, as foreseen in programme 35 (Promotion and protection of human rights) of the medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

6. Welcomes the growing exchanges between the High Commissioner/Centre for Human Rights and several regional intergovernmental organizations, as well as between the bodies created by the United Nations in accordance with the treaties dealing with human rights and the Council of Europe;

7. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

8. Requests the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, relevant recommendations;

9. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

10. Decides to consider this question further at its fifty-third session.

General Assembly resolution 51/102

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 27 November (meeting 54); 31-nation draft (A/C.3/51/L.62), orally revised; agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

## Asia and the Pacific

**Reports of Secretary-General.** In accordance with a 1995 Commission request [YUN 1995, p. 721], the Secretary-General submitted a January report [E/CN.4/1996/46] describing regional arrangements for the promotion and protection of human rights in the Asia and Pacific region. He discussed technical cooperation efforts in Bhutan, Cambodia, China, Indonesia, Kuwait, Mongolia, Nepal, Pakistan, Palestine, Papua New Guinea and Viet Nam.

In an April addendum [E/CN.4/1996/46/Add.1], the Secretary-General transmitted the report of the fourth workshop on regional human rights arrangements in the Asia and Pacific region (Kathmandu, Nepal, 26-28 February). The workshop identified steps towards establishing a re-

gional arrangement, with emphasis on regional cooperation on issues such as human rights education, ratification of human rights instruments, development of national action plans, and the role of national institutions and NGOs.

In an October report [A/51/480], the Secretary-General noted that the Australian Human Rights and Equal Opportunity Commission and the Human Rights Commission of New Zealand, in cooperation with the High Commissioner/Centre for Human Rights, organized the First Asia-Pacific Regional Workshop of National Human Rights Institutions (Darwin, Australia, 8-10 July). The meeting decided to establish an Asia-Pacific Forum of National Human Rights Institutions.

**Commission action.** On 23 April [E/1996/23 (res. 1996/64)], the Commission appealed to Governments in the Asia and Pacific region to consider making use of UN facilities, under the programme of advisory services and technical assistance for the promotion and protection of human rights, to organize information and/or training courses at the national or regional level for government personnel on the application of international human rights standards and the experience of relevant national and international organs.

The Secretary-General was asked to allocate more resources from existing UN funds to enable countries to benefit from the advisory services and technical assistance programme; and to establish, in accordance with the conclusions of the fourth workshop, an open-ended team, composed of representatives of interested Governments of the region and the Centre for Human Rights, to consult with NGOs and national institutions to prepare for the next workshop and facilitate the development of regional arrangements. The latter request was approved by the Economic and Social Council on 23 July by **decision 1996/271**. The Commission asked the Secretary-General to report in 1997 on progress made in implementing its resolution.

## Cooperation with UN human rights bodies

Pursuant to a 1995 Commission request [YUN 1995, p. 721], the Secretary-General, in a February report [E/CN.4/1996/57], summarized information covering a variety of situations in which persons had been intimidated or suffered reprisals for having cooperated with UN human rights bodies; availed themselves of international procedures; provided legal assistance for that purpose; and/or been relatives of victims of human rights violations. He concluded that information received by different UN human rights bodies indi-



cated that acts of intimidation and reprisals continued to occur.

On 23 April [E/1996/23 (res. 1996/70)], the Commission urged Governments to refrain from acts of intimidation or reprisal against: persons who sought to cooperate or had cooperated with representatives of UN human rights bodies, or who had provided testimony or information to them; individuals who availed themselves of UN procedures and those who had provided legal assistance to them for that purpose; those who submitted communications under procedures established by human rights instruments; and

relatives of victims of human rights violations. It asked representatives of UN human rights bodies and treaty bodies monitoring the observance of human rights to help prevent the hampering of access to UN human rights procedures and to continue to take urgent steps to prevent the occurrence of intimidation or reprisal. It also asked them to include in their reports a reference to allegations of intimidation or reprisal, as well as an account of action taken. The Commission asked the Secretary-General to draw its resolution to the attention of UN human rights and treaty bodies and to report in 1997.

## Chapter II

## Protection of human rights

The United Nations in 1996 continued to seek ways to protect the human rights and fundamental freedoms of all citizens of the world—from victims of violent conflicts, racial discrimination, intolerance and judicial inequities, to children, women and those living in extreme poverty.

Two major International Covenants—on Civil and Political Rights, and on Economic, Social and Cultural Rights—provided ongoing guidelines for those entrusted with safeguarding the situations of vulnerable individuals and groups. Special Rapporteurs of the Commission on Human Rights and its subsidiary body, the Subcommittee on Prevention of Discrimination and Protection of Minorities, examined such questions as contemporary forms of racism; religious intolerance; freedom of speech; extra-legal executions; the impunity of perpetrators of human rights violations; independence of judges and the judiciary; torture; the right to adequate housing; environmental issues; violence against women; sale of children, child prostitution and child pornography; protection of indigenous heritage, and matters concerning indigenous populations. In addition, an expert presented a major study on the protection of children in armed conflict and the Special Representative of the Secretary-General investigated situations of internally displaced persons.

During the year, working groups considered arbitrary detention, enforced or involuntary disappearances, including cases of missing persons in the territory of the former Yugoslavia, as well as the right to contemporary forms of slavery.

### Racism and racial discrimination

#### Third Decade against racism

The General Assembly had proclaimed in 1993 the Third Decade to Combat Racism and Racial Discrimination (1993-2003) and adopted the Decade's Programme of Action [YUN 1993, p. 853]. The goals and objectives of the Third Decade were those adopted by the Assembly in 1973 for the first Decade [YUN 1973, p. 524]. The revised Programme of Action for the Decade was adopted by the Assembly in 1994 [YUN 1994, p. 988]. Support

was given to the idea of convening another world conference on racism and racial discrimination.

The Second Decade to Combat Racism and Racial Discrimination (1983-1993) [YUN 1983, p. 806] had been carried out in accordance with the plan of activities for 1985-1989 [YUN 1984, p. 785], and the plan, approved by the Assembly in 1987 [YUN 1987, p. 732], covering the remainder of the Decade (1990-1993).

#### Implementation of Decade programme

**Reports of Secretary-General.** In a January report [E/CN.4/1996/71] to the Commission on Human Rights, the Secretary-General summarized information provided by the General Assembly, Governments and a UN programme on measures taken to combat racism and racial discrimination.

In a March addendum [E/CN.4/1996/71/Add.1], the Secretary-General transmitted a report describing three consultations on racism and education (Geneva, 8-10 August 1995) organized by the Non-Governmental Organization (NGO) Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization, in cooperation with the Centre for Human Rights and the UN Department of Public Information (DPI).

The Commission on Human Rights also had before it the annual reports on racial discrimination submitted by the International Labour Organization (ILO) [E/CN.4/1996/73] and the United Nations Educational, Scientific and Cultural Organization (UNESCO) [E/CN.4/1996/74].

**Commission action.** On 11 April [E/1996/23 (res. 1996/8)], the Commission declared that all forms of racism and racial discrimination were among the most serious violations of human rights and must be combated. Commending States that had ratified or acceded to the international instruments to combat racism and racial discrimination, the Commission appealed to those States that had not done so to ratify or accede to those instruments. It invited the Secretary-General to coordinate all the programmes being carried out by UN bodies with a view to achieving the objectives of the Third Decade and to establish a focal point within the Centre for Human Rights. He was also asked to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the areas of education, training and employment and to

submit recommendations to combat such effects; and to publish and distribute the model legislation on racism and racial discrimination for the guidance of Governments in enacting further legislation against racial discrimination. Regretting that the resources to implement the 1994-1995 biennial programme for the Third Decade were not provided, the Commission asked the Secretary-General to include the Third Decade's activities not implemented in that biennium in the future programme for the Decade and to provide the necessary resources for it. It also asked him to ensure that the necessary resources were provided to implement the activities for the Decade during the 1996-1997 biennium. The Commission, strongly appealing to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, asked the Secretary-General to continue to undertake contacts and initiatives to encourage contributions.

On 23 July, by **decision 1996/255**, the Council approved the Commission's requests to the Secretary-General to distribute the model legislation on racism and racial discrimination, include the Third Decade's activities not implemented in the 1994-1995 biennium in future programmes for the Decade and provide the necessary financial resources, and ensure that the necessary financial resources were provided to implement the Decade's activities during the 1996-1997 biennium.

**Subcommission action.** On 23 August [E/CN.4/1997/2 (res. 1996/8)], the Subcommission on Prevention of Discrimination and Protection of Minorities asked the Secretary-General to ensure the establishment of a focal point on racism within the Centre for Human Rights to coordinate activities under the Third Decade.

**Reports of the Secretary-General.** As requested by the Assembly in 1993 [YUN 1993, p. 853], the Secretary-General submitted to the Economic and Social Council in July his annual report describing activities undertaken or planned by Governments, the UN system and intergovernmental organizations to implement the programme of the Third Decade to Combat Racism and Racial Discrimination [E/1996/83]. Regarding the Trust Fund for the Programme of Action for the Third Decade, the Secretary-General noted that since contributions to the Fund remained below the levels hoped for, it was certain that, unless a supplementary financing effort was made, very few of the activities planned for 1994-1997 would be carried out. Annexed to the report was the statement of income and expenditure and

changes in reserves and fund balances for the Trust Fund for the 1994-1995 biennium ended 31 December 1995.

On 23 July, the Economic and Social Council, by **decision 1996/251**, took note of the Secretary-General's July report.

In response to a 1994 Assembly request [YUN 1994, p. 988], the Secretary-General, in an October report [A/51/541], supplemented information contained in his July report to the Council. He described activities taken by the UN system, among them a seminar (Geneva, 9-13 September) to assess the implementation of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (see PART TWO, Chapter I) [GA res. 2106 A (XX)]. He also presented information provided by four Governments on their efforts regarding the Convention. The Secretary-General noted that on 15 August a joint meeting was held of the Bureaux of the Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities. The two bodies agreed to undertake a joint study of article 7 of the Convention, which referred to measures that States parties agreed to adopt in the areas of teaching, education, culture and information with a view to combating racial discrimination.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/81**.

#### Third Decade to Combat Racism and Racial Discrimination

The General Assembly,

Reaffirming the objectives set forth in the Charter of the United Nations of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance of the activities of the Special Rapporteur of the Commission on Human Rights

on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which, respectively, it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Noting with concern that technological developments in the field of communications, including computer networks such as the Internet, have been used for dissemination of racist and xenophobic propaganda throughout the world,

Having considered the reports submitted by the Secretary-General within the framework of the implementation of the Programme of Action for the Third Decade,

Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families at its forty-fifth session,

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrine of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action with a view to making it more effective and action-oriented;

3. Calls upon Governments to cooperate more closely with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to enable him to fulfil his mandate;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

5. Requests the United Nations High Commissioner for Human Rights to give priority, through the Centre for Human Rights of the Secretariat, to the follow-up of programmes and activities for combating racism and racial discrimination;

6. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

7. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

8. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

9. Encourages the media to promote ideas of tolerance and understanding among peoples and between different cultures;

10. Recommends that a seminar be organized by the Centre for Human Rights in cooperation with the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union and other relevant United Nations bodies, non-governmental organizations and Internet service providers, with a view to assessing the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

11. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the fields of education, training and employment and to submit, *inter alia*, specific recommendations for the implementation of measures to combat the effects of that discrimination;

12. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

13. Requests States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

14. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating awareness of principles of human rights, particularly among young people, and in this regard renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

15. Considers that all the parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Decade;

16. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, reflected in the fact that the Centre for Human Rights has been able to organize only one seminar since the adoption of resolution 48/91 in 1993, and notes that unless a supplementary financial effort is made very few of the activities planned for the period 1994-1997 will be carried out;

17. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

18. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997;

19. Also requests the Secretary-General to accord the highest priority to the activities of the Programme of Action for the Third Decade;

20. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

21. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

22. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade;

23. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

24. Invites the Commission on Human Rights to consider at its fifty-third session as a matter of priority the question of a possible world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance and to make appropriate recommendations through the Economic and Social Council to the General Assembly at its fifty-second session;

25. Once again requests the Secretary-General to consult Member States and intergovernmental as well as non-governmental organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance;

26. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of the highest priority at its fifty-second session.

General Assembly resolution 51/81

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/617) without vote, 22 November (meeting 49); draft by Costa Rica (for Group of 77 and China), Mexico, the former Yugoslav Republic of Macedonia and Turkey (A/C.3/51/L.27/Rev.1); agenda item 108.

Meeting numbers. GA 51st session: 3rd Committee 24-28, 35, 49; plenary 82.

## Contemporary forms of racism

**Reports of Special Rapporteur.** Special Rapporteur Maurice Glélé-Ahanhanzo (Benin) continued to examine incidents of contemporary forms of racism, racial discrimination and any form of discrimination against blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them.

In 1996, the Commission on Human Rights considered a report [E/CN.4/1996/72] of the Special Rapporteur, in which he discussed his 1995 activities, including missions he had taken to Brazil, France, Germany and the United Kingdom (see below). He concluded that racist propaganda and incitement to ethnic and racial hatred were spreading. Racism was taking increasingly violent forms, including physical aggression, murder, attacks on the property of immigrants or people belonging to ethnic, racial or religious minorities, the desecration of cemeteries and the destruction of places of worship. The Special Rapporteur noted that his missions had enabled him to begin a dialogue with the Governments of the countries he had visited. He recommended that field missions be continued in Africa, Latin America and the Caribbean, Asia, Oceania and the Middle East. Annexed to his report were summaries of 15 allegations relating to racist incidents in Germany and observations made by the Government of Germany, and a report on anti-Semitism submitted by the Coordinating Board of Jewish Organizations, an NGO.

The Special Rapporteur had visited Brazil [E/CN.4/1996/72/Add.1] (6-17 June 1995) to obtain reliable information on the relations between the various ethnic and racial components of the country. It was generally stated officially that there was no racism or racial discrimination in Brazil because the Constitution explicitly prohibited it and because miscegenation was a fundamental aspect of the Brazilian population and an essential component of the country's multiracial democracy.

The Special Rapporteur observed that the appearance of ethnic and racial cohesion in Brazil concealed inequalities between whites, Indians, people of mixed parentage and blacks, which were a legacy of earlier times. The situation was exacerbated by the unequal distribution of wealth. He noted that the Brazilian authorities appeared to

be resolved to tackle the ethnic and racial issue directly and to usher in a society based on the equal dignity of all of its members. The political will existed, and constitutional, legal and administrative steps had been taken, he stated.

Racism and racial discrimination were not easy to pin down, the Special Rapporteur went on, since they were subject to the vagaries of official statements and were concealed by biological and cultural intermingling. He noted, however, that everyday racism and racial discrimination took the form of acts of harassment which accentuated the perception of the inferiority of blacks, who were frequently harassed by military and civilian police or by other law enforcement agencies. Such practices could be explained by the generally negative image of blacks within Brazilian society; being black was synonymous with being poor or a criminal. Discrimination among blacks was evident in education, employment and housing. The Special Rapporteur described the situation of black women, who were mostly employed as domestic servants, nursemaids or nightclub dancers. More black women were sterilized than white women, which some people believed had contributed to the gradual whitening of Brazil's population. Violence against children, especially street children, and child labour were mostly evident among children of black and mixed parentage. Although he had been informed that there was no anti-Semitism in Brazil, the Special Rapporteur noted that in the States of Parana and Sao Paulo, violent neo-Nazi groups had existed, which were later disbanded by the police.

The Special Rapporteur noted that the 1980s had marked a genuine change in the Brazilian authorities' attitude to ethnic and racial issues. Though the singleness of the Brazilian people had not been called into question, the multiplicity of its component races and ethnic groups was acknowledged, the Rapporteur stated. The applications of provisions in the 1988 Federal Constitution concerning support for a multiracial democracy and a just and mutually supportive society—which primarily concerned Indians, persons of mixed parentage and blacks, the poorest among the poor—would eventually help to integrate them more effectively into Brazilian society, the Rapporteur declared.

He also pointed out that the 1988 Constitution contained strict provisions to punish racism. However, the effectiveness of the laws had yet to be demonstrated because the police received few complaints and there were few trials for racism or racial discrimination. The Special Rapporteur recommended that in the absence of special programmes for the benefit of disadvantaged ethnic and racial groups, priority should be given to

educating the poorest Brazilians; studying the situation of street children in order to reintegrate them; taking a survey of the problem of the sterilization of black women; improving the image of blacks and giving them and Amerindians and people of mixed parentage an awareness of their human dignity; and taking action to eliminate racial discrimination in employment.

Reporting on his 1995 mission to Germany (18-27 September) [E/CN.4/1996/72/Add.2 & Corr.1], the Special Rapporteur recalled that reunification had been accompanied by violent outbursts of xenophobic sentiment and anti-Semitic acts fomented by extreme rightist organizations and neo-Nazi cells. He stated that reunification had exposed the formerly inward-looking inhabitants of the east of the country to things about which they had previously been ignorant. Economic and social change and unemployment had engendered disarray, and the inhabitants of eastern Germany perceived foreigners as competing for jobs and threatening any improvement in their economic and social situation. Other factors in the growth of xenophobia included the massive influx of asylum-seekers following political changes in Eastern Europe and the crisis in the former Yugoslavia, as well as the aggressiveness of the extreme right.

The Special Rapporteur declared that German authorities had worked hard to restore the image of a peaceful, liberal, cosmopolitan and democratic Germany. Large-scale action had been taken in prevention and punishment, and also in amending the law. Firm steps had been taken by both federal authorities and the authorities in the Lander against extreme rightist organizations and neo-Nazi cells. In addition, the society at large had rejected xenophobia, racism and rightist extremism; millions of demonstrators had marched in protest against these and other forms of discrimination.

Beyond steps taken to end racist and xenophobic violence, there remained the question of the integration of foreigners. Between 1955 and 1970, the Federal Republic of Germany used foreign labour to rebuild its economy, recruiting workers from Mediterranean countries, whom it called "guest workers" because the intention was that they would return home. Currently, Germany had 1,850,000 people from Turkey (28.6 per cent of the foreign population); 916,000 from the former Yugoslavia (14.1 per cent); 558,000 from Italy (8.6 per cent); 346,000 from Greece (5.3 per cent); 286,000 from Poland (4.4 per cent); 168,000 from Romania (2.6 per cent); and 134,000 from Spain (2.1 per cent). Some 60 per cent of the foreigners had lived in the Federal Republic of Germany for 10 years or more. The Spe-

cial Rapporteur pointed out that while Europeans, particularly those from the European Union, were well integrated, the same was not true of people from Turkey, Poland and Romania, who faced discrimination in housing, employment, the provision of services and access to public places. The Government's policy on integration was recent and suffered from ambiguity, the Rapporteur stated, since Germany did not see itself as a country of immigration despite the realities of the situation. However, the country had considerable assets in the form of its Commissioners for Foreigners, working in favour of the integration of foreign population groups.

In his conclusions and recommendations, the Special Rapporteur stated that the integration of foreigners in Germany remained a problem and that the rigid official policy on immigration could profitably be reviewed. He proposed that: efforts be made to change mental attitudes in favour of accepting a multi-ethnic, multicultural society; consideration be given to applications for asylum; improvement be made in the living conditions of holding centres and a humane handling of the refoulement of supposedly illegal immigrants; a more humane solution than refoulement be sought for the Vietnamese and Mozambicans who used to work under contract in the former German Democratic Republic and whose status had been made precarious by reunification; and a law be passed against racism, anti-Semitism and xenophobia. Annexed to the report was the 9 October 1992 Declaration of Saarbrücken on tolerance and solidarity; Hamburg's policy on aliens and refugees; and measures to combat racism and animosity towards foreigners in Berlin.

As to the situation in France [E/CN.4/1996/72/Add.3], the Special Rapporteur stated that his visit to the country (29 September-9 October 1995) had been prompted by the multiplication, since 1990, of racist and xenophobic incidents targeting immigrants and of anti-Semitic acts, which the French National Consultative Commission on Human Rights had noted in its reports for 1991, 1992, 1993 and 1994. Other information received by the UN Centre for Human Rights included allegations of ill-treatment by the police of prisoners from some countries in the Maghreb (Algeria, Morocco, Tunisia), the Middle East and Africa.

Racial discrimination against persons of non-European origin was particularly evident in employment and housing. Immigration had been suspended since 1974, and each succeeding Government had opted for a policy composed of the control of migratory flows and limitation of so-called clandestine immigration, on the one hand,

and integration of legal immigrants on the other. The French authorities were trying to strengthen anti-racist legislation. Economic and social measures had also been taken to encourage the gradual integration of immigrant populations, and appeals by associations for tolerance were helping to bring about a change in attitudes. Judicial measures to combat racism and xenophobia in France were annexed to the Special Rapporteur's report.

The Special Rapporteur recommended that France be more generous in granting entry visas for people from the South; expedite procedures for examining files of those detained in holding centres and improve the living conditions in the centres; study the feasibility of devising and disseminating a syllabus to teach human rights based on international declarations and conventions; and provide technical assistance and financial support to hold an international seminar on racism and xenophobia. Annexed to the report was documentation regarding manifestations of racism and anti-Semitism.

Following his visit to the United Kingdom (13-24 November 1995), the Special Rapporteur reported [E/CN.4/1996/72/Add.4] allegations of a multiplication of racist incidents due to the activities of movements of the far right and to the behaviour of the police towards certain ethnic minorities. Jewish organizations had warned of a resurgence of anti-Semitic acts, prompted by the propaganda of fundamentalist Islamic organizations and organizations of the far right. Harassment and racial violence emanated from the activities of small, extreme right-wing groups and neo-Nazi organizations, individual behaviour and police treatment of black communities and their members. The Government acknowledged the existence of problems and was trying to overcome them through legislative and administrative measures to eliminate economic and social disparities between the white majority and the ethnic minorities. Government action was supplemented by that of local communities, churches, trade unions and non-governmental associations and organizations.

The Special Rapporteur noted that remarkable progress had been achieved during the country's 30-year policy of racial equality, but increasingly subtle forms of discrimination had emerged. In recent years, the economic crisis and competition for increasingly scarce resources and jobs, as well as political activity by the far right and neo-Nazi movements and parties and violent police action against certain communities, had polarized social relations between rich and poor on the one hand, and between whites and blacks, on the other. The country's once-open immigration policy had become increas-

ingly restrictive for people originating from African and Asian States members of the Commonwealth. The Government was of the view that its immigration policy was devoid of any discriminatory criteria. As to the right to asylum, government measures were intended to discourage the arrival of asylum-seekers, the great majority of whom were from countries in the southern hemisphere. Applications had risen from 4,000 in 1988 to 40,000 in 1995; 70,000 applications were currently pending. Further, some 700 asylum-seekers and immigrants without papers were being held in 37 prisons and detention centres.

The Special Rapporteur recommended that the Government educate individuals to accept one another; improve training for the police force and incorporate into the police citizens from different ethnic communities; severely condemn police violence; be more respectful of human dignity in holding centres and in cases of refoulement or expulsion of illegal entrants and asylum-seekers; and review the law on incitement to racial hatred and create a specific offence of racist harassment and violence and an offence of defamation with respect to an ethnic group or minority.

By a note of 20 August [A/51/301], the Secretary-General transmitted a report of the Special Rapporteur containing the observations of Germany on matters relating to it, as discussed in a 1994 report [YUN 1994, p. 992], and comments by Italy on a 1995 progress report [YUN 1995, p. 727]. The Special Rapporteur discussed contemporary forms and manifestations of racism, racial discrimination and xenophobia and measures taken by Governments and judicial bodies, as well as initiatives by civil society. He concluded that at the international level the question of racism and racial discrimination remained alarming. Increasingly restrictive and discriminatory regulations were undermining freedom of movement and residence and the right to live as a family. He recommended to the General Assembly that it should convene a world conference on racism, racial discrimination and xenophobia (see below), and suggested that it should explore the possibility of establishing a fund to assist ethnic or racial communities that were victims of racial discrimination.

**Commission action.** On 19 April [res. 1996/21], the Commission on Human Rights expressed its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination and all racist violence. It supported the efforts of Governments in taking measures aimed at eradicating such practices and called on them to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination. The Commission decided to extend the mandate

of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a three-year period and to have him report yearly beginning in 1997; and asked the Secretary-General to assist him. The Commission's decision and requests were approved by the Economic and Social Council by **decision 1996/259** of 23 July.

#### World conference

On 11 April, the Commission on Human Rights recommended [res 1996/8] that the Council request the Secretary-General to transmit to the General Assembly the results of his consultations with Member States and intergovernmental and non-governmental organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and related contemporary forms of intolerance.

On 23 July, the Council, by **decision 1996/255**, requested the Secretary-General to transmit to the Assembly in 1996 the results of his consultations.

By **resolution 51/81** of 12 December, the General Assembly invited the Commission to consider the possibility of such a conference as a matter of priority at its 1997 session. It also requested the Secretary-General to consult with Member States and intergovernmental organizations regarding a possible conference.

On 23 August [res. 1996/8], the Subcommission, expressing its support for the convening of a world conference to combat racism and racial discrimination, called on Member States to respond positively to the proposal to convene the conference. It invited the Secretary-General to submit a concrete proposal for the convening of a world conference before the turn of the century.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/79**.

#### **Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

The General Assembly,

Recalling its resolution 50/135 of 21 December 1995, and taking note of Commission on Human Rights resolution 1996/21 of 19 April 1996,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,



Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including his conclusions and recommendations,

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance which are increasingly visible in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and members of their families,

Taking note of the final report on freedom of opinion and expression submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session by the Special Rapporteurs Mr. Louis Joinet and Mr. Danilo Turk, in which the Special Rapporteurs concluded that, under international law, racism is not an opinion but an offence,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of creating conditions that foster greater harmony and tolerance within societies,

Regretting that the Special Rapporteur has continued to encounter difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and specialized agencies in order to further their effectiveness and mutual cooperation;

3. Takes note of the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance and to include the question of immigration and xenophobia on its agenda;

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism and all racist violence, including related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

6. Encourages all States, in accordance with the conclusions and recommendations of the Special Rapporteur in his report, to include in their educational curricula and social programmes, at all levels as appropriate, knowledge, tolerance and respect for foreign cultures, peoples and countries;

7. Encourages the efforts of Governments to take measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

8. Categorically condemns any role played by print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

9. Recognizes that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination;

10. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to cooperate with and to supply relevant information to the Special Rapporteur;

11. Commends non-governmental organizations for their action against racism and racial discrimination and for their continuous support and assistance to the victims of racism and racial discrimination;

12. Urges all Governments to cooperate fully with the Special Rapporteur, with a view to enabling him to fulfil his mandate;

13. Once again requests the Secretary-General to provide, without any further delay, the Special Rapporteur, as in the case of other Special Rapporteurs, with all the necessary human and financial assistance to enable him to carry out his mandate efficiently, effectively and expeditiously and to submit, in a timely manner, an interim report on this question to the General Assembly at its fifty-second session.

General Assembly resolution 51/79

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/617) without vote, 22 November (meeting 49); draft by Costa Rica, for Group of 77 and China, and Turkey (A/C.3/51/L.23/Rev.1); agenda item 8.

Meeting numbers. GA 51st session: 3rd Committee 24-28, 36, 49; plenary 82.

## Other questions relating to intolerance

On 11 April [res. 1996/19], the Commission on Human Rights called on States to enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and to ensure that the values of pluralism, respect for diversity and non-discrimination were

promoted. It asked the High Commissioner for Human Rights and the Centre for Human Rights, through its programme of advisory services and technical cooperation, to advise or assist countries, on request, to put in place effective safeguards to guarantee the full enjoyment of all human rights by all segments of their populations, without discrimination. The Centre was asked to include the promotion of tolerance through workshops and seminars, using mass media and NGOs, and through its programme of advisory services and technical cooperation.

### Follow-up to UN Year for Tolerance

In 1996, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) transmitted to the Secretary-General of the United Nations a final report [A/51/201] concerning the United Nations Year for Tolerance, observed in 1995 and for which UNESCO was the lead agency. He stated that at its twenty-eighth session (October/November 1995), the General Conference of UNESCO had adopted a Declaration of Principles on Tolerance and a Follow-up Plan of Action for the Year [YUN 1995, p. 1126].

The six-article Declaration covered the meaning of tolerance, social dimensions, education and commitment to action, among other things. It also proclaimed 16 November as the annual International Day for Tolerance.

In its preamble, UNESCO member States expressed alarm at the current rise in acts of intolerance, violence, terrorism, xenophobia, aggressive nationalism, racism, anti-Semitism, exclusion, marginalization and discrimination directed again various groups within society, and against individuals. They also stressed their responsibility to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, gender, language, national origin, religion or disability, and to combat intolerance.

The 32-paragraph Plan of Action to follow up the UN Year for Tolerance, also adopted at the General Conference, included sections on objectives, education and networking, mobilization of the UN system, and coordination, among other subjects. The Plan stated that, as modern societies become increasingly diverse and interdependent, tolerance becomes ever more essential for the survival and well-being of both individuals and communities. The overall objective of the Plan was to educate, inform and empower individuals to assume the responsibilities of dialogue, mutual respect, toleration and non-

violence, and to encourage pluralism and tolerance in the policies of Member States.

### GENERAL ASSEMBLY ACTION

On 12 December, having reviewed the final report of the UNESCO Director-General, and reconfirming that tolerance was the sound foundation of any civil society and of peace, the General Assembly adopted **resolution 51/95**.

### Follow-up to the United Nations Year for Tolerance

The General Assembly,

Recalling its resolutions 47/124 of 18 December 1992, 48/126 of 20 December 1993 and 49/213 of 23 December 1994, by which it proclaimed and supported the United Nations Year for Tolerance,

Recalling also that the Charter of the United Nations affirms in its preamble that to practice tolerance is one of the principles to be applied to attain the ends pursued by the United Nations of preventing war and maintaining peace,

Stressing that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Bearing in mind the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and the International Covenants on Human Rights,

Reconfirming that tolerance is the sound foundation of any civil society and of peace,

Taking note of the note by the Secretary-General transmitting the final report on the United Nations Year for Tolerance, including the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, submitted to him by the United Nations Educational, Scientific and Cultural Organization as requested by the General Assembly in its resolution 49/213,

Taking note also of resolution 5.6 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-eighth session,

1. Welcomes the role played by the United Nations Educational, Scientific and Cultural Organization in the preparation for and implementation of the United Nations Year for Tolerance;

2. Takes note of the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, adopted by the States members of the United Nations Educational, Scientific and Cultural Organization on 16 November 1995;

3. Expresses its appreciation for the contribution of the regional conferences on tolerance and other relevant activities organized during the United Nations Year for Tolerance at Rio de Janeiro (Brazil), Seoul (Republic of Korea), Sienna (Italy), Carthage (Tunisia), New Delhi (India), Moscow and Yakutsk (Russian Federation), Tbilisi (Georgia) and Istanbul (Turkey) to the

Declaration of Principles and the Follow-up Plan of Action for the promotion of tolerance;

4. Invites the United Nations Educational, Scientific and Cultural Organization to take appropriate initiatives, including holding regional meetings, to assure the follow-up and implementation of the outcome of the regional conferences organized during the United Nations Year for Tolerance and to promote further the spirit instigated by those conferences;

5. Invites Member States to consider applying the Declaration of Principles at the national level and to continue to undertake public information campaigns in connection with the Follow-up Plan of Action aimed at the realization of more tolerant societies;

6. Also invites Member States to observe the International Day for Tolerance annually on 16 November with appropriate activities directed towards both educational establishments and the wider public;

7. Encourages the United Nations Educational, Scientific and Cultural Organization to continue its activities aimed at reinforcing the struggle against the rise of intolerance;

8. Recommends that interested intergovernmental and non-governmental organizations and specialized agencies exert efforts in their respective fields to contribute to the long-term follow-up programme for the United Nations Year for Tolerance, including celebration of the International Day for Tolerance, and to consider what further contributions they can make to implement and disseminate the standards affirmed in the Declaration of Principles;

9. Requests the United Nations Educational, Scientific and Cultural Organization to continue to coordinate actions in support of tolerance promotion and education in partnership with other United Nations agencies and regional, intergovernmental and non-governmental organizations and to make reports available to the General Assembly on a biennial basis on the implementation of the Declaration of Principles and the Follow-up Plan of Action;

10. Invites the United Nations Educational, Scientific and Cultural Organization to consider, at an appropriate time, the possibility of organizing an international conference to inform and mobilize public opinion, as well as the United Nations system, in this regard;

11. Decides to consider the question of the follow-up to the United Nations Year for Tolerance at its fifty-third session.

General Assembly resolution 51/95  
12 December 1996 Meeting 82 Adopted without vote  
Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); 47-nation draft (A/C.3/51/L.50); agenda item 110 (b). Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

## Discrimination against minorities

### Declaration

**Report of Secretary-General.** In a January report [E/CN.4/1996/88], the Secretary-General presented information received from Governments, UN organs and bodies, human rights treaty bodies, special rapporteurs, special representatives

and working groups and intergovernmental and non-governmental organizations as to how they promoted and gave effect to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities [GA res. 47/1351]. The Secretary-General concluded that in view of the few replies received, it was difficult to arrive at conclusions that accurately represented the measures taken to give effect to the Declaration by the international community.

**Commission action.** On 11 April [res. 1996/20], the Commission on Human Rights urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the 1992 Declaration. It urged States to give effect to the Declaration and called on them and the Secretary-General to give due regard to the Declaration in their training programmes for officials. States, interested governmental and non-governmental organizations, special representatives, special rapporteurs and the Commission's working groups were invited to continue to submit contributions as to how they promoted and gave effect to the Declaration. The UN High Commissioner for Human Rights was called on to promote the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned to that end. The Commission also asked the Subcommission to make available the annual report of the Working Group on Minorities. The Secretary-General was asked to provide assistance to the Working Group to fulfil its mandate; to provide resources for advisory services and technical assistance of the Centre to implement the Commission's present resolution; and to report on its implementation in 1997.

**Working Group activities.** The five-member Working Group on Minorities held its second session in 1996 (Geneva, 30 April-3 May) [E/CN.4/Sub.2/1996/28], during which it decided that greater emphasis should be placed on arriving at solutions to problems involving persons belonging to minorities in order to promote their characteristics and thereby contribute to mutual tolerance, understanding and peace. It also decided to collect information on constitutions and legislation of States regarding the protection and promotion of minorities and to commission the preparation of short studies on the core principles of the Declaration [YUN 1992, p. 723], including the formulation of recommendations for different countries and regions. Other decisions related to establishing and strengthening monitoring mechanisms; focusing on themes and seminars dealing with multicultural education, language, culture, the media and the issue of mi-

norities and territorial integrity; submission of information on national recourse and conciliation machineries; increasing cooperation with the High Commissioner for Human Rights; strengthening collaboration and cooperation with the specialized agencies and the Office of the United Nations High Commissioner for Refugees (UNHCR), and establishing cooperation with the United Nations Research Institute for Social Development, the World Bank and the International Monetary Fund; encouraging Governments to establish mechanisms which could facilitate dialogue and conciliation between them and minorities; and encouraging wider participation in its next session, particularly by Governments and NGOs from developing countries. The Group presented a series of substantive guidelines for working papers.

**Subcommission action.** On 29 August [res. 1996/17], the Subcommission recommended that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the Working Group's mandate for a further two years, with a view to its holding one session annually until 1999.

**Report of Secretary-General.** As requested by the General Assembly in 1995 [YUN 1995, p. 729], the Secretary-General reported [A/51/536] in October on action to give due regard to the Declaration taken by Governments, UN bodies and organs, specialized agencies and other UN organizations, treaty bodies, special rapporteurs and representatives, and intergovernmental and non-governmental organizations.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/91**.

#### **Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the States in which such persons live,

Noting that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities held its second session from 30 April to 3 May 1996 and that its report will be made available to the Commission on Human Rights,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities,

1. Takes note with appreciation of the report of the Secretary-General;

2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

4. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities is central to the protection and promotion of the rights of persons belonging to minorities;

5. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration;

6. Appeals to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

7. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

8. Welcomes the activities of the United Nations High Commissioner for Human Rights relating to the promotion and protection of the rights of persons belonging to minorities, and, in accordance with his mandate, calls upon him to promote the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Requests the High Commissioner to continue his efforts to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues in activities related to the promotion and protection of the rights of persons belonging to minorities;

10. Urges all treaty bodies to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities;

11. Calls upon States to continue to include in their reports to treaty bodies, in accordance with the relevant conventions, information on measures taken for the promotion and protection of the rights of persons belonging to minorities;

12. Calls upon all special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give attention, within their respective mandates, to situations involving minorities;

13. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution under the item entitled "Human rights questions".

General Assembly resolution 51/91

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); 49-nation draft (A/C.3/51/L.45); agenda item 110 (b). Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

### Preventing minority discrimination

As requested by the Subcommission in 1995 [YUN 1995, p. 730], Special Rapporteur Asbjørn Eide (Norway) presented a second working paper [E/CN.4/Sub.2/1996/30] containing further suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for examining thematic issues relating to racism, xenophobia, minorities and migrant workers. His first paper was submitted in 1994 [YUN 1994, p. 1008].

**Subcommission action.** On 29 August [res. 1996/17], the Subcommission asked the High Commissioner for Human Rights to pursue the implementation of his programme for the promotion and protection of the rights of persons belonging to minorities.

### Religious intolerance

**Reports of Special Rapporteur.** In 1996, the Commission on Human Rights considered a report [E/CN.4/1996/95] of the Special Rapporteur on religious intolerance, Abdelfattah Amor (Tunisia). He updated the status of communications sent to Governments containing allegations of intolerance or discrimination based on belief and their replies thereto. Since the Commission's 1995 session, he had sent communications to 46 States and had made three urgent appeals to two States. The communications concerned violations of: the principle of non-discrimination in religion and belief; the principle of tolerance; freedom of thought, conscience and religion or belief; freedom to manifest one's religion; freedom of disposal of religious property; and attacks on the right to life, physical integrity and security of person (clergy and believers). As to States' replies, the deadline had not yet expired for 29 States, and of the 18 for which the deadline

had expired, the Special Rapporteur had received seven replies. There had been no replies to his urgent appeals.

In separate addenda to his report, the Special Rapporteur described his visits in 1995 to Pakistan (12-22 June) [E/CN.4/1996/95/Add.1] and to Iran (15-22 December) [E/CN.4/1996/95/Add.2]. Both visits were made at the invitation of the Governments concerned.

Concerning Pakistan, the Special Rapporteur noted, following a review of legislation in the country, that the present State laws related to religious minorities—and more generally on the subject of tolerance and non-discrimination based on religion or belief—were likely to favour or foster intolerance. The Special Rapporteur noted that existing legislation and the way it was applied had been inherited from the past, particularly from periods of dictatorship. Asserting that applying the death penalty for blasphemy appeared disproportionate and even unacceptable, he endorsed a government proposal to amend procedural aspects of the blasphemy law. With regard to proselytism, conversion and apostasy, the Special Rapporteur drew attention to the need to abide by international human rights standards, and considered that no mention of religion should be included on passports, on identity card application forms or any other administrative documents.

With regard to society, the Special Rapporteur remained concerned at manifestations of intolerance and, more generally, at the limited expression of the culture of tolerance. A limited rate of literacy, rigid social structures, authoritarian education, political militancy, media frenzy and politically inclined religious practices were not conducive to reducing tensions, nor to developing a culture of tolerance. As to religious extremism, the Special Rapporteur encouraged the Government to restrain it and take measures in conformity with the law.

The Special Rapporteur considered that it would be appropriate to implement the Centre for Human Rights programme of advisory services, notably for training police and administrative staff in human rights, especially religious freedom. He stated that places of worship should be reserved for religious and not political matters, and also recommended combating illiteracy and advocating values based on human rights and tolerance; duly punishing cases of abuse or rape against girls and women, especially those belonging to minorities, and informing victims of the proceedings and guarantees provided by law; and making a special effort with regard to legislation applying to places of worship, education and political parties. The Special Rapporteur asked

that the authorities in all circumstances ensure the serene operation of justice by protecting the courts from the pressures of demonstrations and crowds. Annexed to the report was a list of cases concerning members of the Christian and the Ahmadi minorities.

In his second report, the Special Rapporteur considered Iran's legislation in the field of tolerance and non-discrimination based on religion or belief, and the implementation of that legislation and the policy in force. In addition, he analysed the situation of the non-Muslim minorities and the Sunni Muslims.

Regarding legislation, the Special Rapporteur indicated that a State religion was not, in itself, in contradiction with human rights; however, it should not be exploited at the expense of the rights of minorities and the rights associated with citizenship, which implied that citizens should not be discriminated against on grounds such as religion or belief. Concerning the situation of recognized minorities, as provided for in the Constitution, the Special Rapporteur emphasized that it should be understood that what were meant were inherent rights of minorities, not privileges that had been granted. He noted that the right to conversion—the right to change one's religion—was recognized in international human rights standards.

The Special Rapporteur believed that the situation of recognized non-Muslim religious minorities—the Zoroastrian, Jewish, Assyro-Chaldean and Armenian minorities—was satisfactory except in respect of some specific problems. He recommended ensuring correct transcription of religious beliefs in instruction manuals; not submitting specific types of expression, such as religious publications, to prior scrutiny, but initiating action after publication, if and when required; collaboration by minorities in the development of education programmes through written contributions; eliminating the obligation of grocery store owners to indicate their religious affiliation in front of their shops; applying the Centre for Human Rights programme of advisory services for the training of judicial and administrative personnel in human rights; and respecting freedom of access to places of worship.

The Special Rapporteur expressed concern about the other non-Muslim (Baha'i and Protestant) minorities. With regard to the Baha'is, he hoped that a distinction would be drawn between questions of belief and those of a political nature. It should not be presumed, he stated, that the entire community had been politicized or engaged in political or espionage activities. He believed that there should not be any controls on the Baha'is that might, through prohibition, restric-

tions or discrimination, jeopardize the right to freedom of belief or the right to manifest one's belief. He recommended that the ban on the Baha'i organization be lifted to enable it to organize itself freely. The Special Rapporteur emphasized that no discrimination should impede access by the Baha'is to higher educational establishments or to employment, and called on the authorities to review or set aside death sentences passed on Baha'is and to promulgate amnesties or other measures to prevent the enforcement of the penalties imposed. As for the Protestants, the Special Rapporteur recommended that the ban on the Bible Society of Iran and on the Garden of Evangelism be lifted, and that freedom to write, print and disseminate religious publications should be fully respected. He noted the severe traumatism caused by the murders of Protestant pastors who were defenders of tolerance and non-discrimination based on religion or belief. He advocated the lifting of all bans and restrictions on places of worship and access thereto and respect for the freedom to change one's religion and freedom to manifest one's religion or belief.

**Commission action.** On 19 April [res. 1996/231, the Commission on Human Rights, noting with grave concern the continuing instances of hatred and intolerance, including acts of violence based on religious intolerance, condemned all acts motivated by religious intolerance in all its forms. It urged States to: provide adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief; ensure that no one, because of religion or belief, was deprived of the right to life or the right to liberty and security of person, or was subjected to torture or arbitrary arrest or detention; combat hatred, intolerance and acts of violence; promote and enhance tolerance relating to religion or belief; and ensure that members of law enforcement bodies, civil servants, educators and other public officials respected different religions and beliefs. The Commission called on States to recognize, as provided in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief [GA res. 36/55], the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes. The Secretary-General was asked to assist the Special Rapporteur to enable him to carry out his mandate, submit an interim report to the General Assembly at its 1996 session and report to the Commission in 1997. Those requests to the Secretary-General were approved by the Economic and Social Council on 23 July by **decision 1996/260**.

**Interim report of Special Rapporteur.** By an October note [A/51/542], the Secretary-General transmitted the Special Rapporteur's interim report updating the status of communications since the beginning of the Commission's 1996 session (18 March-26 April). He had sent communications to 35 States and an urgent appeal to one country. The deadline for receiving replies had not expired for 21 States, and of the 13 States for which it had expired, 5 had replied.

The Special Rapporteur expressed grave concern at the problem of sects. During the year, an increasing number of cases involving criminal acts, including murders, directly linked to groups identified as sects came to light in many countries. He felt that an international high-level governmental conference should be held to study and decide on a common approach to sects and religions that would respect human rights, and also recommended that the Subcommission authorize a study of the phenomenon of sects and religious freedom. He further recommended that a department on religious freedom and human rights be set up within the Centre for Human Rights. The Special Rapporteur stressed that places of worship should be reserved for religious, non-political uses, and that schools should be protected from ideological, political or partisan indoctrination.

By notes dated 7 and 11 November, respectively, the Secretary-General transmitted reports on the Special Rapporteur's visits to Greece (18-25 June) [A/51/542/Add.1] and the Sudan (19-24 September) [A/51/542/Add.2].

With regard to Greece, the Special Rapporteur focused on legislation in the area of tolerance and non-discrimination based on religion or belief and on its implementation, and on the laws and policies currently in force. In addition, he analysed the situations of both the religious minorities and the dominant Orthodox Church and their relations with the State. Although freedom of conscience was guaranteed, the Special Rapporteur noted that there were limitations on freedom of worship which were inconsistent with internationally established human rights norms. The Constitution limited freedom of worship to "known" religions but lacked a legal definition of the concept. He considered Constitutional provisions prohibiting proselytism to be inconsistent with the 1981 Declaration [YUN 1981, p. 881]. He also mentioned legislation governing places of worship, and supported the abolition of the mention of religion on identity cards.

The Special Rapporteur stated that the Christian minorities were facing a challenge to their legal recognition regarding their places of worship and right to conscientious objection. The status

of the Jewish minority in the religious and other spheres was entirely satisfactory. However, among the Muslim minority in Thrace, he noted a static, unsatisfactory and prejudicial situation, especially in the religious sphere.

The Special Rapporteur recommended that the Greek State involve representatives of human rights organizations and lay and religious representatives from all religious minorities and the Orthodox Church in its religious affairs policy on a consultative basis; adopt and apply measures to forestall and penalize acts of intolerance or discrimination on the part of the authorities; make efforts to promote and develop a culture of tolerance and human rights; make use of the Centre for Human Rights programme of advisory services; establish a permanent interfaith dialogue between religious minorities and the Orthodox Church; and shield religious matters from political tensions and struggles.

By a letter of 22 November [A/C.3/51/18], Greece transmitted its reply to the Special Rapporteur's report. It stated that the various aspects of religious freedom had a sound legal foundation in the Greek Constitution, and Greece was deeply committed to the effective respect of its international undertakings in this area. There was a distinction between religious beliefs to which everyone had access and dogmas or sects whose activities were clandestine or even dangerous. Greece maintained that all relevant international instruments provided for the possibility of limiting religious freedoms for reasons of public policy.

Greece was gratified to note the positive statements by the Rapporteur about Christian and Jewish minorities. In the case of the Muslim minority, Greece was scrupulously respecting its international commitments deriving from the 1923 Treaty of Lausanne and was continually seeking to improve the situation of the Muslim minority in a spirit of tolerance, non-discrimination and the rule of law.

During his visit to the Sudan, the Special Rapporteur studied legislation concerning tolerance and non-discrimination based on religion or belief, and the implementation of that legislation and the policy in force, examining the situation of both non-Muslims and Muslims. He stressed that the State religion was not inherently incompatible with human rights; however, he stressed that the State should not take religion under its protection in order to define its content, concepts or limits, except as was strictly necessary and provided for under the 1981 Declaration and the 1966 International Covenant on Civil and Political Rights. Concerning the concept of jihad, which had implications that were both offensive (holy war against infidels) and defensive (response to an attack), the Special Rapporteur recommended

clarification of the defensive meaning of the term in order to make sure that it was compatible with the international norms to which the Sudan had committed itself. The Special Rapporteur recommended that the authorities ensure the compatibility of legislation on hudud offences (drinking alcohol, apostasy, adultery, false accusation of unchastity, armed robbery, capital theft) with human rights, and urged that hudud penalties, which included flogging and amputation, because they were exclusively of Islamic origin, should not be applied to persons who were non-Muslims. On the subject of proselytism, conversion and apostasy, the Special Rapporteur emphasized the need to respect internationally established norms, including the freedom to change one's religion and the freedom to manifest one's religion or belief. He urged that dress should not be the subject of political regulation and recommended that the State, through the school system, promote the development of a culture of tolerance and non-discrimination.

With respect to the situation of the non-Muslim communities, the Special Rapporteur expressed concern for limitations and constraints on officials of religion, believers and places of worship and the infringement of belief and the freedom to manifest one's belief; conversion to another religion by constraint, instead of free choice; limitations on the construction of new places of worship; and threats to the physical and moral integrity of individuals, particularly on grounds of faith or belief. Concerning the situation of Muslims, the Special Rapporteur appealed for the various Muslim brotherhoods to be respected, and recommended that their religious activities be conducted in full freedom.

In a later report [E/CN.4/1997/91/Add.1], the Special Rapporteur described the situation in India based on his visit to the country (2-14 December). He studied legislation concerning tolerance and non-discrimination based on religion or belief and its implementation, as well as current policies in respect of religious matters. His analysis covered the Christian, Muslim and Sikh minorities in the religious field and their relationships with society and the State. The Special Rapporteur concluded that the situation in India regarding tolerance and non-discrimination based on religion was satisfactory. Regarding Jammu and Kashmir, and Punjab, the Special Rapporteur urged all the parties concerned to refrain from exacerbating religious problems to ensure that religious principles were not affected by political considerations at the expense of the religious rights of the communities. (See also PART ONE, Chapter IV.)

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/93**.

#### **Elimination of all forms of religious intolerance**

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Urges States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in



cases where the right to freedom of religion or belief is violated;

3. Also urges States to ensure, in particular, that no one within their jurisdiction is, because of their religion or belief, deprived of the right to life or the right to liberty and security of person or subjected to torture or arbitrary arrest or detention;

4. Further urges States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

6. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. Expresses its grave concern at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. Encourages the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief, appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

12. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. Also encourages Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

14. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session;

17. Requests the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge in full and on time his mandate;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/93

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); 56-nation draft (A/C.3/51/L.47), orally revised; agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

## HIV- and AIDS-related discrimination

**Report of Secretary-General.** In a January report [E/CN.4/1996/44], the Secretary-General reviewed progress in the development of a human rights component in the work plan of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS) (see PART THREE, Chapter XIII). He summarized comments, information and materials on ways to keep under review the protection of human rights in the context of HIV/AIDS received from Governments, UN bodies, specialized agencies and NGOs; and reported on the status of the task of elaborating guidelines for States on promoting and protecting respect for human rights in the context of HIV/AIDS.

**Commission action.** On 19 April [res. 1996/43], the Commission on Human Rights called on States to ensure that their laws, policies and practices, including those concerning HIV/AIDS, respected human rights standards, prohibited HIV/AIDS discrimination and did not inhibit programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV. It also called on them to introduce protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people living with HIV/AIDS, their families and associates, and people presumed to be at risk of infection. Relevant professional bodies were called on to re-examine their

codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and relevant authorities were called on to develop training for that purpose. The High Commissioner for Human Rights was asked to continue his efforts, in cooperation with UNAIDS and NGOs, as well as with groups of people living with HIV/AIDS, towards the elaboration of guidelines on promoting and protecting respect for human rights in the context of HIV/AIDS, to ensure sufficient support to the Centre for Human Rights to address such issues and to incorporate them, as appropriate, in all the Centre's activities. The Secretary-General was asked to report in 1997 on the development of the guidelines.

**Subcommission action.** On 29 August [res. 1996/33], by a roll-call vote of 13 to 2, with 6 abstentions, the Subcommission called on States to ensure that their legislation, policies and practices, including those in the context of HIV/AIDS, respected international human rights standards, prohibited HIV/AIDS-related discrimination and did not have the effect of inhibiting HIV/AIDS prevention and care programmes, in particular with respect to women, children, indigenous people, minorities, refugees, migrants, sex workers, men who were homosexual, injecting drug users and prisoners. It also called on them to advance the legal, economic and social status of women, children, minorities, indigenous peoples, migrants and other groups suffering lack of full enjoyment of their fundamental human rights and freedoms, so as to reduce their vulnerability to HIV infection and to the adverse socioeconomic consequences of the AIDS pandemic. The High Commissioner was asked to continue his efforts to ensure sufficient resources within the Centre to address HIV/AIDS-related issues and to incorporate those issues, as appropriate, in all the Centre's activities. The Subcommission stressed the importance of organizing a second international expert consultation on human rights and HIV/AIDS, with a view to developing guidelines for States on the promotion and protection of fundamental human rights and freedoms in the context of HIV/AIDS. UNAIDS was asked to continue the integration of a strong human rights component in all its activities. The Commission was strongly urged to keep under review the issue of HIV/AIDS-related human rights violations and discrimination.

**Second Consultation.** The Second International Consultation on HIV/AIDS and Human Rights (Geneva, 23-25 September) [E/CN.4/1997/37] concluded that the pandemic was continuing to spread throughout the world at an alarming rate. Close in its wake was the widespread abuse of hu-

man rights and fundamental freedoms associated with HIV/AIDS in all parts of the world. The first Consultation was held in 1989 [YUN 1989, p.482].

The Consultation adopted 12 Guidelines for States to protect HIV-related human rights and to achieve public health goals. They dealt with an effective national framework; community consultation in HIV/AIDS policy design, programme implementation and evaluation; public health laws; review and reform of criminal laws and correctional systems; anti-discrimination and other protective laws; enactment of legislation to provide for the regulation of HIV-related goods, services and information; support for legal aid services; a supportive and enabling environment for women, children and other vulnerable groups; creative education, training and media programmes to change attitudes of discrimination and stigmatization; codes of conduct that translated human rights principles into codes of professional responsibility and practice; monitoring and enforcement mechanisms to guarantee the protection of HIV-related human rights; and sharing of knowledge and experience concerning HIV-related human rights issues between States and all relevant programmes of the UN system. Annexed to the report was the full text of the Guidelines.

## Civil and political rights

### The right to self-determination

During the year, the Commission on Human Rights reaffirmed the right to self-determination of the Palestinian people [res. 1996/5]. Under the item, it also adopted resolutions pertaining to Western Sahara [res. 1996/6] and to the Middle East peace process [res. 1996/7], and considered information provided by the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (see below).

In a September report [A/51/414], the Secretary-General summarized action taken by the Commission on the right of peoples to self-determination.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/84**.

#### Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and em-

bodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514(XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first and fifty-second sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994 and 50/139 of 21 December 1995,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination,

resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fifty-second session under the item entitled "Right of peoples to self-determination".

General Assembly resolution 51/84

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/618) without vote, 14 November (meeting 38); 26-nation draft (A/C.3/51/L.28); agenda item 109.

Meeting numbers. GA 51st session: 3rd Committee 24-28, 35, 38; plenary 82.

## Middle East peace process

**Commission action.** On 11 April [res. 1996/7], the Commission on Human Rights, stressing the importance of achieving a comprehensive, just and lasting peace in the Middle East, emphasized that the achievement of such a peace was vital to the full implementation of human rights in the area. It called on the Centre for Human Rights to make available, on request, its programme of advisory services and technical assistance to the Palestinian Authority, and invited Governments to contribute to the programme.

**Subcommission action.** On 19 August [res. 1996/1], the Subcommission endorsed the achievements of the peace process in the Middle East and called on all parties to continue their efforts. It also expressed support for the active role that the United Nations was playing in the peace process. (For details of political developments in the Middle East, see PART ONE, Chapter VI.)

## Rights of Palestinians

On 11 April [res. 1996/5], the Commission on Human Rights, by a roll-call vote of 28 to 1, with 23 abstentions, reaffirmed the right of the Palestinian people to self-determination without external interference and called on Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Palestinian and other Arab territories, including Jerusalem, in accordance with UN resolutions. It asked the Secretary-General to transmit its resolution to Israel and all other Governments, to distribute it as widely as possible, and to make available to the Commission, prior to its 1997 session, information pertaining to its implementation by the Government of Israel.

Pursuant to a 1995 Commission request [YUN 1995, p. 735], the Secretary-General stated [E/CN.4/1996/26] in January that he had received no reply to his request to Israel for information on implementation of the Commission's 1995 resolution on the situation in occupied Palestine.

**GENERAL ASSEMBLY ACTION**

On 12 December, the General Assembly adopted **resolution 51/82**.

**The right of the Palestinian people to self-determination**

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Noting the developments in the Middle East peace process, including the mutual recognition and the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington on 13 September 1993 by the Palestine Liberation Organization, the representative of the Palestinian people, and the Government of Israel, as well as the ensuing implementation agreements, in particular the interim agreement of 28 September 1995,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. Reaffirms the right of the Palestinian people to self-determination;
2. Expresses the hope that the Palestinian people will soon be exercising their right to self-determination in the current peace process;
3. Urges all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

General Assembly resolution 51/82

12 December 1996 Meeting 82 159-3-12 (recorded vote)

Approved by Third Committee (A/51/618) by recorded vote (138-2-11), 18 November (meeting 42); 65-nation draft (A/C.3/51/L.25); agenda item 109.

Meeting numbers. GA 51st session: 3rd Committee 24-28, 35, 38, 42; plenary 82.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname,

Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Palau, United States.

Abstaining: Argentina, Congo,\* Estonia, Georgia, Latvia, Lithuania, Marshall Islands, Micronesia, Norway, Republic of Moldova, Uzbekistan, Zaire.

\*Later advised the Secretariat it had intended to vote in favour.

## Western Sahara

On 11 April [E/1996/23 (res. 1996/6)], the Commission on Human Rights, noting with concern the insufficient progress made towards the settlement plan for Western Sahara, called on the two parties concerned, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (POLISARIO), to work with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara (MINURSO) to implement the settlement plan in accordance with relevant Security Council resolutions. It took note of a Council decision to review the arrangements for the completion of the identification process requested in resolution 1017(1995) [YUN 1995, p. 255], and to consider any further measures that might need to be taken to ensure the prompt completion of the process and of all other aspects relevant to the fulfilment of the settlement plan.

(See also PART ONE, Chapter II.)

## Mercenaries

Pursuant to General Assembly resolution 50/138 [YUN 1995, p. 737], the Secretary-General, by a September note [A/51/392], transmitted a report prepared by Enrique Bernales Ballesteros (Peru), the Special Rapporteur on the question of the use of mercenaries. The Special Rapporteur described his activities and the current situation regarding the use of mercenaries. He stated that mercenary activities were not only continuing but were reported to be evolving and acquiring characteristics that made them more of a threat to the enjoyment of human rights and the right of peoples to self-determination.

Considering that mercenary activities had increased, had become diversified and were becoming more of a threat, the Special Rapporteur recommended that the General Assembly: reaffirm its condemnation of mercenary activities; suggest to States that they incorporate measures in their legislation to prohibit the use of their territory for the recruitment, training, assembly, transit, financing and use of mercenaries; appeal to States to ratify or accede to the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries [YUN 1989, p. 825, GA res. 44/34]; and reaffirm its recommendation regarding the convening of a meeting

of experts on the subject. He also recommended that mercenary activities should be condemned, banned and characterized as illegal.

In a later report [E/CN.4/1997/24], the Special Rapporteur discussed his 1996 activities, including a visit to South Africa (20-30 October). He stated that mercenaries, whose activities were linked to apartheid, were no longer present. The South African authorities were studying ways to legally prohibit the presence of individual mercenaries and to regulate the provision of military assistance to foreign Governments by private service companies. In his conclusions and recommendations, the Special Rapporteur stated that the Commission on Human Rights and the Special Rapporteur should investigate more closely any mercenary implications of the international sale of military assistance and security, with a view to making proposals for a better legal classification of private companies that offered those services internationally.

As at 31 December, the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries [GA res. 44/34] had been ratified or acceded to by 11 States and had a total of 16 signatories. The Convention was to enter into force on the thirtieth day following the date of deposit with the Secretary-General of the twenty-second instrument of ratification or accession.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/83**.

#### **Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

The General Assembly,

Recalling its resolutions 49/150 of 23 December 1994 and 50/138 of 21 December 1995,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through mercenary international criminal activities,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination concerning the use of mercenaries and mercenary-related activities to topple sovereign Governments and to violate the human rights of peoples and impede the exercise of self-determination despite resolution 50/138;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government or threaten the territorial integrity and political unity of sovereign States or to promote secession or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Centre for Human Rights of the Secretariat, as a matter of priority, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested where necessary, to render advisory services to States that are affected by the activities of mercenaries;

7. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right of peoples to self-determination to the General Assembly at its fifty-second session.

#### General Assembly resolution 51/83

12 December 1996 Meeting 82 117-17-39 (recorded vote)

Approved by Third Committee (A/51/618) by recorded vote (96-17-37), 15 November (meeting 40); 14-nation draft (A/C.3/51/L.26), orally revised; agenda item 109.

Meeting numbers. GA 51st session: 3rd Committee 24-28, 35, 38, 40; plenary 82.

#### Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Di-

bouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom, United States.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Equatorial Guinea, Estonia, France, Georgia, Ireland, Israel, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia, Monaco, New Zealand, Palau, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uzbekistan, Zaire.

## Democratic processes

### Establishment of a democratic society

**Report of Secretary-General.** At its 1996 session, the Commission on Human Rights considered a report [A/50/332 & Corr.1] of the Secretary-General on UN system support for the efforts of Governments to promote and consolidate new or restored democracies. It also had before it a note by the Secretary-General [E/CN.4/1996/49] describing action taken by the General Assembly, the Commission and the Subcommission on the subject of democracy and the establishment of a democratic society.

**Subcommission action.** As requested by the Subcommission in 1995 [YUN 1995, p. 741], Osman El-Hajjé (Lebanon) in May submitted a working paper on democracy and the establishment of a democratic society [E/CN.4/Sub.2/1996/7]. The working paper presented possible elements for a study on the subject.

On 29 August [dec. 1996/117], the Subcommission decided to ask Mr. El-Hajjé to prepare an expanded working paper, to be presented in 1997, on ways to promote democracy; ensure economic, social, cultural and political rights through democracy; and overcome obstacles to democracy.

### Freedom of speech

**Report of Special Rapporteur.** In a March report [E/CN.4/1996/39], the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Abid Hussain (India), described his activities and summarized the texts of communications he had sent to 43 States, pointing out that the adequacy of the pro-

tection of the right was, however, of concern in 103 States and territories.

The Special Rapporteur concluded that violations of the right to freedom of expression occurred in all parts of the world. He expressed concern about the continued intimidation, harassment and use of violence against writers, press professionals and other persons seeking to exercise that right. He also expressed concern over cases relating to the right to freedom of opinion and expression of women, and that private individuals regularly resorted to acts of violence, threats and intimidation against other private persons to settle religious or ideological disputes. The Special Rapporteur regretted the existence of sometimes prolonged crises in which violations of the right to freedom of opinion and expression were justified on the basis of outmoded notions of national security, manipulation by authoritarian regimes and the view expressed by some Governments that human rights were part of an alien culture not suited to being transposed to the countries they governed.

In separate addenda, the Special Rapporteur reported on his visits to the Republic of Korea (1995) [E/CN.4/1996/39/Add.1] and to Iran (1996) [E/CN.4/1996/39/Add.2].

Regarding the Republic of Korea, the Special Rapporteur stated that many measures had been taken by the Government to strengthen the protection and promotion of human rights in general. Still, he had been informed of a number of controversies that had arisen over the exercise of the right to freedom of opinion and expression as related to the safeguarding of the national security of the country. It was brought to his attention that prisoners who allegedly held particular political convictions were asked by prison authorities to renounce those convictions. Issues relating to the freedom of expression of detainees were also of concern, as were a number of problems concerning that right in the workplace. Performing artists were required to submit the text or recording of their performance, prior to its publication, to the Performance Ethics Committee.

The Special Rapporteur recommended that the Government repeal the National Security Law and consider other means to protect its national security; cease the practice of requesting prisoners who allegedly held political opinions repugnant to the establishment to renounce their opinions; release unconditionally prisoners who were held for their exercise of the right to freedom of opinion and expression; facilitate legitimate trade union activities; continue its efforts to align its national law with the provisions relating to freedom of opinion and expression of the 1966 International Covenant on Civil and Political

Rights [YUN 1966, p. 423]; enhance the systematic application of international human rights law in the national legal system; bring its prison regime into accordance with established international principles on the administration of justice; and limit administrative interference with the right to freedom of expression.

As to the situation in Iran, the Special Rapporteur expressed concern at the extent of limitations on the right to freedom of opinion and expression, as well as on the interlinked right to freedom of assembly and association. Press professionals had been subjected to harassment and violence, prison sentences and corporal punishment. Among other things, the Special Rapporteur was informed that: certain bureaucratic elements had expressed their support for the use of violence and harassment; press and media professionals, academics and others had been summoned to report in person to government organs in connection with their exercise of the right to freedom of expression; it was prohibited by law to import, distribute, possess or use satellite antennae; State agencies exercised elaborate direct and indirect control on the press, the media and publications, and prior authorization was required to publish, bind and distribute books, newspapers, magazines and other forms of printed as well as audio and visual materials; and printed media regularly reported on the existence of censorship and self-censorship. With regard to film production, he said that scenarios, funding, production and distribution all required authorization by the Government.

The Special Rapporteur recommended that the Government ensure the right to freedom of opinion and expression as enunciated in the 1966 International Covenant on Civil and Political Rights; repeal the law prohibiting the use of satellite antennae; limit legal and administrative regulation of and interference with the right to freedom of opinion and expression; substitute public legal procedure for administrative action; cease the practice of summoning persons to present themselves at government offices to instruct or warn them not to continue to seek to exercise their right to freedom of opinion and expression; take measures to prevent officials from encouraging or supporting private persons who resorted to illegal action against persons seeking to exercise the right; review cases of persons who were detained on charges or accusations emanating from their opinions or activities in seeking to exercise the right; review cases of prisoners who had been tried by courts of law whose competence had not been unequivocally established or who had been convicted in application of laws or regulations incompatible with the protection of

the right to freedom of opinion and expression under the 1966 International Covenant; continue and strengthen its cooperation with the Commission on Human Rights and relevant NGOs; and prevent any negative consequences for the effective enjoyment by women of the right that might arise from the implementation of gender-specific legislation.

The Special Rapporteur said that his report was an earnest attempt to assist Iran in its endeavour to ensure the freedom of opinion and expression of its citizens.

In a later report [E/CN.4/1997/31/Add.1], the Special Rapporteur described the situation in Turkey, based on his visit to the country in September 1996. He stated that in recent history the Government had taken steps aimed at strengthening the protection of the right to freedom of opinion and expression. He noted, however, from consistent and credible reports, the death or torture of press professionals while in police custody; the subjection to threats and harassment of writers, journalists and human rights advocates and their persecution, in certain cases, for the expression of non-violent opinions; the use of disproportionate violence against journalists and protestors during demonstrations; the intimidation of human rights advocates and victims of and witnesses to alleged human rights violations; the regular occurrence of suspension of the media and seizure of newsprint; and the lack of precision of various national laws and rules of proof on the basis of which courts justified restrictions on the right to freedom of opinion and expression.

The Special Rapporteur recommended that the Government amend legislation and adopt measures requiring the courts to explain more explicitly the motivation for any judgement that restricted the right to freedom of opinion and expression; annul convictions of persons sentenced to a fine or term of imprisonment for the peaceful expression of their opinions; justify in court proceedings the banning of books, the seizure of newsprint, the closure of media outlets and the punishment of persons held responsible for threatening national security through the exercise of their right to freedom of opinion and expression; demonstrate the maximum possible degree of openness in its policies aimed at protecting the right; and consider promoting a national debate on freedom of expression, underlining its relevance to all people in the country.

**Commission action.** On 19 April [res. 1996/53], the Commission on Human Rights expressed its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment against, persons who

exercised the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and the right to take part in the conduct of public affairs.

The Commission decided to renew the mandate of the Special Rapporteur on the subject for a three-year period, which the Economic and Social Council approved on 23 July by **decision 1996/266**. The Commission asked the Special Rapporteur to report in 1997 and asked the Secretary-General to consider ways of publicizing the Special Rapporteur's work.

### Administration of justice

**Commission action.** On 19 April [res. 1996/32], the Commission on Human Rights, reaffirming the importance of the full implementation of all relevant United Nations standards on human rights in the administration of justice, called on Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of those standards. It appealed to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services. The Commission asked Governments to provide training in human rights and the administration of justice, including juvenile justice, to judges, lawyers, prosecutors, social workers and other professionals, including police and immigration officers, and called on special rapporteurs, special representatives and working groups of the Commission to continue to give special attention to the effective protection of human rights in the administration of justice and to provide specific recommendations, including proposals for concrete measures of advisory services and technical assistance. The High Commissioner for Human Rights was urged to consider favourably requests by States for assistance in the administration of justice and to strengthen system-wide coordination in that field, particularly between the UN human rights programme of advisory services and technical assistance and the technical cooperation and advisory services of the UN Crime Prevention and Criminal Justice Programme (see PART THREE, Chapter IX).

**Working Group activities.** The five-member sessional Working Group on the administration of justice and the question of compensation held three meetings in 1996, on 7, 9 and 13 August in Geneva [E/CN.4/Sub.2/1996/16]. The Subcommis-

sion had decided to establish the Working Group on 6 August [dec. 1996/103].

The Working Group considered a revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law [E/CN.4/Sub.2/1996/17]. On 29 August [res. 1996/28], the Subcommission decided to transmit the revised principles and guidelines to the Commission on Human Rights, together with the comments of the Working Group and the comments of the Subcommission during its 1996 session. It asked the former Special Rapporteur on the subject to prepare a note, taking into account the comments of the Group and the Subcommission, to facilitate the Commission's examination of the revised principles and guidelines.

The Group also considered a preliminary draft international convention on the prevention and punishment of enforced disappearances, abolition of the death penalty, habeas corpus as a non-derogable right and as one of the requirements for the right to a fair trial, and juvenile justice. It postponed to its 1997 session consideration of the item concerning proposals for the effective implementation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [GA res. 260 A (III)].

### Compensation for victims

**Report of Secretary-General.** Pursuant to a 1995 Commission request [YUN 1995, p. 744], the Secretary-General submitted a report with later addenda [E/CN.4/1996/29 & Add.1-3] describing legislation adopted or planned by States relating to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. The Secretary-General summarized replies received from 17 States.

**Commission action.** On 19 April [res. 1996/35], the Commission on Human Rights called on the international community to give increased attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. It encouraged the Subcommission to continue to give consideration to the proposed basic principles and guidelines (see above). The Commission asked States that had not done so to provide information to the Secretary-General on the legislation adopted or in the process of being adopted relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. The Secretary-General was asked to report in 1997.



## Rule of law

**Commission action.** On 19 April [res. 1996/56], the Commission on Human Rights, affirming that the High Commissioner, with the assistance of the Centre for Human Rights, remained the focal point for coordinating system-wide attention for human rights, democracy and the rule of law, asked him to continue to explore the possibility of obtaining from all relevant UN institutions, including financial institutions, technical and financial means to strengthen the Centre's capacity to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law. It asked the Secretary-General to report to the General Assembly in 1996 on the results of any contacts established by the High Commissioner. The Commission's request to the Secretary-General was approved by the Economic and Social Council by **decision 1996/267** of 23 July.

**Report of Secretary-General.** Pursuant to a 1995 General Assembly request [YUN1995, p. 744], the Secretary-General submitted an October report [A/51/555] in which he outlined support offered by the Centre for Human Rights to States to strengthen the rule of law. Under the programme of advisory services and technical cooperation in the field of human rights, States could avail themselves of assistance in the areas of constitution-making; the legal framework under the constitution, including penal law and the administration of justice, which protected human rights and democracy; electoral assistance; and institution-building and training.

The High Commissioner had initiated a series of consultations and contacts with other partners in the UN system to enhance inter-agency cooperation and coordination, including meetings with executive heads of UN agencies and programmes on matters of policy and coordination, meetings and working-level contacts with agencies and programmes on thematic issues and field-level cooperation. A seminar of the World Bank and the Centre (Washington, D.C., 24-25 July) discussed possible cooperation between the two institutions. The High Commissioner and the World Bank President stressed the need for close contacts and mutual support in envisaging and implementing programmes for strengthening the rule of law. In addition, the High Commissioner had explored possibilities for obtaining from relevant UN agencies and financial institutions technical and financial assistance to support efforts to promote human rights and the rule of law.

The Secretary-General recommended the convening by the High Commissioner of a high-level meeting of UN agencies and programmes in-

involved in the promotion of human rights and of sustainable development, in order to analyse means, modalities, financing and allocation of responsibilities to implement a comprehensive UN programme of assistance for the rule of law; developing a structural framework to facilitate ongoing cooperation between UN agencies and programmes involved in the promotion of human rights and of sustainable development, aimed at strengthening the rule of law; and strengthening the technical cooperation programme of the Centre.

## GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/96**.

### Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Universal Declaration of Human Rights, and should continue to attract the attention of the international community,

Convinced that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, *inter alia*, providing through the Centre and other appropriate institutions advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recognizing that the High Commissioner/Centre for Human Rights remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law,

Recalling its resolution 50/179 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/56 of 19 April 1996,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but that face economic hardship;

6. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

7. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

8. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

9. Requests the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Centre with regard to the rule of law;

10. Takes note with appreciation of the proposal of the High Commissioner to convene a high-level meeting of relevant United Nations agencies and programmes, in order to analyse means, modalities, financing and allocation of responsibilities for the implementation of a comprehensive United Nations programme of assistance for the rule of law, taking into account the experience of the technical cooperation programme of the Centre;

11. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session on the results of the contacts established in accordance with the present resolution, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

General Assembly resolution 51/96

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); 63-nation draft (A/C.3/51/L.52); agenda item 110 (b). Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

## State of siege or emergency

**Commission action.** On 19 April [res. 1996/36], the Commission on Human Rights, endorsing a 1995 Subcommission resolution [YUN 1995, p. 749], recommended a draft text for adoption by the Economic and Social Council (see below).

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/21**.

#### Question of human rights and states of emergency

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/36 of 19 April 1996 and resolution 1995/33 of 24 August 1995 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

1. Approves the request of the Subcommission on Prevention of Discrimination and Protection of Minorities to the Special Rapporteur of the Commission on Human Rights on human rights and states of emergency, Mr. Leandro Despouy, to fulfil his mandate, notably relating to the updating of the lists of States that have proclaimed, extended or terminated a state of emergency, the submission of conclusions and recommendations concerning non-derogable rights in states or situations of emergency, and the continuation of his consultations on the establishment of a database on states of emergency and related human rights questions;

2. Requests the Secretary-General to provide the Special Rapporteur with the necessary human and material resources to fulfil his mandate.

Economic and Social Council resolution 1996/21

23 July 1996 Meeting 46 Adopted without vote

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d). Meeting numbers. ESC 44, 46.

**Report of Special Rapporteur.** In June, the Special Rapporteur on the question of human rights and states of emergency, Leandro Despouy (Argentina), submitted his ninth annual report [E/CN.4/Sub.2/1996/19 & Corr.1], containing information on 87 States or territories which, since 1 January 1985, had proclaimed, extended or terminated a state of emergency. In a December addendum [E/CN.4/Sub.2/1996/19/Add.1], the Special Rapporteur updated his report, adding three States or territories in which measures had been taken that constituted the proclamation, introduction, extension, maintenance or termination of emergency regimes in various forms.

**Subcommission action.** On 29 August [res. 1996/30], the Subcommission asked the Special Rapporteur to update the list of States that had proclaimed, extended or terminated a state of emergency for its consideration in 1997, and to submit final conclusions on the protection of human rights during states of emergency, together with specific recommendations as to how the question should be dealt with in future.

## Humanitarian standards

**Reports of Secretary-General.** The Commission on Human Rights had before it a report of the Secretary-General [E/CN.4/1996/80 & Add.1,2] summarizing comments on the Declaration of Minimum Humanitarian Standards, adopted by a group of experts (Turku, Finland, December 1990) [E/CN.4/Sub.2/1991/55], received from Governments, UN specialized agencies, and intergovernmental and non-governmental organizations.

**Commission action.** On 11 April [dec. 1996/106], the Commission on Human Rights, noting a 1995 Subcommission resolution [YUN 1995, p. 759] and a 1995 Commission decision [YUN 1995, p. 749], decided not to forward to the Economic and Social Council the Subcommission's draft decision authorizing a study on the implications for human rights of UN action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

On 19 April [res. 1996/26], the Commission invited all States to consider reviewing their national legislation pertaining to situations of public emergency with a view to ensuring that it met the requirements of the rule of law and that it did not discriminate on the grounds of race, colour, sex, language, religion or social origin. The Commission welcomed an offer made by Denmark, Finland, Iceland, Norway and Sweden to organize, in cooperation with the International Committee of the Red Cross, a workshop to which governmental and non-governmental experts from all regions would be invited to consider the issue. The Secretary-General was asked to transmit the Commission's resolution to Governments and intergovernmental and non-governmental organizations for their comments for submission in 1997.

## Detention

### Arbitrary detention

**Commission action.** On 19 April [res. 1996/28], the Commission on Human Rights asked the Working Group on Arbitrary Detention to: continue to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives; consider the distinction between detention and imprisonment and to submit conclusions and recommendations thereon (see below); apply the treaties relevant to the case under consideration only to the States that were parties to them; and report in 1997. The Commission expressed concern that most cases of arbitrary

deprivation of liberty were motivated by denial of the right to freedom of opinion and expression, and recalled the need to pay attention to cases of arbitrary detention motivated by violation of other human rights and fundamental freedoms. The Commission noted with concern that, according to the Working Group, the practice of arbitrary detention was facilitated and aggravated by factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without a formal declaration, non-observance of the principle of proportionality between the gravity of the measures taken and the situation concerned, too vague a definition of offences against State security and the existence of special or emergency jurisdictions. The Secretary-General and the Subcommission's Special Rapporteur responsible for studying the question of human rights and states of emergency were asked to extend their assistance to Governments that wished to receive it, as well as to special rapporteurs and working groups. The Secretary-General was further asked to provide the Working Group with all the assistance it needed.

**Working Group activities.** The Working Group on Arbitrary Detention held its fifteenth, sixteenth and seventeenth sessions in Geneva in 1996 (15-20 May, 16-20 September, 17-27 November) [E/CN.4/1997/4]. During the year, the five-member Working Group transmitted 30 communications concerning 205 new cases of alleged arbitrary detention to 24 Governments, of which 12 had provided information. The Group noted that of the 205 individual cases, 10 were based on information communicated by members of the families or relatives of the detained persons, 91 on information communicated by local or regional NGOs, and 104 on information provided by NGOs in consultative status with the Economic and Social Council. As to urgent appeals, the Group transmitted 75 such communications to 35 Governments and to the Palestinian Authority, to which 19 of the Governments and the Palestinian Authority replied. A description of the cases transmitted, the contents of the Governments' replies and decisions adopted in November and December 1995 and in May and September 1996 were contained in a separate addendum to the Group's report [E/CN.4/1997/4/Add.1].

Regarding the Commission's request to consider the distinction between detention and imprisonment, the Working Group examined the interpretation of the term detention in relation to the scope of the Group's mandate, analysed positions adopted by the Commission and addressed the implications of limiting the Group's mandate to pre-trial detention only. The Group concluded: that its 1991 mandate [YUN 1991, p. 557]

covered both administrative and judicial detentions and, among the latter, those prior to, during and after trial; that a 1988 General Assembly resolution [YUN 1988, p. 510] had sought to make a terminological distinction between detention and imprisonment only as an aid to construction, solely for the purposes of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment contained therein; and that the Commission had accepted that approach for the past five years. The Group recommended that the Commission renew the mandate assigned to it in 1991, so that it might continue to consider any alleged arbitrary deprivation of liberty, regardless of whether or not it followed a conviction.

In 1996, the Group carried out missions to Nepal (22-26 April) [E/CN.4/1997/4/Add.2], Bhutan (29 April-6 May) [E/CN.4/1997/4/Add.3] and China (14-21 July).

At both the constitutional and the legislative levels, the Group reported, Nepal had gradually established a system governed by the rule of law which was among the most advanced of the region. However, the implementation of the legislation was problematic and slow, because of the low standard of living of a large part of the population and because of the weight of previous practices and attitudes. The main difficulties identified by the Working Group were related to arrests and custody; the infrequency of free legal aid and assistance of an officially appointed lawyer; ill-treatment during investigation; conditions of application of the Public Offence Act; habeas corpus and states of emergency; military courts; forensic investigations; overcrowding in prisons for procedural reasons; standardization of the presentation and keeping of records in places of detention; and legislation concerning aliens. The Group recommended to Nepal measures to reduce overcrowding in prisons and to monitor the lawfulness of detention, ensure the right to a defence, prosecute those guilty of ill-treatment and torture, reform emergency legislation and promote human rights.

The Working Group's objective in Bhutan was to ensure the implementation of recommendations made during its 1994 visit [YUN 1994, p. 1021], which had been requested by the Bhutanese authorities in order to draw up an inventory of existing problems in the administration of justice and to make recommendations thereon. The Group concluded that its recommendations had generally been implemented and almost all the cases of detention considered during its 1994 visit to be irregular or arbitrary had been rectified. Recommendations to Bhutan following the 1996 visit were to adopt as early as possible a draft

law reforming the Code of Criminal Procedure; implement the technical cooperation programme in the field of the administration of justice that was agreed upon by Bhutan and the Centre for Human Rights, giving high priority to training judges and Jabmis (substitute lawyers), whose function was insufficiently known to the public; and appoint Jabmis to assist persons who lacked financial means.

The Group's 1996 visit to China was preparatory to its projected 1997 visit. The formal confirmation of the 1997 visit was still pending. In China, the Group held talks with the Ministry of Foreign Affairs and professional groups, including the National Association of Lawyers and the China Society for Human Rights Studies. It visited prisons and centres for re-education through labour. The Group concluded that it was very important that China undertake the modernization of its legislative system.

#### Juvenile detention

**Report of Secretary-General.** In January, the Secretary-General reported [E/CN.4/1996/31 & Add.1] on the promotion and protection of all rights of the child and juveniles in the administration of justice, providing replies received from Governments, UN human rights treaty bodies, specialized agencies and intergovernmental and non-governmental organizations.

**Commission action.** On 19 April [res. 1996/32], the Commission on Human Rights called on States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice. It urged them to take into account in their national legislation, and to disseminate widely, the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) [GA res. 40/33], the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) [GA res. 45/112], and the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty [GA res. 45/113]. States were also urged to take steps to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that if they were arrested, detained or imprisoned, children and juveniles were separated from adults. The Commission recommended that States ensure that all structures, procedures and programmes in the administration of justice with regard to child offenders promoted assistance to allow children to take responsibility for their actions and to en-

courage reparation, mediation and restitution, especially for the direct victim of the crime.

The High Commissioner for Human Rights was asked to continue to pay special attention to the subject of juvenile justice and, in close cooperation with the Committee on the Rights of the Child (CRC), the United Nations Children's Fund (UNICEF) and the Crime Prevention and Criminal Justice Division of the UN Secretariat, develop strategies to ensure effective coordination of juvenile justice technical-cooperation programmes. The Secretary-General was asked to report in 1997.

On 23 July, the Economic and Social Council, by **resolution 1996/13**, asked the High Commissioner for Human Rights to continue to pay attention to the subject of juvenile justice and, in close cooperation with the Crime Prevention and Criminal Justice Division of the Secretariat, UNICEF and CRC, develop strategies to ensure effective coordination of juvenile justice technical-assistance programmes.

The Secretary-General was asked to organize, in cooperation with the Government of Austria, a meeting of an expert group on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice (see PART THREE, Chapter IX).

#### **Detained UN staff members**

**Report of Secretary-General.** In February, the Secretary-General submitted a report [E/CN.4/1996/32] updating developments pertaining to the detention of international civil servants and their families. He stated that, over the past two years, there had been a decrease in the number of staff members arrested or detained; however, that trend had been reversed by the situation in Rwanda (see PART ONE, Chapter II). Annexed to the report were a consolidated list of staff members under arrest and detention or missing and a list of the status of signatures and ratifications of the 1994 Convention on the Safety of United Nations and Associated Personnel [GA res. 49/59] (see PART FOUR, Chapter III).

**Commission action.** On 19 April [res. 1996/29], the Commission on Human Rights asked the Secretary-General to request the UN organs concerned to submit to him their views and comments on the recommendations contained in a 1992 report [YUN 1992, p. 739] of the Special Rapporteur on the protection of the human rights of UN staff members, and to submit a report evaluating the measures proposed for the implementation of those recommendations. It also asked him to: continue his efforts to ensure that the human rights, privileges and immunities of UN staff

members, experts and their families were fully respected and to seek redress and compensation for the damage caused to them; prepare a document containing the relevant principles of protection found in the 1994 Convention on the Safety of United Nations and Associated Personnel for use as guidelines in bilateral negotiations of headquarters agreements and mission agreements with concerned Governments; and report in 1997 on the status of the Convention, on the situation of UN staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases that had been successfully settled since the presentation of his last report, and on the implementation of its current resolution.

The Commission appealed to Member States to respect and ensure respect for the rights of staff members and others acting under United Nations authority, and their families. Regarding detained staff, it urged States to provide adequate and prompt information concerning their arrest or detention; grant immediate access to detainees by representatives of international organizations; allow independent medical teams to investigate the health of detained staff members, experts and their families and afford them medical assistance; allow representatives of international organizations to attend hearings; and ensure the speedy release of detained UN staff members, experts and members of their families.

#### **Impunity**

As requested by the Subcommission in 1995 [YUN 1995, p. 745], the Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (civil and political), Louis Joinet (France), submitted his final report in June [E/CN.4/Sub.2/1996/18]. He presented a set of principles intended to strengthen action to combat impunity, which rested on three fundamental rights of victims: the right to know, the right to justice and the right to reparation. Those rights comprised three of the five parts of the set of principles, and were the main substance of the text. The other two parts included a preamble and definitions essential for the interpretation of the principles. The Special Rapporteur proposed that the Subcommission transmit the report to the Commission, with comments for submission to the Economic and Social Council and to the General Assembly. Annexed to the report was a synoptic table of the set of principles for the protection and promotion of human rights through action to combat impunity, as well as the set of principles itself.

On 29 August [dec. 1996/119], the Subcommission asked the Special Rapporteur to submit in

1997 a revised version of the set of principles for the protection and promotion of human rights through action to combat impunity.

In July, the Special Rapporteur on the question of the impunity of perpetrators of human rights violations (economic, social and cultural), El Hadji Guissé, submitted his second interim report [E/CN.4/Sub.2/1996/15]. The report focused on recent violations of economic, social and cultural rights and their consequences, and the mechanism of and events leading to such violations. It also dealt with the campaign against impunity for violations of those rights, encompassing both preventive action, which included political, economic, legislative and administrative measures, and repressive and/or remedial action that aimed at penalizing violations that had already been committed.

The Special Rapporteur suggested cancelling all or part of the debt and debt servicing of the States that were colonized or subjected to slavery as compensation for the injury suffered; declaring violations of economic, social and cultural rights to be international crimes; drawing up an optional protocol on economic, social and cultural rights requiring States to report on measures adopted or planned for a genuine implementation and improved protection of those rights; proposing more sophisticated standards to States to combat impunity in cases of corruption, misappropriation of public or private funds, abuse of trust by public officials, and tax and customs fraud, and giving greater consideration to the harm suffered by victims; and establishing and improving machinery for monitoring the management of public affairs. He also suggested the holding of a high-level international meeting on the impunity of perpetrators of violations of economic, social and cultural rights.

On 29 August [res. 1996/24], the Subcommission asked the Special Rapporteur to submit his final report in 1997. The Secretary-General was asked to provide any assistance required by the Special Rapporteur.

### **Independence of the judicial system**

**Report of Special Rapporteur.** In March, the Special Rapporteur on the independence of judges and lawyers, Dato'Param Cumaraswamy (Malaysia), submitted his second report [E/CN.4/1996/37], in which he discussed his mandate, methods of work and 1995 activities.

The Special Rapporteur reviewed various issues which he considered important for the development of an independent judiciary. He concluded that the use of "faceless" judges to combat terrorism in Colombia and Peru violated the

principle of the independence of the judiciary, restricted the defendant's right of due process, and violated the right to a fair trial in a systematic way; welcomed the proposal to establish an International Criminal Court, and the 1995 adoption by a group of experts in international law of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information; and expressed concern about the relationship between the media and the judiciary. He observed that the 1995 adoption of the Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA (Law Association of Asia and the Pacific) Region would be an invaluable supplement to existing standards. Other subjects dealt with in the report were mechanisms for the appointment of judges; conflicts between the legal profession and the judiciary; the commercialization of the legal profession; and the 1995 Cairo Declaration adopted at the Third Conference of Francophone Ministers of Justice. The Special Rapporteur provided an analysis of information received concerning attacks on the judiciary, a summary of allegations transmitted to Governments, information received from Governments in response to his initial communications and in response to the allegations transmitted, as well as follow-up with authorities and sources, and specific comments, conclusions and observations. He summarized his communications with international organizations, including the World Bank, and with the Council of Europe.

The Special Rapporteur concluded that the independence of judges and lawyers remained a serious concern. Nonetheless, he observed that currently there was greater awareness of the importance of judicial independence for maintaining the rule of law and protecting human rights. Judicial independence was threatened not only by the executive arms of Governments and legislatures, but by organized crime, powerful businessmen, corporate giants and multinational corporations. The Special Rapporteur stated that he intended to observe certain specific trials of particular interest to his mandate, either personally or through a representative appointed by him. He called on Governments to respond to his interventions promptly, and, in cases where missions were sought, he called on them to respond without delay. In the absence of a monitoring mechanism, the Special Rapporteur sought the cooperation of NGOs and other organizations to provide him with timely information on any attacks on the independence of judges and lawyers in their respective countries or neighbouring countries.

**Commission action.** On 19 April [res. 1996/34], the Commission on Human Rights invited the

High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to assist the Special Rapporteur in developing a manual on the training of judges and lawyers in human rights. It asked the Special Rapporteur to report in 1997 and the Secretary-General to assist him.

### Right to a fair trial

On 29 August [res. 1996/29], the Subcommission, recalling a 1994 resolution [YUN 1994, p. 1029] in which it expressed its appreciation to Special Rapporteurs Stanislav Chernichenko (Russian Federation) and William Treat (United States) for their final report on the right to a fair trial and a remedy, and approved their proposal to compile the entire study so that it could be published in one volume in the UN Human Rights Study Series, asked Mr. Chernichenko and David Weissbrodt (United States), having recognized the completion of Mr. Treat's term as a Subcommission member, to compile and update the study so that it could be published in that series in all official UN languages.

### Capital punishment

In 1995 [YUN 1995, p. 747], the Secretary-General submitted his fifth quinquennial report on capital punishment, containing information on the implementation of safeguards guaranteeing protection of the rights of those facing the death penalty. A 1996 report [E/CN.15/1996/19] covered 12 additional replies from Governments. On 23 July, in **resolution 1996/15**, the Economic and Social Council took note of the Secretary-General's report (see PART THREE, Chapter IX).

## Other issues

### Terrorism

**Report of Secretary-General.** By a February note [E/CN.4/1996/43], the Secretary-General presented views concerning terrorism submitted by Governments and regional and intergovernmental organizations. As requested by the General Assembly in 1994 [YUN 1994, p. 1112], the views of Governments on the establishment of a UN voluntary fund for victims of terrorism were also presented.

**Commission action.** On 19 April [res. 1996/47], the Commission on Human Rights condemned all acts, methods and practices of terrorism in all its forms and manifestations, as well as incitement to ethnic hatred, violence and terrorism. Noting that a 1994 Subcommission decision [YUN 1994, p. 1112] concerning the preparation of a work-

ing paper on human rights and terrorism had not yet been implemented, it called on the Subcommission to report on the matter in 1997. The Secretary-General was asked to continue to collect information on terrorism and to make it available for consideration by special rapporteurs and working groups concerned and to the Commission.

**Subcommission action.** On 29 August [res. 1996/20], the Subcommission condemned all acts, methods and practices of terrorism, regardless of their motivation, in all forms and manifestations, wherever and by whomever committed. It called on Governments to take measures to prevent, combat and eliminate terrorism, and urged the international community to enhance cooperation at the national, regional and international levels. The Subcommission decided to entrust Kallopi K. Koufa (Greece) with the task of preparing a working paper on terrorism and human rights, for submission in 1997.

### Hostage-taking

On 23 April [res. 1996/62], the Commission on Human Rights, emphasizing that the taking of hostages constituted a serious obstacle to the full enjoyment of all human rights and was, under any circumstances, unjustifiable, demanded that all hostages be released immediately and without any preconditions. It called on States to take all measures necessary to prevent, combat and punish acts of hostage-taking, and asked relevant NGOs to bear in mind, where appropriate, the problem of hostage-taking in their deliberations. All thematic special rapporteurs and working groups were urged to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission.

### Extra-legal executions

**Report of Special Rapporteur.** The Commission on Human Rights had before it in 1996 a report [E/CN.4/1996/4] submitted by its Special Rapporteur on summary or arbitrary executions, Bacre Waly Ndiaye (Senegal), updating his activities since the submission of his 1995 report [YUN 1995, p. 750]. He discussed his mandate and activities undertaken to promote it, and described situations where urgent appeals and other communications alleging violations of the right to life had been transmitted to Governments, together with replies or observations received from them. Issues of special concern to the Special Rapporteur related to violations of the right to life of women; violations of the right to life of persons under 18 years of age; massive displacement of populations; violations of the right to life against

persons exercising their right to freedom of opinion and expression; the protection of human rights in the administration of justice; violations of the right to life of persons belonging to national or ethnic, religious and linguistic minorities; violations of the right to life of staff members of the United Nations and specialized agencies; violation of the right to life and terrorism; violations of the right to life committed by civil defence forces; deaths caused by land-mines; cooperation with the High Commissioner for Human Rights; and safeguards and guarantees to protect the right to life.

The Special Rapporteur's conclusions and recommendations dealt with capital punishment and the desirability of the abolition of the death penalty; impunity, including legislation exempting perpetrators of human rights abuses from prosecution and failure to pursue or conclude investigations; the rights of victims; and allegations received and acted upon by the Special Rapporteur, including death threats, deaths in custody, deaths due to abuse of power by law enforcement officials, violations of the right to life by paramilitary groups, violations of the right to life in armed conflict and expulsion of persons to countries where their lives might be at risk.

**Commission action.** On 23 April [res. 1996/74], the Commission on Human Rights, strongly condemning all extrajudicial, summary or arbitrary executions, demanded that Governments ensure that those practices were ended and that they should take action to combat and eliminate them. It asked the Special Rapporteur to continue examining situations of extrajudicial, summary or arbitrary detention and to report annually; respond to information he received; enhance his dialogue with Governments and follow up on his recommendations after country visits; continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning the right to life; pay special attention to executions where the victims were carrying out peaceful activities in defence of human rights and fundamental freedoms; continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment; and apply a gender perspective in his work.

The Secretary-General was asked to inform the Commission on the implementation of a 1995 Economic and Social Council decision [YUN 1995, p. 750]; to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the 1966 International Covenant on Civil and

Political Rights [YUN 1966, p. 423] appeared not to be respected; and to continue to ensure that personnel specialized in human rights and humanitarian law issues formed part of UN missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions. The Commission asked the Special Rapporteur to submit an interim report to the General Assembly in 1996. The Commission's request to the Special Rapporteur was approved by the Council by **decision 1996/279** of 24 July.

**Report of Special Rapporteur.** By an October note [A/51/457], the Secretary-General transmitted an interim report of the Special Rapporteur covering the period from 20 July 1992 to 1 September 1996, the time during which the current Special Rapporteur had been in office. The Special Rapporteur offered an interpretation of his mandate and the legal framework within which it had been implemented and covered his methods of work and activities. He discussed various situations involving violations of the right to life and presented an account of issues requiring his special attention.

The Special Rapporteur's recommendations related to the death penalty, death threats, death in custody, excessive use of force by law enforcement officials, violations of the right to life during armed conflict, genocide, imminent expulsion of persons to countries where their lives were in danger, impunity and the rights of victims.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/92**.

#### Extrajudicial, summary or arbitrary executions

The General Assembly,

Considering that the subject of extrajudicial, summary or arbitrary executions has been discussed in the United Nations for many years within the framework of discussions on human rights based on the general recognition of the right to life of every person as guaranteed by the Universal Declaration of Human Rights, the provisions of the International Covenant on Civil and Political Rights and a large number of other international human rights instruments, that extrajudicial, summary or arbitrary executions can be fought effectively only through a genuine will on the part of Governments to enforce the safeguards and guarantees for the protection of the right to life of every person, that declarations of commitment to the protection of the right to life by Governments are only effective if they are translated into practice and respected by all and that, if the aim is protection of the right to life, the emphasis must be on prevention of all forms of violations of this fundamental right,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;



2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. Reiterates also that the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions needs to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of all concerned, including Member States, in the elaboration of his report;

5. Reaffirms Economic and Social Council decision 1995/284 of 25 July 1995, in which the Council approved the decision of the Commission on Human Rights in its resolution 1995/73 of 8 March 1995 to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for a three-year period, and recommends that the Commission at its fifty-fourth session continue his mandate;

6. Takes note of the interim report of the Special Rapporteur;

7. Notes the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions;

8. Notes that the Commission on Human Rights, in its resolution 1996/74, requested the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit his findings, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about such serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information that comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened, or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in the defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Hu-

man Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in his work;

9. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

10. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of the United Nations peacekeeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

11. Urges the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

12. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

13. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under the relevant provisions of international human rights instruments, taking into account the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

14. Requests the Secretary-General to inform the Commission on Human Rights of the implementation of Economic and Social Council decision 1995/284, keeping in mind the comments on this matter by the Special Rapporteur in his report, in order to enable him to carry out his mandate effectively, including through country visits;

15. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

16. Requests the Special Rapporteur to submit to the General Assembly at its fifty-third session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon.

General Assembly resolution 51/92

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); 50-nation draft (A/C.3/51/L.46), orally revised; agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

### Freedom of movement

On 6 August [dec. 1996/102], the Subcommission decided to add to its agenda a new sub-item entitled "The right to leave any country, including one's own, and to return to one's own country".

On 22 August [dec. 1996/109], the Subcommission decided to entrust Volodymyr Boutkevitch (Ukraine) with preparing a working paper on the right to freedom of movement and related issues for submission in 1997.

### Mass exoduses

**Report of Secretary-General.** In a February report [E/CN.4/1996/42], the Secretary-General provided information and views on solutions that Governments, specialized agencies and intergovernmental and non-governmental organizations had found to be effective in the area of mass exoduses. He also presented a compilation of information and recommendations from human rights mechanisms on problems resulting in mass exoduses of populations or impeding their voluntary return home, and his views on those matters.

The Secretary-General noted that the problem of mass exoduses, both internal and external, had grown over the last few years to alarming dimensions. In the overwhelming majority of cases, they were caused by human rights violations and abuses, including in the context of armed conflict. They were also frequently prompted by deliberate measures to remove a population from its area of origin. The grave human rights violations and humanitarian issues called for substantially increased levels of international cooperation and solidarity that implied action at the level of Governments, the Commission on Human Rights, human rights bodies and mechanisms, UN specialized agencies and the non-governmental community. Human rights elements must be further integrated into the work of relief agencies, as well as in peacekeeping operations, the Secretary-General said. He emphasized the importance of specific information and recommendations in the areas of prevention, protection and solutions in cases of mass exoduses. He stressed the need for an early warning focus and for particular attention to be paid to vulnerable groups, including women, children and the elderly. It was most fundamental, he said, to call on all States to promote human rights and fundamental freedoms and to refrain from denying them to individuals in their population because of nationality, ethnicity, race, religion or language.

**Commission action.** On 19 April [res. 1996/51], the Commission on Human Rights, strongly de-

ploring ethnic and other forms of intolerance as one of the major causes of migratory movements, urged States to ensure respect for human rights. It invited special rapporteurs, special representatives and working groups of the Commission and UN human rights treaty bodies, acting within their mandates, to seek information on problems resulting in mass exoduses of populations or impeding their voluntary return home, and to include such information, together with recommendations thereon, in their reports, and to bring that information to the attention of the High Commissioner for Human Rights. All UN bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations were asked to cooperate with all Commission mechanisms and to provide them with information on human rights situations creating or affecting refugees and displaced persons. The Commission asked the High Commissioner to pay attention to situations which caused or threatened to cause mass exoduses and to address them effectively through emergency preparedness and response mechanisms. The High Commissioner was also asked to invite Governments, specialized agencies and intergovernmental and non-governmental organizations to provide information and to prepare for the Commission's 1997 session an update of the Secretary-General's report (see above). Welcoming the contributions of the UN High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, the Commission invited her to address the Commission in 1997 (see also PART THREE, Chapter XII).

### Internally displaced persons

**Commission action.** On 19 April [res. 1996/52], the Commission on Human Rights, emphasizing the need for better implementation of existing international law applicable to internally displaced persons, asked the Secretary-General to publish the compilation and analysis of legal norms (see below) [E/CN.4/1996/52/Add.2] prepared by his representative and to disseminate it widely. It called on the representative to continue, on the basis of his compilation and analysis, to develop an appropriate framework for the protection of internally displaced persons and to report thereon in 1997. Governments were called on to continue to facilitate the activities of the Secretary-General's representative and encouraged to consider inviting him to visit their countries to study and analyse the issues involved.

The Commission encouraged the Secretary-General's representative and the High Commissioner for Human Rights, as well as the High

Commissioner for Refugees, the United Nations Development Programme (UNDP), the UN Department of Humanitarian Affairs (DHA), the International Committee of the Red Cross (ICRC) and all other relevant humanitarian assistance and development organizations to strengthen their cooperation further. It called on those organizations and agencies to develop, in cooperation with the Secretary-General's representative, a more comprehensive and coherent system of data collection on the situation of and protection of internally displaced persons. The Commission urged those organizations to establish, in particular through the Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons, frameworks of cooperation with the Secretary-General's representative. The Secretary-General's representative and regional intergovernmental organizations were called on to intensify their cooperation with a view to enhancing their support for the representative and strengthening their initiatives to facilitate assistance to and protection of internally displaced persons. The Commission called on the High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the Secretary-General's representative, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation. The Secretary-General was asked to assist his representative, and the representative was encouraged to continue to seek the contribution of local, national and regional institutions.

**Reports of Secretary-General's representative.** In a February report [E/CN.4/1996/52], the Secretary-General's representative, Francis M. Deng (Sudan), discussed situations of internal displacement, the extent to which internally displaced persons were covered by international human rights and humanitarian law, and the question of institutional arrangements for providing protection and assistance to the internally displaced. As to his activities, the representative stated that country visits and dialogue with Governments were the cornerstone of his mandate. During his missions he had noted that children and women accounted for most inhabitants of displaced or returnee communities. The strategy required that the internally displaced focus on measures aimed at prevention, protection and assistance, and a secure process of return or permanent settlement in another area, rehabilitation, reintegration and sustainable development.

The representative concluded that the development of a legal framework that would provide

an explicit, adequate and firm basis for protection of and provision of assistance to the internally displaced was imperative, although views still differed as to the form such an instrument might take. No institution existed with an exclusive or full mandate for the internally displaced. Country visits helped raise the level of awareness of the problem inside a country and provided opportunities for a constructive exchange of views. They also offered an opportunity for fact-finding on the particular problems of the situation as well as the generic problems of internal displacement worldwide.

By an October note [A/51/483], the Secretary-General transmitted his representative's report on recent developments covering his main areas of work, namely, the development of an appropriate framework for meeting the needs of the internally displaced; promoting effective institutional arrangements for protecting and assisting them; and undertaking visits to countries with serious internal displacement problems.

In addenda to his report [A/51/483/Add.1,2], the representative described his mission to Tajikistan (1-12 June), where the main cause of displacement had been the civil war in 1992 [YUN 1992, p. 394]. The representative presented an overview of the crisis that had generated internal displacement in the country and discussed patterns of displacement, the return of the displaced, and the response of the international community. He addressed the reintegration of returned internally displaced persons and described steps the international community had taken to promote sustainable development and the protection of human rights. He also described initiatives taken by the international community to further the peace process through peacekeeping, political negotiations and other reconciliatory activities.

In his conclusions, the representative stated that the conflict remained unresolved, having flared up very seriously during the summer (see PART ONE, Chapter IV). The ongoing conflict rendered long-term planning difficult and inhibited foreign investment, since the current economic crisis exacerbated political and economic instability. He proposed strengthening Tajikistan's economy, strengthening the rule of law and promoting and protecting human rights, as well as developing an effective judicial system and strengthening compliance with international human rights standards. Expanded monitoring was needed to address abuses along the border with Afghanistan and in the areas of renewed fighting to which international agencies had had limited access. The Government would also benefit from cooperating with UN organizations, which could provide human rights mon-

itoring, advisory services and institution-building.

In a later report [E/CN.4/1997/43/Add.1], the Secretary-General's representative discussed his visit to Mozambique (21 November-3 December), where one of Africa's largest displacements of population caused by armed conflict, compounded by drought, had taken place between 1977 and 1992. Some one third of the population had been forced to move either inside the country or into one of six neighbouring States. Given the fact that the country had experienced displacement in all its aspects, and that the return process had been described as an overall success, the representative considered that a visit could provide useful insights into the problems of displacement and ways to address them constructively. He presented an overview of the context in which internal displacement occurred, as well as initiatives taken by the international community to further the peace process through political negotiations, peacekeeping and other activities to support social stability. The representative discussed patterns of displacement and the steps taken to protect and assist the displaced, and described the conditions under which return took place, efforts made to ensure a durable reintegration of the internally displaced, and current challenges. In conclusion, the representative noted that the Government had demonstrated a responsive attitude towards its citizens and actively sought the support of the international community in providing assistance and protection to the war-affected population and in its search for a peaceful solution to the conflict. He emphasized that the first condition of a durable solution to displacement was agreement between the parties on a framework for a peaceful resolution to the conflict and their continued commitment to support the peace process.

#### Population transfer

**Commission action.** On 19 April [dec. 1996/108], the Commission on Human Rights, taking note of a 1995 decision [YUN 1995, p. 755] and a 1994 resolution [YUN 1994, p. 1028] of the Subcommittee, decided to endorse a request that the Special Rapporteur submit his final report in 1996 and that the Secretary-General provide him with all assistance needed to complete his work. The Economic and Social Council approved the Commission's decision on 24 July by **decision 1996/292**.

**Note by Secretary-General.** In a 9 August note [E/CN.4/Sub.2/1996/29], the Secretary-General stated that he had not been in a position to put into effect a 1993 Subcommittee request [YUN 1993, p. 887] to organize a seminar, prior to the

preparation of the Special Rapporteur's final report, in order to formulate appropriate final conclusions and recommendations. Because the seminar had not taken place, the Special Rapporteur was not in a position to submit his final report, but would do so in 1997 provided the necessary conditions existed.

**Subcommission action.** On 23 August [res. 1996/9], the Subcommission reiterated its request to the Secretary-General that he convene the expert seminar on population transfer, in cooperation with relevant intergovernmental and non-governmental organizations, in time for its conclusions to be of use for the Special Rapporteur's final report, and strongly requested the Special Rapporteur to submit his final report in any case in 1997.

#### Disappearance of persons

##### Working Group on Enforced or Involuntary Disappearances

On 19 April [res. 1996/30], the Commission on Human Rights deplored the fact that some Governments had never provided substantive replies concerning cases of enforced disappearances in their countries or acted on the recommendations concerning them made by the Working Group on Enforced or Involuntary Disappearances, established in 1980 [YUN 1980, p. 843]. Governments were urged to cooperate with and assist the Group.

The Commission asked the Group to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons, and to cooperate with the Governments concerned to search for and identify those children. It asked the Group to continue to consider the question of impunity; to identify obstacles to the realization of the 1992 Declaration on the Protection of All Persons from Enforced Disappearance [GA res. 47/133]; and to report in 1997. The Secretary-General was asked to keep the Group and the Commission informed of steps taken widely to disseminate and promote the Declaration, and to compile observations from Governments on possible measures they had carried out to take the Declaration into account.

**Working Group activities.** In 1996, the Working Group on Enforced or Involuntary Disappearances held three sessions: its forty-eighth in New York (3-7 June) and its forty-ninth and fiftieth in Geneva (19-23 August, 13-22 November) [E/CN.4/1997/34]. In addition to its original mandate, which was to act as a channel of communication between families of disappeared persons and Governments concerned, with a view to en-

sureing that sufficiently documented and clearly identified individual cases were investigated and the whereabouts of the disappeared persons clarified, the Working Group monitored States' compliance with the 1992 Declaration.

The total number of cases under active consideration stood at 43,980 in 1996. Although many of those cases occurred more than 10 years earlier, there had been no major progress in their clarification. The number of countries with outstanding cases of alleged disappearance was 63. During the period under review—up to 22 November, the last day of the Group's third annual session—the Group had received some 551 new cases of disappearance in 28 countries. The Group sent urgent action appeals to Governments regarding 97 cases.

With a view to making the 1992 Declaration better known and in order to draw Governments' attention to their responsibilities, the Group continued to adopt general comments on specific provisions. The Group adopted general comments on article 10, considered a most practical and valuable tool for ensuring compliance by States with their general commitment not to practise, permit or tolerate enforced disappearances, and to take effective legislative, administrative and judicial measures to prevent and terminate such acts.

In its conclusions and recommendations, the Group reminded Governments that authentic co-operation was based on effective action to clarify outstanding cases and prevent new ones. In that respect, results were very poor, and progress in implementing the 1992 Declaration seemed to be extremely slow. The Group stated that it was essential to its activities to continue receiving co-operation from NGOs, but noted with concern that in some cases they had failed to maintain contact with their source, and, in others, had relegated cases to their archives, thus seriously affecting efforts by the Group to follow up on individual cases.

**Report of Secretary-General.** In an October report [A/51/561], the Secretary-General described action he had taken to disseminate and promote the 1992 Declaration.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/94**.

#### Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its resolutions 46/125 of 17 December 1991, 47/132 of 18 December 1992 and 49/193 of 23 December 1994 on the question of enforced or involuntary disappearances,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Expressing concern that, according to the Working Group on Enforced or Involuntary Disappearances, the practice of a number of States can run counter to the Declaration,

Deeply concerned, in particular, by the intensification of enforced disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General,

Bearing in mind Commission on Human Rights resolution 1996/30 of 19 April 1996,

1. Reaffirms that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. Reiterates its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance;

3. Calls upon Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular as regards the prevention of enforced disappearances;

4. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

6. Encourages States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

7. Requests all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in the national and local languages;

8. Notes the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dis-

semination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;

9. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;

10. Requests the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods, if necessary;

11. Recalls that the primary role of the Working Group, as described in its reports, is to act as a channel of communication between the families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated, and to ascertain whether such information falls under its mandate and contains the required elements, and invites the Group to continue to seek the views and comments of all concerned, including Member States, in preparing its report;

12. Invites the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

13. Further encourages the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for the relevant provisions of the Declaration;

14. Requests the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

15. Appeals to the Governments concerned, in particular those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

16. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Group to fulfil its mandate even more effectively;

17. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Group to visit their countries, asks them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

18. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-third session;

19. Renews its requests to the Secretary-General to continue to provide the Working Group with all the fa-

cilities it requires to perform its functions, especially for carrying out missions and following them up;

20. Requests the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

21. Also requests the Secretary-General to submit to it at its fifty-third session a report on the steps taken to implement the present resolution;

22. Decides to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

General Assembly resolution 51/94

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); 56-nation draft (A/C.3/51/L.48/Rev.1); agenda item 110(b).

Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

### Missing persons in the former Yugoslavia

**Commission action.** On 23 April [res. 1996/71], the Commission on Human Rights commended the expert member of the Working Group on Enforced or Involuntary Disappearances for his report [E/CN.4/1996/36] describing the situation in 1995 concerning the special process on missing persons in the territory of the former Yugoslavia. It asked for the coordination of efforts by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 [YUN 1993, p. 440] (see PART FOUR, Chapter II), the High Representative appointed in 1995 [YUN 1995, p. 511], the Special Rapporteur on the situation of human rights in the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and ICRC, particularly through the Expert Group on Exhumations and Missing Persons established under the authority of the High Representative (see PART ONE, Chapter V). They were also asked to prepare a plan for dealing with the issue in the Republic of Bosnia and Herzegovina, as well as in the Republic of Croatia. The Commission underlined the need for the establishment of an ante-mortem database to assist with the identification of the dead before large-scale exhumations could be considered, and demanded that all parties refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of human rights and international humanitarian law and that they preserve such evidence. It also demanded that all parties cooperate fully with the expert for the special process, the Expert Group and the ICRC Working Group on Missing Persons by providing information to aid in determining the fate of missing persons, in

conformity with their obligations under the 1995 Peace Agreement [YUN 1995, p. 544].

The Commission asked the expert for the special process to assume responsibility for securing support for the activities of the Expert Group and asked the international community to make available the necessary means to that end; it also recommended that the High Commissioner for Human Rights provide means to assist the expert to secure the necessary financial assistance. The Secretary-General was also asked to continue to provide necessary resources. The Commission decided to extend the expert's mandate for one year, a decision endorsed by the Economic and Social Council on 23 July by **decision** 1996/276, and asked him to continue to report on the subject.

**Report of expert.** In a report to the Commission [E/CN.4/1997/55], the expert stated that he had spent between one and two weeks in the region each month, primarily in Sarajevo. He had met regularly with representatives of Governments, NGOs and the international community, as well as family members of missing persons. During 1996, a total of 3,058 cases had been received through NGOs and field offices, which were considered, processed and transmitted to the authorities allegedly held responsible.

In Bosnia and Herzegovina, some 20,000 persons were still missing, the majority of whom were Bosnian men of Muslim origin. In Croatia, some 5,000 persons were missing. The expert deeply regretted the uncooperative attitude of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) towards the problem of many thousands of missing persons in the territory of the former Yugoslavia for whom it bore the main responsibility under international law.

The ante-mortem database (AMDB), a joint project coordinated by the Expert Group on Exhumations and Missing Persons and carried out under the UN High Commissioner for Human Rights, started in July. During its initial phase, the project focused on collecting data on some 6,500 Bosnian Muslims missing from the region of Srebrenica. Since the majority of their families lived in and around Tuzla, it was decided to establish the AMDB headquarters there. Following a request from the authorities of the Republika Srpska, it was also decided to establish an office in Banja Luka to collect data on missing persons of Serb origin. Physicians for Human Rights, an NGO, was responsible for the establishment and maintenance of AMDB, and another NGO, the Association for the Promotion of the Ludwig Boltzmann Institute, was responsible for collecting relevant data by conducting interviews with family members of missing persons.

The expert welcomed the United States initiative to establish the International Commission on Missing Persons in the Former Yugoslavia since it comprised, for the first time, high-level representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia and all Bosnian parties, in addition to a number of well-known personalities. It was his conviction that only a high-level multilateral commission comprising all relevant parties and enjoying the support of the international community would be in a position to exert sufficient pressure on all authorities concerned to disclose relevant information and to proceed with the excavation of mass graves.

### Forensic science

**Report of Secretary-General.** In March, the Secretary-General submitted a report [E/CN.4/1996/41] containing comments received from Governments and NGOs on measures taken to introduce into their rules and practices the international standards set forth in the 1989 Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions [YUN 1989, p. 627], as well as the model autopsy protocol set out in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions [Sales No. E.91.IV.1]. The Secretary-General discussed guidelines for investigations for which there were no or few procedures already in place, which were contained in a booklet prepared by the Legal Counsel of the United Nations entitled Guidelines for the conduct of United Nations inquiries into allegations of massacres [DPI/1710]. Annexed to the report were names of forensic experts and experts in related fields recommended by Governments and NGOs, as well as the standard cooperation service agreement to be used in the event that a Member State or NGO provided the services of a forensic scientist and the standard special service agreement to be used in the event that the services of a forensic expert were engaged directly by the United Nations.

**Commission action.** On 19 April [res. 1996/31], the Commission on Human Rights asked the Secretary-General to consult with Governments, relevant UN bodies, professional organizations of forensic experts, the organizations mentioned in his 1993 [YUN 1993, p. 884], 1994 [YUN 1994, p. 1024] and 1996 reports, as well as other interested institutions, with a view to: identifying experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes; submitting biographical data on experts; and seeking their further advice as to development of principles, guidance, proce-

dures, mechanisms, practical experience and training, in addition to the Manual.

The Commission asked the Secretary-General to continue efforts to establish a list of forensic experts and experts in related fields who could be asked to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice regarding the monitoring of human rights violations and training of local teams or assistance in the reunification of families of persons who had disappeared. The Commission's request was approved by the Economic and Social Council by **decision 1996/262** of 23 July. The Commission also asked the Secretary-General to update annually the list of forensic experts and to make it available to working groups, special rapporteurs and experts of UN human rights mechanisms; to ensure that the forensic experts abided by the 1989 Principles [YUN 1989, p. 627]; to provide resources to fund the Centre in implementing the Commission's resolution (a request approved by the Council by **decision 1996/262**); and to report in 1998 on progress made. It invited the Centre and the Crime Prevention and Criminal Justice Division of the Secretariat to consider the possibility of revising the Manual.

### Torture and cruel treatment

**Reports of Special Rapporteur.** In January, Special Rapporteur Nigel S. Rodley (United Kingdom) submitted his annual report [E/CN.4/1996/35] to the Commission on Human Rights concerning torture and other cruel, inhuman or degrading treatment or punishment. He made urgent appeals on behalf of persons who were allegedly being tortured or whom it was feared might be. The Special Rapporteur transmitted 113 urgent appeals to 43 Governments concerning some 410 individuals, of which at least 31 were known to be women, as well as several groups of persons, with regard to whom fears of torture had been expressed. He also sent 55 letters to 48 Governments containing some 750 cases or incidents of alleged torture, about 120 of which concerned women. If the information received from the sources contained a critical analysis of a more general nature regarding the phenomenon of torture, that information was also brought to the attention of the Governments concerned. Some 41 countries provided the Special Rapporteur with replies on approximately 330 cases for 1995, whereas 26 did so regarding some 330 cases submitted in previous years. The Special Rapporteur provided brief summaries of general allegations, statistics of numbers of individual cases transmitted and responses received,

as well as his observations where applicable. More complete summaries were contained in an addendum to his report [E/CN.4/1996/357Add.1 & Corr.1]. The Special Rapporteur urged Governments to do their utmost to provide the information he sought in order to enable him to improve his capacity to assess situations accurately.

Pakistan. In 1996, the Special Rapporteur visited Pakistan (23 February-3 March) [E/CN.4/1997/7/Add.2], where he held meetings with government officials and representatives of human rights NGOs. He also visited detention centres in Lahore and Karachi, but was not allowed to enter a centre in Islamabad, which was operated by the Federal Intelligence Agency. The Special Rapporteur stated that Pakistan was racked by inter-communal and inter-sect strife, and politics took the form of hostile, confrontational and self-interested manoeuvring. Under those circumstances, it was difficult to install a culture of respect for the rule of law. Torture, including rape, and similar cruel, inhuman or degrading treatment, were rife in Pakistan, although those with important family, political or international connections were somewhat less likely to suffer the most extreme forms of torture. Torture was most frequently used to secure confessions or information relating to suspected crimes. It was also used, like arrest and detention, as a means of extorting bribes. Jails were overcrowded and had inadequate medical facilities. The prison regimes appeared to be arbitrary, brutal and oppressive.

The Special Rapporteur welcomed the Abolition of the Punishment of Whipping Act, 1996, as it promised to end judicial sentences of corporal punishment. He recommended that Pakistan become a party to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [GA res. 39/46] (for details see PART TWO, Chapter I); abolish the remaining use of corporal punishment; terminate the use of bar fetters and similar restraining instruments; recognize as a criminal offence the unlawful detention of any person and the detention of any person in a place of detention not officially designated as such; remove police service from the ambit of political patronage and manipulation and ensure that the recruitment, promotion and deployment of officers were based on professional merit; improve police remuneration and training; establish independent complaints bodies and bodies with authority to inspect any place of detention; and expand special police stations for female suspects. He also advocated the establishment of an independent monitoring system for prisons, with an NGO component.



Venezuela. During his visit to Venezuela (7-16 June) [E/CN.4/1997/77Add.3 & Corr.1], the Special Rapporteur met with high-level government officials, torture victims and their families and human rights NGOs, and visited detention centres in Caracas and Maracaibo. He was of the opinion that torture and similar ill-treatment were perpetrated on persons in the hands of all the law enforcement bodies with powers of arrest, detention or interrogation. It was an available technique resorted to at will if there was felt to be an imperative need to secure a confession or information relevant to the task of repressing crime, whether it was common or politically motivated crime. Sometimes it was used to "settle scores", elicit bribes or "teach a lesson" on behalf of those adversely affected by the victim's suspected criminal activities, the Special Rapporteur said. He noted that the constitutional and legal prohibition against incommunicado detention seemed often not complied with. Access to courts for a remedy was seriously hampered by the lack of free legal advice to persons without the means to pay for it. Describing the three detention centres he visited, the Special Rapporteur stated that they were incompatible with the international prohibition of cruel, inhuman or degrading treatment or punishment, and ranged from anarchic to grossly overcrowded and exiguously restrictive. In two of them, there was no separation of convicted and unconvicted persons, nor between those held in respect of graver or lesser crimes. Most of the problems were blamed on the inadequacy of resources, including undertrained and underpaid police, overworked judges and shortages in the prison system such as insufficient space, insufficient and inadequately paid and trained guards, insufficient and inadequate food, and inadequate medical, recreational, educational and work facilities.

The Special Rapporteur made a series of recommendations pertaining to the rights of detainees, law enforcement and military personnel, prison conditions and reform of the system of criminal procedure and the judiciary. He stated that serious attention should be given to proposals for establishing a national institution for the promotion and protection of human rights.

**Commission action.** On 19 April [res. 1996/33 B], the Commission on Human Rights stressed that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and all allegations of those practices should be promptly and impartially examined by the competent national authority. Those who encouraged, ordered, tolerated or perpetuated such acts must be held responsible and severely punished, and national legal systems should en-

sure that victims should obtain redress, be awarded fair and adequate compensation and receive socio-medical rehabilitation. The Commission reminded States that prolonged incommunicado detention might facilitate the perpetration of torture and could in itself constitute a form of cruel, inhuman and degrading treatment. Commending the Special Rapporteur for his report, the Commission invited him to examine questions concerning torture directed against women and children and conditions conducive to such torture, and to make recommendations on the prevention of gender-specific forms of torture and the torture of children. It approved the methods of work used by the Special Rapporteur and called on him to include in his report information on the follow-up by Governments to his recommendations, visits and communications. The Secretary-General was asked to provide assistance to the Special Rapporteur to enable him to report in 1997.

#### Voluntary Fund for torture victims

**Commission action.** On 19 April [res. 1996/33 A], the Commission on Human Rights called on the Board of Trustees of the Voluntary Fund for Victims of Torture, established in 1981 [YUN 1981, p. 906], to present in 1997 an updated assessment of the global need for rehabilitation services for torture victims and of any need for international funding in that regard. Expressing appreciation for previous contributions to the Fund, it appealed to all Governments, organizations and individuals to respond favourably to requests for contributions. The Secretary-General was asked to continue to include the Fund among the programmes receiving donations at the annual UN Pledging Conference for Development Activities; transmit to Governments Commission appeals for contributions; assist the Board of Trustees in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions; ensure strict and transparent project management rules for the Fund and arrange for the holding of annual information meetings; ensure the provision of an adequate level of staffing and technical facilities for the Fund; and continue to keep the Commission informed of the Fund's operations on an annual basis.

By **decision 1996/263** of 23 July, the Economic and Social Council approved the Commission's request that the Secretary-General ensure strict and transparent project management rules for the Fund and arrange for the holding of annual information meetings, and ensure an adequate and stable level of staffing and technical facilities.

**Report of Secretary-General.** In October, the Secretary-General presented his annual report on the status of the Fund [A/51/465]. Contributions received between November 1995 and September 1996 totalled \$3,194,396; 26 countries contributed, and 5 regular donor countries discontinued their support.

The Board of Trustees held its fifteenth session in Geneva (20-31 May). The total amount then available for grants to assist victims of torture came to \$2,535,500, of which \$100,000 was earmarked for an emergency fund for crisis situations outside the Board's annual session. The amount of assistance totalled more than \$5 million in 1996, representing 96 projects or sub-projects in 54 countries. On 21 June, the High Commissioner for Human Rights, on behalf of the Secretary-General, approved the Board's recommendations on grants to 96 projects submitted by 92 humanitarian organizations. Grants totalling \$2,435,500 were distributed in Asia and the Middle East (17 projects, 10 countries, \$564,500); Western Europe (26 projects, 10 countries, \$564,500); Latin America and the Caribbean (18 projects, 10 countries, \$525,000); Africa (16 projects, 15 countries, \$396,000); North America (11 projects, 2 countries, \$277,000); and Central and Eastern Europe (8 projects, 7 countries, \$108,500). Annexed to the report was a list of contributions and pledges made by Governments from February 1982 to September 1996, and a list of humanitarian organizations receiving the Fund's assistance.

In a later report [E/CN.4/1997/27 & Add.1], the Secretary-General stated that by year's end the Fund had received additional contributions totalling \$74,076. He reported that since the Board's May session, two emergency grants had been made—one for \$10,000, to provide medical, psychological and social assistance to torture victims from Latin America, the other for \$1,500, to provide medical treatment for a torture victim from an African country.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/86**.

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading

ing Treatment or Punishment and all its subsequent relevant resolutions,

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling the recommendation in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, that high priority should be given to providing the necessary resources for assistance to victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, by additional contributions to the Fund,

Noting with satisfaction the existence and rapid expansion of an international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

1. Welcomes the report of the Committee against Torture, submitted in accordance with the provision of article 24 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Notes with appreciation that during the present reporting period eight States have become parties to the Convention, increasing the number of States parties to one hundred;

3. Urges all States that have not yet done so to become parties to the Convention as a matter of priority;

4. Invites all States ratifying or acceding to the Convention and those States which are parties to the Convention and which have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

5. Urges States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention, in view of the high number of reports not submitted;

6. Calls upon all Governments to cooperate with and assist the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment in the performance of his task, to supply all necessary information requested by him and to react appropriately to his urgent appeals;

7. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals, reiterates his need to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, including Member States, in the elaboration of his report, and expresses its appreciation of the continuing discrete and independent way in which he carries out his work;

8. Stresses the need for regular exchanges of views between the Committee against Torture, the Special Rapporteur and other relevant United Nations mechanisms and bodies, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

9. Commends the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights for the support given to States in the preparation of national reports to the Committee;

10. Urges States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

11. Urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

12. Encourages the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention to intensify its deliberations with a view to an early conclusion of its work;

13. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

14. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund and if possible also with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

15. Requests the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

16. Also requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

17. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished;

18. Requests the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for torture victims and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

19. Also requests the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms that combat torture, corresponding to the strong support expressed by Member States for combating torture;

20. Invites donor countries and recipient countries that so agree to consider including in their bilateral programmes and projects relating to the training of armed forces and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture;

21. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-third session a report on the status of the Convention as well as a report on the operations of the Fund;

22. Decides to consider the reports of the Secretary-General and the Committee against Torture at its fifty-third session under the sub-item entitled "Implementation of human rights instruments".

General Assembly resolution 51/86

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.1) without vote, 22 November (meeting 49); 37-nation draft (A/C.3/51/L.33), orally revised; agenda item 110 (a).

Meeting numbers. GA 51st session: 3rd Committee 36, 37, 42, 43, 45, 46, 49; plenary 82.

### Anti-personnel landmines

On 23 August [res. 1996/15], the Subcommission, reaffirming its support for a total ban on the production, marketing and use of anti-personnel landmines, urged States that had not done so to sign and ratify the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the Protocols thereto [YUN 1980, p. 76]. It urged States to modify, where necessary, their legislation in order to prohibit the production, marketing and use of anti-personnel landmines in and from their territories. The Subcommission asked the Secretary-General to transmit to Governments its appeal for voluntary contributions to the mine-clearance programme and to the Voluntary Trust Fund for Assistance in Mine Clearance established in 1994 [YUN 1994, p. 172].

### Weapons of mass destruction

On 23 August [res. 1996/14], the Subcommission affirmed that weapons of mass destruction, particularly nuclear weapons, should have no role to play in international relations and therefore should be eliminated. It recommended that relevant international forums, particularly the Conference on Disarmament (see PART ONE, Chapter VII), should start negotiations on nuclear disarmament to reduce nuclear weapons globally within a phased programme, thus contributing to the enhancement of international peace and security and the protection of human rights and fundamental freedoms.

On 29 August [res. 1996/16], the Subcommission, by a roll-call vote of 15 to 1, with 8 abstentions, asked the Secretary-General to collect information from Governments, UN bodies and agencies and NGOs on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium, on their consequential and cumulative effects, and on the danger they represented to life, physical security and other human rights. It also asked him to report in 1997 on the information gathered, together with recommendations and views which he might

have received on ways of eliminating those weapons.

## Economic, social and cultural rights

### Right to development

**Reports of Secretary-General.** In 1996, the Commission on Human Rights considered a January report [E/CN.4/1996/25] of the Secretary-General describing measures taken to implement its 1995 resolution on the right to development [YUN 1995, p. 757]. The Secretary-General stated that the High Commissioner for Human Rights had given particular attention to the right to development in the restructuring of the Centre for Human Rights, with a new branch responsible for promoting respect for that right. In addition, the High Commissioner was developing a strategy relating to the right to development and economic, social and cultural rights. The elements of the strategy included identifying ways to improve implementation of those rights, including human rights aspects of a lasting solution to the debt crisis of developing countries; considering the application of findings and recommendations of the Working Group on the Right to Development; promoting the right to development and economic, social and cultural rights at the national level, including pilot projects; identifying further social and economic indicators which should facilitate assessing the progressive realization of those rights; preparing procedures for communications regarding economic, social and cultural rights; identifying international action necessary to promote the right to development; cooperating with international/regional financial and development organizations and with the regional economic commissions; and involving NGOs and grass-roots organizations active in development and human rights in the implementation of the 1986 Declaration on the Right to Development [GA res. 41/128]. The Secretary-General stated that he had drawn the General Assembly's attention to the reports of the Working Group on the Right to Development.

In an October report [A/51/539], the Secretary-General described activities taken by the UN system to implement the 1986 Declaration, possible cooperation with regional economic commissions, consultations between the High Commissioner and the President of the World Bank, and the right to development and the restructuring process of the High Commissioner for Human Rights and the Centre for Human Rights.

**Commission action.** On 11 April [res. 1996/15], the Commission on Human Rights decided to establish for a two-year period an intergovernmental working group of experts to develop a strategy for implementing and promoting the right to development, as set forth in the 1986 Declaration. The group would develop practical measures to implement and promote the right to development, and submit reports and consult with treaty bodies and with the High Commissioner for Human Rights on all issues related to the implementation of the right to development. The group was to be composed of 10 experts, and members would be appointed on the basis of equitable geographical representation. The Commission also asked the High Commissioner to continue his dialogue with appropriate specialized agencies and UN bodies regarding the impact of their programmes on the implementation of the right to development. The Secretary-General was called on to ensure that the working group receive all the assistance it needed and to report in 1997.

On 23 July, the Economic and Social Council, by **decision** 1996/258, endorsed the Commission's decision to establish the working group and approved the terms of its establishment set out by the Commission. The Council decided to consider how best to promote system-wide action to promote and protect the right to development and to deepen the review of all issues relevant to the implementation of that right, including the promotion of a favourable international and national economic environment.

**Subcommission action.** On 29 August [res. 1996/22], the Subcommission decided to continue consideration of questions related to the right to development and to review annually the progress made in international cooperation towards the implementation of the right to development in the context of human rights and the first United Nations Decade for the Eradication of Poverty (1997-2006) (see PART THREE, Chapter I), proclaimed by the General Assembly in 1995 [YUN 1995, p. 844]. The Subcommission asked the Secretary-General to invite all relevant UN bodies and specialized agencies to step up their action aimed at international cooperation for the realization of the right to development in the context of the Decade and to provide him with information thereon, and also asked him to transmit annually the information received.

**Intergovernmental Group of Experts.** The Intergovernmental Group of Experts on the Right to Development held its first session in Geneva from 4 to 15 November [E/CN.4/1997/22]. The Group made a series of proposals for measures to implement and promote the right to development for future consideration. It agreed that it

would address four broad categories of issues: economic, social, cultural and civil rights or political aspects related to the right to development. The Group entrusted its Chairman with compiling information on work undertaken in the UN system on indicators for development and human rights and on early warning mechanisms and methods. An expert member of the Group was entrusted with preparing a study on the promotion and implementation of the right to development by the African Commission on Human and Peoples' Rights, in line with relevant provisions of the African Charter of Human and Peoples' Rights [YUN 1981, p. 942]. The Group felt it necessary to hold an additional two-week session in 1997 and requested the Commission to consider that recommendation.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/99**.

#### Right to development

The General Assembly,

Reaffirming the Declaration on the Right to Development, which it proclaimed at its forty-first session,

Noting that 4 December 1996 marked the tenth anniversary of the adoption of the Declaration on the Right to Development, which represents a landmark and a meaningful instrument for countries and people worldwide,

Reaffirming the commitment contained in the Charter of the United Nations to promote social progress and better standards of life in larger freedom,

Recalling its resolutions 45/97 of 14 December 1990, 46/123 of 17 December 1991, 47/123 of 18 December 1992, 48/130 of 20 December 1993, 49/183 of 23 December 1994 and 50/184 of 22 December 1995 and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1996/15 of 11 April 1996,

Recalling also the report on the Global Consultation on the Realization of the Right to Development as a Human Right,

Recalling further the principles proclaimed in the Rio Declaration on Environment and Development of 14 June 1992,

Mindful that the Commission on Human Rights continues to consider this matter, which is directed towards the implementation and further enhancement of the right to development,

Noting the need for coordination and cooperation throughout the United Nations system for a more effective promotion of the right to development,

Recognizing that the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat have important roles to play in the promotion and protection of the right to development,

Reaffirming the need for action at the national and international levels by all States to realize all human rights and the need for relevant evaluation mechanisms to ensure the promotion, encouragement and re-

inforcement of the principles contained in the Declaration on the Right to Development,

Welcoming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reaffirms the right to development as a universal and inalienable right and an integral part of all fundamental human rights and reaffirms that the human person is the central subject of development,

Recalling that the Vienna Declaration and Programme of Action examined the relationship between democracy, development and human rights, and recognizing the importance of creating a favourable environment in which everyone may enjoy their human rights as set out in the Vienna Declaration and Programme of Action,

Recalling also that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights, and recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Noting that aspects of the Programme of Action of the International Conference on Population and Development, adopted by the Conference on 13 September 1994, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995, the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995, and the United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, are relevant to the universal realization of the right to development, within the context of promoting and protecting all human rights,

Expressing concern that obstacles to the realization of the right to development still exist, at both the national and international levels, ten years after the adoption of the Declaration on the Right to Development,

Noting that the first session of the Intergovernmental Group of Experts established by the Commission on Human Rights to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, was held at Geneva from 4 to 15 November 1996,

Having considered the report of the Secretary-General prepared pursuant to General Assembly resolution 50/184,

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of fundamental human rights;

2. Urges States to pursue the promotion and protection of economic, social, cultural, civil and political rights and the implementation of comprehensive development programmes, integrating these rights into development activities;

3. Takes note of the report of the Secretary-General;

4. Reiterates its commitment to implementing the results of the World Conference on Human Rights, which reaffirm that all human rights are universal, in-

divisible, interdependent and interrelated and that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing;

5. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-third session a report on the implementation of Commission resolution 1996/15;

6. Reiterates that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level;

7. Calls upon the Commission on Human Rights to consider carefully the report of the first session of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multi-dimensional aspects, bearing in mind the conclusions of the Working Group on the Right to Development established by the Commission on Human Rights in its resolution 1993/22 of 4 March 1993 and the conclusions of the World Conference on Human Rights and of the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the United Nations Conference on Human Settlements (Habitat II);

8. Notes the efforts made by the United Nations High Commissioner for Human Rights within his mandate, and encourages him to continue the coordination of the various activities with regard to the implementation of the Declaration on the Right to Development, including a programmatic follow-up to the establishment in the Centre for Human Rights of the Secretariat of a new branch, the primary responsibilities of which include the promotion of the right to development, as part of the effort to implement the Vienna Declaration and Programme of Action;

9. Requests the United Nations High Commissioner for Human Rights, within his mandate, to continue to take steps for the promotion and protection of the right to development by, inter alia, working in conjunction with the Centre for Human Rights and drawing on the expertise of the funds, programmes and specialized agencies of the United Nations system related to the field of development;

10. Requests the Secretary-General to inform the Commission on Human Rights at its fifty-third session and the General Assembly at its fifty-second session of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified by them to the realization of the right to development;

11. Calls upon all Member States to make further concrete efforts at the national and international levels to remove the obstacles to the realization of the right to development;

12. Calls upon the Commission on Human Rights to continue to make proposals to the General Assembly through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and en-

hancement of the Declaration on the Right to Development, including comprehensive and effective measures to eliminate obstacles to its implementation, taking into account the conclusions and recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right, the reports of the Working Group on the Right to Development and the report of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development;

13. Calls upon all States to address, within the declarations and programmes of action adopted by the relevant international conferences convened by the United Nations, the elements for the promotion and protection of the principles of the right to development as set out in the Declaration on the Right to Development;

14. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-second session;

15. Decides to consider this question at its fifty-second session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

General Assembly resolution 51/99

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); draft by Colombia for Non-Aligned Movement and 16 other nations (A/C.3/51/L.57); agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

## Right to work

On 23 April [res. 1996/60], the Commission on Human Rights called on States to adopt measures to ensure that all persons had the right to equal pay for equal work, without discrimination of any kind, and to consider taking initiatives to secure that the right to work was recognized by their national/federal legislation as a human right. It called on the international community, relevant institutions and Member States to assist and co-operate with countries that had undertaken programmes to promote and protect the rights of workers and the elimination of child labour.

## Effects of debt on living standards

**Report of Secretary-General.** In a February report [E/CN.4/1996/22], the Secretary-General discussed ways to carry out a political dialogue between creditor and debtor countries in the UN system, based on the principle of shared responsibility. He described general principles upon which the conduct of such a dialogue should be based and presented guidelines for the formulation of an equitable and durable solution to the problem of foreign debt. He noted that the problem of foreign debt was one of the most acute factors adversely affecting economic and social development in many developing countries, as well as their full enjoyment of all human rights. As to sharing responsibility for a solution, the

Secretary-General examined the responsibility of States at the national level, the duty of States to cooperate with each other at the international level, and the duty of international financial institutions.

**Commission action.** On 11 April [res. 1996/12], by a roll-call vote of 34 to 16, with 1 abstention, the Commission on Human Rights stressed the importance of continuing to implement immediate actions for alleviating the debt and debt-service burdens of developing countries within the framework of the realization of economic, social and cultural rights. It asked the Intergovernmental Group of Experts to pay special attention to the social repercussions of the policies adopted to face the effects of external debt on the realization of those rights and to make recommendations. The Commission considered that to find a durable solution to the debt crisis, a political dialogue within the UN system was needed between creditor and debtor countries, based on the principles of shared responsibility. It asked the Secretary-General to continue efforts to carry out such a dialogue and to report in 1997, following a high-level consultation process with Governments, heads of multilateral financial institutions and specialized agencies, as well as with intergovernmental and non-governmental organizations, on measures to be implemented to solve the debt crisis. The Commission asked the High Commissioner for Human Rights to continue to pay particular attention to the problem of the debt burden of developing countries. The Secretary-General was asked to establish a programme unit in the Centre for Human Rights to promote economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development.

On 11 April [dec. 1996/103], the Commission, taking note of a 1995 Subcommission resolution [YUN 1995, p. 761], decided, by a vote of 34 to 16, with 1 abstention, to establish an open-ended working group of the Commission, to meet for a period of one week prior to its 1997 session, to develop guidelines based on the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in a 1995 report of the Secretary-General [YUN 1995, p. 760], in close cooperation with the Committee on Economic, Social and Cultural Rights. It also decided to invite Governments and intergovernmental and non-governmental organizations, as well as the Committee, to contribute to the development of the draft policy guidelines by providing comments for consideration by the working group.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **decision 1996/257**.

#### **Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development**

At its 46th plenary meeting, on 23 July 1996, the Economic and Social Council, taking note of Commission on Human Rights resolution 1996/12 of 11 April 1996, approved the Commission's request to the Secretary-General to establish a programme unit in the Centre for Human Rights of the Secretariat for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development.

Economic and Social Council decision 1996/257  
31-20 (recorded vote)

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).

Recorded vote in Council as follows:

In favour: Argentina, Bangladesh, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Egypt, Ghana, Guyana, India, Indonesia, Jamaica, Jordan, Lebanon, Malaysia, Nicaragua, Pakistan, Paraguay, Philippines, Senegal, South Africa, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: Australia, Belarus, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Poland, Portugal, Romania, Russian Federation, Sweden, United Kingdom, United States.

On 24 July, the Economic and Social Council adopted **decision 1996/289**.

#### **Effects of structural adjustment programmes on the full enjoyment of human rights**

At its 47th plenary meeting, on 24 July 1996, the Economic and Social Council, taking note of Commission on Human Rights decision 1996/103 of 11 April 1996, and resolution 1995/32 of 24 August 1995 of the Subcommission on Prevention of Discrimination and Protection of Minorities, endorsed the Commission's decision to establish an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject matter and requested the Secretary-General to provide all the assistance necessary to enable the working group to carry out its work. The Council also endorsed the Commission's decision to invite Governments, intergovernmental organizations and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines for consideration by the working group.

Economic and Social Council decision 1996/289  
32-19 (recorded vote)

Draft by Commission on Human Rights (E/1996/23), orally corrected; agenda item 5 (d).  
Meeting numbers. ESC 44, 47.

Recorded vote in Council as follows:

In favour: Bangladesh, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Egypt, Gabon, Ghana, Guyana, India, Indonesia, Jamaica, Jordan, Lebanon, Malaysia, Nicaragua, Pakistan, Paraguay, Philippines, Portugal, Senegal, South Africa, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: Australia, Belarus, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Poland, Romania, Russian Federation, Sweden, United Kingdom, United States.

### Income distribution

**Report of Special Rapporteur.** In June, Special Rapporteur Jose Bengoa (Chile) submitted a provisional report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution [E/CN.4/Sub.2/1996/14]. He analysed income distribution at the international level and reported a growing trend towards the concentration of wealth within a small group of countries. He analysed international cooperation policies, the alleged purpose of which was to ensure that the ever-widening gap did not widen further. The Special Rapporteur also provided an analysis of income distribution at the national level, which attempted to reveal main trends, develop an indicator whereby it was possible to list countries on the basis of their domestic income distribution, and provide a theoretical classification of countries in accordance with the manner in which income was distributed internally. He outlined the relationship between income distribution, at the international and national levels, and education and poverty. The report stated that two simultaneous processes of concentration of wealth were under way, one of them at the world level, between rich and poor countries, and the other at the regional level, between large and small countries. In addition, the Special Rapporteur analysed the value of the concept of equal opportunities as a means of more fully ensuring the fulfilment of economic, social and cultural rights. Annexed to the report was an income distribution index in relation to per capita gross domestic product in selected countries.

**Subcommission action.** On 29 August [(res. 1996/26)], the Subcommission asked the Special Rapporteur to pay particular attention to the impact of the enjoyment of human rights on income distribution; to take special care to analyse the indicators needed to monitor the full satisfaction of human rights; and to submit his final report in 1997. It asked the Secretary-General to organize a seminar of experts to develop appropriate indicators and to monitor the implementation of commitments made by Governments; to invite Governments, UN bodies, specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur

with information related to the preparation of his report; and to assist the Special Rapporteur.

### Transnational corporations

**Report of Secretary-General.** In a July report [E/CN.4/Sub.2/1996/12 & Corr.1], the Secretary-General discussed the impact of the activities and working methods of transnational corporations (TNCs) on the enjoyment of human rights, particularly economic, social and cultural rights and the right to development, based on information received from Governments, specialized agencies, and intergovernmental and non-governmental organizations. The Secretary-General considered human rights issues related to the transfer of technology and information, the international legal framework relating to TNCs, the need for a new international regulatory framework and relevant norms related to international cooperation. He also discussed the need for a people-centred approach to address the negative consequences of international technology transfers, such as social problems, deterioration of the human environment and potential use as an instrument of domination.

**Subcommission action.** In a 30 August resolution [res. 1996/39], the Subcommission stated that it considered it useful for the Commission on Human Rights to establish for a three-year period a five-member working group of experts, nominated by Governments, to be appointed by the Commission Chairman in 1997, which would identify and examine the effects of the methods of work and activities of TNCs and business entities with franchises and licences from such corporations on economic, social and cultural rights and the right to development. The mandate of the group would be to investigate, monitor, examine and receive communications and gather information on the effects of the methods of work and activities of TNCs on those rights; to make recommendations and proposals aimed at regulating the methods of work and activities of TNCs to ensure that they were in keeping with the economic and social objectives of the countries in which they operated; to promote economic, social and cultural rights and the right to development; and to prepare annually a list of countries and TNCs, indicating their gross national product or financial turnover, respectively. The Commission was requested to ask the Secretary-General to invite Governments, UN bodies and specialized agencies, and intergovernmental and non-governmental organizations to submit information on the effects of the working methods and activities of TNCs, particularly on economic, social and cultural rights and the right to development.



### Unilateral coercive measures

**Report of Secretary-General.** Pursuant to a 1995 request of the Commission on Human Rights [YUN 1995, p. 762], the Secretary-General in January submitted a report [E/CN.4/1996/45 & Add.1] containing replies received from Governments, UN bodies, specialized agencies, and inter-governmental and non-governmental organizations concerning coercive measures unilaterally implemented against developing countries.

**Commission action.** By a roll-call vote of 32 to 14, with 7 abstentions, the Commission on Human Rights on 11 April [res. 1996/9] called on States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the UN Charter, particularly those of a coercive nature with extraterritorial effects, that created obstacles to trade relations among States. Rejecting the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, the Commission urged the Working Group on the Right to Development to take into account the negative impact of unilateral coercive measures in its work on the implementation of the right to development. The Commission asked the High Commissioner for Human Rights to give urgent consideration to its resolution.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/103**.

#### Human rights and unilateral coercive measures

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly by its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it is declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General pursuant to Commission on Human Rights resolution 1995/45 of 3 March 1995,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995, the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995, and the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their extraterritorial effects, inter alia, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

1. Urges all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

3. Calls upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

4. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. Urges the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

6. Requests the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to give urgent consideration to the present resolution in his annual report to the General Assembly;

7. Requests Member States to notify the Secretary-General about the implications and negative effects of such measures on their populations in the various aspects referred to in the present resolution;

8. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

9. Decides to examine this question, on a priority basis, at its fifty-second session under the sub-item enti-

tled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

General Assembly resolution 51/103

12 December 1996 Meeting 82 57-45-59 (recorded vote)

Approved by Third Committee (A/51/619/Add.2) by recorded vote (54-44-49), 27 November (meeting 54); 8-nation draft (A/C.3/51/L.65), orally revised; agenda item 110 (b).

Sponsors: Afghanistan, China, Cuba, Democratic People's Republic of Korea, Iran, Iraq, Libyan Arab Jamahiriya, Sudan.

Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Bangladesh, Benin, Botswana, Brazil, Brunei Darussalam, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Dominica, Dominican Republic, Ecuador, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mexico, Morocco, Myanmar, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Qatar, Russian Federation, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Vanuatu,\* Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Niger,† Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States, Uzbekistan.

Abstaining: Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Burkina Faso,† Burundi, Cambodia, Cameroon, Cape Verde, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Georgia, Grenada, Guatemala, Honduras, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liberia, Madagascar, Malawi, Malta, Mauritania, Mauritius, Micronesia, Mongolia, Mozambique, Namibia, Nicaragua, Palau, Panama, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Sierra Leone, Solomon Islands, South Africa, Suriname, Swaziland, Thailand, Trinidad and Tobago, Ukraine, Zaire, Zambia.

\*Later advised the Secretariat it had intended to abstain.

†Later advised the Secretariat it had intended to vote in favour.

## Extreme poverty

**Commission action.** On 11 April [res. 1996/10], the Commission on Human Rights, reaffirming that extreme poverty and exclusion from society constituted a violation of human dignity and that urgent action was required to eliminate them, asked the Special Rapporteur on the subject, Leandro Despouy (Argentina), to continue to give special attention to the following: the effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected; efforts by the poorest to exercise their rights and participate fully in the development of their society; conditions in which the poorest could convey their experience and ideas and become partners in the realization of human rights; and means of promoting a better understanding of the experiences and ideas of the poorest and those working alongside them. It also asked him to suggest follow-up measures. The Secretary-General was asked to provide the Special Rapporteur with the assistance he needed and to make the Special Rapporteur's second (1995) interim report [YUN 1995, p. 764]

available to the special session of the Commission for Social Development and to the next substantive session of the Economic and Social Council, at which the coordination segment was to be devoted to activities taken to eradicate poverty.

**Report of Special Rapporteur.** In June, the Special Rapporteur submitted his final report on human rights and extreme poverty [E/CN.4/Sub.2/1996/13]. He stated that at least 1.1 billion people lived in extreme poverty, and some believed that, if properly re-evaluated, the figure might be as high as 2 billion. It was estimated that the number was increasing by 25 million a year. The Special Rapporteur described activities relating to poverty, including those of the United Nations Development Programme (UNDP), the World Bank and the International Monetary Fund, as well as the outcome of the 1995 World Summit for Social Development [YUN 1995, p. 1113]. He discussed the impact of extreme poverty on human rights, such as the right to a decent standard of living, the right to housing, the right to education, the right to work, the right to health, the right to protection of the family, the right to privacy, the right to recognition as a person before the law and to be officially registered, the right to life and the right to physical integrity, the right to justice, the right to take part in political affairs, and the right to participate in social and cultural life. The Special Rapporteur underlined the need for a change in the way people perceived those living in extreme poverty, whom he said were viewed with fear and contempt. He presented methods for reaching the poorest that focused on involving the poor themselves in designing, implementing and evaluating programmes.

At the international level, the Special Rapporteur recommended that the subject be dealt with in the context of the United Nations Decade for the Eradication of Poverty (1997-2006) [YUN 1995, p. 844] (see PART THREE, Chapter I) and the agendas of the General Assembly, the Commission and the Subcommission; and by human rights treaty bodies, UN bodies and institutions, and technical and economic cooperation bodies and institutions. He also discussed the important role of human rights education and the mass media. At the national level, he stated that Governments had to draw up a definition of extreme poverty, improve conventional indicators and devise methods of measuring all forms of poverty, as well as develop national anti-poverty programmes. The Special Rapporteur outlined the machinery necessary to implement the Programme of Action [YUN 1995, p. 1115] adopted in 1995 at the World Summit for Social Development.

**Subcommission action.** On 29 August [res. 1996/23], the Subcommission, expressing deep sat-

isfaction to the Special Rapporteur for having prepared his study in consultation with people living in extreme poverty, hoped that his final report would be published by the United Nations in all official languages.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/97**.

#### Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments adopted by the United Nations,

Considering the relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995,

Recalling its resolutions 44/148 of 15 December 1989, 44/212 of 22 December 1989, 45/199 of 21 December 1990, 49/179 of 23 December 1994 and other relevant resolutions,

Recalling also its resolutions 47/196 of 22 December 1992, by which it declared 17 October International Day for the Eradication of Poverty, 48/183 of 21 December 1993, by which it proclaimed 1996 International Year for the Eradication of Poverty, and 50/107 of 20 December 1995, by which it proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006),

Bearing in mind Commission on Human Rights resolutions 1992/11 of 21 February 1992, 1993/13 of 26 February 1993, 1994/12 of 25 February 1994, 1995/16 of 24 February 1995 and 1996/10 of 11 April 1996, as well as resolution 1996/23 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 47/134 of 18 December 1992, in which it reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and stressed the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest,

Recognizing that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life,

Deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and seriously affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Welcoming the work of the Special Rapporteur on the question of human rights and extreme poverty, and taking into account his final report,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Reaffirms also that, in accordance with the Vienna Declaration and Programme of Action, it is essential for States to foster participation by the poorest people in the decision-making process in the communities in which they live, in the promotion of human rights and in efforts to combat extreme poverty;

3. Notes with satisfaction that the Special Rapporteur, in the process of preparing his final report, has implemented the recommendations of the Commission on Human Rights by paying special attention to the efforts of the poorest themselves and the conditions in which they can convey their experiences;

4. Again calls upon States, the specialized agencies, United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem and to the necessary follow-up to the recommendations of the Special Rapporteur as contained in his final report;

5. Invites the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United Nations Decade for the Eradication of Poverty, to give appropriate attention to the question of human rights and extreme poverty;

6. Notes with appreciation the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions, and urges them to continue in this work;

7. Decides to consider this question further at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

General Assembly resolution 51/97

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.2) without vote, 26 November (meeting 53); 45-nation draft (A/C.3/51/L.54); agenda item 110 (b). Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

#### Right to adequate housing

A July note of the Secretariat [E/CN.4/Sub.2/1996/10] described activities taken regarding the right to adequate housing, which included an expert group meeting (Geneva, 18-19 January) on the human right to adequate housing, convened in preparation for the 1996 UN Conference on Human Settlements (Habitat II) to be held in Istanbul, Turkey, in June (see PART THREE, Chapter VIII). In addition, action had been taken by the Commission, the Subcommission and the High Commissioner for Human Rights, and the final (1995) report [YUN 1995, p. 764] of the Special Rap-

porteur on the right to adequate housing had been published in all the UN official languages.

### Forced evictions

**Commission action.** On 11 April [dec. 1996/104], the Commission on Human Rights, by a vote of 22 to 18, with 9 abstentions, decided to recommend that the Economic and Social Council authorize the holding, following Habitat II, of an expert seminar on the practice of forced evictions, with a view to developing human rights guidelines on development-based displacement.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 July, the Economic and Social Council adopted **decision 1996/290**.

#### Forced evictions

At its 47th plenary meeting, on 24 July 1996, the Economic and Social Council, taking note of Commission on Human Rights decision 1996/104 of 11 April 1996 and resolution 1995/29 of 24 August 1995 of the Subcommission on Prevention of Discrimination and Protection of Minorities, and bearing in mind the conclusions of the United Nations Conference on Human Settlements (Habitat II), which was held in Istanbul, Turkey, from 3 to 14 June 1996, authorized the holding of an expert seminar on the practice of forced evictions, with a view to developing comprehensive human rights guidelines on development-based displacement.

Economic and Social Council decision 1996/290

25-20-5 (recorded vote)

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d). Meeting numbers. ESC 44, 47.

Recorded vote in Council as follows:

In favour: Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Gabon, Ghana, Guyana, Indonesia, Jamaica, Jordan, Lebanon, Nicaragua, Pakistan, Paraguay, Philippines, Senegal, South Africa, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: Australia, Belarus, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Greece, India, Ireland, Japan, Luxembourg, Netherlands, Poland, Romania, Russian Federation, Sweden, United Kingdom, United States.

Abstaining: Bangladesh, Brazil, Malaysia, Portugal, Thailand.

**Report of Secretary-General.** In a July report [E/CN.4/Sub.2/1996/11], the Secretary-General updated information contained in his 1995 report [YUN 1995, p. 764] concerning guidelines on international events and forced evictions. He stated that good location of the relocation site was one of the most critical aspects of resettlement, as it was the key to access to income-earning opportunities. When relocation was unavoidable, a relocation/resettlement plan should be prepared and implemented that would ensure sufficient resources to fairly compensate and rehabilitate those affected. The parties benefiting from the development causing the relocation should pay full relocation costs. Legislation was required to provide for fair compensation to the affected population; it should specify regulations for the

valuation of lost assets, and provide for compensation through the substitution of the lost asset by another of comparable productive capacity. The role of NGOs in the prevention and elimination of forced evictions was of great importance, the report said, because they acted as intermediaries between policy makers and affected persons for the mutual benefit of all those involved, and especially to defend the interests of the victims. The Secretary-General noted that developing guidelines on forced evictions could only be a partial solution. They were important, but should not be allowed to be used as a rationale for encouraging the eviction process.

**Subcommission action.** On 29 August [res. 1996/27], the Subcommission, reaffirming that the practice of forced eviction constituted a gross violation of a broad range of human rights, strongly urged Governments to take immediate measures to eliminate the practice. It asked the High Commissioner for Human Rights to pay attention to the practice and to take measures to persuade Governments to halt planned forced evictions, as well as to ensure the provision of adequate compensation when evictions had already occurred. The Subcommission asked the United Nations Centre for Human Settlements to do everything it could to prevent the practice of forced evictions by using the good offices of the Secretary-General to persuade Governments to refrain from carrying out forced evictions and by compiling annual lists of all eviction cases brought to its attention. The Secretary-General was asked to convene an expert seminar on the practice of forced evictions and the relationship of that practice to internationally recognized human rights, with a view to developing a set of comprehensive human rights guidelines on forced evictions, and to report on the seminar and on the guidelines in 1997.

### Right to food

On 29 August [res. 1996/25], the Subcommission appealed to the world's leaders who were to assemble for the World Food Summit in Rome in November 1996 (see PART THREE, Chapter XIII) to reaffirm the right of everyone to be free from hunger; to propose ways in which the right to food could be further clarified and implemented; and to ensure that due advantage be taken of the work of the Commission and the Subcommission, as well as of the UN treaty bodies monitoring the relevant international human rights legal instruments regarding the right to adequate food and other rights relevant to satisfying the nutritional needs of the human being for survival, development, productivity and well-being.

## Scientific concerns

### Human rights and the environment

**Report of Secretary-General.** As requested by the Commission on Human Rights in 1995 [YUN 1995, p. 762], the Secretary-General, in a January report with later addenda [E/CN.4/1996/23 & Add.1,2], summarized the views of eight Governments, as well as of specialized agencies and intergovernmental and non-governmental organizations, on the final (1994) report of the Special Rapporteur on human rights and the environment [YUN 1994, p. 1123].

**Commission action.** On 11 April [res. 1996/13], the Commission asked the Secretary-General to renew his request for the opinions of Governments, specialized agencies, and intergovernmental and non-governmental organizations on issues raised in the Special Rapporteur's 1994 report, and to report thereon in 1997.

**Note by Secretary-General.** By a note of 10 July [E/CN.4/Sub.2/1996/31], the Secretary-General stated that, pursuant to a 1995 Subcommission request [YUN 1995, p. 762], the Commission, in a resolution adopted on 11 April (see above), had extended the time by which it asked the Secretary-General to report on opinions based on the Special Rapporteur's report until at least one session following the report's publication.

### Toxic wastes

**Report of Special Rapporteur.** In February, Special Rapporteur Fatma Zohra Ksentini (Algeria), appointed in 1995 [YUN 1995, p. 763] to investigate and examine the effects of the illicit dumping of toxic and dangerous products and wastes in African and other developing countries on the enjoyment of human rights, submitted a preliminary report [E/CN.4/1996/17]. She noted that the volume of wastes produced by industrialized countries continued to rise, with public opposition having brought about a virtual moratorium on the treatment and disposal of waste in some of those countries. Those difficulties had increased incentives for companies to find outlets for wastes in poor, less industrialized countries. The difference in domestic legal standards and the relative costs of disposing of toxic wastes had provoked multiple movements of wastes across frontiers. Despite general awareness that the transboundary movement of hazardous wastes had become a global problem demanding global solutions, and despite efforts of developing countries to halt international movements of wastes, there had been an increase in their export from industrialized countries towards the developing world, mainly owing to the proliferation of waste

"recycling" programmes, which allowed waste traders to adapt to changing conditions. Other problems were the transfer of polluting industries, industrial activities and technologies that generated hazardous wastes to less industrialized countries, and the production and export to developing countries of products that had been banned, withdrawn, severely restricted or not approved in industrialized countries.

The Special Rapporteur recommended that all States adopt and implement existing conventions relating to the dumping of toxic and dangerous products and wastes and cooperate in the prevention of illicit dumping.

**Commission action.** On 11 April [res. 1996/14], by a roll-call vote of 32 to 16, with 3 abstentions, the Commission on Human Rights reaffirmed that illicit traffic and dumping of toxic and dangerous products and wastes constituted a serious threat to the human rights to life and good health. It asked the Special Rapporteur, in preparing her next report, to consult all relevant bodies, particularly the secretariat for the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal [YUN 1989, p. 420], and to continue to undertake a study of illicit traffic in, transfer to and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations in her next report on measures to control, reduce and eradicate those phenomena. The Rapporteur intended to include in her next report information on countries and enterprises engaged in the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries and information on persons killed, maimed or otherwise injured in developing countries through those acts. The Secretary-General was asked to assist the Special Rapporteur.

### Scientific progress and human rights

On 23 August [dec. 1996/110], the Subcommission decided to entrust Osman El-Hajjé (Lebanon) with the task of preparing a working paper on the potentially adverse consequences of scientific progress, and its applications for the integrity, dignity and human rights of the individual, and called on the international scientific community and the international organizations concerned to cooperate with him.

### Slavery and related issues

**Commission action.** On 23 April [res. 1996/61], the Commission on Human Rights, expressing grave concern at manifestations of contemporary

forms of slavery, asked the Secretary-General to invite eligible States that had not ratified or acceded to the three slavery conventions—the 1926 Slavery Convention, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others [GA res. 317(IV)], and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery [YUN 1956, p. 228]—to consider doing so. It asked Member States to consider the possibility of taking action to protect particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices. Governments were asked to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the necessary economic and social measures. The Commission approved the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others [YUN 1995, p. 766], while taking note of differences between States in the scope of applicability of their criminal legislation with regard to prostitution and the production, distribution and possession of pornographic material.

The Commission also asked the Secretary-General to examine, in cooperation with relevant UN agencies, particularly the World Health Organization (WHO), as well as the International Criminal Police Organization (Interpol) and all relevant NGOs, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes, in order to enable the Commission to decide on follow-up to the matter. The Secretary-General was asked to designate the Centre for Human Rights as the focal point for the coordination of activities in the UN system for the suppression of contemporary forms of slavery.

**Working Group activities.** The five-member Working Group on Contemporary Forms of Slavery, at its twenty-first session (Geneva, 17-26 June) [E/CN.4/Sub.2/1996/24 & Corr.1], reviewed developments in the area of contemporary forms of slavery and measures to prevent and repress all its forms. It examined the suppression of the traffic in persons and of the exploitation of the prostitution of others, illegal adoptions, traffic in human organs and tissues, bonded labour and child labour, forced labour, migrant workers, and other matters such as early marriages, incest and detained juveniles. The Working Group also addressed the activities of the Special Rapporteur on the sale of children, child prostitution and child pornography, and of the Special Rapporteur on violence against women. The review

of information provided to the Working Group showed that despite progress made in protecting human rights and preserving human dignity, various forms of slavery still existed and new, insidious forms of slavery were emerging. The Group adopted a series of recommendations on the issues it had considered.

**Reports of Secretary-General.** In a June report [E/CN.4/Sub.2/AC.2/1996/4], the Secretary-General provided replies received from Governments and UN organizations and bodies in response to his request for information concerning their investigation of allegations that children were victims of, or even killed for, the removal of organs for commercial transplants and measures taken to counteract that practice wherever it existed.

By another June report [E/CN.4/Sub.2/AC.2/1996/1], the Secretary-General presented the views of Governments, UN organs and bodies and intergovernmental bodies concerning action taken to combat the sexual exploitation of children.

**Subcommission action.** On 23 August [res. 1996/12], the Subcommission adopted a resolution on issues considered by the Working Group. The subjects addressed included: prevention of traffic in persons; the sale of children, child prostitution and child pornography; traffic in human organs and tissues; eradication of child labour and bonded labour; forced labour; migrant workers; and violence against women.

### Fund on slavery

**Commission action.** On 23 April [res. 1996/61], the Commission on Human Rights, noting with concern that, since its 1991 establishment by the General Assembly [YUN 1991, p. 563], the UN Voluntary Trust Fund on Contemporary Forms of Slavery, as a result of its continuing difficult financial situation owing to a lack of contributions, could not be used for the purposes for which it was established. It asked the Secretary-General to transmit once again to all Governments the Commission's appeal for contributions to the Fund, and commended the Fund's Board of Trustees for its efforts to remedy the Fund's continuing financial difficulties. The Commission asked the Secretary-General to examine the feasibility of alignment and harmonization of the procedures and mechanisms of the Fund with other existing procedures and mechanisms and to report thereon in 1997.

**Subcommission action.** On 29 August [res. 1996/18], the Subcommission asked the Secretary-General to make available to the Working Group the report he had been asked to prepare by the Commission concerning the feasibility of align-

ment and harmonization of the procedures and mechanisms of the Fund with other existing procedures and mechanisms. It urged Governments and intergovernmental organizations, private institutions and private individuals to respond favourably to requests for contributions to the Fund.

**Report of Secretary-General.** In a December report [E/CN.4/1997/76], the Secretary-General noted that on 10 December the UN High Commissioner for Human Rights sent a letter drawing the attention of Governments to a Commission appeal for contributions to the Fund. The High Commissioner also sent a letter to the five-member Board of Trustees of the Fund explaining the process of restructuring the Office of the High Commissioner for Human Rights/Centre for Human Rights. In that regard, on 30 September, a provisional team was established to manage five UN trust and voluntary funds dealing with human rights. Therefore, the Secretary-General determined, all matters regarding the UN Voluntary Trust Fund on Contemporary Forms of Slavery had been studied and carried out in line with those of other human rights trust funds. It was estimated that the amount available for grants in 1997 totalled \$27,524, which might not be sufficient to allow the Board to make recommendations for travel grants to allow a few NGO representatives to participate in the Working Group's 1997 session, or to recommend a few other grants for NGO programmes to be developed in 1997.

### **Sexual exploitation during periods of armed conflict**

**Commission action.** On 11 April [dec. 1996/107], the Commission on Human Rights, taking note of a 1995 Subcommission resolution [YUN 1995, p. 766], decided to endorse the Subcommission's decision to appoint Linda Chavez (United States) as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. It also decided to invite Governments, UN bodies, the specialized agencies, regional intergovernmental organizations and NGOs to provide information on the subject.

On 24 July, the Economic and Social Council, by **decision 1996/291**, approved the Commission's decision.

**Report of Special Rapporteur.** In July, Special Rapporteur Linda Chavez submitted her preliminary report on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict [E/CN.4/Sub.2/1996/26]. She outlined the purpose and scope of

the study and provided a historical overview of the use of systematic rape as an instrument of policy during the First and Second World Wars and in the conflict in the territory of the former Yugoslavia. She reviewed forums with potential jurisdiction to try perpetrators; described possible sanctions against violators of the international law on the subject; identified possible forms of reparations, including compensation, rehabilitation and restitution; and discussed methods of deterrence and prevention. The Special Rapporteur concluded that there was a substantial body of international law relating to systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict. Nonetheless, there was a need for further inquiry as to how those international legal standards could be disseminated broadly, used to prevent further violations, applied to past misconduct, and invoked to provide remedies for victims. She presented an outline of issues for consideration in her final report, scheduled to be made in 1997.

**Subcommission action.** On 23 August [res. 1996/11], the Subcommission, welcoming the preliminary report of the Special Rapporteur, asked her to submit her final report in 1997.

## **Vulnerable groups**

### **Women**

#### **Violence against women**

**Report of Special Rapporteur.** In February, the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy (Sri Lanka), submitted a report [E/CN.4/1996/53] examining domestic violence as a violation of international human rights law, as well as the question of domestic violence and other forms of violence against women in the family. She presented a checklist of existing national legislation on domestic violence as reported by Governments and analysed the legal mechanisms available in various countries, in connection with which she submitted a framework for model legislation on domestic violence [E/CN.4/1996/53/Add.2]. The Special Rapporteur outlined strategies for States to prevent violence against women, urging them to ratify international human rights instruments; withdraw their reservations to all human rights instruments, particularly the 1979 Convention on the Elimination of All Forms of Discrimination against Women [GA res. 34/180]; comply with reporting requirements of human rights instruments, ensuring the inclusion of gender-specific information;

establish special units or procedures in hospitals to identify women victims of violence and counsel them; define the powers of the police regarding violence against women and provide training to all police; undertake legal literacy campaigns to inform women of their legal rights; ensure that family laws were just and that they provided for the equal protection of women, men and children; ensure women's economic empowerment through equal remuneration for equal work and increased job opportunities; provide a mechanism through which victim-survivors could invoke State protection to enforce their desire to separate; grant full child custody to women in cases of domestic violence; protect the safety of women by allowing them to leave the State or country regardless of whether they had children; recognize the nexus between domestic violence and homelessness; conduct coordinated outreach efforts in various marginalized communities where there were domestic violence problems; broaden refugee and asylum laws to include gender-based claims of persecution, including domestic violence; foster cooperative relationships between State organs and NGOs; collect up-to-date statistical data; reform all laws, practices, policies and procedures that sanctioned the practice of son preference; make easily accessible in written form official policies that affected, restricted or influenced individuals in the family sphere; adopt legislation making female genital mutilation a crime and implement education programmes to prevent the practice; prevent, prosecute and punish perpetrators of incest; recognize marital rape as a crime; and ratify and comply with ILO conventions on the rights of migrant workers to reduce violence against women migrant workers and take an active stance against their abuse. At the international level, the Special Rapporteur recommended adoption and ratification of an optional protocol to the 1979 Convention allowing women the right to seek redress for the violation of their rights; adoption of an international convention on the elimination of violence against women; examination by the Commission of reports prepared by NGOs to assess the response to and inclusion of gender-specific information in their work; expansion of the mandates of thematic mechanisms that lacked specificity regarding violence against women; and the allocation of resources to human rights bodies and mechanisms specifically to address violations of the human rights of women.

#### Military sexual slavery

In an addendum to her report on violence against women [E/CN.4/1996/53/Add.1 & Corr.1], the

Special Rapporteur described her 1995 visit to the Democratic People's Republic of Korea (DPRK), the Republic of Korea and Japan on the issue of military sexual slavery in wartime, notably the provision of women for members of the Japanese Imperial Army during the Second World War.

During the mission, the Special Rapporteur, among other things, attempted to clarify the demands of former "comfort women" and to understand what remedies the Government of Japan was proposing to resolve the matter. The Special Rapporteur summarized some of the 16 testimonies she heard in all three countries and discussed the compensation sought by the women, including their reaction to a proposed settlement by Japan by way of the Asian Peace and Friendship Fund for Women. Japan had established the Fund, to compensate the women with contributions from civilians.

The Special Rapporteur stated that the DPRK had requested Japan to "accept full responsibility under international law for the crimes it committed and, on the basis of that responsibility, apologize for all its acts"; pay compensation to the surviving women; and identify and prosecute under national law all persons involved in the comfort women establishment. The Special Rapporteur presented the DPRK's legal interpretation with regard to Japan's liabilities under international law.

The Special Rapporteur stated that the position of the Republic of Korea was different from that of the DPRK, in that a 1965 bilateral treaty between the Republic of Korea and Japan had settled property claims resulting from the Japanese occupation, but not personal damages. No demands for financial compensation had been made by the Republic of Korea; however, it supported the activities of NGOs and women's groups defending the rights of the surviving victims.

The Special Rapporteur said that Japan had argued that the Geneva Conventions of 12 August 1949 for the protection of war victims and other instruments of international law did not exist during the period of the Second World War and, therefore, the Government was not responsible for violating international humanitarian law. Japan had admitted that the "then Japanese military was directly or indirectly involved in the establishment and management of comfort stations and the transfer of comfort women", and that military personnel had taken part directly in the recruitment, which was carried out against the will of the women. The Special Rapporteur stated that the Government of Japan had not accepted legal responsibility, but in many statements appeared to accept moral responsibility.



The Special Rapporteur saw the Fund as an expression of the Government's moral concern for the fate of comfort women.

The Special Rapporteur made a series of recommendations for action by Japan, including that Japan should pay compensation to individual victims and set up a special administrative tribunal for that purpose with a limited time-frame, since many of the victims were of a very advanced age; ensure a full disclosure of documents and materials relating to the situation; make a public apology in writing to individual women who had come forward and could be substantiated as victims; amend educational curricula to reflect historical realities; and identify and punish perpetrators. In addition, she proposed that international NGOs continue to raise awareness of the issues within the United Nations; that an attempt be made to seek an advisory opinion of the International Court of Justice (ICJ); and that the Governments of the DPRK and the Republic of Korea consider requesting the help of ICJ to resolve the legal issues concerning Japanese responsibility and payment of compensation to the women.

#### Other reports

Later reports of the Special Rapporteur discussed her mission to Poland (24 May-1 June) on the issue of trafficking and forced prostitution of women; to Brazil (15-26 July) on the issue of domestic violence; and to South Africa (11-18 October) on the issue of rape in the community.

Poland. Concerning her visit to Poland, the Special Rapporteur stated that her report [E/CN.4/1997/47/Add.1] on trafficking and forced prostitution of women was intended as a case study of a phenomenon that affected many countries of origin in Central and Eastern Europe in addition to Poland, such as Belarus, the Czech Republic, the Russian Federation and Ukraine, as well as a number of countries of destination, such as Austria, Belgium, Germany, the Netherlands and Switzerland. In addition, Poland, owing to its geographical location in Central Europe, was not only a country of origin for trafficking, but also a transit country for those women who moved from Eastern Europe to the West.

The Special Rapporteur stated that there was a strong correlation between trafficking and unemployment. It was also contended, the Special Rapporteur said, that economic liberalization brought with it organized enterprises involved in sex and pornography.

The Special Rapporteur identified the most common types of prostitution and enumerated ways to combat the problem. She stated that the international framework governing trafficking

and forced prostitution was the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others [GA res. 317(IV)], which she noted established no mechanism to oversee the Convention's implementation. Mistrust of the police was seen as a major obstacle, especially in countries of destination.

Recommendations included increased cooperation, regionally and internationally, to combat trafficking, and to exchange information among the police and the judiciary; revision of the immigration policies of countries of destination; expanding the Human Rights, Ethics and Law Network of the HIV/AIDS and Development Programme of UNDP to include a focus on women victims of forced prostitution and trafficking; formulating a national policy to eliminate the problem of forced prostitution and trafficking; constructing social policy to ensure that marginalized women were given alternative avenues for their vocations and livelihood; and putting forward educational material that combated negative stereotypes of women. The Special Rapporteur also proposed that NGOs and women's groups attempt to set up at local levels organizations and groups to help women victims of trafficking and prostitution.

Brazil. The Special Rapporteur visited Brazil [E/CN.4/1997/47/Add.2] to study the issue of domestic violence against women. She explained that intimacy complicated and obscured the criminality of the use of physical violence in cases of domestic violence. Economic independence was a crucial factor affecting women's response to domestic violence, as most victims did not have alternative accommodation, independent livelihoods or the means to pay for legal proceedings. Many people with whom the Special Rapporteur met noted the importance in Brazilian society of machismo—the notion of male superiority—which was said to result in extreme male dominance. She stated that although many cultures shared a sense of male superiority, machismo legitimized not only male superiority but the use of violence against women. There existed a general perception that black women were more susceptible to violence, and that violence in upper-class families was less reported because of the stigma attached to reporting to the police.

Regarding combative and preventive measures, the Special Rapporteur stated that Brazil was a State party to the 1979 Convention [YUN 1979, p. 895] and had withdrawn all of its reservations. At the regional level, it was a signatory to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and was bound to its obligations. The

Government had developed a plethora of programmes aimed at raising awareness with regard to violence against women, and the Brazilian legislature had taken many initiatives at federal and state levels. As to the judiciary, according to an expert, only 2 per cent of male perpetrators were actually convicted, and sentences in cases of domestic violence were often for less than one year. The Ministry of Justice was trying to promote alternative sentences and rehabilitation programmes for perpetrators, since such actions were felt to be more effective than imprisonment.

The Special Rapporteur recommended disseminating ideas and concepts contained in the 1993 Declaration on the Elimination of Violence against Women [GA res. 48/104]; establishing a clearing house for information on ways to combat domestic violence; devising an integrated strategy aimed at eliminating violence against women in all parts of the country; establishing shelters for victims and rehabilitation programmes for perpetrators; and creating specialized domestic violence courts.

South Africa. At the invitation of the Government of South Africa, the Special Rapporteur visited [E/CN.4/1997/47/Add.3] Pretoria, Johannesburg and Cape Town to study the issue of rape in the community. The Special Rapporteur concluded that, in addition to the inherently violent character of the society, the status, real and perceived, of South African women greatly contributed to their victimization through rape and sexual violence. She stressed that the measures taken by the Government to eliminate violence against women, particularly rape, had only been in place for a very short time and their effectiveness could not be fully evaluated. She recommended that South Africa ratify the human rights instruments to which it was a signatory; take measures to accede to the First [YUN 1966, p. 423] and Second [YUN 1989, p. 484] Optional Protocols to the 1966 International Covenant on Civil and Political Rights, and to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [GA res. 45/158]; re-define and develop the criminal justice system; increase the number of female officers in the police services; amend rules of evidence regarding sexual violence; ensure for the whole police force mandatory programmes of awareness-raising and training regarding gender issues and problems associated with investigating and prosecuting violence against women; and introduce changes in school and university curricula to teach a balanced gender perspective, and mandatory gender-sensitization training in medical and legal schools.

**Commission action.** On 19 April [res. 1996/49], the Commission on Human Rights condemned all acts of gender-based violence against women, and emphasized the duty of Governments to refrain from engaging in violence against women and to prevent, investigate and punish such acts. It also condemned all violations of the human rights of women in situations of armed conflict and called for an effective response to those violations, particularly murder, systematic rape, sexual slavery and forced pregnancy. Stressing the Special Rapporteur's conclusions and recommendations, the Commission called on States to ratify and implement relevant international human rights instruments; include in reports information pertaining to violence against women and measures taken to implement the 1993 Declaration on the Elimination of Violence against Women [GA res. 48/104]; enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who were subjected to violence; create, improve or develop, and fund training programmes for judicial, legal, medical, social, educational and police and immigrant personnel; enact and enforce legislation against perpetrators; condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid obligations to eliminate such violence; promote research, collect data and compile statistics relating to the prevalence of different forms of violence against women and encourage research into the causes, nature, seriousness and consequences of violence against women; cooperate with special rapporteurs; and enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography. The Commission asked Governments to support initiatives of women's organizations and NGOs to raise awareness of the problem and to contribute to its elimination. The Secretary-General was asked to continue to assist the Special Rapporteur and provide adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women (CEDAW) (see PART THREE, Chapter X). He was also asked to ensure that the Special Rapporteur's reports were brought to the attention of the Commission on the Status of Women and of CEDAW.

On 23 July, the Economic and Social Council, by **resolution 1996/12**, urged Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including spe-

cific crime prevention strategies that reflected the realities of women's lives and addressed their distinct needs concerning social development, environmental design and educational programmes in crime prevention.

**Subcommission action.** On 29 August [res. 1996/21], the Subcommission asked that, where appropriate, studies submitted at its 1997 session include gender-disaggregated statistics and discuss ways in which gender affected the various forms of abuse to which women were subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy those violations.

The Secretary-General was asked to ensure that UN human rights and humanitarian relief personnel received training to enable them to recognize and address human rights violations directed at women and to carry out their work without gender bias.

#### Violence against women migrant workers

**Commission action.** On 11 April [res. 1996/17], the Commission on Human Rights called on States to adopt measures for the effective implementation of the 1993 Declaration, including applying them to women migrant workers, as well as all relevant measures emanating from recent world conferences. It asked the High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women as well as all relevant UN bodies and programmes, to give particular attention to the issue of violence perpetrated against women migrant workers. It welcomed the UN expert group meeting on the issue of violence against women migrant workers (see below), which had been asked to submit to the General Assembly in 1996 recommendations for improving coordination of the various efforts of UN agencies on the issue of violence against women migrant workers and to develop concrete indicators as a basis for determining the situation of women migrant workers. The Commission asked the Special Rapporteur to consider reporting in 1997 on the issue of violence against women migrant workers.

**Expert group meeting.** In September, the Secretary-General presented the conclusions and recommendations [A/51/325] of the expert group meeting on violence against women migrant workers (Manila, Philippines, 27-31 May) and the actions taken throughout the UN system on the situation of women migrant workers, as well as

comments from Governments describing approaches in dealing with the issue.

The expert group meeting focused on the development of indicators and on improving coordination among UN organizations with respect to the problem of violence against women workers. The meeting made extensive recommendations on the types of indicators that might be used; they covered the issues both of violence against women and of tracking international migration conditions. The meeting recommended that the appropriate UN body undertake as soon as possible studies in selected sending and receiving countries to obtain valid basic data on the extent and nature of violence against women migrant workers and to gain an in-depth understanding of the impact of violence on women migrant workers, their families and their communities. Concerning coordination within the United Nations, the meeting recommended that the Administrative Committee on Coordination (ACC) serve as the focal point responsible for coordinating initiatives on the problem. The report said that ACC, its task forces and the Inter-Agency Committee on Women should examine the mandates and policies of UN agencies and bodies to identify where their work could be enhanced, as well as undertake a review of the effectiveness of existing policies on migration, women and violence against women to identify gaps in addressing issues related to violence against women migrant workers.

On 12 December, the General Assembly, in **resolution 51/65**, asked the High Commissioner for Human Rights, the Special Rapporteur on violence against women and all relevant UN bodies, when addressing the issue of violence against women, to give particular attention to the issue of violence perpetrated against women migrant workers.

#### Traditional practices affecting the health of women and children

**Report of Special Rapporteur.** In June, the Special Rapporteur on traditional practices affecting the health of women and children, Halima Embarek Warzazi (Morocco), submitted a report [E/CN.4/Sub.2/1996/6] containing information received from Governments, UN bodies, specialized agencies and intergovernmental and non-governmental organizations on progress achieved and obstacles encountered in implementing the 1994 Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children [YUN 1994, p. 1123].

**Subcommission action.** On 29 August [res. 1996/19], the Subcommission regretted the lack of

information from Governments on the implementation of the Plan of Action. It stressed the importance of continuing to monitor measures taken by Governments towards the elimination of those practices, particularly through the Plan of Action. The Subcommission decided to extend the Special Rapporteur's mandate for two additional years and called on the Centre for Human Rights to assist her. The Secretary-General was asked to transmit the Special Rapporteur's final report to the Commission.

#### Traffic in women and girls

**Commission action.** On 19 April [res. 1996/24], the Commission on Human Rights called on Governments of origin, transit and destination, and regional and international organizations, to implement the Platform for Action of the Fourth (1995) World Conference on Women [YUN 1995, p. 1170] by: ratifying and enforcing international conventions on trafficking in persons and on slavery; addressing the root factors of traffic in women and girls; stepping up cooperation and concerted action by relevant law enforcement authorities; allocating resources to provide programmes to heal and rehabilitate into society victims of trafficking; and developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking. It asked the Subcommission to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of traffic in women and girls.

**Report of Secretary-General.** As requested by the General Assembly in 1995 [YUN 1995, p. 1189], the Secretary-General in August reported [A/51/309] on traffic in women and girls. He described the problem and reviewed national and international laws and treaties, and discussed approaches and measures to address trafficking taken by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as measures taken at the national level.

The Secretary-General presented a series of recommendations on possible measures to improve reporting on the implementation of international instruments concerned with the problem.

On 12 December, the General Assembly, in **resolution** 51/66, called on Governments to criminalize trafficking in women and girls and to condemn and penalize all offenders.

#### Women in the UN

**Commission action.** On 19 April [res. 1996/48], the Commission on Human Rights called for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of UN system-wide activity and to address those issues throughout relevant UN bodies and mechanisms. Welcoming the report of the 1995 expert group meeting on the development of guidelines for the integration of a gender perspective into human rights and programmes [YUN 1995, p. 767], the Commission asked the Secretary-General to distribute the report widely. The Commission encouraged the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women (see PART THREE, Chapter X) and between the Centre for Human Rights and the United Nations Division for the Advancement of Women, and requested that the joint work plan of the Centre and the Division be made available to the Commission on Human Rights and to the Commission on the Status of Women in 1997. It urged relevant UN entities and human rights bodies, as well as the High Commissioner for Human Rights and the UN High Commissioner for Refugees, to provide training in the human rights of women for all UN personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women. States and relevant UN bodies were asked to include in their human rights education activities information on the human rights of women. The Commission asked the High Commissioner for Human Rights to consider assigning a high-level staff member within his Office the task of providing advice on integrating the human rights of women throughout the Centre, as well as liaison with other relevant UN bodies on the matter. The Secretary-General was asked to report in 1997.

**Subcommission action.** On 29 August [res. 1996/21], the Subcommission asked the Secretary-General to ensure the reinforcement and further development of the integration of women's human rights into the mainstream of UN activities; to establish the post of focal point on women in the Centre for Human Rights and to ensure that women's human rights were effectively supported at all levels in the UN system; and to fulfil his target of having women hold 50 per cent of managerial and decision-making positions by the year 2000.

## Children

Sale of children, child  
prostitution and child pornography

**Report of Special Rapporteur.** In a January report [E/CN.4/1996/100], the Special Rapporteur on the sale of children, child prostitution and child pornography, Ofelia Calcetas-Santos (Philippines), discussed developments occurring during the period October 1994 to November 1995 concerning trafficking in minors, and their sale for commercial adoption, prostitution, pornography, the exploitation of child labour, use of children in armed conflicts, organ transplants and other purposes, including early marriages and blood donation. Based on information received from Governments and NGOs, the Special Rapporteur reviewed developments in the three catalysts for instituting reforms to benefit children, namely, the justice system, the educational system and the media.

The Special Rapporteur's recommendations at the international level were to establish an inventory of UN and civilian initiatives and programmes; hold various topical international conferences; review legislation with a view to harmonization; impose extremely severe penalties on those convicted of child abuse; improve communication and coordination between UN entities concerned with child abuse; and devise a quick-action standard operating procedure to respond to urgent cases. At the national and local levels, the Special Rapporteur recommended building a network of contacts for standardized gathering of data, as well as a network to gather evidence on specific cases, with the assistance of UN specialized agencies; designating a focal point to coordinate network construction; and reviewing national laws to determine if they conformed to international standards. As for child sex tourism, the Special Rapporteur stated that Governments—not only national tourism administrations—as well as the operational sector of tourism should define responsibilities and identify possibilities for joint action. That action, she stated, should be coupled with monitoring mechanisms for effectively imposing sanctions.

**Commission action.** On 24 April [res. 1996/85], the Commission on Human Rights, welcoming the Special Rapporteur's report, asked the Secretary-General to assist her to discharge her mandate fully and to submit an interim report to the General Assembly in 1996 and to the Commission in 1997. It welcomed the convening in August of the World Congress against Commercial Sexual Exploitation of Children (see below).

The Economic and Social Council, by **decision 1996/288** of 24 July, approved the Commission's request to the Secretary-General.

On the same date, the Council, by **resolution 1996/26**, invited interested Governments fighting illicit trafficking in children to collect, wherever possible, data and other information on the problem in accordance with national legislation, and to furnish the information to the UN Commission on Crime Prevention and Criminal Justice (see PART THREE, Chapter IX).

**World Congress.** By a letter of 20 September [A/51/385], Sweden transmitted the text of the Declaration and Agenda for Action adopted on 28 August by the World Congress against Commercial Sexual Exploitation of Children (Stockholm, 27-31 August). The Congress was organized by the Government of Sweden, in cooperation with UNICEF, End Child Prostitution in Asian Tourism, and the NGO Group for the Convention on the Rights of the Child. The Declaration outlined the challenge to protect children from commercial sexual exploitation and the commitment of the Congress against such exploitation. The Agenda aimed at highlighting existing international instruments, identifying priorities for action and assisting in implementing relevant international instruments. It called for action from States, all sectors of society, and national, regional and international organizations.

**Interim report of Special Rapporteur.** By an October note [A/51/456], the Secretary-General transmitted the Special Rapporteur's interim report. Having participated in various seminars and conferences during the year on the issue of trafficking in children and child prostitution and pornography, the Special Rapporteur noted that the main concern was the problem of sexual exploitation of children and its escalation; therefore, she had focused her report on the commercial sexual exploitation of children.

The Special Rapporteur cited causes of the problem: population growth; the erosion of the family structure, and of societal and spiritual values; and the low priority given to development and protection of children in the political sphere, especially in terms of budgetary allocations. Characteristics typifying most commercial sexual exploitation of children were that it was invisible, mobile, global, escalating and highly profitable. The Special Rapporteur presented profiles of victims and abusers, and examined motivations for child sexual abuse and effects on children.

In considering the justice system, the Special Rapporteur focused on problems associated with law enforcement, prosecution of cases, children

appearing before a court of law, and recovery and reintegration programmes. She recommended appointing special police officers to look into cases involving children; conducting information campaigns in cases of perceived police corruption or inefficiency; setting up mobile units for surveillance of places where children were at greater risk; enforcing laws aimed at protecting children; community involvement in the law enforcement process; safeguarding the rights of children during criminal court proceedings; ensuring confidentiality of records; utilizing sight-separation procedures (closed-circuit television testimony, video monitors, deposition) during hearings to protect a child victim from confronting the accused; improving access to legal and other remedies; and promoting dialogue between the relevant agencies involved in the justice system.

The Special Rapporteur stated that the prosecution of international crimes against children was extremely difficult, expensive and time-consuming. Not only were substantive and procedural issues endemic, but national concerns and priorities might also be dissimilar. Differences in language and legal systems and the need to bring witnesses from abroad further complicated the issue. The Special Rapporteur recommended that cooperative efforts be made by countries and outlined a series of measures for establishing them.

In later reports, the Special Rapporteur described her visits to the Czech Republic (20-25 May) [E/CN.4/1997/95/Add.1] and the United States (9-20 December) [E/CN.4/1997/95/Add.2], which were made at the request of those Governments.

**Czech Republic.** During her visit to the Czech Republic (Prague, Plzen, Brno, Usti nad Labem, Teplice), the Special Rapporteur met with governmental and non-governmental organizations and concerned individuals, and visited some field projects assisting children.

The Special Rapporteur noted that the general picture in the Czech Republic was encouraging. Police officers, social workers and NGOs in Prague, Teplice and Usti stated that they had never come across any case of the sale of babies. Nothing concrete was reported to the Special Rapporteur concerning trafficking in organs. Cross-border trafficking of children occurred in such areas as North Bohemia in the north-east of the country, bordering Germany. Police officers stated that there was considerable trafficking of prostitutes across the border involving children between the ages of 15 and 18, but that children under 15 were not involved. The Special Rapporteur noted that under Czech law, with respect to sexual consent and sexual relations, a child was

a person under 15. Therefore, persons from ages 15 to 18 were considered as minors, but were no longer children. Some NGOs reported cases of young girls and women wanting to work in Germany who often had accepted dubious job offers, and who most of the time ended up in situations of sexual exploitation. According to the Czech authorities, in recent years the number of children involved in prostitution and pornography, both girls and boys, had increased steeply, mostly in Prague and North Bohemia.

NGOs working in the street reported that there were hundreds of boy prostitutes in Prague, the majority boys ages 14 to 20 who had run away from home. Some were homosexuals, but the majority were heterosexual. Most came from dysfunctional families; they either were runaway boys or had been rejected by their parents. Child pornography, which in the Czech Republic mainly referred to pornography involving boys, was a growing concern. It was reported that pornography in the country was usually backed by foreign companies. Sex tourism was described by both governmental and non-governmental sources as a growing phenomenon, with children among its main victims.

The Special Rapporteur expressed concern over minority groups in the Czech Republic, particularly the Gypsy community. She was of the impression that children belonging to those groups were further marginalized because of the attitude in some sectors that the problems of children in prostitution and pornography were not very serious.

The Special Rapporteur recommended, among other things, establishing a focal point to coordinate the concerns of children; adopting a non-punitive approach to children involved in prostitution; patrolling known areas where boys were available as prostitutes; enhancing cooperation between government agencies and NGOs dealing with children; instituting control measures to prevent the use of children for pornography; installing greater control and monitoring mechanisms in border regions to prevent trafficking; and reviewing programmes and initiatives to ensure that they did not result in unforeseen adverse effects.

**United States.** In the United States, the Special Rapporteur visited Washington, D.C., New York, Tucson, Phoenix and San Francisco, where she met with high-level government officials and representatives of non-governmental and children's organizations. She said she had decided to visit the country on the basis of information and materials submitted to her pointing to the existence of child prostitution and child pornography. She also wished to explore the phenomenon

of child pornography and the impact of the Internet in that area in a developed country. In addition, the Special Rapporteur was interested in studying the many initiatives undertaken in the United States, by both Government and NGOs, to combat those problems.

Most experts the Special Rapporteur interviewed believed that broken families and child abuse within families were the main reasons why children ran away from home. In addition, there were children living on the street who had been thrown out of their homes. She was concerned that statistics and data seemed to be lacking across the country as to the extent of the commercial sexual exploitation of children.

With the exception of a few cases, she said, commercial sexual exploitation of children seemed to be concentrated in certain areas of the Texas-Mexico border and the California-Mexico border. Customs officials stated that the transportation of children from Mexico to the United States for prostitution by wealthy citizens was a concern. Child prostitutes in San Francisco came from all racial, ethnic and social backgrounds and were as young as nine years old. According to the police, there were 4,000 to 7,000 street children in the city, of whom an estimated 45 to 50 per cent did not want to return home. Police experts were on 24-hour call for cases involving child prostitution and pornography, and investigations followed an approach instituted in 1984 whereby a social worker, a doctor or nurse therapist and a police officer immediately attended to the child victims.

In San Francisco, lifetime probation for convicted child-sex offenders was obligatory; registration was required both yearly, on their birthdays, and when they changed residences. Currently, there were 3,000 registered child molesters, of whom some 200 were paedophiles.

As to child pornography and the Internet, the Special Rapporteur noted that computer networks led paedophiles to contact like-minded individuals, with such communications often constituting a support basis for their actions. As paedophiles preferred moving images and video sound to computer images, their use of the Internet was limited mainly to communication, with videos being sent by mail. The Special Rapporteur stated that a development which had overtaken legislation was the "morphing" of children's bodies and images to create a "virtual child". She felt strongly that whether the image was real or imaginary, the effects remained the same. As for the accessibility of child pornography by children, the Special Rapporteur stated that parents and family must take responsibility.

The Special Rapporteur noted that the United States Supreme Court, in December, agreed to study the Communications Decency Act to decide, in 1997, whether Congress had violated constitutional rights of free speech by attempting to restrict indecency on the Internet.

In her conclusions and recommendations, the Special Rapporteur urged the United States Government systematically to gather information and data on the commercial sexual exploitation of children, and called on the United States to ratify the 1979 Convention on the Elimination of All Forms of Discrimination against Women [GA res. 34/180] and the 1989 Convention on the Rights of the Child [GA res. 44/25]. She was encouraged by the many federal and state initiatives to investigate commercial sexual exploitation and recommended that successful investigations be publicized nationwide to raise public awareness and to act as a deterrent to potential perpetrators.

#### Child labour

**Commission action.** On 24 April [res. 1996/85], the Commission on Human Rights called on Governments to take measures to ensure the protection of children from economic exploitation, and urged them to eliminate extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery.

**Report of Secretary-General.** As requested by the General Assembly in 1995 [YUN 1995, p. 704], the Secretary-General reported [A/51/492] in October on UN initiatives and programmes, and those of its affiliated agencies, addressing the exploitation of child labour. He noted the provisions of various international human rights instruments, International Labour Organization (ILO) mechanisms, activities of the Commission on Human Rights and its Subcommission, the work of the Committee on the Rights of the Child (CRC), and UNICEF-supported country-specific programmes that addressed child labour.

The Secretary-General proposed national and international measures aimed at improving cooperation to address child labour issues.

#### Programme of Action

In a June report with a later addendum [E/CN.4/Sub.2/1996/25 & Add.1], the Secretary-General provided information received from Governments on measures they had adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour [YUN 1993, p. 965], adopted by the Commission on Human Rights in 1993.

## Children and armed conflict

**Report of Secretary-General.** In a February report [E/CN.4/1996/110], the Secretary-General updated information on a study by expert Graça Machel (Mozambique) on the protection of children in armed conflict, as called for by the General Assembly in 1993 [GA res. 48/157]. The study was being undertaken with the support of the UN Centre for Human Rights and UNICEF.

The Secretary-General stated that the expert had made field visits to countries affected by armed conflicts, notably Angola, Cambodia, Lebanon, Rwanda and Sierra Leone. Three regional consultations were held: on the impact of armed conflict on children in the Horn of and eastern, central and southern Africa (Addis Ababa, Ethiopia, April 1995); on the impact of armed conflict on children in the Arab region (Cairo, Egypt, August 1995); and on the impact of armed conflict on children in West and Central Africa (Abidjan, Cote d'Ivoire, November 1995). The World Conference on Religion and Peace (Geneva, August 1995) also discussed the issue at a special seminar which adopted statements [E/CN.4/1996/110/Add.1].

**Expert study.** By a note of 26 August [A/51/306], the Secretary-General transmitted the expert's study on the impact of armed conflict on children to the Assembly.

The expert documented some of the most grave impacts of armed conflict on children, stating that one of the most alarming trends was the participation of children as soldiers. They usually had served in supporting roles, such as cooks, porters, messengers and spies, but increasingly were being conscripted as soldiers. Most child soldiers were adolescents, though many were 10 years old or younger, and while the majority were boys, girls also were recruited. The expert discussed the recruitment of children, how they were used, their demobilization and reintegration into society, and steps to prevent recruitment. She recommended the launching of a global campaign aimed at eradicating the problem; quiet diplomacy by UN bodies, specialized agencies and international civil society with government and non-State forces to encourage the demobilization of child soldiers; including demobilization and reintegration measures in peace agreements; and ensuring the conclusion of the drafting of the optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (see PART TWO, Chapter I).

Noting that at least half of all refugees and displaced people were children, the expert stated that in the course of displacement, millions of children had been separated from their families,

physically abused, exploited and abducted into military groups, or had perished from hunger and disease. She discussed the vulnerability of children in flight, unaccompanied children who had been separated from both parents and not in the care of another adult, children whose parents decide to evacuate them from an area of armed conflict by sending them to friends or relatives or having them join large-scale programmes, children in refugee and displacement camps, the situation of internally displaced children, children seeking asylum and children returning to their home communities. She recommended adopting procedures to ensure the survival and protection of unaccompanied children; caring for unaccompanied children in their extended family or the community rather than in institutions; prioritizing measures, in all assistance programmes in refugee and displacement camps, to prevent sexual violence, discrimination in delivery of relief materials, and the recruitment of children into the armed forces; addressing the assistance and protection needs of internally displaced children; developing a legal framework to increase protection for internally displaced persons, emphasizing the concerns of children; and supporting Governments in strengthening national legislation challenging any aspect of discrimination against women, girls and child-headed households, particularly with respect to custody, inheritance and property rights. The expert urged UNICEF, UNHCR, the Food and Agriculture Organization of the United Nations (FAO) and ILO to give urgent attention to the situation of child-headed households, and to develop policy and programme guidelines to ensure their protection and care.

The report stated that rape posed a continual threat to women and girls during armed conflict, as did other forms of gender-based violence, including prostitution, sexual humiliation and mutilation, trafficking and domestic violence. Boys were also affected, and cases of young boys who had been raped or forced into prostitution, according to the expert, were underreported. She described situations of child victims of prostitution and sexual exploitation during wartime and the failure to denounce and prosecute wartime rape and other gender-based violence in armed conflict, and discussed preventing gender-based violence. The expert recommended emphasizing, in humanitarian responses in conflict situations, the reproductive health needs of women and girls, which included the issues of access to family planning services, pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, and the psychosocial needs of mothers who had



been subjected to gender-based violence. She also recommended training for military personnel, including peacekeeping personnel, on their responsibilities towards civilian communities, particularly towards women and children; establishing reporting systems for sexual abuse; treating rape as a war crime; improving security in refugee and displaced persons camps for women and girls; and establishing support programmes for victims of sexual abuse and gender-based violence.

As to the threat of landmines and unexploded ordnance, the expert stated that currently children in at least 68 countries lived amid the contamination of 110 million landmines, added to which were millions of items of unexploded ordnance, bombs, shells and grenades that had failed to detonate on impact. She discussed the special danger of landmines and unexploded ordnance to children; mine clearance; mine awareness and rehabilitation programmes that helped children recover; and the need for an international ban on the use of landmines. Her recommendations dealt with enacting legislation to ban the production, use, trade and stockpiling of landmines; establishing humanitarian mine clearance as part of all peace agreements; government provision of resources to support long-term humanitarian mine clearance; and the holding of a technical workshop on mine clearance by the UN Department of Humanitarian Affairs, UNICEF, UNESCO and involved NGOs.

The expert observed that an issue closely related to armed conflict was the serious impact on children of the imposition of economic sanctions. Most sanctions exempted critical humanitarian supplies from general embargoes, but those exemptions tended to be ambiguous and were interpreted both arbitrarily and inconsistently. They often caused resource shortages; disrupted the distribution of food, pharmaceuticals and sanitation supplies; and affected the quality of food, water, air and medicine. The expert proposed ensuring that sanctions provided for humanitarian, child-focused exemptions; exempting UN specialized agency and NGO humanitarian assistance programmes from approval by the Security Council Sanctions Committee; minimizing, in the planning of a targeted sanctions regime, impact on vulnerable groups, particularly children; and monitoring by the Security Council Sanctions Committee of the humanitarian impact of sanctions and amending them if they caused undue suffering to children.

Concerning health and nutrition, the expert pointed out that many current armed conflicts took place in some of the world's poorest countries, where children were already acutely vulnerable to malnutrition and disease. The increased

spread of communicable diseases, insufficient attention to reproductive health issues, the destruction of health facilities, the disruption of food supplies and malnutrition were other health and nutrition hazards of armed conflict. The expert recommended ensuring the maintenance of basic health systems and services and water supplies by all parties to a conflict; carrying out child-focused basic health needs assessments by organizations working in conflict situations; government facilitation of "days of tranquillity" or "corridors of peace" to ensure continuity of basic child-health measures and delivery of humanitarian relief; and a consolidated approach by UN agencies to ensure that emergency food and other relief distribution was structured to strengthen family unity, integrity and coping mechanisms. She proposed that parties in conflict refrain from destroying food crops, water sources and agricultural infrastructure, and urged the World Health Organization (WHO), in collaboration with professional, humanitarian and human rights organizations, to encourage doctors, paediatricians and other health workers to disseminate child rights information and to report human rights violations.

Apart from direct violence, children were under stress from other dimensions of armed conflict, including destroyed homes, splintered communities, and the breakdown of trust among people. There were also psychosocial concerns such as loss, grief and fear. The expert suggested taking into account psychosocial considerations in all phases of emergency and reconstruction assistance programmes; focusing programmes on supporting the healing process and re-establishing a sense of normalcy; and preventing the institutionalization of children.

The expert noted that education gave shape and structure to children's lives, and while all around might be in chaos during periods of armed conflict, schooling could represent normality. She proposed making efforts to maintain education systems during conflicts; making preparations to sustain education outside formal school buildings; extending emergency donor funding to include support for education; bringing children together for educational activities as soon as refugee or displaced persons camps were established; and prioritizing support for the re-establishment and continuity of education by donors and NGOs. The expert urged CRC to issue strong guidance to States parties on the interpretation of articles of the Convention on the Rights of the Child [GA res. 44/25] relating to their responsibility to provide education to children.

The expert highlighted relevant features of humanitarian and human rights law, and dis-

cussed the reconstruction of war-torn societies in terms of children and their families.

The expert recommended the establishment of a Special Representative of the Secretary-General on children and armed conflict who would act as a standing observer, assessing progress achieved and difficulties encountered in implementing the recommendations of the study. She proposed that the Special Representative would raise awareness of the plight of children affected by armed conflict; promote information collection, research, analysis and dissemination; encourage the development of networking to exchange experiences and facilitate the adoption of measures to improve the situation of children; contribute to coordination efforts; report annually to the General Assembly and the Commission on Human Rights; work closely with CRC, relevant UN bodies, specialized agencies and other bodies, including NGOs; and maintain contact with the UN Department of Humanitarian Affairs and the Inter-Agency Standing Committee. The expert made a series of recommendations for action by Governments, UN bodies, programmes and funds, specialized agencies and other bodies.

A separate addendum [A/51/306/Add.1] to the expert's report contained statements adopted at the three regional consultations and seminar held in 1995 (see above), as well as those adopted in 1996 at the regional consultation on the impact of armed conflict on children in Asia and the Pacific (Manila, 13-15 March); the regional consultation on the impact of armed conflict on children in Latin America and the Caribbean (Santa Fé de Bogota, Colombia, 17-19 April); and the regional consultation on the impact of armed conflict on children in Europe (Florence, Italy, 10-12 June). The addendum also contained a bibliography on children and armed conflict.

### The rights of the child

On 12 December, the General Assembly, after considering a wide range of issues relating to children's rights (see also preceding chapter and PART THREE, Chapters X and XI), adopted **resolution 51/77**.

#### The rights of the child

The General Assembly,

Recalling its resolution 50/153 of 21 December 1995, and taking note of Commission on Human Rights resolution 1996/85 of 24 April 1996,

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have become parties to the Convention on the Rights of the Child, while noting that the goal of achieving universal ratification by 1995 was not reached,

Seriously concerned about those reservations to the Convention which are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, urges States to withdraw such reservations,

Reaffirming the Vienna Declaration and Programme of Action, which states that national and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular the girl child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases, including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict and children victims of famine, drought and other emergencies, and also requires measures against female infanticide and harmful child labour,

Reaffirming also that the best interests of the child shall be a primary consideration in all actions concerning children,

Noting with appreciation the important work carried out by the United Nations, in particular the United Nations Children's Fund, the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and the expert designated by the Secretary-General to undertake the study on the impact of armed conflict on children,

Recognizing the valuable work done by relevant inter-governmental and non-governmental organizations for the promotion and protection of the rights of the child,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, poverty, natural disasters, armed conflicts, displacement, exploitation, racism and all forms of intolerance, unemployment, rural-to-urban migration, illiteracy, hunger, disability and drug abuse, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation per se is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and the administration of justice and in social, educational and public health programmes,

Recalling the recommendation made by the World Conference on Human Rights that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by supervisory bodies of the specialized agencies in accordance with their mandates,

## I

Implementation of the Convention  
on the Rights of the Child

1. Welcomes the unprecedented number of one hundred and eighty-seven States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child;

2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children, held in New York on 29 and 30 September 1990, and reiterated in the Vienna Declaration and Programme of Action;

3. Reaffirms that all States have a duty to fulfil the obligations they have undertaken under the various international instruments, and, in this regard, emphasizes the importance of the full implementation by States parties of the provisions of the Convention;

4. Urges States parties to the Convention which have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them;

5. Also urges States parties to the Convention to accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from ten to eighteen experts;

6. Welcomes the report of the Committee on the Rights of the Child, submitted pursuant to article 44, paragraph 5, of the Convention, and notes with appreciation the constructive role played by the Committee in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

7. Calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, *inter alia*, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

8. Also calls upon States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike;

9. Stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children as emphasized in the report of the Secretary-General on the progress at mid-decade on implementation of General Assembly resolution 45/217 of 21 December 1990 on the World Summit for Children;

## II

Protection of children affected  
by armed conflict

10. Invites all States to accede to relevant international human rights and humanitarian instruments,

and urges them to implement those to which they are parties;

11. Urges States and other parties to armed conflict to respect international humanitarian law;

12. Calls upon States fully to respect the provisions contained in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, as well as those contained in the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment;

13. Welcomes the report of the expert of the Secretary-General on the impact of armed conflict on children, and takes note with appreciation of the recommendations included therein which address the prevention of the involvement of children in armed conflict, the reinforcement of preventive measures, the relevance and adequacy of existing standards, the measures required to improve the protection of children affected by armed conflict and the actions needed to promote the physical and psychological recovery and social reintegration of children affected by armed conflict;

14. Notes with interest the participatory process through which the report of the expert was prepared in close collaboration with Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations;

15. Requests the Secretary-General to ensure that the report of the expert is disseminated as widely as possible among Member States and intergovernmental and non-governmental organizations, as well as within the United Nations system;

16. Takes note with appreciation of the report of the Committee on the Rights of the Child and the recommendations contained therein concerning the situation of children affected by armed conflict;

17. Welcomes resolution CM/Res.1659(LXIV) on the plight of African children in situations of armed conflict adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, held at Yaounde from 1 to 5 July 1996;

18. Recommends that States parties to the Convention promote wide dissemination and awareness of relevant standards on the rights of the child and develop education and training activities on the rights of the child as a measure to ensure the protection of children affected by armed conflict;

19. Calls upon States and United Nations bodies and organizations to treat children in situations of armed conflict as a priority concern in human rights, humanitarian and development activities, including in field operations and country programmes, to enhance coordination and cooperation throughout the United Nations system and to ensure effective protection for children affected by armed conflict;

20. Calls upon the executive boards of relevant United Nations funds and programmes, the specialized agencies and other competent bodies to explore ways and means by which they can contribute more effectively to the protection of children in armed conflict;

21. Recommends that the humanitarian concerns relating to children affected by armed conflict and their protection be fully reflected in United Nations field operations, which, *inter alia*, promote peace, prevent

and resolve conflicts and implement peace agreements;

22. Underlines the importance of including measures to ensure respect for the rights of the child, including in the areas of health and nutrition, education, physical and psychological recovery and social reintegration, within emergency and other humanitarian assistance policies and programmes;

23. Stresses the need for Governments and other parties to armed conflict to take measures, including the establishment, for example, of "days of tranquility" and "corridors of peace", to ensure humanitarian access, the delivery of humanitarian relief and the provision of services, such as education and health, including immunization of children affected by armed conflict;

24. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, and expresses the hope that it will make further progress prior to the fifty-third session of the Commission with a view to finalizing this work;

25. Urges States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour;

26. Calls upon all States and relevant United Nations bodies, including the Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, and urges States to take further action to promote gender and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

27. Welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

28. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

29. Stresses the need for all humanitarian responses in conflict situations to emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as human immunodeficiency virus/acquired immunodeficiency syndrome, and their access to family planning services;

30. Urgently requests that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanita-

rian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence;

31. Recommends that whenever sanctions are imposed their impact on children be assessed and monitored and that humanitarian exemptions be child-focused and formulated with clear application guidelines;

32. Recalls the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

33. Requests the Secretary-General, in cooperation with Member States, international organizations and relevant non-governmental organizations, to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflict;

34. Invites Governments to integrate into their military programmes, including those for peacekeeping personnel, instruction on their responsibilities towards civilian communities and in particular towards women and children;

35. Recommends that the Secretary-General appoint for a period of three years a Special Representative on the impact of armed conflict on children and ensure that the necessary support is made available to the Special Representative for the effective performance of his/her mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights to provide support to the Special Representative, and calls upon States and institutions concerned to provide voluntary contributions for that purpose;

36. Recommends that the Special Representative:

(a) Assess progress achieved, steps taken and difficulties encountered in strengthening the protection of children in situations of armed conflict;

(b) Raise awareness and promote the collection of information about the plight of children affected by armed conflict and encourage the development of networking;

(c) Work closely with the Committee on the Rights of the Child, relevant United Nations bodies, the specialized agencies and other competent bodies, as well as non-governmental organizations;

(d) Foster international cooperation to ensure respect for children's rights in these situations and contribute to the coordination of efforts by Governments, relevant United Nations bodies, notably the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the specialized agencies and the Committee on the Rights of the Child, relevant special rapporteurs and working groups, as well as United Nations field operations, regional and subregional organizations, other competent bodies and non-governmental organizations;

37. Requests the Special Representative to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

38. Requests Governments, the specialized agencies, relevant United Nations organs and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, other relevant human rights treaty bodies and human rights mechanisms, to cooperate with the Special Representative and to provide information on the measures adopted to ensure and respect the rights of children affected by armed conflict;

39. Calls upon Member States and relevant United Nations bodies and non-governmental organizations to consider how the impact of armed conflict on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention;

### III

#### Refugee and internally displaced children

40. Urges Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies for their care and well-being with the necessary international cooperation, in particular that of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund;

41. Calls upon States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their developmental needs, including health, education and psychosocial rehabilitation;

42. Calls upon States and United Nations bodies and other organizations to ensure the early identification and registration of unaccompanied refugee and internally displaced children and to give priority to programmes for family tracing and reunification;

43. Calls for the continual monitoring of the care arrangements of unaccompanied refugee and internally displaced children;

44. Calls upon States and other parties to armed conflict to recognize the particular vulnerability of refugee and internally displaced children to recruitment into the armed forces and to sexual violence, exploitation and abuse and to enhance protection and assistance mechanisms;

45. Calls upon the United Nations Children's Fund and other relevant United Nations bodies and agencies and governmental and non-governmental organizations to continue to adopt all necessary measures to ensure the survival, assistance and protection of internally displaced children;

46. Stresses the special vulnerability of households headed by children, and calls upon Governments and United Nations bodies to give urgent attention to their situation and to develop policy and programme guidelines to ensure their protection and care, in the best interests of the child;

47. Also stresses that women and youth be fully involved in the design, delivery, monitoring and imple-

mentation of measures to protect them from sexual violence and from the recruitment of children into the armed forces;

### IV

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

48. Welcomes the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

49. Expresses its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine, all over the world, the question of the sale of children, child prostitution and child pornography;

50. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-third session;

51. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-third session of the Commission with a view to finalizing this work;

52. Calls upon all States parties to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography, in particular by criminalizing the sexual exploitation of children;

53. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, and expresses its appreciation to the Government of Sweden for organizing it, in cooperation with the United Nations Children's Fund, End Child Prostitution in Asian Tourism and the Non-Governmental Organizations Group for the Convention on the Rights of the Child;

54. Welcomes with satisfaction the adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, which constitutes an important contribution to the global efforts aimed at the eradication of such practices;

55. Requests all States to implement on an urgent basis measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action;

56. Calls upon States to criminalize the commercial sexual exploitation of children and the other forms of sexual exploitation of children and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

57. Also calls upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;

58. Further calls upon States to enforce relevant laws, policies and programmes to protect children from sexual exploitation, in particular by penalizing all those offenders involved, and to strengthen communication and cooperation between law enforcement authorities;

59. Stresses the need to combat the existence of a market that encourages such criminal practices against children;

60. Urges States, in cases of sex tourism, to develop or strengthen and to implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits and other sanctions, against those who commit sexual crimes against children in countries of destination and to share relevant data;

61. Requests States to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking in children;

62. Invites States to allocate resources to provide comprehensive programmes designed to heal and to rehabilitate into society child victims of trafficking and sexual exploitation, including through job training, legal assistance and confidential health care, and to take all appropriate measures to promote their physical and psychological recovery and social reintegration;

63. Stresses the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, in order to achieve these objectives;

## V

### Elimination of exploitation of child labour

64. Encourages Member States that have not yet done so to ratify and implement the conventions of the International Labour Organization relating to the elimination of exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children;

65. Calls upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development;

66. Urges Governments to take all necessary measures, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

67. Encourages, in particular, Governments to take the necessary legislative, administrative, social and educational measures to provide for a minimum age or

minimum ages for admission to employment, appropriate regulations of the hours and conditions of employment and appropriate penalties or other sanctions to ensure the effective enforcement of these measures;

68. Invites Governments, in accordance with the commitments made at the World Summit for Social Development held at Copenhagen from 6 to 12 March 1995, to set specific target dates for eliminating all forms of child labour which are contrary to accepted international standards, to ensure the full enforcement of relevant existing laws and, where appropriate, to enact the legislation necessary to implement obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

69. Encourages Member States to strengthen international cooperation, including through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and the activities of the United Nations Children's Fund, as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

70. Recognizes the measures taken by Governments to eliminate the exploitation of child labour, and calls upon relevant United Nations bodies and specialized agencies, in particular the United Nations Children's Fund and the International Labour Organization, to support national efforts in this regard;

71. Requests that measures be taken by Governments, at the national and international levels, within the framework of multisectoral approaches, to end the exploitation of child labour in line with the commitments undertaken at the World Summit for Social Development and at the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and taking into account the results of other relevant United Nations conferences;

72. Calls upon Governments to translate into concrete action their commitment to the progressive and effective elimination of child labour and to implement, inter alia, national action plans and the International Labour Organization resolution on the elimination of child labour, adopted on 18 June 1996 by the International Labour Conference at its eighty-third session at Geneva, as well as other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

73. Requests the Secretary-General, when reporting on the implementation of the present resolution, to cooperate closely and at an early stage with relevant actors and United Nations organizations and bodies, in particular the International Labour Organization and the United Nations Children's Fund, in order to provide information on initiatives aimed at eliminating exploitation of child labour and to recommend ways and means of improving cooperation at the national and international levels in this field;

## VI

### The plight of street children

74. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of children living or working on the streets being involved

in and affected by serious crime, drug abuse, violence and prostitution;

75. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of children living or working on the streets, to take measures to ensure their reintegration into society and to provide, *inter alia*, adequate nutrition, shelter, health care and education, taking into account the fact that such children are particularly vulnerable to all forms of abuse, exploitation and neglect;

76. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, particularly the right to life, to take urgent measures to prevent the killing of street children and to combat torture and violence against them and to ensure that legal and juridical processes respect children's rights in order to protect them against the arbitrary deprivation of liberty, maltreatment or abuse;

77. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child and other relevant human rights instruments constitutes a significant step towards solving the problems of children living or working on the streets, including problems of exploitation, abuse and abandonment of children, and recommends that the Committee on the Rights of the Child and other relevant treaty monitoring bodies give attention to this growing problem when examining reports of States parties;

78. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including child well-being in urban settlements, in accordance with the Habitat Agenda adopted by the United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

## VII

79. Invites Governments, United Nations bodies and organizations, including the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, relevant mechanisms of the Commission on Human Rights and intergovernmental and non-governmental organizations to cooperate with one another to ensure greater awareness and more effective action to solve the problem of children living in exceptionally difficult conditions by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of those children;

80. Requests the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography to submit an interim report to the General Assembly at its fifty-second session;

81. Requests the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-second session, containing information on the status of the Convention on the Rights of the Child

and the problems of exploitation of child labour, its causes and consequences, in accordance with paragraph 73 above;

82. Decides to continue its consideration of this question at its fifty-second session under the item entitled "Promotion and protection of the rights of children".

General Assembly resolution 51/77

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/615) without vote, 22 November (meeting 49); draft by Jamaica, for Latin American and Caribbean Group, and 86 other nations (A/C.3/51/L.37), orally revised; agenda item 106.

Meeting numbers. GA 51st session: 3rd Committee 30, 32-35, 45, 46, 49; plenary 82.

## Indigenous populations

**Commission action.** On 19 April [res. 1996/40], the Commission on Human Rights expressed its appreciation to the Working Group on Indigenous Populations of the Subcommission for its valuable work and asked the Economic and Social Council to authorize the Group to meet for five working days prior to the Subcommission's 1996 session. The Council did so on 23 July by **decision 1996/264**. The Commission welcomed the Group's proposal to highlight in 1996 the question of indigenous people and health and the Group's recommendation that the Chairman/Rapporteur address the concept of "indigenous people" [YUN 1995, p. 771]. It invited the Group to continue its consideration as to whether there were ways in which the contribution of expertise from indigenous people to the work of the Working Group might be enhanced and to include in its future work a review of international activities taken during the International Decade of the World's Indigenous People (1994-2004), proclaimed by the General Assembly in 1993 [GA res. 48/163], and to receive information from Governments on the implementation of Decade goals in their countries. The Commission asked the Group to include in its 1996 agenda the question of how it would contribute to the Secretary-General's review of existing mechanisms, procedures and programmes concerning indigenous people (see below, under "Permanent forum for indigenous people"), providing information in that regard on its mandate and current work programme.

The Secretary-General was asked to assist the Group; transmit the Group's reports to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations for specific comments and suggestions; and ensure that the Group's 1996 meetings were provided with interpretation and documentation.

**Working Group activities.** The Working Group on Indigenous Populations, at its fourteenth ses-

sion (Geneva, 29 July-2 August) [E/CN.4/1996/21 & Corr.1], recommended that the Subcommission transmit the working paper on the concept of "indigenous people" [E/CN.4/Sub.2/AC.4/1996/2 & Add.1] of its Chairman/Rapporteur, Erica-Irene A. Daes (Greece), to Governments, intergovernmental organizations and indigenous peoples for comments, and request that she prepare for 1997 a supplementary working paper based on the information received. It also recommended that the Subcommission request the Centre for Human Rights to organize with WHO, and with the participation of governmental health officials, indigenous health experts and others, meetings to develop projects and programmes within the framework of the Decade; seek information regarding the question of "indigenous peoples: land and environment" from Governments, specialized agencies, the United Nations Environment Programme, intergovernmental organizations and indigenous and non-governmental organizations to be made available in a background paper in 1997; and request the Secretary-General to consult with the indigenous people represented at the Group's 1994 [YUN 1994, p. 1004], 1995 [YUN 1995, p. 771] and 1996 sessions on whether the commemoration of the International Day of the World's Indigenous People (9 August) should be brought forward to 1 August to coincide with the Group's annual sessions. The Working Group recommended that a special rapporteur be appointed to conduct a study of the problem of recognition of and respect for indigenous land rights.

**Subcommission action.** On 29 August [res. 1996/31], the Subcommission asked the Secretary-General to transmit the Working Group's report on its 1996 session to indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups. It asked the Secretary-General to transmit the working paper on the concept of "indigenous people" to Governments, intergovernmental organizations and indigenous peoples' organizations for comments, for submission to the Group in 1997, and asked the Chairman/Rapporteur to prepare a supplementary note, taking into account comments and relevant views she might receive. The Subcommission recommended that, at its future sessions, the Group continue to address health and other issues, including education, development, environment and land.

Concerning the Working Group's fifteenth (1997) session, the Subcommission asked the Secretary-General to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide in-

formation and data, particularly on matters relating to "indigenous peoples: environment, land and sustainable development", which would be the principal item of the Group's 1997 agenda, as well as "indigenous health", to be made available as background papers at the session. It also asked him to prepare an annotated agenda for that session, to include: standard-setting activities, including a sub-item on the concept of indigenous peoples; review of developments, including sub-items on "indigenous peoples: environment, land and sustainable development" and "indigenous health"; a permanent forum for indigenous people; the International Decade; and the study on treaties, agreements and other constructive arrangements between States and indigenous peoples. The Subcommission asked the Group's Chairman/Rapporteur to inform the Board of Trustees of the UN Voluntary Fund for Indigenous Populations that the Group would highlight land and environmental issues in 1997, so that the Board could bear that in mind when it met for its tenth (1997) session.

The Subcommission recommended that the Commission request the Economic and Social Council to authorize the Working Group to meet for five days prior to the Subcommission's 1997 session.

#### International Decade of the World's Indigenous People

**Commission action.** On 19 April [res. 1996/39], the Commission on Human Rights welcomed the recommendations and requests contained in a 1995 General Assembly resolution [YUN 1995, p. 773], and asked the High Commissioner for Human Rights and the Coordinator of the Decade to implement them and to provide informal briefings on UN system-wide activities undertaken for the Decade, and to report in 1997. The recommendations dealt with UN mechanisms, procedures and programmes for indigenous people, a permanent forum for indigenous people, activities for and objectives of the Decade, a unit within the Centre for Human Rights to support activities related to indigenous peoples, and the appointment of a fund-raiser for the Decade. The Commission also welcomed the establishment by the Decade Coordinator of an advisory body to provide guidance with regard to projects and programmes financed by the Voluntary Fund; and appealed to Governments and intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement Decade goals, in cooperation with indigenous people. The Commission asked that the High Commissioner give due regard to the dissemina-



tion of information on the situation, cultures, languages, rights and aspirations of indigenous people.

**Centre for Human Rights.** The Working Group on Indigenous Populations had before it a June report [E/CN.4/Sub.2/AC.4/1996/4] describing activities carried out for the Decade by the Centre for Human Rights covering the period July 1995 to June 1996, in accordance with 1993 [YUN 1993, p. 865] and 1994 [YUN 1994, p. 1001] General Assembly resolutions (48/63 and 49/214).

The Centre was represented at meetings and international conferences held to promote the Decade's aims and issues. Pursuant to a General Assembly resolution 50/157, the first meeting of the Advisory Group of the Voluntary Fund for the International Decade of the World's Indigenous People was held during the year (Geneva, 29 April-1 May). The Advisory Group drew up guidelines for the Fund and a questionnaire for applicants, which were annexed to the report. The Group also decided to consider projects put forward by and on behalf of indigenous people. Depending on the availability of resources from the Fund, the Advisory Group recommended that the Centre give priority to: organizing an international workshop on a permanent forum for indigenous peoples; developing a project for short-term scholarships to provide indigenous leaders with training and practical experience on human rights and the United Nations, in conjunction with indigenous peoples' organizations and NGOs at Geneva; sponsoring, in conjunction with UNESCO, a human rights training programme for indigenous representatives and official delegates of the Governments of Ecuador and Peru; and providing technical support for an information workshop on the draft declaration on the rights of the indigenous people of the Pacific and Asia region, proposed by the Government of Fiji. It also recommended the provision of the necessary assistance to an indigenous project of the East Africa Regional Information Office.

**Subcommission action.** On 29 August [res. 1996/34], the Subcommission recommended that special attention be given to improving the extent of indigenous peoples' participation in planning and implementing Decade activities. It also recommended that the Centre for Human Rights organize a workshop of indigenous journalists, with the participation of the United Nations and other relevant institutions and persons, to improve dissemination of information about the United Nations and its activities relating to indigenous peoples. The Secretary-General was asked to include in his report to the Assembly the suggestions and recommendations made during

the debate on the Decade at the Working Group's 1996 session. The Working Group was asked to include in its 1997 agenda a separate item entitled "Review of the activities carried out under the programme of activities for the International Decade of the World's Indigenous People during the period 1994-1996".

On the same date [res. 1996/32], the Subcommission, noting the concern expressed by some indigenous and governmental delegations at the Working Group's 1996 session about the need for transparency in the management of the Voluntary Fund for the International Decade and the Voluntary Fund for Indigenous Populations, recommended that the relevant UN departments establish separate accounts and separate bodies for the two funds and, if possible, transfer the financial management of the funds from New York to Geneva.

**Report of Secretary-General.** In an October report [A/51/499], the Secretary-General highlighted action taken to implement the programme of activities for the Decade adopted by the Assembly in 1995 [YUN 1995, p. 772]. He also described the observance of the International Day of the World's Indigenous People (9 August) at Headquarters and at Geneva. The Decade had been observed as part of the proceedings of various international conferences concerned with its objectives and themes.

An Advisory Group had been established for the Voluntary Fund for the Decade (see above), and the Fund, administered by the Secretary-General, had available resources, as of 12 September 1996, amounting to \$274,772. The UN Office at Geneva planned to implement in 1997 a pilot programme of short-term fellowships for indigenous peoples, to be granted to representatives of three different regions, selected by the Advisory Group. A UNESCO delegation had met with the High Commissioner for Human Rights and officials of the Centre for Human Rights to consider carrying out joint activities under the Decade. An Expert Seminar on Practical Experiences Regarding Indigenous Land Rights and Claims (Whitehorse, Canada, 24-28 March) took place at the invitation of the Government of Canada and the Centre (see below). Forty representatives of indigenous organizations took part in a workshop for indigenous peoples of the Pacific on the UN draft declaration on the rights of indigenous peoples (Suva, Fiji, 2-4 September). It was organized by the Government of Fiji and supported by UNDP, the European Union, the American Friends Service Committee and the Centre. The Centre also held an Inter-Agency Consultation on Indigenous Peoples on 26 July to discuss UN activities relating to indigenous peoples.

The Secretary-General presented information on the activities of regional organizations, Member States, organizations of indigenous people, NGOs and other interest groups, including education establishments, the media and business.

The report's recommendations included: establishing national committees with indigenous participation and regional, national and local focal points to help implement plans of action; appointing Erica-Irene Daes as Special Rapporteur to conduct a comprehensive study on indigenous land rights; more generous donations to the Voluntary Fund for the Decade; expanding the fellowship programme; promoting knowledge and appreciation of the cultures of indigenous people and preparing teaching material thereon; organization, by the Centre, of a workshop for indigenous journalists; further technical meetings on indigenous land rights and claims; a communications network guaranteeing the prompt distribution of information about the Decade; giving more time at conferences to discussing matters relating to Decade objectives; a second workshop on a permanent forum for indigenous peoples, in early 1997; adoption of the draft UN declaration on the rights of indigenous peoples during the observance of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 (see PART TWO, Chapter I); a review of projects supported by the Voluntary Fund; and a report on activities carried out under the Decade programme during the period 1994 to 1996.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/78**.

#### **International Decade of the World's Indigenous People**

The General Assembly,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling its previous resolutions on the International Decade of the World's Indigenous People, as well as those of the Commission on Human Rights,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and co-operation with indigenous people in planning and implementing the programme of activities for the International Decade of the World's Indigenous People, the

need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Recalling Economic and Social Council decision 1992/255 of 20 July 1992, in which the Council requested United Nations bodies and the specialized agencies to ensure that all technical assistance financed or provided by them was compatible with international instruments and standards applicable to indigenous people and encouraged efforts to promote coordination in this field and greater participation of indigenous people in the planning and implementation of projects affecting them,

Recalling its resolution 50/156 of 21 December 1995,

1. Affirms its conviction of the value and diversity of the cultures and forms of social organization of indigenous people and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

2. Notes that the programme of activities for the International Decade of the World's Indigenous People may be reviewed and updated throughout the Decade and that at the mid-point of the Decade the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to the achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles;

3. Takes note of the report of the Secretary-General on the implementation of the programme of activities for the Decade;

4. Welcomes the resolve of the United Nations High Commissioner for Human Rights to strengthen efforts to achieve the goals of the programme of activities for the Decade;

5. Reaffirms the adoption of a declaration on the rights of indigenous people as a major objective of the Decade, and notes that there have been two sessions of the open-ended inter-sessional working group of the Commission on Human Rights established pursuant to Commission resolution 1995/32 of 3 March 1995 with the sole purpose of elaborating a draft declaration, considering the draft United Nations declaration on the rights of indigenous peoples annexed to resolution 1994/45 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities;

6. Underlines the importance of effective participation by indigenous representatives in the working group, and encourages organizations of indigenous people that are not already registered to participate and wish to do so to apply for authorization in accordance with the procedure set out in the annex to Commission on Human Rights resolution 1995/32;

7. Welcomes the report of the Secretary-General on the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people, and requests the Secretary-General to transmit the review, prior to the fifty-third session of the Commission on Human Rights, to Governments, indigenous people and relevant international organizations for their comments;

8. Recognizes amongst the objectives of the Decade, as listed in the programme of activities, the consideration of the establishment of a permanent forum for indigenous people within the United Nations system;

9. Recalls its recommendation contained in resolution 50/157 of 21 December 1995 that the Commission on Human Rights, drawing on the results of the workshop on the possible establishment of a permanent forum for indigenous people within the United Nations system, held at Copenhagen from 26 to 28 June 1995, and the Secretary-General's review, consider the convening of a second workshop;

10. Recommends in the light of the review that efforts be made to ensure that relevant United Nations organs, organizations and bodies take part in any further consultations on the issue, and welcomes the offer of the Government of Chile to host a second workshop on the possible establishment of a permanent forum for indigenous people within the United Nations system;

11. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

12. Reaffirms the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems and, for these purposes, its recommendation that the United Nations University consider the possibility of sponsoring, in each region, one or more institutions of higher education as centres of excellence and the diffusion of expertise, and invites the Commission on Human Rights to recommend appropriate means of implementation;

13. Emphasizes the importance of action at the national level for the implementation of the goals and activities of the Decade;

14. Encourages Governments to support the Decade by:

(a) Contributing to the United Nations Trust Fund for the Decade;

(b) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(c) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters that affect them;

(d) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

15. Also encourages Governments and other donors to contribute to the United Nations Voluntary Fund for Indigenous Populations in order to assist indigenous representatives in participating in the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities and the open-ended inter-sessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people;

16. Appeals to Governments and intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed

to implement the goals of the Decade, in cooperation with indigenous people;

17. Invites the United Nations financial and developmental institutions, operational programmes and the specialized agencies, in accordance with the existing procedures of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of those people in developing countries, including by preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects through appropriate channels and in collaboration with indigenous people for strengthening their community-level initiatives and to facilitate the exchange of information and expertise amongst indigenous people and other relevant experts;

(c) To designate focal points for coordination with the Centre for Human Rights of the Secretariat of activities related to the Decade;

18. Recommends that the Secretary-General ensure coordinated follow-up to the recommendations concerning indigenous people of relevant world conferences, namely, the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995;

19. Requests the United Nations High Commissioner for Human Rights, when developing programmes within the framework of the United Nations Human Rights Education Decade, to give due regard to the dissemination of information on the situation, cultures, languages, rights and aspirations of indigenous people;

20. Encourages Governments to consider contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the achievement of the goals of the Decade;

21. Decides to include in the provisional agenda of its fifty-second session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

General Assembly resolution 51/78

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/616) without vote, 18 November (meeting 42); 35-nation draft (A/C.3/51/L.30), orally revised; agenda item 107.

Meeting numbers. GA 51st session: 3rd Committee 29, 31, 40, 42; plenary 82.

On the same date, the Assembly, by **decision 51/424**, requested the Secretary-General to submit in 1997 a report on the Decade programme of activities.

## Draft declaration

**Commission action.** On 19 April [res. 1996/38], the Commission on Human Rights recommended that the Working Group to elaborate a draft UN declaration on the rights of indigenous peoples meet for 10 working days prior to the Commission's 1997 session, and asked the Group to submit a progress report.

## ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/23**.

**Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214**

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/38 of 19 April 1996,

1. Authorizes the open-ended inter-sessional Working Group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the fifty-third session of the Commission, the costs of the meeting to be met from within existing resources;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the Working Group for its meetings.

Economic and Social Council resolution 1996/23  
23 July 1996 Meeting 46 Adopted without vote

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).  
Meeting numbers. ESC 44, 46.

The Council, by **decision 1996/218** of 2 May, approved the participation in the Working Group of 12 organizations of indigenous people not in consultative status with the Council.

On 10 October and 14 November, the Council, by **decision 1996/309 A**, approved the participation in the Working Group of 15 indigenous peoples' organizations not in consultative status with the Council.

On the same dates, the Council, by **decision 1996/309 B**, provisionally approved the participation in the Working Group of an additional indigenous peoples' organization, pending receipt of the views of the Government concerned.

**Working Group activities.** The Working Group established to consider a UN draft declaration on the rights of indigenous peoples met in Geneva from 21 October to 1 November [E/CN.4/1997/102]. The report of the Group summarized statements by various representatives of delegations on articles of the draft, contained in a 1994 Subcommission resolution [YUN 1994, p. 999].

## Voluntary Fund

**Commission action.** On 19 April [res. 1996/40], the Commission, expressing its appreciation to the Governments and organizations that had made contributions to the UN Voluntary Fund for Indigenous Populations, appealed to them and to individuals in a position to do so to consider requests for further contributions.

**Subcommission action.** On 29 August [res. 1996/32], the Subcommission, noting the concern expressed by some indigenous and governmental delegations at the Working Group's 1996 session about the need for transparency in the management of the Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Decade, recommended that the relevant UN departments establish separate accounts and separate bodies for the two funds and, if possible, transfer the financial management of the funds from New York to Geneva.

**Report of Secretary-General.** In October, the Secretary-General reported [A/51/565] on the activities of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations on its eighth (24-28 April 1995) and ninth (22-26 April 1996) sessions, both held in Geneva. The Fund provided financial assistance to representatives of indigenous communities and organizations who wished to participate in the deliberations of the Working Group on Indigenous Populations and the Working Group to elaborate a UN draft declaration on the rights of indigenous peoples.

At its 1995 and 1996 sessions, the Board examined requests for financial assistance for 91 and 171 indigenous representatives, respectively. In the light of the funds available, it recommended, in 1995, the awarding of 53 travel and subsistence grants to beneficiaries from 31 countries and, in 1996, the awarding of 22 travel and subsistence grants for representatives from 17 countries to attend the 1996 session of the Working Group on Indigenous Populations. In addition, the Board recommended that four travel and subsistence grants be awarded to representatives to attend the Working Group on the draft declaration.

The Secretary-General stated that between 1 May 1994 and 21 April 1996, the Fund had received contributions totalling \$308,723, of which \$266,563 had been received from seven Governments and \$42,160 from four non-governmental sources.

## Permanent forum for indigenous people

**Commission action.** On 19 April [res. 1996/41], the Commission on Human Rights asked the Secretary-General to transmit to relevant inter-governmental organizations the report of the first workshop (Copenhagen, Denmark 1995)

held on the possible establishment of a permanent forum [YUN 1995, p. 779], and comments thereon received by the Centre for Human Rights. It noted a 1995 Assembly recommendation that the Commission consider the convening of a second workshop, and decided to continue consideration of a second workshop in 1997 under the agenda item "Indigenous issues", which it had added to its provisional agenda on 1 April [dec. 1996/102].

Welcoming a 1995 Assembly recommendation [GA res. 50/157] that the Secretary-General review existing mechanisms, procedures and programmes within the United Nations concerning indigenous people and that he report to the Assembly in 1996, the Commission asked him to ensure implementation of the review so it could be completed and circulated to Governments, relevant intergovernmental organizations and organizations of indigenous people for their comments in advance of the Assembly's 1996 session.

The Commission asked the Working Group on Indigenous Populations at its 1996 session to continue to give priority consideration to the possible establishment of a permanent forum and to submit further comments and suggestions in 1997. The Secretary-General was asked to report in 1997 on the activities undertaken and information received pursuant to its resolution.

**Subcommission action.** On 29 August [res. 1996/35], the Subcommission welcomed an offer by Chile to host the second workshop on the possible establishment of a permanent forum for indigenous people. It recommended that such a forum be established in the early part of the International Decade of the World's Indigenous People and that its mandate include questions relating to all areas included in the Decade programme of activities.

**Report of Secretary-General.** As requested by the General Assembly in 1995 [YUN 1995, p. 772], the Secretary-General reported [A/51/493] in October on existing mechanisms, procedures and programmes within the United Nations concerning indigenous people.

The Secretary-General discussed the participation of indigenous people in UN meetings on indigenous issues; formulation of policy guidelines and research activities related to indigenous people; and the work of UN bodies and entities, including the Economic and Social Council and the Commission on Sustainable Development, UNESCO, Habitat, UNDP, ILO, CRC, the United Nations Population Fund, the World Health Organization, the World Bank, the United Nations Environment Programme, UNICEF, the High Commissioner for Human Rights/Centre for

Human Rights, the Department of Public Information, the United Nations Non-Governmental Liaison Service, the United Nations International Drug Control Programme, the United Nations Division for Sustainable Development, the United Nations Under-Secretary-General for Development Support and Management Services, the Organisation for Economic Cooperation and Development, and the Organization for Security and Cooperation in Europe. The Secretary-General described funding available for indigenous people and future activities and presented the views of indigenous people on existing procedures, mechanisms and programmes. A permanent forum for indigenous people within the United Nations was also considered.

The Secretary-General concluded that, on the positive side, it might be suggested that UN efforts had contributed to generating widespread public interest in the issue of indigenous people, renewed national commitment to improving their conditions, and international initiatives to support those activities. On the other hand, there were inconsistencies on the issue within the UN system. He noted that there were no internationally accepted guidelines on the rights of indigenous peoples. Among the UN agencies, there were wide divergences in approach and level of involvement. In addition, different UN organizations related to indigenous people in distinct ways; some UN meetings, even those dealing directly with indigenous matters, offered relatively open participation, while others were almost completely closed to indigenous organizations. There were virtually no mechanisms that gave the nominated representatives of indigenous organizations or peoples an opportunity to provide expert advice or take part in decision-making.

The Secretary-General stated that at a time of financial stringency, it might be prudent to consider measures that helped to avoid duplication and strengthened cooperation and consistency of approach. He suggested that it might be important to establish procedures that helped to avoid projects and programmes in indigenous areas that were unwelcome by the supposed beneficiaries.

**Study on treaties, agreements and other constructive arrangements**

**Commission action.** On 19 April [dec. 1996/109], the Commission, taking note of a 1995 Subcommission decision [YUN 1995, p. 780], endorsed the Subcommission recommendation to request Special Rapporteur Miguel Alfonso Martínez (Cuba) to submit in 1996 a third report on the study on treaties, agreements and other constructive ar-

rangements between States and indigenous populations to the Working Group on Indigenous Populations and to the Subcommission, and, in 1997, a final report to both bodies.

The Commission asked the Secretary-General to assist the Special Rapporteur, in particular by providing specialized research assistance and with regard to visits to Geneva to consult with the Centre for Human Rights, as well as resources to carry out a mission to examine in situ the contemporary significance of a historic treaty in one country, to be determined in consultation with the Government concerned, as a practical example for inclusion in the final report. The Commission's request to the Secretary-General was endorsed by the Economic and Social Council by **decision 1996/293** of 24 July.

**Report of Special Rapporteur.** In August, the Special Rapporteur submitted his third report [E/CN.4/Sub.2/1996/23], in which it was stressed that the bulk of the data had come from extensive research conducted in 1993, 1994 and early 1995 by him and his consultant. Thus, he stated, the report did not entirely reflect the realities of mid-1996.

The report analysed diverse cases in North America, Central and South America and Northern Europe, which illustrated the reversal undergone by the original juridical condition of sovereign entities enjoyed by indigenous peoples at the start of their political and economic relations with other non-indigenous peoples, from the time that the latter had arrived on the ancestral lands of indigenous peoples.

The Special Rapporteur reserved his conclusions and recommendations for inclusion in his final report.

### Protection of indigenous heritage

**Commission action.** On 23 April [res. 1996/63], the Commission on Human Rights recommended to the Economic and Social Council a draft resolution for adoption (see below).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/24**.

#### Protection of the heritage of indigenous people

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/63 of 23 April 1996 and resolution 1995/40 of 25 August 1995 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

1. Requests the Secretary-General to transmit the final report of the Special Rapporteur of the Commission on Human Rights on the protection of the heritage of indigenous people, Mrs. Erica-Irene A. Daes,

with its annex, as soon as possible to Governments, the specialized agencies, indigenous people's communities and organizations and the intergovernmental and non-governmental organizations concerned, for their comments;

2. Requests the Special Rapporteur to prepare a supplementary report on the basis of the comments and information received from Governments, indigenous people's communities and other organizations concerned and to include in it a chapter concerning relevant activities undertaken in other forums, such as the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Intellectual Property Organization and the World Trade Organization, and to take into consideration, *inter alia*, the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa and other relevant international instruments;

3. Also requests the Special Rapporteur to submit her supplementary report to the Subcommission at its forty-eighth session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out her mandate and to complete the study successfully;

5. Decides that the basic and comprehensive study prepared by the Special Rapporteur on the protection of the cultural and intellectual property of indigenous people shall be published in all official languages and disseminated widely.

Economic and Social Council resolution 1996/24

23 July 1996

Meeting 46

Adopted without vote

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).

Meeting numbers. ESC 44, 46.

**Report of Special Rapporteur.** In June, Special Rapporteur Erica-Irene Daes submitted a supplementary report [E/CN.4/Sub.2/1996/22] on the protection of the heritage of indigenous people, taking into account additional comments and information received from Governments, UN specialized agencies and organizations of indigenous peoples. She had submitted a preliminary report in 1994 [YUN 1994, p. 1003] and a final report in 1995 [YUN 1995, p. 780].

The Special Rapporteur summarized and analysed the additional information received and presented relevant aspects of recent environmental treaties and the implications of recent trade agreements. She noted that parallel efforts to reach an intergovernmental consensus on protection of the heritage of indigenous peoples were being undertaken by several UN organs and specialized agencies. She pointed to an urgent need for communication and coordination to ensure consistent and mutually reinforcing results. She also proposed entrusting to a member of the Working Group on Indigenous Populations,

with the approval of the Economic and Social Council, a mandate to: exchange information with all parts of the UN system concerned with the issue; facilitate cooperation and coordination; promote the greatest level of participation by indigenous people; and report to the Council through the Subcommission and the Commission. States should give urgent consideration to providing special funds for the participation of indigenous people in relevant international meetings, she added.

**Subcommission action.** On 29 August [res. 1996/37], the Subcommission decided to transmit to the Commission principles and guidelines for the protection of the heritage of indigenous people, annexed to the Special Rapporteur's final report, with the recommendation that they be adopted. It endorsed the Special Rapporteur's recommendation that a member of the Working Group on Indigenous Populations should be entrusted with the mandate contained in her supplementary report.

The Subcommission asked the Secretary-General to convene a technical meeting, with the Special Rapporteur, of representatives of the World Intellectual Property Organization, UNESCO, UNEP, UNDP, FAO and the World Trade Organization to consider how they could contribute to her work, and also to transmit the report of that meeting to the Subcommission and the Commission.

#### Indigenous land rights

**Expert seminar.** As part of the activities for the International Decade of the World's Indigenous People, which was approved by the Assembly in 1994 [GA res. 49/214], the Expert Seminar on Practical Experiences Regarding Indigenous Land Rights and Claims (Whitehorse, Canada, 24-28 March) [E/CN.4/Sub.2/AC.4/1996/6] was held.

Among the issues addressed were: the obligation of countries to recognize, demarcate and give legal protection to indigenous lands and resources; the problems of claims processes; the colonial concept of extinguishment of inherent rights; the link between land rights and self-determination and the experience of indigenous peoples with colonialism; and the loss of lands and resources for military purposes. It also examined the negotiation process and legal arrangements for the demarcation, titling and protection of indigenous lands; sustainable development and arrangements concerning the use and sharing of natural resources; and the role of intergovernmental organizations.

The Seminar recommended that Governments renounce discriminatory legal doctrines and policies which denied human rights or lim-

ited land and resource rights; adopt corrective legislation and policies; establish fair procedures for reviewing situations and for taking corrective action in cases in which indigenous land or resources had been taken or extinguished through processes that were claimed or found to be unfair or discriminatory; ensure indigenous people access to adequate resources to research and negotiate their claims; hold negotiations on a basis of equality, acknowledging indigenous leadership, structures, languages and social and legal systems; recognize land rights and titles and implement effective and appropriate procedures and mechanisms; guarantee access to land of indigenous peoples deprived of land or lacking sufficient land; review their laws and policies; establish impartial mechanisms to oversee and facilitate fair and equitable conclusions to land claims processes and implement land agreements; and encourage trade among indigenous peoples and other parties from different countries. It was proposed that the United Nations consider whether a permanent forum for indigenous people could play a constructive role regarding land rights problems; prepare a study, with the participation of indigenous experts, on the extinguishment of land rights and its implications, with a view to recommending new approaches; consider, with its specialized agencies, providing technical assistance to States and indigenous peoples to resolve land claims; before funding demarcation projects, provide for adequate consultative mechanisms at all stages of planning and implementation of projects; consider holding further consultations, workshops and seminars on the subject; consider ways of harmonizing existing guidelines relating to indigenous peoples; emphasize comparative policy work relating to indigenous land titling; consider creating indigenous advisory councils at all levels; organize training workshops for representatives of indigenous organizations, particularly on land questions; and consider how the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 436] could provide guidance in other situations. It was suggested that the Centre for Human Rights consider collecting examples of indigenous land agreements to facilitate the promotion of technical cooperation. The seminar also proposed that military and occupation practices carried out by Governments, which had an impact on the ways of life of indigenous peoples, should be open to international consideration in accordance with international human rights standards, and that international cooperation supporting the administrative management of their lands and resources should include full cooperation with indigenous peoples. Participa-

tion by indigenous peoples in decision-making and policy regarding land resources and development at all levels, and the provision by States and intergovernmental organizations of development assistance through organizations of indigenous peoples, were also recommended.

An addendum to the report [E/CN.4/Sub.2/AC.4/1996/6/Add.1] contained background papers for the seminar.

**Subcommission action.** On 29 August [res. 1996/38], the Subcommission recommended that the Commission on Human Rights authorize the Subcommission to appoint Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights, which would, among other things, update the status of efforts to secure indigenous land rights and detail problems that continued to exist in that regard, as well as catalogue existing national laws, policies and procedures concerning indigenous land rights.

#### Sacred sites and religious freedom

On 29 August [res. 1996/36], the Subcommission asked the Special Rapporteur on religious intolerance to take into account the specific problems faced by indigenous people relating to the destruction and violation of their sacred sites and religious ceremonies. It also asked him to take into account the spiritual relationship the indigenous communities had with the land and the significance of traditional lands for the practice of their religion, and to examine the history of events that were responsible for violating their right to freedom of religion and religious practice. The Subcommission recommended that the Special Rapporteur explore in depth the impact that outside influences had on indigenous communities' ability to practise their religion.

#### Migrant workers

On 23 August [res. 1996/10], the Subcommission urged countries of employment to review and adopt measures to prevent the use of force against migrant workers, and to ensure that police forces and migration authorities complied with basic standards relating to decent treatment of all migrant workers. It urged States to sanction employers for the confiscation of passports belonging to migrant workers, particularly migrant domestic workers. Member States were asked to sign and ratify or accede to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [GA res. 45/158] as a matter of priority (for status of Convention, see PART TWO, Chapter I).

#### Family reunification

On 12 December, the General Assembly adopted **resolution 51/89**.

##### **Respect for the right to universal freedom of travel and the vital importance of family reunification**

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development, family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling its resolution 50/175 of 22 December 1995,

1. Once again calls upon all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. Reaffirms that all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. Calls upon all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. Also calls upon all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure which discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. Decides to continue its consideration of this question at its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/89

12 December 1996 Meeting 82 89-4-76 (recorded vote)

Approved by Third Committee (A/51/619/Add.2) by recorded vote (79-3-75), 26 November (meeting 53); draft by Cuba (A/C.3/51/L.36); agenda item 110 (b).

Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Armenia, Bahrain, Bangladesh, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Gabon, Gambia, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Canada, Israel, Japan, United States.

Abstaining: Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize,



Bhutan, Bulgaria, Cambodia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Suriname, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Arab Emirates, United Kingdom, Uzbekistan, Zaire.

### Persons with disabilities

**Commission action.** On 19 April [res. 1996/27], the Commission on Human Rights called on the Secretary-General to maintain the integrity of programmes within the United Nations relating to persons with disabilities, and asked him to ensure support for the effective functioning of the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond [YUN 1995, p. 1256]. It also asked him to report biennially to the Assembly (a request approved by the Economic and Social Council by **decision 1996/261** of 23 July) and to make available to the Commission in 1997 the latest report of the Special Rapporteur on disability of the Commission for Social Development on his monitoring of the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities [GA res. 48/96].

**Report of Secretary-General.** In a July report [E/CN.4/Sub.2/1996/27], the Secretary-General summarized replies received from treaty-monitoring bodies, UNESCO and the Special Rapporteur of the Commission for Social Development on disability, in response to his request for information on coordination endeavours affecting persons with disabilities (see also PART THREE, Chapter XIII).

### Other issues

#### The Olympic Ideal

On 19 April [res. 1996/45], the Commission on Human Rights, recalling the value of the equal rights of men and women to the enjoyment of all economic, social and cultural rights and the recognition of the right of everyone to take part in cultural life, reaffirmed that sports might contribute to the promotion and social integration of certain target groups, such as women and youth. The Commission, recognizing that the Olympic Games had exemplified excellence through education and cultural expression, reaffirmed the valuable contribution of the Olympic Movement to the promotion, protection and implementation of human rights and to the creation of global friendship and the maintenance of world peace.

## Chapter III

## Human rights violations

Alleged violations of human rights in 1996 were examined in the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities, as well as by special bodies, special rapporteurs and independent experts.

### General aspects

Under a procedure established by the Economic and Social Council in 1970 to deal with communications alleging denial or violation of human rights [YUN 1970, p. 530, ESC res. 1503(XLVIII)], the Commission on Human Rights held closed meetings to study confidential documents and a confidential report by a working group set up in 1990 [ESC res. 1990/41]. The documents dealt with human rights situations in Armenia, Azerbaijan, Chad, Mali, Nepal, Saudi Arabia, Sierra Leone, Slovenia, Thailand and Uzbekistan. The Commission decided to discontinue consideration of the human rights situations in Armenia, Azerbaijan, Mali, Nepal, Slovenia and Thailand.

As to the recognition of gross and large-scale human rights violations as an international crime, the Commission, on 19 April [E/1996/23 (dec. 1996/105)], noting a 1995 Subcommission resolution [YUN 1995, p. 783], decided to postpone the decision on forwarding to the Economic and Social Council a draft decision of the Subcommission authorizing the preparation of a report on the subject, so that it could take into account the work of other UN bodies.

On 29 August [E/CN.4/1997/2 (dec. 1996/116)], the Subcommission requested Stanislav Cher-nichenko (Russian Federation) to prepare an expanded working paper on the recognition of gross and massive violations of human rights perpetrated on the orders of the Governments or sanctioned by them as an international crime, and to submit it for consideration in 1997. Previous working papers were submitted in 1992 [YUN 1992, p. 810] and in 1993 [YUN 1993, p. 962].

## Africa

### Burundi

**Report of Special Rapporteur.** In February, Special Rapporteur Paulo Sergio Pinheiro (Brazil) submitted a report [E/CN.4/1996/16/Add.1] covering the human rights situation in Burundi from 1 November 1995 to 15 February 1996. His second visit to the country took place from 9 to 16 January.

The Special Rapporteur described the overall situation in Burundi, including the state of the Government, the bias and laxity of the judiciary, challenges facing the army and security forces, the collapse of the economy and the stalling of the democratization process. He observed that the dangers facing the country remained considerable, entailing unbearable consequences for the population and uncontrollable mass movements within the country and at its borders. There was a rapid succession of deliberate criminal acts, committed by rebels and by certain units of the army, from which both of Burundi's two main ethnic communities—the Hutus and the Tutsis—were suffering equally.

The Special Rapporteur urged the Burundi authorities to take action concerning the army and security forces; the judicial system; primary and secondary education; trade in and sale of arms; the media; promotion and protection of human rights; and fostering a culture of human rights, reconciliation and peace. At the international level, he proposed action towards a strategy to restore the rule of law in Burundi and conformity with the country's democratic institutions. The other key element of the international community's commitment was the immediate deployment of human rights observers. Other suggestions included restriction of travel abroad by Burundian leaders, the heads of political parties and their relatives, as well as by known rebels who advocated genocide; an immediate embargo on the sale and supply of arms to Burundi; and freezing the assets in European or American banks of Burundians involved in arms traffic.

**Commission action.** On 27 March [E/1996/23 (res. 1996/1)], the Commission on Human Rights took note of a February report [S/1996/116] of the Secretary-General on the situation in Burundi (see PART ONE, Chapter II), the Special Rapporteur's report (see above) and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his 1995 mission to Burundi [YUN 1995, p. 750]. It condemned all threats to the democratic process in the country and demanded an immediate end to human rights violations and to acts of violence and intimidation. It welcomed the Tunis Declaration on the Great Lakes Region, of 18 March 1996 (see PART ONE, Chapter II), and the proposal by the Government for the establishment of an independent national human rights commission, for which the High Commissioner for Human Rights was urged to provide support. The Commission also urged the High Commissioner, in cooperation with the Government, to increase the number of human rights observers deployed throughout the country to monitor the human rights situation, and asked him to set up a human rights assistance programme. The Secretary-General was asked to strengthen the office of the Centre for Human Rights in Bujumbura and to intensify cooperation between UN agencies in the field. The Commission decided to renew for one year the Special Rapporteur's mandate and asked him to report to the General Assembly in 1996 and to the Commission in 1997.

On 23 July, the Economic and Social Council, by **decision 1996/254**, approved the Commission's decision to renew the Special Rapporteur's mandate and endorsed its requests for reports.

**Subcommission action.** On 19 August [res. 1996/4], the Subcommission called on the Burundian authorities to ensure the security of all Burundian citizens wishing to live in peace and appealed to them to spare no effort in banishing the spectre of genocide, creating mutual trust and encouraging peaceful coexistence between ethnic groups.

**Report of Special Rapporteur.** In October, the Secretary-General transmitted to the General Assembly the Special Rapporteur's report [A/51/459] covering the period from 16 February to 30 September 1996, which reflected the Special Rapporteur's findings regarding the Burundi crisis during his third visit to the country from 1 to 17 July.

The Special Rapporteur stated that the human rights situation had assumed catastrophic proportions, with its endless stream of targeted assassinations, arbitrary arrests, forced disappearances, looting, crime and the destruction of private property. He noted that the Government

and its armed forces had played a major role in perpetrating those acts, particularly the massacre of civilians. Armed Hutu gangs and Tutsi militia often were implicated in deadly encounters that resulted in grave violations of international humanitarian law and human rights. The Special Rapporteur described the worsening situation in Burundi following the coup d'etat of 25 July. He expressed dismay at the resurgence of massacres which seemed to have occurred since the coup, noting claims of more than 6,000 deaths. He regretted that the International Commission of Inquiry in its report of 22 August [S/1996/682] had not provided new ideas on impunity and genocide in Burundi (see PART ONE, Chapter II).

The Special Rapporteur proposed a series of actions at the national level, among them: initiating a political dialogue between all parties to the conflict under the aegis of the United Nations and the Organization of African Unity (OAU); the prompt return of Burundi refugees; setting a timetable for holding free and fair legislative elections; an immediate halt to the violence and massacres, and arrest and trial of the perpetrators; ensuring that the Burundi army did not carry out extrajudicial or summary executions, forced disappearances or arbitrary arrests accompanied by ill treatment; an independent and comprehensive inquiry into the murder in June of three delegates of the International Committee of the Red Cross; providing non-governmental organizations (NGOs) with adequate security conditions; and the abolition of the practice of indefinite detention without formal accusation or prosecution. He asked the international community to remain united behind the efforts being made by the United Nations, OAU and African countries as a group; to maintain pressure by means of economic sanctions; to demand from the de facto authorities evidence of their intention to conclude a ceasefire; to increase the number of human rights observers in Burundi; and to support the international legal assistance project, the request for which the Burundi authorities and the Burundi Bar Association had submitted to the United Nations in April. The Security Council and the Secretary-General were asked to concern themselves with the lack of attention which the problem of impunity had received from the International Commission of Inquiry. The Special Rapporteur expressed support for a proposal made by the Special Rapporteur on the human rights situation in Zaire to the Commission on Human Rights to devote a special session in 1997 to the problems of the Great Lakes region.

The Special Rapporteur commended the first group of human rights observers deployed in Bu-

jumbura for their courage in conducting sensitive investigations into serious human rights violations.

On 12 December, the General Assembly, by **decision 51/422**, took note of the Secretary-General's note transmitting the report of the Special Rapporteur.

### Equatorial Guinea

**Report of Special Rapporteur.** In a January report [E/CN.4/1996/67], Special Rapporteur Alejandro Artucio (Uruguay) described the human rights situation in Equatorial Guinea based on his visits to the country in 1995 (30 April-7 May and 19-26 November). He noted positive and negative developments concerning the situation of prisoners and detainees; acts of repression against leaders and activists of the opposition parties; and progress towards democracy through municipal elections held on 17 September 1995.

In a March addendum to his report [E/CN.4/1996/67/Add.1], the Special Rapporteur updated his assessment of the human rights situation based on events surrounding the presidential elections of 25 February. He stated that the elections did not constitute the free expression of the political will of citizens and that measures adopted by the Government had robbed the electoral process of its pluralist nature. He had received well-founded complaints of irregularities during the electoral process. In addition, several dozen members of legally recognized political parties had been arrested and detained for several days, with some subjected to physical punishment for seeking to exercise their political rights.

The Special Rapporteur recommended that the Commission on Human Rights express to the Government its concern regarding the way in which the presidential elections had been carried out; insist that the Government reform the electoral law; and continue monitoring the situation in Equatorial Guinea.

**Commission action.** On 23 April [res. 1996/66], the Commission on Human Rights called on the Government to promote the harmonious coexistence of all ethnic groups making up the society of Equatorial Guinea; to continue improving the conditions of prisoners and detainees; and to ensure that the police and security forces and other officials vested with authority put a stop to human rights violations. It decided to renew the Special Rapporteur's mandate for one year and asked him to report in 1997; those actions were approved by the Economic and Social Council by **decision 1996/273** of 23 July. The Commission asked the Secretary-General to continue to pro-

vide Equatorial Guinea with the technical assistance and advisory services necessary to implement the Special Rapporteur's recommendations and to provide him with the assistance he needed to discharge his mandate.

### Great Lakes region

By a February note [E/CN.4/1996/69], the United Nations High Commissioner for Human Rights transmitted to the Commission a report on a coordination and consultation meeting of the Special Rapporteurs on Burundi, Rwanda and Zaire (Geneva, 18-19 January). The Special Rapporteurs discussed the human rights situation in the three countries and observed that the common aspects in the region were mass population movements, illegal arms sales and incitement to racial hatred by the media.

The most important types of violation were the serious and massive infringements of the right to life, physical integrity and personal security and the right to own property. Those violations were the result of conflicts related to the struggle for political and economic power.

The Special Rapporteurs made recommendations concerning the establishment of the rule of law; the armed forces; reorganization of the administration and public services; functioning of the national judicial system; return of refugees and displaced persons to their homes and the principles of non-refoulement and voluntary return; condemnation of the incitement to racial or ethnic hatred; extending the operations of the High Commissioner for Human Rights to the three countries of the region; and the inadequacy of resources granted to the United Nations Commission of Inquiry. They also proposed the establishment of a coordination unit within the Centre for Human Rights linking more closely the professional officers assigned to them under their mandates and promoting the exchange of information. Accordingly, they requested the High Commissioner to instruct the officers to assist them and to appoint a coordinator. The Special Rapporteurs wished to meet at least twice yearly for consultations, an exchange of views and coordination of their activities and to participate in conferences, seminars, symposia and other activities relating to the Great Lakes region.

### Liberia

On 24 April [E/1996/23], the Chairman of the Commission on Human Rights read a statement stating, among other things, that the Commission viewed with grave concern the deterioration of the political, economic and social situation in

Liberia, and deplored the indiscriminate destruction of life, limb and property.

(For details of the political situation in Liberia, see PART ONE, Chapter II.)

## Nigeria

**Fact-finding mission.** In accordance with General Assembly resolution 50/199 [YUN 1995, p. 785], the Secretary-General, following consultations, on 19 March informed the President of the Assembly of his decision to send a three-member fact-finding mission to Nigeria [A/50/896]. The mission visited Abuja from 29 to 31 March and on 1, 2 and 11 April; Lagos on 3, 4, 12 and 13 April; Borno State on 5 April; Enugu and Osun States on 6 April; Kano on 7 April; and Rivers State from 8 to 10 April [A/50/960 & Corr.1]. Its mandate was to examine the judicial procedures of the trial of Ken Saro-Wiwa, an activist in the Ogoni community, and others, and the plans of the Government to implement its declared commitment to restore the country to democratic rule.

The Ogonis, one of the ethnic minority groups living in the Niger delta region, had had grievances concerning their economic and social conditions. Leaders of the Ogoni communities in 1990 established the Movement for the Survival of the Ogoni People (MOSOP). In 1993, MOSOP became divided between tribal youths (who declared their support for Mr. Saro-Wiwa), on the one hand, and the traditional rulers, on the other. The events of 21 May 1994, when four prominent Ogoni leaders were killed, constituted the basis for the prosecution of Mr. Saro-Wiwa and the other persons accused with him.

Among other things, the mission noted that the special tribunal that tried Mr. Saro-Wiwa was established without a report by a duly constituted investigation committee and had no jurisdiction to try him and others. It also observed that the procedures followed in the course of the trials were not fair; that there was insufficient time for the convicted persons to submit a petition for clemency; and that the composition of the special tribunal was not in conformity with the standard of impartiality and independence set out in national and international instruments owing to the presence of a military officer on the tribunal. The mission recommended that offences of the type in question be tried by ordinary criminal courts and that a series of amendments be made to the Civil Disturbances (Special Tribunal) Act. It also recommended the constitution of a committee composed of representatives of the Ogoni community and other minority groups in the region to introduce improvements in socio-economic conditions, to enhance employment

opportunities, health, education and welfare services and to act as ombudsman in complaints or allegations of harassment by authorities.

As to the restoration of democracy, the mission discussed the plans for transition to civil and democratic rule. The discussions showed a sharp division of views on the issue. The opposition, represented by a number of political associations, human rights activists and individuals, considered the transition programme a ploy by the military leadership to maintain power. On the other hand, some of the opposition groups called for the handing over of power to an interim national Government which would immediately hold a national conference of all political forces to address issues such as the federation, the distribution of resources and institutions dealing with the democratization process, and to draft a new constitution. Among other things, the mission recommended strengthening existing committees and commissions established to usher in democratic civil rule by incorporating persons holding different opinions; inviting an international team to Nigeria, composed of UN and/or OAU observers, to monitor the implementation of the remaining stages of the transition programme, including elections; designating a review committee under the chairmanship of a judge to examine decrees promulgated by the military Government; granting amnesty to persons convicted for political offences; removing restrictions on the right of freedom of expression of the press, releasing journalists and refraining from harassing the media; and giving wide publicity to and making available copies of the 1995 draft constitution. It also recommended that the Secretary-General continue the dialogue with the head of the Federal Republic of Nigeria to create conditions for the restoration of civil democratic rule.

Annexed to the report of the fact-finding mission was the interim response of the Government of Nigeria. It stated that members of the armed forces would be excluded from serving on the tribunal and that its verdict and sentence would be subject to judicial review; ecological and environmental problems in the Ogoni area would be investigated with a view to their amelioration; and cases of persons being detained under a 1984 decree would be reviewed, with a view to releasing such persons based on an assessment of the individual merit of each case. An additional amendment to the 1984 decree would allow for the periodic review of cases of detention of persons suspected of engaging in acts prejudicial to State security. A 1994 decree which precluded courts from issuing the writ of habeas corpus to persons detained under the 1984 decree, as amended, would be repealed. Other aspects of the report of

the fact-finding mission were under consideration and the Government would convey its decisions on them.

**Commission action.** The Commission on Human Rights on 23 April [res. 1996/79] called on the Government of Nigeria to ensure the observance of human rights and fundamental freedoms. Taking note of the request made by the Special Rapporteurs on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions to undertake a joint investigative mission to Nigeria, the Commission called on the Government to accede to the request. It asked the two thematic Special Rapporteurs to report in 1997, and to submit an interim report to the General Assembly. Those requests were approved by the Economic and Social Council by **decision 1996/284** on 24 July.

**Report of Special Rapporteurs.** By an October note [A/51/538], the Secretary-General transmitted the joint report on the situation of human rights in Nigeria prepared by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Bacre Waly Ndiaye (Senegal), and the Special Rapporteur on the independence of judges and lawyers, Param Cumaraswamy (Malaysia).

Mr. Ndiaye remained concerned about the application of the death penalty in Nigeria; the use of force by law enforcement officials; the continuing occurrence of communal violence and apparent lack of preventive measures; and extrajudicial, summary or arbitrary executions, the large number of deaths in detention and the high rate of impunity.

Mr. Cumaraswamy expressed grave concern that substantial judicial power, especially in the administration of criminal justice, was vested in the military and special ad hoc tribunals to the exclusion of the ordinary courts. The tribunals, which he stated could not possibly be independent and impartial and did not appear to apply the universally accepted principles of due process in the administration of justice, seemed to exercise unbridled judicial power.

The Special Rapporteurs appealed to the Government to implement the recommendations made by the Secretary-General's fact-finding mission, as well as the recommendations made by the Human Rights Committee following examination of the initial report of Nigeria under article 40 of the International Covenant on Civil and Political Rights (see PART TWO, Chapter I). They urged the Government to take measures to prevent the occurrence of intercommunal violence and asked it to ensure that their upcoming mission (see below) could be carried out without hindrance.

In a separate addendum [A/51/538/Add.1], the Special Rapporteurs described their communications with the Government of Nigeria in October and November concerning their proposed mission to the country. They stated that the conditions attached to the acceptance of the proposed mission, as well as the lack of reply to correspondence, had resulted in a situation in which it was impossible for them to carry out a mission. They pointed out that if they were unable to carry out the mission, they would have to submit their final report to the Commission based on information received on the human rights situation in Nigeria from third-party sources. The Special Rapporteurs called on the General Assembly to adopt measures commensurate to expressing deep concern at the recalcitrant attitude of the Government.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/109**.

#### Situation of human rights in Nigeria

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and other human rights instruments,

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

Recalling that Nigeria is a party to the International Covenants on Human Rights and to the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling its resolution 50/199 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/79 of 23 April 1996 on the situation of human rights in Nigeria, including the absence of representative government in Nigeria contrary to the popular support for democratic government as evidenced in the 1993 elections,

Also recalling the announcement made by the Government of Nigeria on 1 October 1995, in which it affirmed the principle of multi-party democracy, the principle of power-sharing and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and to subordinate the military to civilian authority,

Welcoming the report of the mission sent to Nigeria by the Secretary-General pursuant to resolution 50/199, and noting the interim response of the Government of Nigeria to that mission,

Welcoming also the resumption of dialogue between Nigeria and the Commonwealth,

Noting the action taken to date to move towards a system of multi-party democracy, including the registration of five political parties and the intention to hold

elections, on a party basis, to the local councils in December 1996, as well as the release of a number of detainees and the repeal or amendment of measures which were seen as obstacles to human rights,

Regretting, however, that a number of political associations have been instructed to disband on the grounds that they did not meet the requirements stipulated in the transition process,

Taking note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers and the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions,

Noting with deep concern reports of grave violations of human rights, including extrajudicial, summary or arbitrary executions and arbitrary detention, and failure to respect due process of law, as described in, *inter alia*, reports submitted by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as in the concluding observations of the Human Rights Committee,

Stressing the importance of the mandate of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions to undertake a joint investigative mission to Nigeria, as requested by the Commission on Human Rights in its resolution 1996/79,

Concerned that, despite a number of legislative and procedural measures taken to reform the system of administration of justice, persons in detention in Nigeria continue to face a flawed judicial process, and recalling in this regard the arbitrary execution of Ken Saro-Wiwa and his associates,

1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, including by releasing all political prisoners, trade union leaders, human rights advocates and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;

2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with the international human rights instruments to which Nigeria is a party;

3. Also calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other human rights instruments, including the African Charter of Human and Peoples' Rights, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria [CCPR/C/79/Add.65];

4. Further calls upon the Government of Nigeria to implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

5. Regrets that the Government of Nigeria has not enabled the Special Rapporteur of the Commission on Human Rights on the independence of judges and law-

yers and the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions to visit the country before presentation of their report to the General Assembly, and urges the Government of Nigeria to cooperate fully with them during the joint investigative mission to Nigeria mandated by the Commission on Human Rights and with the relevant mechanisms of the Commission;

6. Notes the declared commitment of the Government of Nigeria to civilian rule, and urges it to take further concrete steps to restore democratic government;

7. Welcomes the intention of the Secretary-General to pursue his good offices, and requests the Secretary-General in the discharge of his good offices mandate and in cooperation with the Commonwealth to continue to undertake further discussion with the Government of Nigeria and to report on progress in the implementation of the present resolution and on the possibilities for the international community to offer practical assistance to Nigeria to achieve the restoration of democratic rule and the full enjoyment of human rights in Nigeria;

8. Decides to consider this question at its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/109

12 December 1996 Meeting 82 92-19-55 (recorded vote)

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) by recorded vote (86-14-56), 29 November (meeting 56); 40-nation draft (A/C.3/51/L.53/Rev.1); agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 56; plenary 82.

Recorded vote in Assembly as follows:

In favour: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia, Zimbabwe.

Against: Afghanistan, Benin, Chad, China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Gambia, Ghana, Iran, Liberia, Libyan Arab Jamahiriya, Myanmar, Niger, Nigeria, Sierra Leone, Sudan, Syrian Arab Republic, Togo.

Abstaining: Algeria, Angola, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Congo, Cote d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Grenada, Guinea, Guinea-Bissau, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Nepal, Pakistan, Papua New Guinea, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Singapore, Sri Lanka, Swaziland, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zaire.

## Rwanda

**Commission action.** On 23 April [res. 1996/76], the Commission on Human Rights condemned in the strongest terms acts of genocide, violations of international humanitarian law and all violations and abuses of human rights in Rwanda. It asked the High Commissioner for Human Rights

to report on the activities of the Human Rights Field Operation in Rwanda to the Commission in 1997 and to the General Assembly in 1996, and recommended the continuation of the Operation presence throughout Rwanda, as well as adequate funds for that purpose. States were called on to contribute to the costs of the Operation and the Secretary-General was asked to propose steps to place it on a more secure financial basis. The Secretary-General was also asked to ensure adequate financial and human resources and logistical support for the Operation, especially for the administration of justice. The Commission decided to extend the Special Rapporteur's mandate for an additional year and asked him to make recommendations on situations in which technical assistance might be appropriate; it also asked him to report to the Assembly in 1996 and to the Commission in 1997.

The Economic and Social Council, by **decision 1996/281** of 24 July, endorsed the Commission's decision to extend the Special Rapporteur's mandate and approved its requests to him.

**Subcommission action.** On 19 August [res. 1996/3], the Subcommission asked the Secretary-General to provide the Special Rapporteur with any assistance he might need and to arrange for inquiries to establish responsibility for the attack of 6 April 1994 [YUN 1994, p. 276] against the aircraft carrying the Presidents of Rwanda and Burundi, which had been the starting point of massacres and genocide.

**Reports of Special Rapporteur.** By a November note [A/51/657], the Secretary-General transmitted to the General Assembly a report of Special Rapporteur Rene Degni-Ségui (Cote d'Ivoire) describing the situation of human rights in Rwanda and his visits to the country in 1995 [YUN 1995, p. 786].

In a later report [E/CN.4/1997/61], the Special Rapporteur described his visits to Rwanda from 18 to 21 October 1996, as part of the follow-up to his missions, and from 6 to 10 December to investigate the human rights situation following the mass return of refugees. He discussed genocide in the country and its causes, as well as the situation of vulnerable groups, particularly women, children and the minority Twas. The International Tribunal for Rwanda and national courts were making efforts to carry out proceedings against persons suspected of genocide (for details of the work of the International Tribunal, see PART FOUR, Chapter II). Current human rights violations included violations of property rights, freedom of expression, the right to personal security and the rights to physical integrity and to life.

As to the refugee crisis, the Special Rapporteur stated that it had degenerated into an armed conflict that threatened the security and stability of the Great Lakes region. He discussed the consequences of the continued presence of Rwandan refugees in neighbouring countries, incursions by refugees against the Rwandan Government and the failure of strategies carried out by the United Nations High Commissioner for Refugees to settle the crisis. (See also PART THREE, Chapter XII.)

The Special Rapporteur made recommendations concerning the prosecution of persons suspected of genocide, the cessation of human rights violations, social reintegration and a comprehensive settlement of the Great Lakes crisis.

### Human Rights Field Operation

Pursuant to General Assembly resolution 50/200 [YUN 1995, p. 787], the High Commissioner for Human Rights reported in April on the activities of the Human Rights Field Operation in Rwanda (HRFOR) [E/CN.4/1996/111]. The Operation was the key response to the massacres and massive human rights violations in 1994 (April-July) which, he said, were perpetrated in a pre-planned, organized and systematic manner by extremist Hutu militia. The exodus of millions of refugees into neighbouring countries generated an immediate need to assist the Government that took power in Rwanda in mid-July 1994 in creating the necessary conditions of law and order to encourage the early return of refugees and internally displaced persons.

The objective and functions of the Operation, first deployed in September 1994, were: investigating violations of human rights and humanitarian law, including possible acts of genocide; monitoring the ongoing human rights situation and helping to prevent violations through the presence of human rights field officers; cooperating with other international agencies to re-establish confidence and facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and implementing programmes of human rights technical cooperation, particularly in the area of the administration of justice. The High Commissioner presented an overview of the functions of the Operation and discussed servicing and coordination of HRFOR with bodies established by the Security Council and the Commission on Human Rights.

The High Commissioner stated that HRFOR had made a significant contribution to human rights protection and promotion efforts in Rwanda. However, in view of financial constraints, it had not been possible to proceed with



the recruitment of staff necessary to maintain and strengthen that process. He referred to a Security Council resolution of 8 March (**resolution 1050(1996)**), which called on States to contribute urgently to the costs of HRFOR and encouraged the Secretary-General to consider steps to place the Operation on a more secure financial basis.

As requested by the Commission on Human Rights [res. 1996/76], the High Commissioner, in an October report [A/51/478], noted that HRFOR continued to build upon a strong working relationship with the Government of Rwanda, which was essential for the effective carrying out of its mandate. It had taken a three-pronged approach to confidence-building with a view to eventual national reconciliation. That approach included investigating acts of genocide, monitoring and confidence-building, and the promotion of human rights and efforts to rehabilitate the justice system. In the area of monitoring, the High Commissioner pointed out that the human rights situation of refugees and the conditions of detention remained of particular concern. Technical cooperation projects focused on rehabilitation of the justice system, the situation in prisons and detention centres, and human rights education and promotion, particularly with regard to minority and vulnerable groups.

As to the financing of HRFOR, the High Commissioner created a yearly human rights fund for field activities to minimize the instability and uncertainty that had complicated current field operations.

(For details of political developments in Rwanda, see PART ONE, Chapter II.)

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/114**.

#### **Situation of human rights in Rwanda**

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable standards of human rights and humanitarian law,

Recalling its resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995, and taking note of Security Council resolutions 1050(1996) of 8 March 1996, 1078(1996) of 9 November 1996 and 1080(1996) of 15 November 1996, and of Commission on Human Rights resolution 1996/76 of 23 April 1996,

Deeply concerned by the reports of the Special Rapporteur of the Commission on Human Rights and of the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and noting in this regard that legislation to govern the prosecution of those accused of genocide or crimes against humanity entered into force on 1 September 1996,

Noting with concern the implications of the current humanitarian crisis in the region,

Welcoming the fact that considerable numbers of refugees have recently returned to Rwanda, and affirming the readiness of the international community to assist the Government of Rwanda in reintegrating these returnees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to the peace process and post-conflict reconstruction of Rwanda,

Welcoming contributions made by Member States and the European Union to the costs of the Human Rights Field Operation in Rwanda,

Welcoming also the commitment of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of the voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis and Arusha in 1996, and urging Governments in the region to work, in cooperation with the international community, to find durable solutions to the refugee crisis,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in facilitating the voluntary and orderly return of refugees and the reintegration of returnees, in promoting reconciliation, in consolidating a climate of confidence and stability and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that acts of intimidation and violence directed against refugees, particularly by the former Rwandan authorities, have prevented refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, including initiatives of the Organization of African Unity, States in the region and international organizations, and reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity, to address the problems of the region in a comprehensive manner,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda and the report of the Special Rapporteur of the Commission on Human Rights;

#### I

2. Condemns in the strongest terms the acts of genocide, violations of international humanitarian law and

all violations and abuses of human rights that have taken place in Rwanda, as well as cross-border violence in the region;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them and to note the priorities identified by the Government of Rwanda in this area;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

5. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994, taking into account the obligations contained in Security Council resolutions 955(1994) of 8 November 1994 and 978(1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the Tribunal to the greatest extent possible;

## II

6. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, and in this regard welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

7. Invites all States, the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to continue and to intensify their contributions of financial and technical support to accelerate the efforts of the Government of Rwanda to, inter alia, restore the judicial system, promote reconciliation through the recently established Commission for National Reconciliation and safely reintegrate returning refugees in conditions of safety and dignity, including addressing competing claims to housing and property;

8. Notes with concern the human rights situation in Rwanda as described in the report of the Special Rapporteur, and urges the Government of Rwanda to take all necessary measures in response to the recommendations therein;

9. Expresses grave concern at reports from the Human Rights Field Operation in Rwanda of killings of civilians during attacks on survivors and witnesses of genocide, apparently by militias and insurgents opposed to the Government of Rwanda, and at the reports of the Field Operation which state that civilians have been

killed during military search operations by the Rwandese Patriotic Army;

10. Encourages the Government of Rwanda to continue in its efforts to further strengthen the judicial system, including its independence, and urges in particular that the processing of the cases of those in detention be brought to a conclusion expeditiously;

11. Notes with deep concern the reports of the Human Rights Field Operation in Rwanda which state that government officials without legal authority to arrest or imprison continue to do so in several parts of the country, that detainees are held for very long periods before trial and that acute overcrowding threatens the safety of those in detention;

12. Invites the Government of Rwanda to continue efforts to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

13. Emphasizes the importance it attaches to the safety and security of all people in Rwanda, including United Nations personnel and other international staff serving in the country;

14. Welcomes the efforts of the Government of Rwanda, neighbouring countries, the Office of the United Nations High Commissioner for Refugees and the international community to resolve the ongoing humanitarian crisis, and calls upon all parties to take all appropriate measures to ensure the return, resettlement and reintegration of former refugees in conditions of safety and dignity;

15. Commends and encourages the efforts of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees as well as the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure respect for and protection of the human rights of refugees during their return, resettlement and reintegration;

## III

16. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, the objectives of which were described in resolution 50/200, and requests the High Commissioner to continue to report regularly on the activities of the Field Operation and to continue to cooperate and share information with the Special Rapporteur, in order to assist him in fulfilling his mandate;

17. Welcomes also the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Rapporteur and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country and, with a view to further strengthening a climate of mutual confidence and enabling authorities in Rwanda to take immediate action on the findings of the Field Operation, encourages dialogue on human rights issues between the Field Operation and the appropriate authorities at the level of commune, prefecture and relevant government ministries;

18. Commends the contribution of human rights officers and the United Nations High Commissioner for Human Rights to the promotion and protection of human rights in Rwanda, recognizes that a strong human rights component is an integral and indispensable element of the United Nations response to the situation in Rwanda, and encourages all agencies and organizations of the United Nations system active in Rwanda to coordinate closely with the Field Operation;

19. Recognizes the importance of the Human Rights Field Operation in Rwanda in contributing to reconciliation and the establishment of confidence in the country, recommends the strengthening of its presence throughout Rwanda as well as the allocation of sufficient funds and logistical support for that purpose, taking into account the need to train local human rights observers and deploy a sufficient number of human rights field officers, recognizes also the need for programmes of technical assistance and advisory services for and in consultation with the Government of Rwanda and for Rwandan human rights organizations, and notes in particular the importance of strengthening the institutional capacity of the Rwandan judiciary and the urgent need for adequate resources in this area;

20. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights and contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

21. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-second session.

General Assembly resolution 51/114

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) without vote, 27 November (meeting 55); 41-nation draft (A/C.3/51/L.64/Rev.1); agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 55; plenary 82.

## The Sudan

**Report of Special Rapporteur.** In a February report [E/CN.4/1996/62], Special Rapporteur Gáspár Bíró (Hungary) described human rights violations by the Government of the Sudan, including extrajudicial killings and summary executions, enforced or involuntary disappearances, torture and other cruel, inhuman or degrading treatment, arbitrary arrest and detention, due process of law, penal legislation, and slavery, servitude, the slave trade and forced labour. He also noted violations of freedom of thought, conscience and religion, freedom of expression, association and peaceful assembly, freedom of movement and residence, and the rights of children and women. In addition, relief activities were severely hampered by flight restrictions imposed by the Government. The Special Rapporteur pointed to incidents of abuses by parties

to the conflict in southern Sudan other than the Government.

The Special Rapporteur concluded that grave and widespread human rights violations by government agents, as well as abuses by members of parties to the conflict in southern Sudan other than the Government, continued to take place in the zones controlled by them. He also concluded that the abduction of persons belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills areas, their subjection to the slave trade, including traffic in and sale of children and women, slavery, servitude, forced labour and similar practices were taking place with the knowledge of the Government. Women and children continued to be among the most vulnerable groups targeted deliberately by agents acting for and in the name of the Government. Atrocities against the indigenous population in the Nuba Mountains intensified. On the positive side, he mentioned the family reunification process in southern Sudan with the assistance of the United Nations Children's Fund (UNICEF), as well as a series of training courses and seminars held with UNICEF/Operation Lifeline Sudan assistance. Also, a vaccination campaign against Guinea-worm disease was carried out during a ceasefire in large areas of southern Sudan.

The Special Rapporteur made recommendations to the Government of the Sudan, including complying with its human rights obligations under international law and taking steps to give effect to General Assembly and Commission on Human Rights resolutions; ceasing aerial bombardments of civilian targets; releasing all political detainees and prisoners, ceasing torture and cruel, inhuman and degrading punishment, closing down secret detention centres, ensuring accused persons due process of law, allowing them visits by lawyers and family members, and ratifying, acceding to or signing UN human rights instruments; ensuring proper training for security, armed and police forces and paramilitary or civil defence groups; stopping the rounding up of children from the streets, releasing children from special camps and other places of involuntary detention and making efforts to reunite them with their families; providing free access to all areas of the country to humanitarian organizations and representatives of human rights organizations; carrying out investigations into human rights violations in the Nuba Mountains and other government-controlled areas in southern Sudan; agreeing on a ceasefire; and addressing the problem of displaced persons. The Special Rapporteur proposed that the human rights situation in the Sudan be kept under continuous

and intensified monitoring, and stated that monitors should be placed in locations which would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation.

**Commission action.** On 23 April [res. 1996/73], the Commission on Human Rights expressed deep concern at continued human rights violations in the Sudan and, among other things, called on the Government to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan was a party, and to ensure that individuals in its territory and subject to its jurisdiction fully enjoyed the rights recognized in those instruments.

The Commission decided to extend the Special Rapporteur's mandate for another year and asked the Secretary-General to assist him. It encouraged the Special Rapporteurs on religious intolerance and on freedom of expression to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government. The Commission recommended that priority be given to the placement of human rights field officers to monitor the situation of human rights and asked the Special Rapporteur to report on the future need for such field officers. It also asked him to report to the Assembly in 1996 and to the Commission in 1997.

On 23 July, the Economic and Social Council, by **decision** 1996/278, endorsed the Commission's decision to extend the Special Rapporteur's mandate and approved its request for him to report to the Assembly and the Commission.

**Report of Special Rapporteur.** By an October note [A/51/490], the Secretary-General transmitted to the General Assembly a report of the Special Rapporteur describing consultations he had held with government officials during his visit to the Sudan from 1 to 6 August.

The Special Rapporteur noted that the armed conflict was affecting most of the population, with children and women most exposed to human rights violations. He noted violations of freedom of conscience and religion, continuing harassment of some of the released political detainees, and an increasing number of reports of arrests, detention without trial and summary executions carried out in eastern Sudan. The situation in certain universities in northern Sudan was also of concern, as well as reports on reprisals and atrocities committed against students by the police and security forces. A positive step forward concerning slavery and similar practices was the creation of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of

Slavery. Regarding the situation of children, he pointed to the efforts made towards a larger degree of cooperation between the Government and international organizations, particularly the UNICEF office in Khartoum.

Recommendations to the Government included ensuring that the Consultative Council for Human Rights addressed all allegations on human rights violations brought to its knowledge and made public its methods of work, rules of procedure and the results of the investigations made, and ensuring that those providing information would not suffer reprisals. As to the Special Investigation Committee, he proposed that its terms of reference be defined more precisely, its activities and findings be given wide publicity, and full transparency be ensured by encouraging representatives of interested civic groups to participate and help the fact-finding activities of the Committee. Other recommendations dealt with free access to international human rights and humanitarian organizations and independent observers to areas where enforced or involuntary disappearances or cases of slavery, slave trade and similar institutions and practices had been reported; international participation in addressing cases of enforced or involuntary disappearances in the Nuba Mountains area; making public the list of camps where children had been kept and the names of children living in the camps; enhancing cooperation with international humanitarian organizations; and giving free access to human rights organizations and independent observers.

The Special Rapporteur recommended that the General Assembly and the international community give priority to supporting effective measures taken by the Government of the Sudan to investigate reported human rights violations and to make their results public, and to improve the flow of information between UN bodies and agencies. He also suggested that they give priority to the placement of human rights field officers to monitor the human rights situation; support concrete steps needed to improve the situation of the most vulnerable groups; urge the Government to cooperate with UN agencies, international humanitarian, human rights organizations and independent observers; and continue to consider the human rights situation in the Sudan.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/112**.

#### Situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Interna-

tional Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling the obligation of all parties to respect international humanitarian law,

Recalling also its resolution 50/197 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/73 of 23 April 1996,

Noting with deep concern reports of grave human rights violations in the Sudan, in particular summary executions, detentions without trial, forced displacement of persons and torture, as described in reports submitted to the Commission on Human Rights by the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions and the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief,

Welcoming the fourth and latest interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan, and noting with concern the continuing violations of human rights in the Sudan,

Concerned about continuing deliberate and indiscriminate aerial bombardments by the Government of the Sudan of civilian targets in southern Sudan, in clear violation of international humanitarian law, which have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers involved in Operation Lifeline Sudan and with international private voluntary agencies,

Welcoming the lifting, in July 1996, of restrictions on aircraft employed to deliver humanitarian assistance, yet deeply concerned by the continued denial of flight clearances to affected areas, which exacerbates the threat to human life,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of ethnic minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and protection,

Noting that the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief carried out missions to the Sudan in 1996, as requested by the General Assembly in its resolution 50/197,

Deeply concerned by the conclusion of the Special Rapporteur on the situation of human rights in the Sudan, also stated in his previous reports, that grave and widespread violations of human rights by government agents, as well as abuses by members of parties to the conflict in southern Sudan other than the Government of the Sudan, continue to take place in the zones controlled by them, including extrajudicial killings, enforced or involuntary disappearances, abductions, slav-

ery, systematic torture and widespread arbitrary arrests of suspected political opponents, as well as restrictions on religious minorities,

Welcoming the establishment by the Government of the Sudan of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Alarmed by the continuing failure of the Sudanese authorities to investigate human rights violations and abuses brought to their attention over the past years,

Gravely alarmed that since February 1994 there have been increasing reports from a wide variety of sources indicating that atrocities by the Government of the Sudan against the local population in the area of the Nuba Mountains have intensified,

Welcoming the commitment of the Government of the Sudan to facilitate the improved flow of information, as well as its stated strong commitment to cooperate with the competent United Nations bodies and agencies, as well as with the Special Rapporteur;

Concerned by reports of religious persecution in areas of the conflict zone controlled by the Government of the Sudan and of discrimination based upon religion in the provision of shelter and relief,

Deeply concerned by the Special Rapporteur's conclusion that the abduction of persons, mainly women and children belonging to ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassena Hills area, and their subjection to the slave trade, servitude and forced labour are taking place with the knowledge of the Government of the Sudan,

Welcoming the dialogue and contacts between non-governmental organizations and the religious minorities in the Sudan aimed at improving relations between the Government of the Sudan and the religious minority groups,

Noting that the Government of the Sudan has taken steps towards a larger degree of cooperation with some international organizations, with special attention to the rights of Sudanese children, and hoping that these efforts will be enhanced in the future,

Deeply concerned about the problem of unaccompanied minors and the use of children as soldiers by all parties, despite repeated calls from the international community to put an end to this practice, as described in the report of the Special Rapporteur,

1. Expresses deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions, detentions without due process, violations of the rights of women and children, forced displacement of persons, enforced or involuntary disappearances, torture and other forms of cruel and unusual punishment, slavery, practices similar to slavery and forced labour, denial of the freedoms of expression, association and peaceful assembly and discrimination based on religion;

2. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices

Similar to Slavery, to implement those instruments to which it is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

3. Urges the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to these practices;

4. Expresses its hope that the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery will contribute effectively to improving the human rights situation in the Sudan;

5. Welcomes the statement by the Government of the Sudan, as reported by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan, in which it pledged its logistical support to national, regional and international organizations that join the investigations of alleged cases of involuntary disappearance and slavery, and, accordingly, calls upon the Government to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where these violations have been reported;

6. Welcomes the interim report of the Special Rapporteur on the situation of human rights in the Sudan to the General Assembly and his recent report to the Commission on Human Rights, and expresses its continuing support for his work;

7. Continues to urge the placement of human rights monitors in such locations as will facilitate improved information flow and assessment and independent verification of reporting, with particular attention to violations and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur;

8. Urges the Government of the Sudan to cease immediately all aerial attacks on civilian targets and other attacks that are in violation of international humanitarian law;

9. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of landmines by government and rebel forces alike;

10. Again calls upon the Government of the Sudan and all parties to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to the civilian population so as to permit the delivery of humanitarian assistance to all persons in need;

11. Welcomes the reported release of female detainees with children and any other activities designed to assist such persons, and encourages the Government of the Sudan to work actively for the eradication of practices that are directed against and in particular violate

the human rights of women and girls, in full cooperation with the international organizations active in the Sudan and focusing on the question, including the office of the United Nations Children's Fund in Khartoum;

12. Urges the Government of the Sudan to take all steps necessary to improve the situation of the most vulnerable groups of the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;

13. Urges all parties to the civil war in the Sudan to seek a negotiated settlement to the conflict immediately, and encourages the parties to cooperate with efforts by the Intergovernmental Authority on Drought and Development to assist the warring parties to put an end to the conflict and hasten a return of Sudanese refugees residing in neighbouring countries;

14. Reiterates its call upon the Government of the Sudan to ensure a full, thorough and prompt investigation by an independent judicial commission of inquiry into the killings of Sudanese nationals employed by foreign relief organizations and foreign Governments;

15. Urges the Government of the Sudan to cooperate fully with all United Nations agencies, international humanitarian organizations, human rights organizations and independent observers to improve the situation of human rights in the Sudan, as recommended by the Special Rapporteur;

16. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

17. Requests the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance in the discharge of his mandate;

18. Welcomes the approaches to the Special Rapporteurs of the Commission on Human Rights by the Government of the Sudan, and again calls upon the Government of the Sudan to extend its full and unreserved cooperation to the Special Rapporteur on the situation of human rights in the Sudan and to the thematic Special Rapporteurs, to assist them in the ongoing discharge of their mandates and, to this end, to take all necessary steps to ensure that the Special Rapporteurs have free and unlimited access to the whole territory of the Sudan and to any person in the Sudan with whom they wish to meet, with no threats or reprisals;

19. Recommends the continued monitoring of the serious human rights situation in the Sudan and of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights, at its fifty-third session, to give urgent attention to the situation of human rights in the Sudan;

20. Decides to continue its consideration of this question at its fifty-second session.

General Assembly resolution 51/112

12 December 1996 Meeting 82 100-16-50 (recorded vote)

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) by recorded vote (93-16-45), 27 November (meeting 55); 33-nation draft (A/C.3/51/L.61); agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 55; plenary 82.

Recorded vote in Assembly as follows:

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus,

Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia, Zimbabwe.

Against: Afghanistan, China, Cuba, India, Indonesia, Iran, Jordan, Libyan Arab Jamahiriya, Myanmar, Nigeria, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Algeria, Bahrain, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Colombia, Congo, Cote d'Ivoire, Egypt, Equatorial Guinea, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Nepal, Niger, Oman, Panama, Papua New Guinea, Philippines, Republic of Korea, Senegal, Sierra Leone, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates, Zaire.

## Zaire

**Reports of Special Rapporteur.** In a January report [E/CN.4/1996/66], Special Rapporteur Roberto Garreton (Chile) described the human rights situation in Zaire and his visit to the country (Kinshasa, Goma, Bukavu, 10-21 November 1995).

Regarding ethnic and regional rivalries, ethnic conflicts continued in Northern Kivu and a new conflict arose with the Banyamulenge in Southern Kivu. Ethnic cleansing of the Kasai people in Shaba had culminated in 1995. New conflicts were reported, attributed to incitement by the authorities, as members of the Bakongo and Basolongo ethnic groups attacked other groups in Moanda, Bas-Zaïre. In addition, a regional conflict broke out between inhabitants of the north and the south of Shaba, and a political-tribal conflict started by the Mouvement populaire de la révolution affected the Balubas of Haut-Zaïre. (For details, see PART ONE, Chapter II.)

The Special Rapporteur discussed the problems of refugees in Zaire (see PART THREE, Chapter XII) and noted reports of the introduction of weapons into refugee camps through Goma airport.

Concerning violations of civil and political rights, the Special Rapporteur regretted that of 102 cases transmitted to the Government, which had been the most serious and substantiated, he had received replies to only three. He examined alleged violations of the right to life, the right to security, the right to physical and mental integrity and not to be subjected to torture, the right to nationality, the right to liberty of person, the right to a fair trial, the right to freedom of assembly, the right to freedom of association and the right to freedom of opinion and expression. With respect to economic, social and cultural

rights and the right to development, the Special Rapporteur noted that no progress had been made concerning the right to work and to housing, that health conditions had deteriorated considerably and the right to education had also been seriously violated. He also described the ill-treatment of children and women.

Recommendations to the Zairian authorities dealt with democracy and human rights; civil and political rights; economic, social and cultural rights; society at large; tolerance; the right to nationality; refugees; the trial of persons accused of genocide; the rights of women; the installation in Zaire of an office of the UN High Commissioner for Human Rights; and transparency in the newly created Zairian National Commission on Human Rights. The Special Rapporteur reiterated the appeal by international NGOs for assistance to Zairian NGOs working in the area of human rights, development, gender and victims. He recommended that the international community keep a close watch on the deteriorating human rights situation and continue to provide assistance for refugees. He stressed the need for active and preventive diplomacy to avert the horrors that had occurred in Rwanda and Burundi.

In a later report [E/CN.4/1997/6/Add.1], the Special Rapporteur described his visit to Rwanda (6-14 July). His mission was limited to Rwanda, as the Zairian Ministry of Foreign Affairs informed him that it would be unable to receive him on the dates proposed owing to preparations for forthcoming elections and the fact that two large UN missions would be there at the same time.

The Special Rapporteur stated that he was informed by Zairian refugees, humanitarian organizations and various reports of violent incidents that left many people wounded, causing violations of people's safety, property and other rights and population displacements in 1996. He enumerated those incidents. In addition, he pointed out three areas in which Zaire had failed to honour its obligation to respect the rights recognized in the 1966 International Covenant on Civil and Political Rights [GA res. 2200 A (XXI)]: incitement to violence and racial or national hatred; direct involvement by the military and security forces in attacks, pillaging and setting fires; and impunity of the Zairian military and security forces. Zaire also was in violation of its obligation to guarantee the rights recognized in the Covenant. The Special Rapporteur noted that all the incidents related in his report were based on legislation, attitudes and actions rooted in discrimination. The main rights violated were the right to life, the right to physical and mental integrity, the right to nationality, the right to live in one's own

country, the right to choose one's own place of residence, and the right to security.

The Special Rapporteur presented a series of recommendations to the Zairian authorities and people, concerning the armed forces and security services; tolerance; nationality; removal of all intimidators from the area; the repatriation of refugees; and respect for Rwandan refugees.

(For details of the political situation in Zaire, see PART ONE, Chapter II.)

**Commission action.** On 23 April [res. 1996/77], the Commission on Human Rights deplored the continuing violations of human rights and fundamental freedoms in Zaire. It decided to extend the Special Rapporteur's mandate for another year and asked him to report in 1997 on how the Government of Zaire had taken into account his recommendations. The Secretary-General was asked to assist the Special Rapporteur. The Economic and Social Council, by **decision** 1996/282 of 24 July, endorsed the extension of the mandate and approved the submission of a report in 1997.

## Asia and the Pacific

### Afghanistan

**Report of Special Rapporteur.** In February, Special Rapporteur Choong-Hyun Paik (Republic of Korea) submitted a report on the situation of human rights in Afghanistan [E/CN.4/1996/64]. He presented a brief outline of the political situation in the country, the rebuilding of its society and his 1996 visits to Afghanistan (18-23 January) and Pakistan (15-17 and 24 January).

The Special Rapporteur stated that despite sporadic disturbances, peace was gaining ground in Kabul and other areas controlled by local authorities. However, a resumption of hostilities had once more jeopardized the return to normalcy. People were deprived of the right to life, the right to be free from torture and the right to be free from cruel, inhuman or degrading treatment. The presence of landmines posed a grave danger to the right to life. The Special Rapporteur noted violations of the rules of war and disregard of international norms, difficulty in redressing human rights violations as required by the rules of international law, the collapse of an impartial judicial system, private vengeance, death sentences and a case of capital punishment, difficulty in realizing fully the rights of women, an overwhelming lack of resources to provide basic needs such as safe water, food and sanitation, disruption of health services, depriva-

tion of education, and the destruction of the cultural heritage of Afghanistan.

Recommendations emphasized humanitarian assistance, peace-building, the rebuilding of society, and protection of vulnerable populations and of cultural property.

**Commission action.** On 23 April [res. 1996/75], the Commission on Human Rights called on all Afghan parties to respect fully all human rights and fundamental freedoms. It decided to extend the Special Rapporteur's mandate for an additional year, and asked him to report in 1997 and to consider submitting a report to the General Assembly in 1996. The Economic and Social Council, by **decision** 1996/280 of 24 July, endorsed the Commission's decision and approved its request to the Special Rapporteur. The Commission asked the Special Rapporteur to continue to apply a gender perspective in his reporting.

**Report of Special Rapporteur.** By an October note [A/51/481], the Secretary-General transmitted to the General Assembly an interim report in which the Special Rapporteur described his visits in July to Afghanistan, Iran and Pakistan.

The Special Rapporteur stated that the armed conflict in Afghanistan continued and had intensified significantly immediately prior to the finalization of his report. Hundreds of lives had been lost and numerous injuries inflicted, and significant destruction to property had occurred. Landmines threatened the right to life, death sentences had been passed and public executions had continued. Some 3 million Afghan refugees continued to live in Pakistan and Iran. The Special Rapporteur noted a grave deterioration in the area of women's rights.

Recommendations emphasized the immediate cessation of armed hostilities; efforts by the international community to bring a peaceful solution to the conflict; continuation of mine-awareness and mine-clearance programmes; the establishment of a coherent system of administration of justice; restoring the basic rights of women; giving priority to efforts to preserve and protect the cultural patrimony; increased humanitarian assistance to Afghan refugees and displaced persons to encourage voluntary repatriation; concerted efforts by the international community to suppress illegal narcotics trafficking in areas neighbouring Afghanistan; and requesting the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan to assist the Special Rapporteur by ensuring support for his mission through follow-up on specific issues.

(For details of the political situation in Afghanistan, see PART ONE, Chapter IV.)



## GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/108**.

**Situation of human rights in Afghanistan**

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with the Afghan parties,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein;

2. Expresses concern at the numerous and consistent reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment and freedom of opinion, expression and association;

3. Expresses its deep concern at the intensification of armed hostilities in Afghanistan, and calls on all parties involved immediately to cease such hostilities and to engage in a political dialogue aimed at achieving national reconciliation;

4. Calls on all the Afghan parties fully to respect and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in particular the right to life, liberty and security of person and freedom of opinion and expression;

5. Urges all the Afghan parties fully to respect accepted humanitarian rules and act in accordance with all human rights and fundamental freedoms, including the rights of women and children, and calls upon the Afghan authorities to take measures to ensure the effective participation of women in social, political and cultural life throughout the country;

6. Deeply deplores the grave deterioration of the human rights of women noted by the Special Rapporteur in his report, and urges the Afghan authorities imme-

diately to restore respect for all human rights of women, including the right of women to work and the right of girls to education without discrimination, and calls upon Afghanistan to ratify the Convention on the Elimination of Discrimination against Women, to which it is a signatory;

7. Urges all the Afghan parties to work closely with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the eventual establishment of a democratic Government elected through free and fair elections based on the right to self-determination of the peoples of Afghanistan;

8. Demands that all Afghan parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel as well as their premises in Afghanistan and co-operate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies;

9. Strongly urges all parties to the conflict to take all necessary measures to ensure the safety of all personnel of humanitarian organizations and representatives of the media in Afghanistan;

10. Endorses the Special Rapporteur's condemnation of the abduction from United Nations premises of the former President of Afghanistan, Mr. Najibullah, and of his brother, and of their subsequent summary execution;

11. Urges the Afghan authorities to provide efficient and effective remedies to the victims of grave violations of human rights and of accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

12. Invites the United Nations Educational, Scientific and Cultural Organization to entrust the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation with the mandate, upon the invitation and with the cooperation of the Afghan authorities, of examining ways and means to restore the Kabul Museum, including through the tracing of the country's stolen articles, to propose measures aimed at preventing the illicit import, export and transfer of ownership of artefacts belonging to the Kabul Museum and to report thereon to the Executive Board of the United Nations Educational, Scientific and Cultural Organization;

13. Appeals to Member States and to the international community to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries, pending, and with a view to encouraging, their voluntary repatriation;

14. Urges the authorities in Afghanistan to continue to extend their cooperation to the Commission on Human Rights and to its Special Rapporteur;

15. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

16. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-second session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

General Assembly resolution 51/108

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) without vote, 26 November (meeting 53); draft by Chairman (A/C.3/51/L.49); agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-53; plenary 82.

## Cambodia

For details on the human rights situation in Cambodia, see PART TWO, Chapter I.

## China

The Commission considered a draft resolution [E/CN.4/1996/L.90] by which it would have, among other things, recognized the significant transformation Chinese society had undergone since the introduction of reform policies and China's success in reducing the number of its people living in extreme poverty, thus enhancing the enjoyment of economic rights, and welcomed certain recent positive developments taking place with regard to its legal system. Nevertheless, by the text, it would have expressed concern at the continuing reports of violations of human rights and fundamental freedoms; and called on China to ensure full implementation of its obligations under human rights conventions to which it was a party.

China moved that the Commission take no action on the draft resolution. It stated that before 1949, of a population of 500 million, 400 million had not had enough to eat, whereas today the overwhelming majority of the population of 1.2 billion was free from hunger and cold. In the last six years, improvements had taken place in many fields, particularly with regard to economic growth and human rights.

By a roll-call vote of 27 to 20, with 6 abstentions, the Commission accepted China's motion that no action be taken on the draft.

## East Timor

**Report of Secretary-General.** In a February report [E/CN.4/1996/56], the Secretary-General updated his good-offices activities aimed at achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. Two new rounds of talks with the Foreign Ministers of Indonesia and Portugal were held in Geneva on 9 July 1995 and in London on 16 January 1996. Another was scheduled for 27 June in Geneva. The Secretary-General described action taken in 1995 by the Special Rapporteurs on the question of torture [E/CN.4/1996/35/Add.1] and on extrajudicial, summary or arbitrary executions [E/CN.4/1996/4], and by the Working Groups on

Arbitrary Detention [YUN 1995, p. 749] and on Enforced or Involuntary Disappearances [YUN 1995, p. 755].

Annexed to the report was information provided by the Government of Indonesia regarding the human rights situation in East Timor; information provided by the Government of Portugal concerning self-determination in East Timor; and information provided by NGOs on alleged human rights violations in East Timor.

(See also PART ONE, Chapter VIII.)

**Commission action.** On 23 April, the Chairman of the Commission made a statement in which the Commission asked the Secretary-General to keep it informed of the human rights situation in East Timor [E/1996/23].

## Iran

**Report of Special Representative.** In a March report [E/CN.4/1996/59], the Special Representative of the Commission, Maurice Copithorne (Canada), discussed the human rights situation in Iran. He visited the country from 10 to 16 February, when he met with many senior officials.

Concerning the legal system in Iran, the Special Representative noted that there continued to be reports of prolonged pretrial detention. There appeared to be many judicial and quasi-judicial tribunals. He believed that further inquiry was warranted into the subject of the death penalty and to determine whether the Independent Bar Association was playing a significant role in establishing and maintaining the integrity of the legal system. The Special Representative was of the opinion that it was too soon to say that a fully defined credible legal system was in place, with a truly independent judiciary and true respect for the rights of individuals, particularly at the pretrial phase. He continued to receive reports concerning disappearances and deaths under suspicious circumstances and information concerning allegedly politically motivated violence against Iranians outside the country. In further visits to Iran, the Special Representative wished to continue inquiries into Iran's legal system, including concepts such as the "prestige of the clergy", "insulting the leaders" and "economic sabotage or terrorism", the death penalty and the legal status and treatment of children.

He stated that there seemed to be some areas where an improvement in the status of women was actively being discussed. He noted the widespread condemnation of the threat on the life of British writer Salman Rushdie in effect since 1989. While there appeared to be some improvement in the situation of the Baha'is, there continued to be grave breaches of human rights. A

number of human rights organizations had been established, which the Special Representative believed had potential for improving the human rights situation in Iran.

Annexed to the report were information on executions published in the Iranian and international press during 1995; letters from the Permanent Representative of Iran to the UN Office at Geneva containing information on some prisoners mentioned in previous reports; a letter from the Director of the Human Rights Department of the Iranian Ministry of Foreign Affairs concerning the Special Representative's investigation into the deaths of a number of individuals and another containing information about an alleged clandestine group; and information on that Department and on the Islamic Human Rights Commission. (See also PART TWO, Chapter II, for information on the visits to Iran by the Special Rapporteur on religious intolerance and by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.)

**Commission action.** By a roll-call vote of 24 to 7, with 20 abstentions, the Commission on Human Rights on 24 April [res. 1996/84] expressed concern at the continuation of human rights violations in Iran and deplored the continuing violence against Iranians outside the country. It welcomed the invitation extended by the Government to the Special Representative and called on the Government to continue to cooperate with the mechanisms of the Commission, including by allowing them continued free access to the country. The Commission decided to extend the Special Representative's mandate for an additional year and asked him to report to the General Assembly in 1996 and to the Commission in 1997. The Secretary-General was asked to assist him.

**Note by Secretary-General.** In a June note [E/CN.4/Sub.2/1996/9], the Secretary-General informed the Subcommission of the relevant reports issued in 1995 and 1996 and UN measures to prevent human rights violations in Iran.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council adopted **decision** 1996/287 in July.

#### Situation of human rights in the Islamic Republic of Iran

At its 47th plenary meeting, on 24 July 1996, the Economic and Social Council, taking note of Commission on Human Rights resolution 1996/84 of 24 April 1996, endorsed the Commission's decision to extend for a further year the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution

1984/54 of 14 March 1984, and approved the Commission's request to the Special Representative to submit an interim report to the General Assembly at its fifty-first session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-third session.

Economic and Social Council decision 1996/287

28-8-15 (recorded vote)

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d). Meeting numbers. ESC 44, 47.

Recorded vote in Council as follows:

In favour: Australia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Finland, France, Germany, Greece, Guyana, Ireland, Jamaica, Japan, Luxembourg, Netherlands, Nicaragua, Paraguay, Poland, Portugal, Romania, Russian Federation, South Africa, Sweden, United Kingdom, United States, Venezuela.

Against: Bangladesh, China, Ghana, India, Indonesia, Malaysia, Pakistan, Sudan.

Abstaining: Belarus, Central African Republic, Colombia, Cote d'Ivoire, Egypt, Gabon, Jordan, Lebanon, Philippines, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Zimbabwe.

**Subcommission action.** By a secret ballot vote of 12 to 6, with 6 abstentions, the Subcommission on 20 August [res. 1996/7] requested the Government of Iran to investigate fully a number of alleged human rights violations in order to end them. It asked the Secretary-General to continue to keep it informed of relevant reports and UN measures to prevent human rights violations in Iran.

**Interim report of Special Representative.** By an October note [A/51/479], the Secretary-General transmitted to the General Assembly the interim report of the Special Representative. He updated developments in the human rights situation in Iran concerning democracy, the social climate, judicial, legal and penal practices, reports of harassment or intimidation of relatives in Iran of political dissidents or sympathizers living abroad, politically motivated violence against Iranians outside the country, the situation of Iranian refugees and asylum-seekers abroad, the situation of the Baha'is, the threat against the life of Salman Rushdie, information on prisoners, prisoners of war and the status of women. Annexed to the report were three letters from the Permanent Representative of Iran to the Special Representative concerning the fate of a number of individuals, and information on executions published in the Iranian and international press during the period 1 January to 31 August 1996.

An addendum to the Special Representative's report [A/51/479/Add.1] contained his statement before the General Assembly's Third (Social, Humanitarian and Cultural) Committee on 15 November, identifying situations that had come to his attention since he completed his interim report. He stated that the creation of a commission on women's affairs had been voted on and that a senior government official had asked for UN as-

sistance to improve the scientific and cultural standards of Iranian women. In October, the Government had advised him of the names of 224 prisoners who had benefited from a clemency decree. Also in October, 150 Iraqi prisoners of war had been released by Iran. The burden on the country in terms of refugees had grown, with some 60,000 refugees having crossed the Iranian border from Iraq as a result of political disturbances in northern Iraq. The addendum also contained the comments of the Government of Iran on the Special Representative's interim report.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/107**.

#### **Situation of human rights in the Islamic Republic of Iran**

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, reaffirmed that human rights and fundamental freedoms were the birthright of all human beings and that their protection and promotion was the first responsibility of Governments,

Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran,

Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including the most recent, resolution 50/188 of 22 December 1995, the resolutions of the Commission on Human Rights, including the most recent, resolution 1996/84 of 24 April 1996, and those of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1996/7 of 20 August 1996,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief and the Special Rapporteur of the Commission on Human Rights on freedom of opinion and expression, who have been able to visit the Islamic Republic of Iran, and bearing in mind the reports of those Special Rapporteurs on their visits,

Taking note of the interim report of the Special Representative, and noting that he will present a further report to the Commission on Human Rights,

Welcoming the requests by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, as well as from the Crime Prevention and Criminal Justice Division of the Secretariat, and taking note with interest of the observation by the Special Representative in this regard,

Taking note with interest of certain recent developments in the Islamic Republic of Iran which, in the view of the Special Representative, are indicators of potential improvement of the status of women in that country,

Considering that continued international scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly,

1. Expresses its concern at the continuing violations of human rights in the Islamic Republic of Iran, in particular the high number of executions in the absence of internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to meet international standards with regard to the administration of justice and the absence of due process of law, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press;

2. Also expresses its concern at the grave breaches of human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including lack of adequate protection for the Christian minorities, some members of which have been the target of intimidation and assassination;

3. Further expresses its concern at the widespread discrimination against women in the Islamic Republic of Iran and the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate all discrimination against women;

4. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

5. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief relating to the Baha'is and to other minority religious groups, including Christians;

6. Expresses its grave concern at indications, according to the information received by the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, of a significant toughening of criminal legislation and its application in the Islamic Republic of Iran and in par-

particular at the incidence of capital punishment imposed for apostasy and non-violent crimes, in violation of the relevant provisions of the International Covenant on Civil and Political Rights and United Nations safeguards;

7. Expresses its concern at the harassment and persecution of persons, including writers and members of the press, seeking to exercise their freedom of expression;

8. Calls upon the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, notes in this regard that efforts aimed at obtaining satisfactory written assurances from the Government of the Islamic Republic of Iran that it does not support these threats have so far been unsuccessful, and calls upon the Government of the Islamic Republic of Iran to provide such assurances;

10. Deplores the politically motivated continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition living abroad and the harassment of their relatives within the Islamic Republic of Iran and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

11. Welcomes the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran;

12. Expresses its hope that the Special Representative will again be allowed to visit the Islamic Republic of Iran in the discharge of his mandate;

13. Requests the Secretary-General to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

14. Decides, on the basis of the report of the Special Representative and in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council, to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/107

12 December 1996 Meeting 82 79-30-54 (recorded vote)

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) by recorded vote (78-26-49), 29 November (meeting 56); 31-nation draft (A/C.3/51/L.41/Rev.1); agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 56; plenary 82.

Recorded vote in Assembly as follows:

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Swe-

den, Trinidad and Tobago, United Kingdom, United States, Uruguay, Vanuatu, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Gambia, Ghana, India, Indonesia, Iran, Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Niger, Nigeria, Oman, Pakistan, Qatar, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Turkey, Turkmenistan, Viet Nam, Zaire.

Abstaining: Albania, Angola, Bahrain, Belarus, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Colombia, Congo, Cote d'Ivoire, Cyprus, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Guinea, Guinea-Bissau, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Mali, Mauritania, Mozambique, Namibia, Nepal, Panama, Papua New Guinea, Philippines, Republic of Korea, Republic of Moldova, Saudi Arabia, Senegal, Singapore, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

## Iraq

**Report of Special Rapporteur.** In a March report on the human rights situation in Iraq [E/CN.4/1996/61], Special Rapporteur Max van der Stoep (Netherlands) stated that he had found no evidence of significant change in areas on which he had reported in 1995 and that the conclusions reached in his 1995 report [YUN 1995, p. 800] were still valid. Overall, he concluded that the structure of power in Iraq was such that human rights violations were inevitable, since guarantees for protection were absent and the scope for abuse of power was enormous. The Special Rapporteur stated that there was no doubt as to the responsibility of the State of Iraq for systematic human rights violations. He repeated the recommendations he had made in 1995.

By a letter of 23 September [A/C.3/51/3], Iraq transmitted its reply to the Special Rapporteur's report.

**Commission action.** On 23 April [res. 1996/72], the Commission on Human Rights, by a roll-call vote of 30 to none, with 21 abstentions, expressed its strong condemnation of the massive and extremely grave human rights violations for which the Government of Iraq was fully responsible. It regretted the failure of the Government to provide satisfactory replies concerning human rights violations brought to the attention of the Special Rapporteur, and called on the Government to reply without delay in a comprehensive and detailed manner to enable him to draw up appropriate recommendations to improve the human rights situation in the country. The Commission called on the Government to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period. The Commission decided to extend the Special Rapporteur's mandate for another year, and asked him to report to the Commission periodically and to submit an in-

terim report to the General Assembly in 1996 and a report to the Commission in 1997. The Secretary-General was asked to assist the Special Rapporteur and to take measures needed to send a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the human rights situation in Iraq. He was also asked to provide additional resources, from within existing UN resources, to fund the sending of human rights monitors.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council adopted **decision** 1996/277 in July.

##### Situation of human rights in Iraq

At its 46th plenary meeting, on 23 July 1996, the Economic and Social Council, taking note of Commission on Human Rights resolution 1996/72 of 23 April 1996, endorsed the Commission's decision to extend for a further year the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993, 1994/74 of 9 March 1994 and 1995/76 of 8 March 1995, approved the Commission's requests to the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session, and also approved the Commission's request to the Secretary-General to provide appropriate additional resources, from within existing overall United Nations resources, to fund the sending of human rights monitors for the purpose set out in paragraph 8 of Commission resolution 1996/72.

Economic and Social Council decision 1996/277

33-0-18 (recorded vote)

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).  
Meeting numbers. ESC 44, 46.

Recorded vote in Council as follows:

In favour: Argentina, Australia, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czech Republic, Finland, France, Germany, Ghana, Greece, Guyana, Ireland, Jamaica, Japan, Luxembourg, Netherlands, Nicaragua, Paraguay, Poland, Portugal, Romania, Russian Federation, Senegal, South Africa, Sweden, United Kingdom, United States, Venezuela.

Against: None.

Abstaining: Bangladesh, Central African Republic, China, Cote d'Ivoire, Egypt, India, Indonesia, Jordan, Lebanon, Malaysia, Pakistan, Philippines, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Zimbabwe.

**Subcommission action.** On 19 August [res. 1996/5], the Subcommission, by a secret ballot of 11 votes to 6, with 7 abstentions, strongly condemned the violation of human rights by the Government of Iraq and what it termed the horrible deterioration of social conditions. It asked the Secretary-General to provide assistance to the

Special Rapporteur and to call on the Government of Iraq to cooperate with him.

On 20 August [dec. 1996/107], the Subcommission, expressing deep concern at the serious consequences that the embargo imposed on Iraq for the past six years was having on civilians, appealed to the international community to facilitate the supply of food and medicines.

**Interim report of Special Rapporteur.** In October, the Secretary-General transmitted to the General Assembly the Special Rapporteur's interim report on the situation of human rights in Iraq [A/51/496].

The Special Rapporteur described alleged violations of civil and political rights based on information received during a visit to Jordan (4-10 April) by two staff members from the Centre for Human Rights and allegations received by the Centre. The alleged violations concerned personal security and due process of law, freedom of opinion and expression, and freedom of movement. The Special Rapporteur described the nature of the political regime in the country as dictatorial. In the prevailing regime, he said, there was no place for criticism or dissenting views, not even at the highest level. In addition, there was no rule of law. He presented information about the elections for the renewal of the four-year term of the National Assembly, which had taken place on 24 March. The elections were described as a farce, especially as far as actual voting was concerned; no electoral programme had been published or debated. In addition, there was a widespread prevalence of administrative corruption which had been allowed by the regime as a means of weakening the population and maintaining control. Contact with the administrative authorities increasingly involved corruption and bribery.

As to the rights to food and health care, the Special Rapporteur stated that he had observed the constantly deteriorating situation endured by the population. He noted that on 20 May the United Nations and the Government had concluded a memorandum of understanding, which set forth the arrangements for implementing Security Council resolution 986(1995) [YUN 1995, p. 475] authorizing States to permit the limited import of Iraqi petroleum and petroleum products to provide for the humanitarian needs of the Iraqi people, also known as the oil-for-food agreement. He stated that while the public rationing system under the memorandum had reportedly so far functioned quite efficiently, the procedure for obtaining a rationing card was onerous and often arbitrary. Moreover, it was evident that the system was easily susceptible to manipulation for political purposes. There were many allegations that the system of rationing was

unfair, corrupt and arbitrary. As a consequence of the Government's long intransigence on the oil-for-food formula, the economic situation continued to deteriorate and prices of essential food items and basic living commodities had become even further out of reach for a large part of the population. As for the health situation, there was a lack of minimum health-care facilities, pharmaceutical and other related equipment and appliances; access to health care was extremely limited.

The Special Rapporteur described the situation in northern Iraq. Large-scale Iraqi military operations, which began on 31 August in the predominantly Kurdish region, included the use of tanks, heavy artillery and helicopters. There was renewed indiscriminate shelling of civilian settlements, summary executions and arbitrary arrests. The outbreak of hostilities had resulted in the displacement of 20,000 people within northern Iraq and caused the departure of some 39,000 people to Iran. The Government of Iraq imposed a severe internal blockade on the import of food, fuel and medicines, a blockade it denied existed.

The Special Rapporteur concluded that the overall human rights situation in Iraq had not improved and, in addition to his previous recommendations, he recommended that the Government abrogate all laws and decrees which prescribed cruel, inhuman or degrading treatment or punishment, and that it refrain from actions which contributed to insecurity affecting the population.

In a November addendum to his report [A/51/496/Add.1], the Special Rapporteur described the results of a mission, based on information received during the visit (14-24 October) to Iran by two staff members of the Centre for Human Rights. The staff members visited five refugee camps and received testimony from 50 refugees from northern Iraq. They also met with representatives of intergovernmental and non-governmental humanitarian organizations. Interviews concentrated on information pertaining to the situation in northern Iraq following fighting between the main factions there. The interviewees cited alleged extrajudicial executions, the use of excessive force and confiscation and destruction of private property, arbitrary arrest and forced relocation.

The Special Rapporteur stated that on 11 September the Revolution Command Council issued Decree No. 97, granting a full and comprehensive amnesty to all Iraqi citizens in the Kurdish Autonomous Region. However, he noted that the decree included exclusions that were cause for

concern among the intended beneficiaries, specifically persons accused of having looted State property or spied for the benefit of foreigners. On 12 October [A/C.3/51/8], Iraq transmitted to the Secretary-General the text of Decree No. 97.

(For political developments in Iraq, see PART ONE, Chapter IV.)

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/106**.

#### Situation of human rights in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and other international human rights instruments, and to the Geneva Conventions of 12 August 1949,

Recalling its resolution 50/191 of 22 December 1995, in which it expressed its strong condemnation of the massive violations of human rights of the gravest nature in Iraq, and taking note of Commission on Human Rights resolution 1996/72 of 23 April 1996,

Bearing in mind Security Council resolution 688(1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling Security Council resolution 687(1991) of 3 April 1991,

Recalling also Security Council resolution 986(1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil up to the amount of one billion United States dollars every ninety days, on a renewable basis, to be used, inter alia, to purchase essential food and medical supplies for humanitarian purposes,

Deplored the refusal of the Government of Iraq to cooperate with the United Nations human rights mechanisms, in particular by not receiving a return visit of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and not allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and the observations, conclusions and recommendations contained therein, and noting his dismay that there has been no improvement in the situation of human rights in the country;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which

the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror;

3. Expresses its condemnation with regard to the violations of human rights and international humanitarian law, in particular of:

(a) Summary and arbitrary executions, including political killings;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the abuse and diversion of medical-care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, information, expression, association and assembly through fear of arrest, imprisonment and other sanctions, including the death penalty, as well as harsh limitations to freedom of movement;

4. Welcomes the memorandum of understanding reached in May 1996 between Iraq and the Secretary-General to implement Security Council resolution 986(1995) and to respond to the serious humanitarian situation in Iraq perpetuated by the non-compliance of the Government of Iraq with various Security Council resolutions;

5. Urges the Government of Iraq to cooperate with the United Nations with a view to ensuring the implementation of Security Council resolution 986(1995), in accordance with the agreement reached in May 1996 that medicines, health supplies, foodstuffs and other humanitarian supplies purchased with the proceeds of the sale of Iraqi petroleum and petroleum products be distributed to the Iraqi population equitably and on a non-discriminatory basis;

6. Again expresses its special alarm at the policies of the Government of Iraq, which discriminate between regions and prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

7. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants, under other international instruments on human rights and under international humanitarian law and, particularly, to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

8. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

9. Also demands that the Government of Iraq abrogate any and all decrees that prescribe cruel and inhuman punishment or treatment and take every step necessary to ensure that the practice of torture and cruel and unusual punishments and treatment no longer occur;

10. Urges the Government of Iraq to abrogate all laws and procedures, including Revolution Command Council decree No. 840 of 4 November 1986, that penalize the free expression of competing views and ideas and to ensure that the genuine will of the people shall be the basis of authority in the State;

11. Also urges the Government of Iraq to improve its cooperation within the framework of the Tripartite Commission and its technical subcommittee with a view to establishing the whereabouts or resolving the fate of the remaining several hundred missing persons and prisoners of war, Kuwaitis and third-country nationals victims of the illegal Iraqi occupation of Kuwait;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

13. Decides, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council, to continue its consideration of the situation of human rights in Iraq during its fifty-second session under the item entitled "Human rights questions".

#### General Assembly resolution 51/106

12 December 1996 Meeting 82 103-3-59 (recorded vote)

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) by recorded vote (102-2-51), 27 November (meeting 55); 32-nation draft (A/C.3/51/L.40), orally revised; agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 55; plenary 82.

Recorded vote in Assembly as follows:

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Germany, Grenada, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Sudan, Turkmenistan.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, China, Congo, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Malaysia, Mali, Mauritania, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Palau, Panama, Papua New Guinea, Philippines, Sierra Leone, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zaire, Zimbabwe.



## Myanmar

**Report of Special Rapporteur.** In February, Special Rapporteur Yozo Yokota (Japan) reported [E/CN.4/1996/65] on the human rights situation in Myanmar based on his 1995 visit (8-17 October) to the country.

The Special Rapporteur noted that the Government had continued to release political detainees but expressed concern that there were still hundreds of such persons. The non-acceptance of the customary procedures of the International Committee of the Red Cross (ICRC) for visits to places of detention was a negative step. He noted problems in the area of the administration of justice with regard to fair trials, free access to defence lawyers, prescription of disproportionate penalties and time for careful examination of cases by the courts. There were indications that the practices of forced labour, forced portering, torture and arbitrary killings were still widespread. As to the enjoyment of civil and political rights, people did not enjoy the freedoms of opinion, expression, publication and peaceful assembly and association. There were clear violations in Myanmar law and practice of the freedoms of movement and residence, including the right to leave and re-enter one's own country.

The Special Rapporteur recommended that the Government fulfil its obligations under Articles 55 and 56 of the United Nations Charter; consider acceding to the 1966 International Covenants on Human Rights [YUN 1966, pp. 419-423], the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [YUN 1984, p. 813], and the 1977 Protocols to the Geneva Conventions of 1949 [YUN 1977, p. 706]; bring Myanmar law concerning the protection of the right to physical integrity into line with accepted international standards; try all political leaders and others arrested or detained under martial law after the 1988 and 1990 demonstrations or as a result of the 1993 National Convention by an independent civilian court in an open and internationally accessible judicial process; repeal or amend the relevant provisions that prevented ICRC from carrying out its humanitarian activities regarding prison visits; take steps to facilitate and guarantee the freedoms of opinion, expression and association; permit the formation of independently organized trade unions; remove restrictions on freedom of movement, association and assembly and on those relating to the entry and exit of citizens into and out of the country, as well as their movement within the country; cease discriminatory policies which interfered with the free and equal enjoyment of property; prohibit the practice of forced

portering and forced labour; accelerate the process of transition to democracy; continue its co-operation with UNHCR concerning the voluntary and safe return of Rakhine Muslims from Bangladesh; abolish its burdensome requirements for citizenship; bring the acts of soldiers into line with accepted international human rights and humanitarian standards; train military and law enforcement personnel as to their responsibilities in accordance with standards set out in international human rights instruments and under humanitarian law; condemn acts by authorities involving human rights violations; and continue its cooperation with UN organs and international NGOs. The Special Rapporteur recommended that the Commission on Human Rights request the High Commissioner for Human Rights to consider placing a team of human rights field officers in Myanmar to facilitate improved information flow and assessment and help in the independent verification of reports on the human rights situation there.

**Report of Secretary-General (April).** Pursuant to a 1995 General Assembly resolution [YUN 1995, p. 804], the Secretary-General in April reported [E/CN.4/1996/157] on the good-offices activities he had undertaken to assist Myanmar to respond to concerns with respect to the human rights situation and to achieve national reconciliation. The Secretary-General's representative had met with the Foreign Minister of Myanmar in New York on 4 April. The discussions focused on the lack of a substantive dialogue between the State Law and Order Restoration Council and the principal political leaders; the composition, procedures and functioning of the National Convention; restrictions on freedom of assembly and other basic political freedoms; political prisoners; reports of attacks by the Myanmar armed forces on the Karens and the Karennis, resulting in further refugee outflows; and the reintegration of the national races into the political life of the country.

The Secretary-General presented the views of the Government on those issues. He regretted that it was not possible for his representative to visit Yangon prior to the submission of the report and expressed disappointment at the lack of substantive steps towards alleviating the concerns expressed in the 1995 Assembly resolution.

**Commission action.** On 23 April [res. 1996/80], the Commission on Human Rights deplored continuing serious human rights violations in Myanmar. The Commission decided to extend the Special Rapporteur's mandate for another year and asked him to report to the Assembly in 1996 and to the Commission in 1997. The Secretary-General was asked to assist him. The decision to

extend the Special Rapporteur's mandate and the requests to him and the Secretary-General were approved by the Economic and Social Council by **decision** 1996/285 of 24 July.

**Interim report of Special Rapporteur.** In October, the Secretary-General transmitted the interim report [A/51/466] of Special Rapporteur Rajsoomer Lallah (Mauritius), who was appointed following the resignation in May of the previous Special Rapporteur.

The Special Rapporteur retraced the recent political history of Myanmar and discussed the impact of Myanmar law on human rights. He observed that the absence of respect for the rights pertaining to democratic governance was at the root of all the major human rights violations in Myanmar. He reported he had received information on allegations of human rights violations concerning extrajudicial, summary or arbitrary executions; torture and other cruel, inhuman or degrading treatment; arbitrary arrest and detention; due process and the rule of law; prison conditions; freedom of opinion; freedom of assembly and association; freedom of movement and forced relocation; and forced labour.

The Special Rapporteur reiterated the recommendations made by his predecessor (see above), adding that steps should be taken to allow all citizens to participate freely in the political process. The Government of Myanmar was urged to take measures to accelerate the process of transition to democracy and to subject all officials committing human rights abuses and violations to strict disciplinary control and punishment.

**Report of Secretary-General (November).** In a November report [A/51/660], the Secretary-General updated his good-offices activities. He regretted that no progress had been achieved since the submission of his last report.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/117**.

#### **Situation of human rights in Myanmar**

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 50/194 of 22 December 1995,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, in which the Commission, *inter alia*, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of Commission on Human Rights resolution 1996/80 of 23 April 1996, in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Noting with concern that the Government of Myanmar has not yet agreed to visits by a representative of the Secretary-General and by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the release without conditions of Nobel Peace Prize Laureate Aung San Suu Kyi on 10 July 1995,

Gravely concerned at the travel and other restrictions placed on Aung San Suu Kyi and other political leaders and at the recent mass arrests of members and supporters of the National League for Democracy for peacefully exercising their right to freedom of expression, assembly and association, and alarmed by the attack, on 9 November 1996, on Aung San Suu Kyi and other members of the National League for Democracy,

Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy in late 1995,

Regretting the failure of the Government of Myanmar to open a political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Gravely concerned at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, deaths in custody, absence of due process of law, severe restrictions on freedoms of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour and portering and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,

and urges the Government of Myanmar to cooperate fully with the Special Rapporteur;

2. Abo expresses its appreciation to the Secretary-General for his report;

3. Deplores the continued violations of human rights in Myanmar;

4. Requests the Government of Myanmar to permit unrestricted communication with and physical access to Nobel Peace Prize Laureate Aung San Suu Kyi and other political leaders by members and supporters of the National League for Democracy and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

7. Welcomes the discussions between the Government of Myanmar and the Secretary-General, and further encourages the Government of Myanmar to allow a visit by the representative of the Secretary-General, as soon as possible, in order to allow for a broader dialogue in Myanmar;

8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely;

9. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of the objectives of the Convention is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes also with concern that the working procedures of the National Convention do not permit the elected representatives of the people freely to express their views;

10. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

11. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

12. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant

on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;

13. Strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization;

14. Stresses the importance for the Government of Myanmar to give particular attention to conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

15. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail itself of such services as may be offered by impartial humanitarian bodies;

16. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

17. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution and its efforts for national reconciliation and to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-third session;

18. Decides to continue its consideration of this question at its fifty-second session.

#### **General Assembly resolution 51/177**

**12 December 1996 Meeting 82 Adopted without vote**

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) without vote, 27 November (meeting 54); 29-nation draft (A/C.3/51/L.69), orally revised; agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

## **Europe and the Mediterranean**

### **Cyprus**

Pursuant to a 1995 decision of the Commission on Human Rights [YUN 1995, p. 807], the Secretary-General in February 1996 submitted a report on the question of human rights in Cyprus [E/CN.4/1996/54]. He described action taken by him in response to Security Council requests and activities of the United Nations Peacekeeping Force in Cyprus (UNFICYP).

On 23 April [dec. 1996/112], the Commission decided to retain the item on its agenda, on the understanding that action required by previous resolutions would continue to remain operative, including its request to the Secretary-General to provide a report on their implementation.

### The former Yugoslavia

**Commission action.** On 23 April [res. 1996/71], the Commission on Human Rights condemned in the strongest terms all violations of human rights and humanitarian law during the conflict in the territory of the former Yugoslavia, and expressed its concern over continuing human rights violations within the state of Bosnia and Herzegovina and delays in fully implementing the human rights provisions of the 1995 Peace Agreement [YUN 1995, p. 544] (see also PART ONE, Chapter V). It fully supported the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (see PART FOUR, Chapter II), established by Security Council resolution 827(1993) [YUN 1993, p. 440], and demanded that all States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal.

Stressing that the primary responsibility for the promotion of free, fair and democratic elections, to be held under the auspices of the Organization for Security and Cooperation in Europe (OSCE) and other international organizations, lay with the people of the state of Bosnia and Herzegovina, the Commission insisted that the parties abide by their commitments to promote and protect democratic institutions of government, to ensure freedom of expression and of the press, to allow and encourage freedom of association and to ensure freedom of movement. It urged the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Bosnia and Herzegovina and the authorities of its entities—the Federation of Bosnia and Herzegovina and Republika Srpska—to facilitate the safe and dignified return of refugees and displaced persons to their homes. The Commission called on the Government of the Republic of Croatia to respect fully the rights of the local Serb population and strongly urged the authorities of the Federal Republic of Yugoslavia to revoke all discriminatory legislation and to apply all other legislation without discrimination, release all political detainees, and take measures to respect fully all human rights and fundamental freedoms. It called on the Federal Republic of Yugoslavia, Croatia and Bosnia and Herzegovina

to ensure full and free access to their territories to all institutions concerned with the implementation of the current resolution.

As for missing persons, the Commission commended the expert member of the Working Group on Enforced or Involuntary Disappearances for his report on the special process on missing persons in the territory of the former Yugoslavia [E/CN.4/1996/36] (see PART TWO, Chapter II), and asked him, in conjunction with his mandate, the International Tribunal, the High Representative appointed in 1995 [YUN 1995, p. 511], the Special Rapporteur and ICRC, to prepare a comprehensive plan for dealing with the question of missing persons in Bosnia and Herzegovina and in Croatia.

The Commission's decision to extend the mandate of the Special Rapporteur on the former Yugoslavia was endorsed by the Economic and Social Council in **decision 1996/276** of 23 July. The Special Rapporteur was asked to continue her efforts, especially by carrying out missions to Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, in particular to Kosovo, as well as to Sandjak and Vojvodina, and that she continue to submit periodic reports to the Commission and the General Assembly. The Secretary-General was asked to make the Special Rapporteur's reports available to the Security Council and to OSCE. He was urged to make all necessary resources, from within existing resources, available for the Special Rapporteur to carry out her mandate successfully.

**Periodic reports of Special Rapporteur.** In a July report [E/CN.4/1997/5], Special Rapporteur Elisabeth Rehn (Finland) described human rights and preparations for elections scheduled for September in Bosnia and Herzegovina, based on a mission she conducted to Sarajevo, Tuzla, Travnik and Vitez from 26 to 28 June (for information relating to the political aspects of the elections, see PART ONE, Chapter V). Her report was also based on a mission conducted from 2 to 8 May and on investigations carried out by field staff, including in-depth examination of the situation in locations such as Doboj/Teslic, Bugojno, Banja Luka and Bihac.

The Special Rapporteur stated that the central Government in the Federation of Bosnia and Herzegovina was not opposed to holding free and fair elections. Nevertheless, conditions in Bosnia and Herzegovina were not conducive to the democratic operation of the electoral process. In both the Federation and Republika Srpska there were violations of the rights of freedom of association and assembly, and freedom of movement for campaigners and candidates, restrictions on freedom of expression and abuses of the

media, and violent attacks on politicians and their supporters. Governments, local authorities and police forces continued to fail to take action to counter those practices. The failure to permit significant voluntary return to areas where returnees were part of the minority population was another impediment to the electoral process, as were incidents of ongoing displacement. The problems were most acute in Republika Srpska where the culpability of the authorities was further compounded by the ongoing political leadership exercised by indicted war criminals. Within the Federation, the greatest cause for concern was presented by an entirely anti-democratic regime in areas controlled by Croatia. In Bosniac-majority locations, attention was drawn to regions such as the Bihac area and to a range of discriminatory practices found in almost all population centres. The Special Rapporteur recommended that the authorities of Republika Srpska immediately halt election-related and other human rights abuses. The authorities in the Federation should ensure the eradication of all discriminatory practices by public officials, as well as by the police. The Special Rapporteur also recommended that the authorities in both entities take immediate action to achieve de facto freedom of movement country-wide and to create conditions for inter-entity campaigning. OSCE, under whose auspices the elections were to be held, should ensure that voting regulations would not preclude from voting those who were obstructed by the authorities from going to their place of voting. The Special Rapporteur supported the recommendation of the Chairman-in-Office of OSCE that the mandates of all the elected authorities expire in two years and that further elections take place then. That proposal would allow for further consolidation of the democratic process and the opportunity for a free and fair expression of the will of the people within a reasonable period of time.

Annexed to the report were provisions of international instruments pertaining to elections. On 4 November, the Secretary-General transmitted the Special Rapporteur's report to the General Assembly, the Security Council and OSCE [A/51/651-S/1996/902].

**October report.** The Special Rapporteur in October submitted a periodic report describing the human rights situation in the territory of the former Yugoslavia [E/CN.4/1997/9], based on missions to the area and from gathering information from the Field Operation of the High Commissioner for Human Rights with its headquarters in Sarajevo and offices in Zagreb, Vukovar, Belgrade, Banja Luka, Mostar and Skopje.

In Bosnia and Herzegovina, elections for national and entity institutions were held on 14 September, with municipal elections delayed until 23 and 24 November due to concern that the vast majority of Serbian refugees and displaced persons had registered as voters of municipalities in which they had never lived—and to which they allegedly had no intention of moving—at the expense of Bosniacs displaced from the same locations. The September elections suffered owing to, among other reasons, restrictions on free political expression, free association and free movement, it was reported. The Special Rapporteur stated that freedom of movement had deteriorated in recent months; there had been no organized return of large numbers of refugees and displaced persons; persons residing in areas dominated by members of another national group continued to face threats of harassment, assault, forcible eviction and even mortal injury because of their nationality; persons were still being detained in violation of their human rights; and many children had been left homeless and sometimes orphaned. In addition, she observed the phenomenon of "silent emergencies", which were crises not connected exclusively to the war, but which had developed from the region's poor economic conditions. Another silent emergency was the fate suffered by victims of rape, of both sexes and including many children. The Special Rapporteur concluded that authorities in Bosnia and Herzegovina had not provided adequate security for the population.

In Croatia, positive developments had taken place, including the closure of the Kupljensko refugee camp in August and the resettlement of some of its inhabitants in Croatia and in third countries, while others had returned voluntarily to Bosnia and Herzegovina; the signing on 23 August of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia [A/51/318-S/1996/706 & A/51/351-S/1996/744] (see PART ONE, Chapter V), which contained important human rights commitments; and the adoption on 25 September of a new Law on Amnesty. Some positive measures were taken with respect to the peaceful reintegration of the region of Eastern Slavonia into Croatia, and the provision of humanitarian assistance to vulnerable populations in the country. Initiatives were being taken to resolve the fate of missing and disappeared persons. However, the human rights situation of the Serb population remained a serious cause for concern despite a decrease in the number of incidents of physical assault, looting and harassment. The Special Rapporteur expressed concern over the rearrest of some seven Croatian Serbs within days of their

release under the new Law on Amnesty. The forcible and unlawful eviction of persons from State-owned apartments continued, as did the abuse of freedom of expression through incitement to hatred.

As to the region of Eastern Slavonia, Baranja and Western Sirmium, the Special Rapporteur noted that on 15 January the Security Council (**resolution** 1037(1996)) decided to establish, for an initial period of 12 months, a peacekeeping operation with both military and civilian components under the name United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) (see PART ONE, Chapter V). She stated that the situation in the region had improved dramatically over that which had prevailed during the war years. The plight of displaced persons, Serbs and Croats alike, was one of the most pressing problems in Eastern Slavonia.

In the Federal Republic of Yugoslavia (Serbia and Montenegro), the Special Rapporteur continued to receive reports of ill-treatment and torture of suspects in police custody. She identified concerns regarding the media situation in Serbia and Montenegro and recommended that the Government ensure that State-controlled electronic media provide balanced and equal coverage both to the ruling party and to the opposition. As to the situation of refugees, she stated that Montenegro had continued to adopt an open-door policy; however, Serbia's approach reportedly had been more restrictive. Exclusion criteria appeared to have included national background and, in contravention of international law, refugee legislation in both Serbia and Montenegro subjected registered refugees to military service. The Special Rapporteur received numerous reports regarding problems of minorities, particularly in Kosovo and Sandjak. In Kosovo, she continued to receive allegations of serious human rights abuses, such as arbitrary arrests, ill-treatment and torture, attributed to the Serbian police authorities; much of the local population was distrustful of medical personnel of Serbian nationality and had avoided treatment by them, placing the health of children at particular risk; and there were silent emergencies manifest in abandoned children who had been left in the children's hospital by their mothers, often due to pressures from family. The security situation in Sandjak appeared to have improved significantly in the last year. However, there were problems of displaced persons, and a series of abductions of Sandjak Muslims in 1992 and 1993 in locations close to Priboj, which, according to the Government, were carried out by Bosnian Serb paramilitaries, remained uninvestigated.

On 12 November, the Secretary-General transmitted the Special Rapporteur's October report to the General Assembly, the Security Council and OSCE [A/51/663-S/1996/927].

**Report on minorities.** Also in October, the Special Rapporteur submitted a special report on minorities [E/CN.4/1997/8]. In that report, all population figures and percentages were based on a census taken in 1991. The Special Rapporteur considered that progress in the protection of minorities was one of the most urgent human rights needs in the territory of the former Yugoslavia. Describing the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro), she stated that in the Republic of Serbia, the largest minority groups lived in three areas: the great majority of the estimated 1.5 million ethnic Albanians were concentrated in Kosovo, while others lived nearby in other areas of southern Serbia; most members of the Muslim minority of some 237,000 persons lived in Sandjak; the province of Vojvodina was the most mixed region, with a population of 2 million comprising 26 different ethnic, national or linguistic groups. In the Republic of Montenegro, there were small Albanian and Croat minority communities in addition to the Sandjak Muslims.

The Special Rapporteur stated that the authorities of the Federal Republic of Yugoslavia must take immediate and stronger action to stop the trend of violent human rights abuses by Serbian security forces against the Kosovo Albanian population. Schools and homes should be secure from arbitrary and illegal searches and political prisoners should be released. The Kosovo Albanian leadership must recognize that special measures should be taken by provincial authorities to safeguard the human rights of the local Serb minority. She proposed that Kosovo's Albanian leadership acknowledge the legitimacy of the Federal Republic's interest in defending the integrity of the State. In Sandjak, the Special Rapporteur observed that, although violent human rights abuses against the Muslim minority had significantly declined, there remained an urgent need to clarify the grave incidents that had occurred and to punish those responsible. Official policies and practices implemented by the authorities in the Federal Republic of Yugoslavia were inconsistent with their obligations under international and national law and required urgent revision. She proposed that the authorities should reinforce the improving climate by undertaking new measures, including ending discrimination against Muslims in public employment and ensuring their meaningful participation in local government. As to Vojvodina, where the Serbs made up a slim majority (57 per

cent) and Hungarians constituted the largest minority group (some 17 per cent), followed by Croats at 3.7 per cent, the Special Rapporteur noted that some success had been achieved in advancing the interests of the different minority groups, including through the provision of education in minority languages and the use of different official languages for administrative business. The revision of Vojvodina's provincial status in 1990, however, had resulted in some unsatisfactory consequences, including the removal of control over some administrative matters from local authorities to central authorities in Belgrade, who had on occasion taken decisions incompatible with local needs. The passage by the Federal Republic of Yugoslavia of an amnesty law in June 1996 benefiting persons who avoided military service was a welcome development. Concerning the Bulgarian community in Serbia, which made up about 0.3 per cent of the total population, the Special Rapporteur stated that the main allegations and complaints on human rights issues focused on education.

As for Montenegro, the predominantly Muslim community of ethnic Albanians constituted some 7 per cent of the population. Most of their complaints concerned the educational system, particularly the curricula which included few references to Albanian culture and history. While Albanian-language primary schools did exist in municipalities which were predominantly Albanian, secondary and higher education existed only in the majority language. Local Albanians reportedly felt that Albanian-language broadcasts of State television and radio merely represented the views of the central government in Podgorica, rather than the particular interests and concerns of their minority group. The Croats, who made up some 1 per cent of the population of Montenegro, were mostly concerned with job discrimination.

The Republic of Croatia was a multi-ethnic society, with Croats constituting some 84 per cent of the country's total population of 4,780,000, followed by Serbs (12 per cent), Muslims (0.9 per cent), Slovenians (0.5 per cent), Hungarians (0.5 per cent), Italians (0.4 per cent), Czechs (0.3 per cent) and smaller numbers of Montenegrins, Albanians, Germans, Romany and other groups. The Special Rapporteur stated that, despite measures which the Government said had been taken, violent incidents against Croatian Serbs in former Sectors—areas defined as UN Protected Areas and subject to UN protection and monitoring—had continued to be reported up to September. She noted other areas of concern, including the question of property rights. Muslims had encountered problems in acquiring Croatian citizenship and

the Special Rapporteur had received reports of discrimination in employment. On the positive side, special curricula were available for members of the Italian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian minorities. Numerous publications and radio programmes were available to minority communities in their own languages, and the State television occasionally broadcast programmes about or for minority communities. On 12 November, the Secretary-General transmitted the Special Rapporteur's special report to the General Assembly, the Security Council and OSCE [A/51/665-S/1996/931].

**Further report.** In a later report [E/CN.4/1997/56], the Special Rapporteur stated that in October she visited the Federal Republic of Yugoslavia, the region of Eastern Slavonia in Croatia and Sarajevo; in November, Zagreb and destinations in both entities of Bosnia and Herzegovina; and on 7 and 8 December, Sarajevo.

In Bosnia and Herzegovina, the Special Rapporteur observed that human rights continued to be violated frequently and systematically. The country remained deeply divided with great hostility among its people. She stated that freedom of movement must be vastly improved and greater attention had to be paid to the proper functioning of the court system. The apprehension of indicted war-crime suspects should receive the highest priority. As to the media, the Special Rapporteur recommended that publications and broadcasts from both sides be made easily available in each entity, and that telephone communications be improved between them. Children should benefit from human rights education programmes in schools and efforts should be pursued to develop educational exchange programmes, cultural activities and sports events to bring children and youth together.

As for Croatia, the human rights situation of the Croatian Serb population remained a serious cause for concern, with numerous cases of looting, violent harassment and discriminatory treatment reported in the former Sectors. There was little evidence of investigation and redress of past abuses. Property issues and the restoration of access to public services were not being addressed equitably. The Special Rapporteur was disturbed by what appeared to be a lack of real willingness by the Government to protect the welfare and guarantee the security of the Croatian Serbs. She had been encouraged by preliminary contacts with the new Croatian Ombudsman, but emphasized that the independence of that Office must be maintained. The resettlement of Croatian refugees and displaced persons had advanced, but additional progress was needed in the return of Croatian Serb refugees in the Fed-

eral Republic of Yugoslavia and Bosnia and Herzegovina. In view of information she had received indicating a possible weakening of judicial independence in Croatia, the Special Rapporteur recommended strengthening the judiciary through training programmes for new judges and continuing judicial education for experienced judges. She expressed concern about recent decisions and public statements of government officials which indicated an underlying hostility to alternative points of view.

In the region of Eastern Slavonia, Baranja and Western Sirmium (Croatia), the Special Rapporteur was disturbed by the depth of hatred and by recent violent demonstrations of intolerance. Little concrete action had been taken by the Government of Croatia to foster a true sense of security in the region. Concerning the process of reintegration, UNTAES, in cooperation with the Government of Croatia and local Serb authorities, had initiated a series of programmes to speed up the process, which had met with moderate success. The Special Rapporteur noted that on 15 November the Security Council had extended the mandate of UNTAES (**resolution 1079(1996)**).

Regarding the Federal Republic of Yugoslavia (Serbia and Montenegro), the Special Rapporteur noted that at the end of 1996 human rights concerns were dominated by events surrounding the holding of federal and municipal elections in Serbia. The second round of municipal elections held in Serbia on 17 November sparked widespread protests in which demonstrators voiced discontent with what they and many international observers saw as the Government's manipulation of election results. Specifically, the Government annulled results in Belgrade and 14 other major cities won by the opposition coalition Zajedno. The Special Rapporteur expressed serious concern that standards for free and fair elections were not met as provided for by the 1966 International Covenant on Civil and Political Rights [GA res. 2200 A (XXI)]. There was a virtual total lack of independent electronic media in the country to provide fair and balanced reporting, an issue which she proposed be addressed in the period preceding the 1997 republic elections in Serbia. She also proposed that the Government consider inviting or permitting international observers to monitor those elections. The Special Rapporteur was deeply disturbed by continuing reports of serious and widespread human rights violations by Serb police forces in Kosovo, including torture, ill-treatment and arbitrary detention, and urgently called on the authorities in the Federal Republic of Yugoslavia to end those abuses.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/116**.

#### **Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)**

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and all other human rights instruments and instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1977, as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their obligations under the human rights instruments to which they are party, and reaffirming also the obligation of all to respect international humanitarian law,

Reaffirming also the territorial integrity of all States in the region, within their internationally recognized borders,

Welcoming the entry into force and implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, initialled at Dayton, Ohio, on 21 November 1995 and signed by Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), representing also the Bosnian Serb party, in Paris on 14 December 1995 (collectively the "Peace Agreement"), which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights,

Welcoming also the efforts of Member States in assisting in the implementation of the Peace Agreement through their participation in the Implementation Force and other activities directed at resolving the conflicts in the former Yugoslavia, and commending the Organization for Security and Cooperation in Europe for the implementation of the mandates with which it was entrusted by the Peace Agreement,

Welcoming further the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"), signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb representatives, which created conditions permitting the establishment of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and Security Council resolution 1037(1996) of 15 January 1996, by which the Council established the Transitional Administration,

Welcoming the participation of Member States in the Transitional Administration and other activities intended to facilitate implementation of the Basic Agreement and the transition of the region of Eastern Slavonia, Baranja and Western Sirmium from local Serb control to control by the Republic of Croatia,

Recognizing the positive effects that the implementation of the Peace Agreement and the Basic Agreement



have had on the region since their respective entry into force, in particular the return of peace to the region and the increasing normalization of social, political and economic life.

Taking note of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular article 7 thereof, which, *inter alia*, ensures conditions for the return of refugees and displaced persons and the return of their property or a just compensation, and in that context stressing the positive impact of mutual recognition agreements among successor States of the former Yugoslavia,

Welcoming the holding of elections in Bosnia and Herzegovina on 14 September 1996 with the assistance of the Organization for Security and Cooperation in Europe and other organizations,

Gravely concerned nonetheless at the continuing evidence of violations of human rights and fundamental freedoms taking place in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

Stressing the importance of an effective functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to Security Council resolutions 808(1993) of 22 February 1993 and 827(1993) of 25 May 1993, for the positive development of the situation of human rights in the region,

Acknowledging the progress made by the Federation of Bosnia and Herzegovina towards ethnic reconciliation in the region,

Calling upon all parties to the Peace Agreement to implement the necessary measures in the furtherance of ethnic reconciliation in their respective territories,

Encouraging the international community, acting through the United Nations and other international organizations as well as bilaterally, to enhance significantly humanitarian support for the people of the region and to promote human rights, economic reconstruction, the repatriation of refugees and the holding of free elections in Bosnia and Herzegovina,

Welcoming the efforts of the European Union to promote respect for human rights and fundamental freedoms, and endorsing the recommendation of the Special Rapporteur that economic and other aid must be made conditional on meaningful progress on human rights,

Underlining the relationship between the fulfilment by the parties of their human rights commitments and the readiness of the international community to commit resources for reconstruction and development,

Dismayed by the large number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in the Republic of Croatia, and noting with approval the establishment of the International Commission on Missing Persons in the Former Yugoslavia and the efforts of the expert member of the Working Group on Enforced or Involuntary Disappearances and of the working and expert groups on the missing, chaired respectively by the International Committee of the Red Cross and the High Representative,

Expressing its particular concern for the situation of women and also that of children, the elderly and refu-

gees, internally displaced persons and minorities, as well as other vulnerable groups in the region,

Calling attention to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights, Mrs. Elisabeth Rehn, on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), including her most recent reports of 4 November 1996 and 12 November 1996, and especially the recommendations set forth therein,

Acknowledging efforts made by the Governments of the region to meet the recommendations of the Special Rapporteur, which have yet to be implemented fully,

Recalling the report on the situation of human rights in Croatia [S/1996/691] submitted to the Security Council in pursuance of Council resolution 1019(1995) of 9 November 1995,

Recalling also its resolutions 50/192 and 50/193 of 22 December 1995, Commission on Human Rights resolution 1996/71 of 23 April 1996 and all relevant resolutions of the Security Council, especially resolutions 1009(1995) of 10 August 1995 and 1079(1996) of 15 November 1996,

1. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and the delays in fully implementing the human rights provisions of the Peace Agreement;

2. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in Bosnia and Herzegovina, such as has happened recently in Banja Luka and Mostar, and the practice of destroying the homes of those previously forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

3. Condemns the continuing restrictions on freedom of movement within the Republika Srpska, within some parts of the Federation of Bosnia and Herzegovina, and between the Republika Srpska and the Federation;

4. Expresses concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and calls for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection;

5. Insists that all parties implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement and that the parties in Bosnia and Herzegovina comply with the human rights provisions of their national Constitution;

6. Welcomes the conclusions of the meeting of the ministerial Steering Board and the Presidency of Bosnia and Herzegovina, held in Paris on 14 November 1996 [S/1996/968], in order to define the guiding principles of the civilian consolidation plan of the peace process in Bosnia and Herzegovina, in particular in the field of human rights;

7. Calls upon the participants in the Peace Implementation Meeting, to be held in London on 6 December 1996, to ensure that the promotion of human rights,

including the fulfilment of their respective human rights obligations by the parties to the Peace Agreement, as well as the strengthening of national institutions, will be a central element in the new civilian structure implementing the Peace Agreement;

8. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake substantially greater efforts to institute democratic norms, especially in regard to the protection of free and independent media, and full respect for human rights and fundamental freedoms;

9. Strongly urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

10. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to put an end to the repression of, and to prevent violence against, non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials, and also to respect the rights of persons belonging to minority groups in the Sandjak and Vojvodina and of persons belonging to the Bulgarian minority;

11. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to act immediately to allow all residents in Kosovo to participate freely and fully in the political, economic, social and cultural life of the region, particularly in the areas of education and health care, and to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation;

12. Calls upon the Government of the Republic of Croatia to fully respect human rights and fundamental freedoms, including the rights of persons belonging to any national, ethnic, religious or linguistic minority;

13. Also calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic norms, especially in regard to the Zagreb city council and the protection of free and independent media, and to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to assure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including their right to remain, leave or return in safety and dignity;

14. Calls for the full and consistent implementation of the Peace Agreement and the Basic Agreement by all the parties to them;

15. Urges all the parties to the Peace Agreement to create the necessary political, social and economic conditions for the return of refugees and displaced persons in safety and dignity;

16. Insists that all authorities in Bosnia and Herzegovina cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, created under annex 6 of the Peace Agreement, in particular by providing information requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber, and demands that the Re-

publika Srpska cease its pattern of non-cooperation with the Commission;

17. Calls upon the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind;

18. Welcomes the commitments of the international community for post-war reconstruction and development assistance, and encourages the expansion of this assistance, while noting that such assistance should be conditioned on full compliance by the parties with agreements that have been made;

19. Urges the parties to create the necessary conditions for free and fair municipal elections to be held as soon as possible and as envisaged in the Peace Agreement, under the supervision of the Organization for Security and Cooperation in Europe;

20. Welcomes the enactment by the Republic of Croatia on 20 September 1996 of a new general amnesty law, intended in part to promote confidence on the part of the local Serb population, and calls for the proper implementation of that law;

21. Calls upon the Government of the Republic of Croatia to allow the expeditious return of all refugees and displaced persons and to use all available means to secure their safety and human rights, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

22. Strongly condemns the continuing refusal of the authorities of the Republika Srpska, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), certain other elements within the Federation and to some extent the Government of the Republic of Croatia to arrest and surrender indicted war criminals known to be present in their territories, as they have agreed to do under the Peace Agreement;

23. Urgently calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827(1993), including with respect to surrendering persons sought by the International Tribunal, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular, by helping to ensure that persons indicted by the Tribunal stand trial before it;

24. Demands that the Government of Bosnia and Herzegovina, in particular the authorities of the Republika Srpska, and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

25. Welcomes the interim reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and commends the Special Rapporteur and the Human Rights Field Operation in the former Yugoslavia for their continuing efforts;

26. Urges all parties to implement fully the recommendations of the Special Rapporteur of the Commission on Human Rights;

27. Calls upon the authorities of the States and entities within the mandate of the Special Rapporteur to cooperate with her and to provide her on a regular basis with information about the actions they are taking to implement her recommendations;

28. Reaffirms, as recommended previously by the Special Rapporteur, that major reconstruction aid must be made conditional on demonstrated respect for human rights, emphasizes in that context the necessity of cooperation with the International Tribunal, and welcomes in this regard the conclusions of the meeting of the ministerial Steering Board and the Presidency of Bosnia and Herzegovina, held in Paris on 14 November 1996;

29. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission and the United Nations High Commissioner for Human Rights in monitoring and strengthening the respect for human rights and fundamental freedoms in Bosnia and Herzegovina and the region;

30. Calls upon the parties to the Peace Agreement to take immediate steps to determine the identity, the whereabouts and the fate of missing persons, in particular near Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the International Commission on Missing Persons in the Former Yugoslavia, other international humanitarian organizations and independent experts, and commends the work undertaken by the expert member of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, the Special Rapporteur, the Working Group on the Process for Tracing Persons Unaccounted For, chaired by the International Committee of the Red Cross, and the Expert Group on Exhumation and Missing Persons, chaired by the High Representative, and stresses the importance of coordinating work in this area;

31. Encourages all Governments to respond favourably to appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, the Commission for Real Property Claims of Displaced Persons and Refugees for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the United Nations High Commissioner for Human Rights/Centre for Human Rights and other institutions of reconciliation, democracy and justice in the region;

32. Decides to continue its examination of this question at its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/116

12 December 1996 Meeting 82 136-1-28 (recorded vote)

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) by recorded vote (131-1-20), 29 November (meeting 56); 46-nation draft (A/C.3/51/L.68), orally revised; agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 55, 56; plenary 82.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Can-

ada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saints Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela.

Against: Russian Federation.

Abstaining: Angola, Belarus, Botswana, Burkina Faso, Burundi, Cameroon, China, Cote d'Ivoire, Cuba, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guinea, India, Kenya, Liberia, Mali, Namibia, Nigeria, Papua New Guinea, Togo, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

In the Third Committee, the Russian Federation proposed the insertion of a new third preambular paragraph, by which the Assembly would have reaffirmed the territorial integrity of the Republic of Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia, within the internationally recognized borders. The Committee rejected the amendment by a recorded vote of 90 against to 4 in favour, with 43 abstentions.

## Kosovo

**Commission action.** On 23 April [res. 1996/71], the Commission on Human Rights urgently demanded that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to end the repression of and prevent violence against non-Serb populations in Kosovo, and that ethnic Albanians in Kosovo be allowed to participate fully in the life of Kosovo without discrimination and to enjoy political and educational rights. It urged the authorities to revoke all discriminatory legislation and to apply all other legislation without discrimination, release all political detainees, allow the free return of ethnic Albanian refugees to Kosovo and take measures to respect fully all human rights and fundamental freedoms.

**Subcommission action.** On 19 August [res. 1996/2], by a secret ballot vote of 15 to 4, with 5 abstentions, the Subcommission strongly condemned the large-scale repression, measures and practices of discrimination and violation of human rights committed against the ethnic Albanian population by the authorities of the Federal Republic of Yugoslavia. It asked the Secretary-General to seek ways to establish an international monitoring presence in Kosovo and to report thereon to the General Assembly. The Special Rapporteur was called on to continue to monitor

closely the human rights situation in Kosovo and to pay special attention to the matter.

**Report of Secretary-General.** In October, the Secretary-General presented an overview of access granted or denied by the Federal Republic of Yugoslavia to United Nations human rights missions [A/51/556].

On 23 February, the Federal Republic notified the Special Rapporteur that it had approved the establishment of an office of the Centre for Human Rights in Belgrade. Requests for the establishment of the office were first made in 1992. The Government had declined repeated requests and recommendations to establish a UN human rights field presence on its territory. Although the Special Rapporteur had visited the country and travelled to the area of Kosovo, as had the Belgrade staff of the Centre for Human Rights, permission to visit the country had been denied to the expert member of the Working Group on Enforced or Involuntary Disappearances on the special process on missing persons in the territory of the former Yugoslavia. The High Commissioner for Human Rights visited the country on 10 and 11 May when he met with leading government officials, academic authorities and representatives of human rights NGOs.

The Secretary-General discussed the reinstatement of the OSCE mission, which had ceased in 1993 [YUN 1993, p. 495]. The mission had maintained its presence in Kosovo for 10 months.

(See also the periodic reports of the Special Rapporteur above.)

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/111**.

#### **Situation of human rights in Kosovo**

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Taking note with concern of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, which describe the continuing grave human rights situation in Kosovo, including in particular police brutality, killings resulting from such violence, arbitrary searches and arrests, torture and ill-treatment of detainees, the deliberate maltreatment, persecution and imprisonment of political and human rights activists, the mass dismissals of civil servants and discrimination against pupils and teachers, acts which are mainly perpetrated against ethnic Albanians,

Welcoming, as a first step, the recent signature of a memorandum of understanding concerning the educational system in the Albanian language in Kosovo, and calling for the proper implementation of that memorandum,

Appreciating efforts to monitor the situation in Kosovo, but at the same time expressing regret that the establishment of an adequate international monitoring presence in Kosovo has not yet been achieved,

Recalling its resolution 50/190 of 22 December 1995 and other relevant resolutions, and taking note of the resolutions on the matter adopted by the Commission on Human Rights and the resolution adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session,

1. Condemns all violations of human rights in Kosovo, in particular repression of the ethnic Albanian population and discrimination against them, as well as all acts of violence in Kosovo;

2. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, in particular the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) Release all political prisoners and cease the persecution of political leaders and members of local human rights organizations;

(c) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Allow the reopening of educational, cultural and scientific institutions of the ethnic Albanians;

(e) Pursue constructive dialogue with the representatives of ethnic Albanians of Kosovo;

3. Welcomes the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia and her relevant reports, and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to this matter in her reporting;

4. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the mission of long duration of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855(1993) of 9 August 1993;

5. Welcomes the report of the Secretary-General submitted pursuant to resolution 50/190, and requests him to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly at its fifty-second session;

6. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liai-

son with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes in conditions of safety and dignity;

7. Emphasizes the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) being in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

8. Decides to continue examination of the human rights situation in Kosovo at its fifty-second session under the item entitled "Human rights questions".

General Assembly resolution 51/111

12 December 1996 Meeting 82 114-2-48 (recorded vote)

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) by recorded vote (102-3-45); 27 November (meeting 54); 25-nation draft (A/C.3/51/L.59), orally revised; agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gambia, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Palau, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu.

Against: India, Russian Federation.

Abstaining: Angola, Belarus, Bhutan, Botswana, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, China, Congo, Cote d'Ivoire, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Jamaica, Kenya, Liberia, Malawi, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Panama, Papua New Guinea, Peru, Philippines, Republic of Moldova, Romania, Singapore, Slovakia, Sri Lanka, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zaire, Zambia, Zimbabwe.

## Rape and abuse of women

Pursuant to General Assembly resolution 50/192 [YUN 1995, p. 818], the Secretary-General submitted in October a report on the rape and abuse of women in the areas of armed conflict in the former Yugoslavia [A/51/557]. He presented efforts to end those practices made by the Commission on Human Rights, its Subcommission, the Office of the United Nations High Commissioner for Refugees, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the For-

mer Yugoslavia since 1991, ICRC and the European Community Task Force.

The Secretary-General stated that sporadic cases of rape and sexual violence had occurred since his 1995 report [YUN 1995, p. 817], and it appeared that those cases did not fall within the context of systematic and concerted practices. He pointed out that although the international community had responded to the need for investigation, continuing attention must be given to preventive and curative measures.

### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/115**.

#### **Rape and abuse of women in the areas of armed conflict in the former Yugoslavia**

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other instruments of human rights and international humanitarian law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Recalling its resolution 3074(XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity", as well as Commission on Human Rights resolution 1994/77 of 9 March 1994, General Assembly resolutions 48/143 of 20 December 1993, 49/205 of 23 December 1994 and 50/192 of 22 December 1995, and relevant resolutions of the Commission on the Status of Women,

Reaffirming the relevant Security Council resolutions, in particular resolution 798(1992) of 18 December 1992, in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina, signed in Paris on 14 December 1995, as a key mechanism for achieving a durable and just peace in Bosnia and Herzegovina,

Taking note of the previous report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina, which, inter alia, states that only sporadic cases of rape and sexual violence have occurred since the previous report of the Secretary-General,

Convinced that the heinous practice of rape, in fulfilling the policy of ethnic cleansing, constitutes a deliberate weapon of war, and recalling its resolution 47/121 of 18 December 1992, in which it stated, inter alia, that

the abhorrent policy of ethnic cleansing was a form of genocide,

Desirous of ensuring that persons accused of authorizing, aiding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice without further delay by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, where appropriate,

Underlining, in this context, the need for the protection of the rape victims and the provision of effective guarantees of privacy and confidentiality of the rape victims, and desirous of facilitating their participation in the proceedings of the International Tribunal and ensuring that further traumatization will be prevented,

Deeply alarmed at the situation facing victims of rape in armed conflicts in different parts of the world and any use of rape as a weapon of war, in particular in Bosnia and Herzegovina,

Noting with appreciation the efforts of Governments and the work of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, humanitarian organizations and non-governmental organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Welcoming the report of the Secretary-General of 25 October 1996, submitted pursuant to resolution 50/192,

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constitutes a war crime;

2. Expresses its outrage that the deliberate and systematic practice of rape has been used as a weapon of war and an instrument of ethnic cleansing against women and children in Bosnia and Herzegovina;

3. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon States to take all measures required for the protection of women and children from such acts and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

4. Also reaffirms that all persons who perpetrate or authorize crimes against humanity or other violations of international humanitarian law are individually responsible for those violations and that those in positions of authority who have failed to ensure that persons under their control comply with the relevant international instruments are accountable, together with the perpetrators;

5. Reminds all States of their obligation to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 in the investigation and prosecution of persons accused of using rape as a weapon of war;

6. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, as well as adequate resources and services, at the disposal of the International Tribunal;

7. Urges all States and relevant organizations to continue to give serious consideration to the recommendations in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia, in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses;

8. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychosocial and other assistance;

9. Also urges all States and all relevant intergovernmental and non-governmental organizations, as well as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation and to extend their support to the community-based assistance programmes;

10. Demands that the parties cooperate fully with the International Committee of the Red Cross, the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Commission on Human Rights and her staff, as well as other mechanisms of the Commission on Human Rights, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Organization for Security and Cooperation in Europe, including by providing full access;

11. Encourages the Special Rapporteur to continue to pay particular attention to this question, particularly in Bosnia and Herzegovina;

12. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/115

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) without vote, 27 November (meeting 55); 73-nation draft (A/C.3/51/L.66), orally revised; agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 55; plenary 82.

## Estonia and Latvia

On 12 December, the General Assembly, by **decision** 51/421, having concluded consideration of the human rights situation in Estonia and Latvia, welcomed and encouraged the activities undertaken by regional and international or-

ganizations, including OSCE, as well as the measures by the Governments of Estonia and Latvia in implementing the recommendations of those organizations.

## Russian Federation

### Republic of Chechnya

**Report of Secretary-General.** As requested by the Commission on Human Rights in 1995 [YUN 1995, p. 820], the Secretary-General submitted a report in March 1996 on the human rights situation in Chechnya [E/CN.4/1996/13], based on information submitted by the Russian Federation; information available under UN human rights mechanisms and procedures; and that received from UN bodies and programmes, and from intergovernmental and non-governmental organizations.

The Secretary-General described the activities of the High Commissioner for Human Rights and the visit (20-30 May 1995) of the High Commissioner's envoy to the Russian Federation, including the Republics of Chechnya and Ingushetia, as well as appeals to the country sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the Representative of the Secretary-General on internally displaced persons. He stated that the Government of the Russian Federation had responded to those appeals and thanked it for its constructive cooperation.

The Secretary-General discussed information received from the Commissioner for Human Rights of the Russian Federation and action taken concerning the conflict by the Subcommission, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, as well as other UN bodies, specialized agencies, and intergovernmental and other organizations. Reports transmitted by NGOs suggested large numbers of fatalities resulting from the conflict, many cases of summary executions, attacks by Federal forces on Chechen towns and villages which had been characterized as indiscriminate, disproportionate and deliberate, the use of explosive devices, the alleged use of chemical weapons, systematic beatings, torture and other forms of ill-treatment, involuntary disappearances, arbitrary detention on a mass scale, and violations of the right to an adequate standard of living and the right to freedom of movement. The conditions in which internally displaced persons lived were reported to be alarming, particularly concerning shelter, health care, nutrition and sanitation. Reports indicated that a large number of children, including some

as young as 11, served in the armed forces fighting in Chechnya.

In an April addendum to his report [E/CN.4/1996/13/Add.1], the Secretary-General described the second visit (28-30 March 1996) of the High Commissioner's envoy to the Russian Federation, during which he held talks in Moscow concerning a UN presence to promote and protect human rights in Chechnya. He stated that the Russian authorities had expressed their wish to coordinate with the High Commissioner their own efforts to restore respect for the human rights and freedoms of those affected by the conflict in Chechnya. He noted that the High Commissioner had welcomed the comprehensive programme of peaceful settlement of the Chechen crisis, put forward on 31 March by Boris Yeltsin, President of the Russian Federation. The report contained information regarding that programme, provided by the Government.

**Commission action.** On 24 April [E/1996/23], the Chairman of the Commission on Human Rights read out a statement indicating the Commission's agreement in connection with the situation of human rights in Chechnya. The Commission expressed deep concern that, in spite of its urgent call, the disproportionate use of force by the Russian Federation armed forces was continuing to lead to grave violations of human rights and international humanitarian law. The Commission asked the Secretary-General to report on the situation in 1997.

**Subcommission action.** On 21 August [dec. 1996/108], the Subcommission, by a vote of 17 to 2, with 4 abstentions, called urgently for an immediate and lasting cessation of hostilities, other acts of violence and violations of human rights.

## Latin America and the Caribbean

### Colombia

**Commission action.** On 23 April [E/1996/23], the Chairman of the Commission on Human Rights read a statement on the human rights situation in Colombia, which stated that the Commission was deeply concerned that the situation of endemic violence affecting many parts of the country had resulted in serious consequences for human rights. The Commission also expressed deep concern about violations of the right to life and the persistence of the practice of torture. It acknowledged the efforts carried out by the Government in the area of human rights and its willingness to cooperate with special rapporteurs and working groups, and noted the es-

tablishment of a follow-up commission in charge of analysing and promoting the fulfilment of recommendations of UN thematic rapporteurs and working groups, as well as of other international and regional organizations.

The Commission asked the High Commissioner for Human Rights to proceed, upon the initiative of the Government and the identification of adequate sources of financing, to establish a permanent office in Colombia to assist the Colombian authorities in human rights and to observe human rights violations in the country. It also asked him to report on the setting up of the office and its activities.

**Report of High Commissioner.** Pursuant to the Chairman's statement, the High Commissioner submitted a report on negotiations leading to the conclusion and signing, on 29 November, of an agreement on the establishment of an office in Colombia [E/CN.4/1997/11]. He estimated that the office, which was to be located in Santa Fé de Bogota, would be open by mid-March 1997.

(For information on the mission to Colombia by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, see PART TWO, Chapter II.)

### Cuba

**Report of Special Rapporteur.** In February, Special Rapporteur Carl-Johan Groth (Sweden) reported [E/CN.4/1996/60] on the human rights situation in Cuba. In view of the fact that he had received no invitation to visit the country from the Government in response to his request to do so, he expanded his contacts with Cuban citizens living outside the country.

The Special Rapporteur noted that the human rights situation continued to be characterized by severe restrictions on the rights to freedom of expression and association, the right to form and join trade unions and the right to strike, and strong official control over the individual activities of citizens, including the need for a permit from the Ministry of the Interior for citizens to be able to travel freely abroad, strong repression by the security forces, and a system of administration of justice in criminal matters which, to a large extent, was in the service of the prevailing political regime. Those factors, combined with the serious economic crisis of recent years and external factors, had led to a situation in which some 10 per cent of the population resided outside the country. A large number of people saw emigration as the only hope for a better future and were prepared to abandon the country by any means, said the Special Rapporteur.

On the positive side, the Special Rapporteur expressed satisfaction with certain measures taken by the Government in the area of human rights, namely, its decision to ratify the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [GA res. 39/46]; the decision to permit a visit by representatives of four human rights NGOs in order to meet a group of political prisoners; and the convening in 1995 of a conference in Cuba on the nation and emigration. The economic situation in Cuba differed from that of recent years in that a new readiness had emerged to evaluate previous policies and solutions that had proved to be unfeasible. The previous resistance that characterized Cuban economic policy seemed to have given way to a new, more pragmatic phase. In addition, attitudes had changed; not only were materialistic lifestyles taking hold, but new opportunities for public involvement were emerging.

The Special Rapporteur recommended that Cuba cease persecution for reasons related to the exercise of freedom of peaceful expression and association; release persons serving sentences for offences against State security and for trying to leave the country unlawfully; permit legalization of independent groups without interference from authorities; ratify the principal human rights instruments to which it was not a party; delete from penal legislation offences for which citizens might be tried for exercising their right to freedom of expression and association; review legal provisions relating to the concept of "dangerousness", defined in Cuba's Penal Code as a state of habitual inebriation and dipsomania, drug addiction or antisocial behaviour, which might warrant security measures involving therapy, re-education or surveillance by the National Revolutionary Police; repeal legal provisions which implied discrimination between citizens on political grounds, and which barred citizens from exercising their right to enter and leave the country freely; ensure the guarantees of due process; investigate the events surrounding the sinking of the tugboat 13 de Marzo in the Straits of Florida on 13 July 1994, resulting in fatalities, with a view to punishing those responsible and providing compensation to victims' relatives; ensure greater transparency and guarantees in prisons; and allow human rights NGOs to enter the country more frequently. The Special Rapporteur urged the Government to consider the possibility of requesting the establishment of a programme of advisory services and technical assistance.

**Commission action.** By a roll-call vote of 20 to 5, with 28 abstentions, the Commission on Human Rights on 23 April [res. 1996/69] regretted profoundly the numerous reports of violations of



human rights and fundamental freedoms that were described by the Special Rapporteur and expressed particular concern that the Government of Cuba had failed to carry out its commitment to cooperate with the Commission, in conformity with Articles 55 and 56 of the United Nations Charter.

The Commission extended the Special Rapporteur's mandate for one year, and asked him to maintain direct contacts with the Government and citizens of Cuba, to submit an interim report to the General Assembly in 1996 and to report to the Commission in 1997. The Secretary-General was asked to assist the Special Rapporteur.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

In July, the Economic and Social Council adopted **decision 1996/275**.

##### **Situation of human rights in Cuba**

At its 46th plenary meeting, on 23 July 1996, the Economic and Social Council, taking note of Commission on Human Rights resolution 1996/69 of 23 April 1996, endorsed the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Cuba, and approved the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session on the results of his endeavours pursuant to Commission resolution 1996/69.

Economic and Social Council decision 1996/275  
20-8-22 (recorded vote)

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).  
Meeting numbers. ESC 44, 46.

Recorded vote in Council as follows:

In favour: Australia, Bulgaria, Canada, Chile, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Nicaragua, Paraguay, Portugal, Romania, Sweden, United Kingdom, United States.

Against: China, Ghana, India, Indonesia, South Africa, Sudan, United Republic of Tanzania, Zimbabwe.

Abstaining: Argentina, Bangladesh, Belarus, Brazil, Central African Republic, Colombia, Cote d'Ivoire, Egypt, Guyana, Jamaica, Jordan, Lebanon, Malaysia, Pakistan, Philippines, Poland, Russian Federation, Thailand, Togo, Tunisia, Uganda, Venezuela.

**Interim report of Special Rapporteur.** By an October note [A/51/460], the Secretary-General transmitted to the Assembly the Special Rapporteur's interim report on the human rights situation in Cuba. The Special Rapporteur stated that he had asked the Government for the opportunity to visit the country but that his request had remained unanswered. He based his report on visits to New York and Washington, D.C. (26 and 29 August), where he met with experts in various professional circles, people who had recently left the country and representatives of organizations and groups, and on communications from individuals sent from both Cuba and abroad.

The Special Rapporteur continued to receive information about instances of persons who had

been imprisoned and harassed and subjected to house searches, threats, temporary arrest, loss of employment or other kinds of reprisal connected with exercising the freedom of expression and association or due to discrimination on political grounds. During 1996, the pattern described in earlier reports had changed only slightly and remained virtually the same as before.

Recent information hardly suggested improvement in the treatment of detainees in prisons and detention centres, which included overcrowding, unsanitary conditions, inadequate and substandard food, limited medical care, beatings, restrictions on family visits, common criminals sharing living quarters with political prisoners, and the jailing of many political prisoners far from their home towns, which made contact with their families extremely difficult.

The authorities maintained their policy of forcing dissidents out of the country by threatening them with prosecution or releasing them on the condition that they left the country immediately. The Special Rapporteur also received information on cases in which people were denied permission to leave the country to join relatives who had left Cuba by legal means and had decided not to return.

The severity of the economic crisis continued to have a serious effect on the enjoyment of economic, social and cultural rights, with the health and housing sectors having been particularly hard hit. The level and quality of employment had also declined, as a result of the closing or low-level operation of obsolete enterprises, accompanied by other related factors.

As to violations of the right to life, the Special Rapporteur expressed serious concern over the lack of investigation into the case of the sinking of the tugboat *13 de Marzo*, in which 37 people had died. He referred to an incident which occurred on 24 February when Cuban Air Force pilots shot down two civil aircraft, registered in the United States, which were on a mission for Brothers to the Rescue, a volunteer organization based in Miami, Florida (for Security Council action, see PART ONE, Chapter III). The Special Rapporteur considered that the shooting was premeditated and constituted a violation of the right to life.

The Special Rapporteur reiterated the recommendations made in his earlier report (see above).

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/113**.

##### **Situation of human rights in Cuba**

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and funda-

mental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Noting that Cuba is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Reaffirming also that all States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1996/69 of 23 April 1996, in which the Commission recognized with deep appreciation the past efforts of the Special Rapporteur on the situation of human rights in Cuba and extended his mandate for one year,

Expressing concern about continuing serious violations of human rights in Cuba, the majority of which are violations of civil and political rights, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur,

Deploring, in this regard, the arbitrary arrest, detention and harassment of Cuban citizens, particularly members of the Concilio Cubano, a group coordinating the activities of dozens of human rights groups, seeking to exercise their human rights and fundamental freedoms,

Recalling the continued refusal of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1996/69, including its repeated opposition to a visit to Cuba by the Special Rapporteur,

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;

2. Expresses its full support for the work of the Special Rapporteur;

3. Calls once more upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous violations of human rights and fundamental freedoms in Cuba, as described in the report of the Special Rapporteur to the Commission on Human Rights and in his interim report;

5. Urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur, who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Calls upon the Government of Cuba to carry out the recommendations contained in the interim report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms in Cuba into conformity with international standards and applica-

ble international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to its prisons to non-governmental humanitarian organizations and international humanitarian agencies;

8. Decides to continue its consideration of this question at its fifty-second session.

General Assembly resolution 51/113

12 December 1996 Meeting 82 62-25-84 (recorded vote)

Approved by Third Committee (A/51/619/Add.3 & Add.3/Corr.1) by recorded vote (59-26-71), 27 November (meeting 54); 36-nation draft (A/C.3/51/L.63); agenda item 110 (c).

Meeting numbers. GA 51st session: 3rd Committee 38-52, 54; plenary 82.

Recorded vote in Assembly as follows:

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu.

Against: Angola, China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Gambia, Ghana, India, Indonesia, Iran, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Myanmar, Namibia, Nigeria, Papua New Guinea, South Africa, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Colombia, Congo, Cote d'Ivoire, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Liberia, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Nepal, Niger, Oman, Pakistan, Palau, Peru, Philippines, Qatar, Russian Federation, Saints Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, Venezuela, Zaire.

## Middle East

### Lebanon

**Commission action.** By a roll-call vote of 50 to 1, with 2 abstentions, the Commission on Human Rights on 23 April [res. 1996/68] deplored continued Israeli violations of human rights in southern Lebanon and West Bekaa and called on Israel to end practices which led to such violations. It asked the Secretary-General to bring its resolution to Israel's attention and to invite Israel to provide information on its implementation. He was also asked to report to the General Assembly in 1996 and to the Commission in 1997.

### ECONOMIC AND SOCIAL COUNCIL ACTION

In July, the Economic and Social Council adopted **decision 1996/274**.

### Human rights situation in southern Lebanon and West Bekaa

At its 46th plenary meeting, on 23 July 1996, the Economic and Social Council, taking note of Commission on Human Rights resolution 1996/68 of 23 April 1996, approved the Commission's request to the Secretary-General:

(a) To bring the resolution to the attention of the Government of Israel and to invite that Government to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the results of his efforts in that regard.

Economic and Social Council decision 1996/274

49-1-2 (recorded vote)

Draft by Commission on Human Rights (E/1996/23); agenda item 5 (d).

Recorded vote in Council as follows:

In favour: Australia, Bangladesh, Belarus, Brazil, Bulgaria, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Czech Republic, Egypt, Finland, France, Germany, Ghana, Greece, Guyana, India, Indonesia, Ireland, Jamaica, Japan, Jordan, Lebanon, Luxembourg, Malaysia, Netherlands, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Senegal, South Africa, Sudan, Sweden, Thailand, Togo, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: United States.

Abstaining: Argentina, Cote d'Ivoire.

**Reports of Secretary-General.** As requested by the Commission in 1995 [YUN 1995, p. 824], the Secretary-General reported [E/CN.4/1996/55] in January that he had asked Israel for information on the implementation of the Commission's 1995 resolution on the human rights situation in southern Lebanon, but had received no reply.

In October, the Secretary-General stated that he had asked Israel for information on the implementation of the Commission's 1996 resolution and had received no reply [A/51/507].

On 12 December, the General Assembly, by **decision 51/422**, took note of the Secretary-General's October report.

### Occupied territories

During the year, the question of human rights violations in the territories occupied by Israel as a result of the 1967 hostilities in the Middle East was again considered by the Commission. Political and other aspects were considered by the General Assembly, its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli practices) and other bodies (see PART ONE, Chapter VI).

**Reports of Secretary-General.** In response to a 1995 request of the Commission on Human Rights [YUN 1995, p. 826], the Secretary-General reported [E/CN.4/1996/19] that he had brought the

Commission's 1995 resolution concerning the occupied Syrian Golan to the attention of all Governments, the Committee on Israeli practices, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the specialized agencies, regional intergovernmental organizations and international humanitarian organizations. In addition, UN press coverage was provided for all meetings of the Committee on Israeli practices, and information was distributed through documents, press releases and UN information centres and services.

In another report [E/CN.4/1996/20], the Secretary-General stated that, as requested by the Commission in 1995 [YUN 1995, p. 825], he had brought the resolution on the violation of human rights in the occupied Arab territories to the attention of the Government of Israel and all other Governments, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations, the Special Committee on Israeli practices, the Committee on Palestinian rights and UNRWA. Information had also been disseminated through UN press releases, documents and UN information centres and services. The Secretary-General had received no reply from Israel concerning the implementation of the Commission's 1995 resolution.

The Secretary-General also submitted to the Commission in February 1996 a list of all General Assembly and other reports issued since 12 March 1995 on the situation of the population of the occupied Arab territories [E/CN.4/1996/21].

**Report of Special Rapporteur.** In a March report [E/CN.4/1996/18], Special Rapporteur Hannu Halinen (Finland) discussed the human rights situation in the occupied Palestinian territories. He had asked the Government of Israel to allow him to visit the country, but was informed that Israel was not in a position to receive him. The Special Rapporteur visited Gaza from 2 to 4 March where he met with the President of the Palestinian Authority, Yasser Arafat, and other high-level Palestinian leaders. Although he had received valuable information in Gaza, the Special Rapporteur believed it was not sufficient to write a comprehensive and balanced report; his report was therefore incomplete in view of the constraints imposed on him.

The Special Rapporteur stated that the first measure imposed on the occupied territories after terrorist incidents in Israel was usually their complete closure, sealing the Gaza Strip and West Bank from each other as well as from East Jerusalem and Israel. That policy amounted to collective punishment and had resulted in severe restriction

on the freedom of movement. The restrictions on that freedom resulting from closure denied people access to medical services; had an adverse effect on the already fragile economic situation and led to further deterioration in living conditions; affected freedom of education; and weakened further fragile Palestinian institutions. In view of mass arrests carried out in the wake of recent suicide bomb attacks in Israel, fears had been expressed that both Israel and the Palestinian Authority might be subjecting detainees to torture and ill-treatment. The Special Rapporteur was informed that in Israel many persons arrested were reported to be held incommunicado for long periods, and that the General Security Service systematically used interrogation methods that constituted torture and ill-treatment. Similarly, he had received information that persons arrested in the areas controlled by the Palestinian Authority had also been subjected to torture and mistreatment. Regarding land confiscation and settlements, the Special Rapporteur's attention was drawn to the continued policy of confiscation of Palestinian-owned land. The expropriated land was used mostly for the expansion of existing Israeli settlements and the building of bypass roads around them, which cantonized Arab population areas in the occupied territories.

The Special Rapporteur recommended that Israel reconsider its policy of full-scale closure and that the use of torture, whether by Israelis or Palestinians, be prohibited. He also recommended putting an end to current interrogation practices and granting rehabilitation and compensation to victims; providing a fair trial or release to persons placed in administrative detention by Israel; and halting both the confiscation of Palestinian-owned land and the construction or expansion of settlements. The Special Rapporteur presented proposals to the Commission for amending his mandate.

**Commission action.** On 11 April [res. 1996/3], the Commission on Human Rights, by a roll-call vote of 27 to 2, with 23 abstentions, deeply regretted the continued human rights violations in the occupied Palestinian territory since the signing in 1993 of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization [YUN 1993, p. 521], and called on Israel to desist from all such violations in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law and its commitments to the UN Charter and UN resolutions. The Secretary-General was asked to bring the Commission's resolution to the attention of

the Government of Israel and all other Governments, concerned UN organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report in 1997 on its implementation by Israel. He was also asked to provide the Commission with all UN reports issued between its sessions that dealt with conditions in which the Palestinians were living under Israeli occupation.

Also on 11 April [res. 1996/2], by a roll-call vote of 22 to 1, with 29 abstentions, the Commission called on Israel to comply with UN resolutions on the Syrian Golan and demanded that it rescind its decision to impose its laws, jurisdiction and administration on that occupied territory. The Secretary-General was asked to bring the Commission's resolution to the attention of all Governments, UN organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to give the resolution wide publicity and to report in 1997.

On the same date [res. 1996/4], by a roll-call vote of 49 to 1, with 3 abstentions, the Commission reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention). It urged Israel to abstain from and prevent any installation of settlers in the occupied territories.

**Subcommission action.** On 20 August [res. 1996/6], the Subcommission, by a secret ballot vote of 15 to 4, with 5 abstentions, called on Israel to comply with its international obligations, respect the rules of international law and apply the fourth Geneva Convention to the Palestinian and other occupied Arab territories; to desist from establishing Israeli settlements; to comply with relevant General Assembly and Security Council resolutions; and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and from imposing Israeli citizenship and identity cards on the Syrian citizens there, and to desist from its repressive measures against them. The Secretary-General was asked to provide in 1997 an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant UN decisions and resolutions and the report of the Committee on Israeli practices, and with all other information relevant to the implementation of the Subcommission resolution.

## PART THREE

### Economic and social questions

## Chapter I

## Development policy and international economic cooperation

The rates of economic growth of both the developed and developing countries rose in 1996, while the rate of economic contraction slowed in the Commonwealth of Independent States. In many cases, however, output per person was rising only slowly and lacked the dynamism—and poverty reduction—that would come from high levels of investment, capacity expansion, rapid productivity increase and rising employment. Indeed, the risk of marginalization remained high for low-income countries that depended largely on commodity exports for foreign exchange earnings and official development assistance for foreign capital inflows.

Through the Ad Hoc Open-ended Working Group of the General Assembly on an Agenda for Development, work continued throughout the year on the elaboration of the concept of an agenda for development—an integrated approach to a wide range of economic and social issues originally proposed by the Secretary-General in 1992. Following a review of the implementation of the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, and the International Development Strategy for the Fourth United Nations Development Decade (the 1990s), both adopted in 1990, the Assembly, in a December resolution, called for the review and appraisal of the Declaration and the Strategy, to be coordinated with the follow-up work on major UN conferences and the ongoing discussion on an agenda for development.

The Commission on Sustainable Development considered a number of substantive issues at its April/May session, including changing consumption and production patterns and capacity-building in developing countries. A three-day high-level meeting with ministerial participation discussed preparations for the special session of the Assembly to be held in 1997 to discuss the implementation of Agenda 21, adopted at the 1992 United Nations Conference on Environment and Development. In December, the Assembly decided to convene the special session from 23 to 27 June 1997 at the highest political level of participation.

In the context of the International Year for the Eradication of Poverty, which was observed in 1996, the Commission on Sustainable Develop-

ment and the Commission for Social Development discussed strategies and actions for the eradication of poverty. In his annual report, the Administrator of the United Nations Development Programme (UNDP) described the Programme's efforts to sharpen its focus on poverty eradication in 1996, while the Economic and Social Council adopted agreed conclusions on coordination of poverty eradication activities. In a December resolution, the Assembly decided that the theme for the first United Nations Decade for the Eradication of Poverty (1997-2006) would be "Eradicating poverty is an ethical, social, political and economic imperative of humankind".

At its resumed fiftieth session from 15 to 19 April, the Assembly held plenary meetings devoted to public administration and development at which it considered the reports of a number of regional meetings on the subject. The Assembly requested the United Nations to develop strategies for rebuilding a viable public administration in countries undergoing post-conflict rehabilitation and reconstruction, and invited the Bretton Woods institutions and all relevant UN agencies and bodies to assist Member States involved in economic restructuring programmes to pursue national policies aimed at improving the development and management of their human resources.

The implementation of the 1994 Programme of Action for the Sustainable Development of Small Island Developing States was reviewed by the Commission for Sustainable Development and by the Assembly, which invited the Commission to continue its support for the Programme of Action as an integral part of the preparations for the Assembly's 1997 special session.

### International economic relations

#### Development and international economic cooperation

A number of United Nations bodies, including the General Assembly and the Economic and Social Council, discussed development and international economic cooperation issues during 1996.

The Assembly's Second (Economic and Financial) Committee discussed matters relating to macroeconomic policy questions and international economic cooperation and made recommendations on a number of topics. By **decision 51/444** of 16 December, the Assembly took note of Part One of the Committee's report on sustainable development and international economic cooperation [A/51/604].

By **decision 51/452** of 17 December, the Assembly deferred consideration of the launching of global negotiations on international economic cooperation for development and decided to include an item on the subject in the provisional agenda of its fifty-second (1997) session.

**Economic and Social Council consideration.** During its high-level segment (24-27 June) [A/51/3/Rev.1], the Economic and Social Council held an intensive policy dialogue on major issues in the world economy with the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) (Rubens Ricupero), a Deputy Managing Director of the International Monetary Fund (IMF) (Prabhakar R. Narvekar) and a Managing Director of the World Bank (Sven Sandstrom). The dialogue covered trends in the world economy (see below); globalization, trade, debt and resource flows (see PART THREE, Chapter IV); and cooperation and coordination within the UN system.

In a summary of the segment, the Council President stated that progress had been made in cooperation between the United Nations and the Bretton Woods institutions (the World Bank group and IMF) in a number of economic, social and environmental areas. Further development of the cooperation, a closer policy dialogue at the intergovernmental level on global macroeconomic policy issues and promotion of cooperation at the country level were called for.

In **resolution 1996/43** of 26 July, the Council considered that the strengthening of collaboration between the United Nations and the Bretton Woods institutions required an integrated approach, encompassing a closer policy dialogue at the intergovernmental level on relevant areas of international development policy issues, taking into account the respective competencies of each party (see PART THREE, Chapter II).

### Agenda for development

The Ad Hoc Open-ended Working Group of the General Assembly on an Agenda for Development, established in 1995 [YUN 1995, p. 830], continued in 1996 to elaborate an agenda for development—an integrated approach to the wide range of economic and social issues dealt with by the

United Nations—originally proposed in 1992 [YUN 1992, p. 15]. The Secretary-General in May 1994 presented a wide-ranging document, "An agenda for development" [A/48/935], presenting initial approaches and broad themes to be pursued. The Working Group in 1996 held four sessions, from 22 January to 1 February, from 20 to 31 May, from 17 to 21 June, and from 3 to 6 September [A/50/45].

At the January/February session, the two Vice-Chairmen presented a document containing a revised synthesis for three chapters of the agenda—chapters I (setting and objectives) and II (policy framework, including means of implementation), and a first synthesis for chapter III (institutional issues and follow-up). In May, the Working Group had before it conference room papers containing paragraphs of chapters I and II as amended and/or accepted by the Group and a revised synthesis text by the Vice-Chairmen on chapter III. In June, the Working Group continued its examination of chapters I and II only. In September, the Working Group considered proposed amendments to outstanding paragraphs and agreed paragraphs in all three chapters and continued its examination of chapter III.

At its meeting on 6 September, the Working Group recommended to the Assembly a draft decision, adopted by the Assembly on 16 September (**decision 50/490**), by which it noted the Working Group's report and decided that its work should continue at the Assembly's fifty-first session, with a view to concluding it as soon as possible, and reporting thereon to the Assembly during that session.

The Secretary-General in August [A/51/319] reported on the provisions of General Assembly **resolution 50/227** on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields. By the resolution, the Assembly stated that, in the context of the discussions on an agenda for development, a close review should be made of the relationship of the Economic and Social Council with the specialized agencies. The Council should provide overall guidance and coordination to the UN development system, identify points of duplication with funds and programmes and make recommendations. The Assembly emphasized that issues relating to the strengthening of the relationship between the United Nations and the Bretton Woods institutions, and possibly the World Trade Organization, should be particularly considered in the context of the deliberations on the agenda for development. The Assembly also stated that the structure and functioning of the Secretariat, including the economic and social departments

and the question of establishing a post of Deputy Secretary-General for International Cooperation and Development, should be considered in the High-level Open-ended Working Group on the Strengthening of the United Nations System and the Open-ended Working Group on an Agenda for Development.

By **decision 51/445** of 16 December, the Assembly took note of the Secretary-General's August note.

#### **Implementation of the Declaration on International Economic Cooperation and the International Development Strategy**

In response to General Assembly resolution 49/92 [YUN 1994, p. 762], the Secretary-General in August reported [A/51/270] on implementation of the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries [GA res. S-18/3], and the International Development Strategy for the Fourth United Nations Development Decade (the 1990s) [GA res. 45/199], both of which were adopted by the Assembly in 1990.

Policy concerns addressed in the report focused on the increased globalization and liberalization of the world economy, the continuation of relatively high real interest rates in industrialized countries, the resurgence of faith in the efficacy of the market, and the emergence of a new orthodoxy as to what constituted an effective development policy.

The report described trends in the world economy during the first half of the 1990s, noting a clear-cut slowdown from the growth rates of the 1980s. Despite more sluggish global growth, however, developing countries as a whole had made substantial progress during the first half of the decade; as a group, they had grown at almost three times their annual average rate of growth of per capita gross domestic product (GDP) in the 1980s, namely, 2.9 per cent per annum compared with 1 per cent per annum in the period 1981-1990. Nevertheless, those averages masked great variations in individual situations.

The report went on to discuss the role of the international environment in accelerating the development of the developing countries in the areas of trade; and debt, capital flows and aid. It also considered the development of the least developed countries (LDCs), whose economic performance continued to be a matter of deep concern for the international community, and special measures on their behalf.

As to the role of the UN system, the report stated that, both through global conferences and other activities, it had been a major actor in pro-

moting a holistic approach to development by linking social, economic and environmental considerations as the foundation for policy and action.

The report concluded that, since the adoption of the Declaration and the Strategy, there appeared to have been a growing convergence of opinion as to what constituted an "appropriate" economic development strategy. For example, in pursuing reform, a distinction had to be drawn between the attainment of macroeconomic stability—a requirement even in the short run—and achieving structural reform—a long-run necessity. Also, "getting prices right" might be a necessary condition for development success, but was by no means sufficient. Further, it appeared that the sequencing of reform was an important consideration. Perhaps most importantly, it had become increasingly evident that to be successful in the longer run, policies needed to focus not just on growth but on improving the lot of the population at large as well. No country was a "blank canvas" waiting to be converted into a market economy. A number of countries faced external constraints, such as poor export prices or a heavy debt burden, which were resistant to short-term palliatives.

In reality, the report stated, very little was conclusively known about the determinants of economic growth. Although the question had been asked whether the high growth rates in the East Asia region should be attributed to productivity gains or to factor accumulation, there was no categorical answer. One thing that was known was that technological progress was the only possible way for an economy to achieve a sustained rate of growth of output per person.

Since the adoption of the Declaration and the Strategy, UN global conferences had resulted in international agreements on strategies for their areas of concern and had identified a wide range of supportive measures and actions. Inevitably, there had been considerable overlap in the content of those agreements. However, since they pointed to a growing international convergence of views on the necessary ingredients for development, they had refined and advanced the Declaration and the Strategy. Those views were being distilled by the Ad Hoc Open-ended Working Group of the General Assembly on an Agenda for Development and it seemed likely that action taken as a result of that work would call for follow-up by the Assembly. The Assembly might wish, said the report, to combine future review and appraisal of the Declaration and the Strategy with follow-up to the work on an agenda for development. The Assembly might also wish to undertake forward-looking reviews of selected new



and emerging trends and issues that could be taken into account in national and international development strategies.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/173**.

#### **Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, and implementation of the International Development Strategy for the Fourth United Nations Development Decade**

The General Assembly,

Reaffirming the importance and continued validity of the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990, and the International Development Strategy for the Fourth United Nations Development Decade, contained in the annex to its resolution 45/199 of 21 December 1990,

Recalling its resolutions 46/144 of 17 December 1991, 47/152 of 18 December 1992, 48/185 of 21 December 1993 and 49/92 of 19 December 1994 on the implementation of the Declaration and the Strategy,

Aware that the Declaration, the Strategy and the ongoing discussion on an agenda for development are mutually supportive and closely interlinked,

1. Takes note of the report of the Secretary-General on the implementation of the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries and the International Development Strategy for the Fourth United Nations Development Decade;

2. Recognizes the need to strengthen the implementation of the Declaration and the Strategy in the remaining years of the 1990s so as to ensure that the Decade will indeed be one of accelerated development, in particular in the developing countries, and strengthened international economic cooperation;

3. Calls upon Member States to identify and take follow-up actions on those commitments and agreements that are not fully implemented and on the constraints to implementation;

4. Recognizes the need to provide particular support to those least developed countries suffering from a deteriorating economic situation;

5. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a progress report on the implementation of the Declaration and the Strategy, with particular emphasis on their relationship with and impact on development trends, and on emerging experiences with and consensus on development strategies;

6. Encourages Member States to provide, as and when available, reports and papers relevant to the implementation of the commitments and policies agreed upon in the Declaration and the Strategy in order to as-

sist the Secretary-General in preparing the report called for above;

7. Calls for the review and appraisal of the Declaration and the Strategy to be coordinated with the follow-up work on major United Nations conferences and the ongoing discussion on an agenda for development.

General Assembly resolution 51/173

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/604/Add.1) without vote, 25 November (meeting 36); draft by Vice-Chairman (A/C.2/51/L.32), based on informal consultations on draft by Costa Rica for Group of 77 and China (A/C.2/51/L.13); agenda item 96 (a).

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 34, 36; plenary 86.

#### **Development through partnership**

In response to General Assembly resolution 50/122 [YUN 1995, p. 831], the Secretary-General submitted an October note on renewal of the dialogue on strengthening international economic cooperation for development through partnership. He noted that the Assembly had agreed to hold a two-day high-level dialogue during its fifty-first session on the theme of the social and economic impact of globalization and interdependence and their policy implications, the modalities of which were to be decided in the context of the outcome of the work of the Ad Hoc Open-ended Working Group of the General Assembly on an Agenda for Development. Since an agenda had yet to be finalized, however, the arrangements for such a meeting would have to be deferred pending the document's completion. Since the high-level dialogue would require a series of preparatory meetings, the Secretary-General recommended that it be deferred until the latter part of the fifty-second session.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/174**.

#### **Renewal of the dialogue on strengthening international economic cooperation for development through partnership**

The General Assembly,

Noting with interest the efforts of the Secretary-General to encourage a constructive dialogue for enhancing development and to facilitate actions in that regard,

Taking into consideration the note by the Secretary-General,

1. Reaffirms its resolutions 48/165 of 21 December 1993, 49/95 of 19 December 1994 and 50/122 of 20 December 1995 on renewal of the dialogue on strengthening international economic cooperation for development through partnership;

2. Reaffirms the importance of the dialogue on economic and development issues between the developed and the developing countries;

3. Agrees to defer the holding of the high-level dialogue for a period of two days until the fifty-second session of the General Assembly—the date, modalities and focus of the discussion to be decided by the President of the General Assembly through consultation with Member States, bearing in mind General Assembly decision 50/490 of 16 September 1996 and taking into account the progress and results achieved in the work of the Ad Hoc Open-ended Working Group of the General Assembly on an Agenda for Development, on the theme of the social and economic impact of globalization and interdependence and their policy implications—and requests the Secretary-General, in close cooperation with Governments, all relevant parts of the United Nations system, relevant organizations and other development actors, to make initial preparations for such a dialogue;

4. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution, including further recommendations for enhancing the dialogue and an assessment of the ongoing efforts for its strengthening, such as the outcome of the discussions in the Ad Hoc Open-ended Working Group, possible future themes for dialogue, and proposals to convene special sessions of the General Assembly on major issues relevant to the dialogue on international economic cooperation for development, including those identified in the agenda for development;

5. Decides to include in the provisional agenda of its fifty-second session, under the appropriate item, the sub-item entitled "Renewal of the dialogue on strengthening international economic cooperation for development through partnership".

#### **General Assembly resolution 51/174**

**16 December 1996 Meeting 86 Adopted without vote**

Approved by Second Committee (A/51/604/Add.2) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.52), based on informal consultations on draft by Costa Rica for Group of 77 and China and Colombia (A/C.2/51/L.21); agenda item 96 (b).

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 34, 37; plenary 86.

### **Economies in transition**

In response to General Assembly resolution 49/106 [YUN 1994, p. 763], the Secretary-General submitted an August report [A/51/285] on the integration of the economies in transition into the world economy. The report described the overall setting in countries making the transition from centrally planned to market economies and the progress being made towards integrating them.

Despite severe problems, there had been a marked improvement in macroeconomic performance in the preceding two years. There was a steady expansion of trade throughout Eastern Europe in 1994-1995. The volume of Eastern European exports rose by 9 to 11 per cent in 1995, while imports rose by some 16 to 19 per cent. In the Russian Federation and most other members of the Commonwealth of Independent States (CIS), however, the "transition depression" of output continued in 1995.

Most Eastern European countries and the Baltic States had made considerable progress in integrating into the world financial markets. Eastern Europe received significant capital inflows in three consecutive years, with inflow in 1995 reaching a record \$31 billion. The chief destinations were the Czech Republic, Hungary and Poland, and the bulk was from private sources. There were also large inflows into the Baltic States in 1995, but progress in CIS had been slower. The credibility of economic reform programmes appeared to explain most of the large differences between the Eastern European countries in their ability to attract foreign investment. Generally, those countries receiving little private capital also failed to obtain much official finance, the exception being the Russian Federation, which drew \$5.4 billion from IMF in 1995 and also appeared to have used guaranteed export credits heavily.

Regarding technical cooperation involving the economies in transition and developing countries, the report focused on the work of the two regional commissions—the Economic Commission for Europe (ECE) and the Economic and Social Commission for Asia and the Pacific (ESCAP)—that had provided assistance for the transition process. The report also described cooperation with relevant subregional groupings, international institutions and other organizations. Information received from agencies and organizations on their role in assisting the economies in transition during the transformation and integration process was summarized.

#### **GENERAL ASSEMBLY ACTION**

On 16 December, the General Assembly adopted **resolution 51/175**.

#### **Integration of the economies in transition into the world economy**

The General Assembly,

Reaffirming its resolutions 47/187 of 22 December 1992, 48/181 of 21 December 1993 and 49/106 of 19 December 1994,

Reaffirming also the need for the full integration of the countries with economies in transition into the world economy,

Noting the progress made in these countries in achieving macroeconomic stabilization in the course of structural reforms, which require more active investment policies,

Noting also the aspiration of the countries with economies in transition towards the further development of regional and interregional cooperation,

Recognizing the need to ensure favourable conditions for market access of exports from these countries, in accordance with multilateral trading agreements,

1. Takes note of the report of the Secretary-General;

2. Welcomes the measures undertaken by the organizations of the United Nations system to implement

resolution 49/106, and calls upon those organizations to continue to conduct analytical activities and to provide policy advice and technical assistance to the economies in transition on the social and political framework for economic and market reforms, in particular in regard to the development of the necessary conditions for attracting foreign investments;

3. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-third session.

General Assembly resolution 51/175

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/604/Add.3) without vote, 2 December (meeting 37); 48-nation draft (A/C.2/51/L.17), orally revised; agenda item 96 (c).

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 32, 37; plenary 86.

### Rural development

**ACC Subcommittee.** The Subcommittee on Rural Development of the Administrative Committee on Coordination (ACC) held its twenty-fourth session in Geneva from 15 to 17 May [ACC/1996/11]. It considered a report on the issue of micro-financing and rural credit prepared by the UN Department for Development Support and Management Services, based on information obtained from member organizations.

The Subcommittee also had before it the reports of the Panel on Monitoring and Evaluation (Paris, 24-25 April) and the Working Group on Industrial Contribution to Rural Development (Geneva, 13-14 May). Also before the Subcommittee were reports by agencies on rehabilitation of returnees in rural areas; development and application of socio-economic indicators to assess progress in rural development; institutional frameworks for promoting rural-urban linkages; livelihoods, fragile ecosystems and rural development; and learning in rural areas. The Subcommittee heard presentations from the World Bank regarding "Vision to action in the rural sector", an ongoing work to reorient and revitalize the role of the World Bank in rural development, and from the Food and Agriculture Organization of the United Nations (FAO) on "Building partnerships and coalitions for rural development".

With regard to the World Food Summit, to be held in November 1996 (see PART THREE, Chapter XIII), the Subcommittee made comments and recommendations to strengthen further the Summit's draft policy statement and plan of action with regard to improving the access of the poor to food, primarily through enhancing their agricultural productive capacity and/or strengthening their food purchasing power.

The ACC Consultative Committee on Programme and Operational Questions at its ninth session (New York, 16-20 September) [ACC/1996/16] reviewed the report of a consultant on the Sub-

committee's role and functioning and recommended to ACC the dissolution of the Subcommittee in favour of alternative informal coordinating mechanisms.

**FAO report.** In response to a 1981 request [YUN 1981, p. 400], the Secretary-General submitted to the Economic and Social Council in June 1996 a fourth progress report [E/1996/70] on the review and analysis of agrarian reform and rural development, prepared by FAO in collaboration with other concerned bodies and organizations of the UN system. The report gave an overview of the implementation of the Programme of Action adopted by the 1979 World Conference on Agrarian Reform and Rural Development [YUN 1979, p. 500] and discussed access to land natural resources, inputs, markets and services; rural people's participation in development and policy-making; women in agriculture and rural development; and education, training and extension services.

The experience of the 1990s, the report said, had heightened the need to augment current understanding of the relationship between civil society and the private sector. Economic restructuring had proven problematic; without "safety nets", liberalization could lead to either the marginalization or complete exclusion of the rural poor from the benefits of political life and economic reform. The most disadvantaged population in the world today, the report went on, was composed of rural women in developing countries. Economic and political liberalization had the potential to act as a vehicle for poverty alleviation and eventual eradication. Policy interventions compatible with both political and economic liberalization of the market were rapidly developing.

By **decision 1996/232** of 23 July, the Council took note of the report.

### Industrial development cooperation

In response to General Assembly resolution 49/108 [YUN 1994, p. 764], the Secretary-General in September reported [A/51/340] on industrial development cooperation, summarizing major trends in industrial development in the developing countries; reviewing why industry continued to be a key instrument in economic and social development and why industrial development cooperation was needed to support industrial development in the developing countries; and assessing major issues that constituted the current agenda for industrial development cooperation.

In a section on the role of the United Nations Industrial Development Organization (UNIDO) in international industrial development coopera-

tion, the report provided a synopsis of programmatic and managerial reforms undertaken by UNIDO; reviewed UNIDO's seven thematic priorities (strategies, policies and institution-building for global economic integration; environment and energy; small and medium enterprises; innovation, productivity and quality for international competitiveness; industrial information, investment and technology promotion; rural industrial development; and Africa and LDCs: linking industry with agriculture) and the activities undertaken for each priority; gave information on the UNIDO contribution to major UN conferences; and described UNIDO's coordinating role in the UN system.

A central theme of the report was that international industrial cooperation remained an essential dimension of the overall development process. Industrial development was a means for achieving overall economic and social development, not an end in its own right. With the achievements in industrialization in past decades and the growth of trade and international investment flows, some parts of the developing world had made significant progress; however, major challenges remained for the greater number of developing countries. Those challenges were increasingly urgent, as competitive pressures and the requirements of technological change threatened to widen the gap between advantaged and disadvantaged nations. Although the process of industrialization was increasingly market-driven, and markets required strengthening in many instances, Governments continued to have a decisive role in furthering sustainable industrial development. Efforts were required to overcome market deficiencies; create and upgrade institutions; augment the supply of skilled labour; and support policy-making to promote internationally competitive industries, technological development and necessary infrastructure.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/170**.

#### Industrial development cooperation

The General Assembly,

Recalling the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, the International Development Strategy for the Fourth United Nations Development Decade, and the United Nations New Agenda for the Development of Africa in the 1990s,

Recalling also its resolution 49/108 of 19 December 1994 on industrial development cooperation,

Taking note of the declaration adopted by the Ministers for Foreign Affairs of the Group of 77 and China at their twentieth annual meeting, held in New York on 27

September 1996, the communique of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the fifty-first session of the General Assembly, issued on 25 September 1996, the Midrand Declaration, adopted by the United Nations Conference on Trade and Development at its ninth session, and the conclusions of the summit meeting of seven major industrialized countries, held at Lyon, France, from 27 to 29 June 1996,

Noting the far-reaching implications of the process of globalization, trade liberalization and rapid technological change for the economic prospects of the developing countries and the economies in transition,

Reaffirming the importance of promoting industrialization as an essential element in the sustained economic growth and sustainable development of developing countries, as well as in the eradication of poverty, facilitating social integration, the integration of women into the development process and the creation of productive employment,

Stressing the need for enhanced international, regional and subregional cooperation in the field of industrial development and the important role played by the United Nations system, in particular the United Nations Industrial Development Organization, in this regard,

Recognizing the increasing role of the business community, including the private sector, in enhancing the dynamic process of the development of the industrial sector,

1. Takes note of the report of the Secretary-General;
2. Welcomes the major programme of reform and restructuring process undertaken by the United Nations Industrial Development Organization;
3. Reiterates the importance of cooperation and coordination within the United Nations system in providing effective support to the industrial development of the developing countries, and calls upon the United Nations Industrial Development Organization to continue carrying out its central coordinating role in the field of industrial development in the overall context of existing coordinating mechanisms in the United Nations system, inter alia, the Administrative Committee on Coordination and the resident coordinator system, so as to enhance the effectiveness, relevance and development impact of such support;
4. Emphasizes the importance of a favourable international and national environment for the industrialization of developing countries, and urges all Governments to adopt and implement development policies and strategies that promote, within a framework of transparent and accountable industrialization policies, inter alia, enterprise development, foreign direct investment, technological adaptation and innovation, expanded access to markets and the effective use of official development assistance to enable developing countries to enhance an environment attractive to investment so as to augment and supplement domestic resources for the expansion, diversification and modernization of their industrial productive capacity, in the context of an open, equitable, non-discriminatory, transparent, multilateral and rule-based international trading system;
5. Reiterates the importance of technology transfer to the developing countries as an effective means of in-

ternational cooperation in the field of industrial development;

6. Recognizes the continuing use of official development assistance also for industrial development in the developing countries, and calls on the donor countries and the recipient countries to continue to cooperate in their efforts to achieve greater efficiency and effectiveness of official development assistance resources devoted to industrial development cooperation;

7. Welcomes, in addition, the use of innovative funding modalities, including, *inter alia*, co-financing schemes and trust funds, debt-equity swaps, as appropriate, and other debt relief measures, industrial joint venture schemes, enterprise-to-enterprise cooperation and venture capital funds for industrial development, in particular in the developing countries;

8. Calls upon the international community and the relevant organizations and bodies of the United Nations system, in particular the United Nations Industrial Development Organization, to support the efforts of the developing countries to intensify and expand industrial cooperation among themselves with respect to, among other things, trade in manufactured products, industrial investments and business partnerships, as well as industrial technology and scientific exchanges;

9. Requests the United Nations Industrial Development Organization, in cooperation with the relevant organizations of the United Nations system, to undertake, in the context of supporting South-South cooperation, an in-depth assessment and further analysis of best practices in the field of industrial policies and strategies and their relevance in particular regional and country situations, and lessons learned in the field of industrial development, so as to provide practical insights and ideas—such cooperation should better enable developing countries to benefit from each other's successful experiences in the formulation of their industrial policies and strategies—and also requests the United Nations Industrial Development Organization to submit a report thereon to the General Assembly at its fifty-third session;

10. Also requests the United Nations Industrial Development Organization to expand and enhance its interaction with the business community, including the private sector, in assisting the development of the industrial sector in the developing countries and economies in transition, in particular in the field of small and medium-sized enterprise development, and welcomes the creation by the United Nations Industrial Development Organization of the International Business Advisory Council;

11. Invites Member States and relevant organizations of the United Nations system to extend support to the successful implementation of the Alliance for Africa's Industrialization, launched on 23 October 1996 at Abidjan, by Governments of African countries and the private sector, which aims at accelerating the pace of Africa's industrialization through industrial capacity-building, including the agro-industrial field, and partnerships between Governments of African countries and the private sector at the national, sub-regional, regional and international levels;

12. Emphasizes the importance of the integration of the informal sector into industrial development cooperation, as well as the necessity for the development of human capacities, in particular strengthening

women's economic capacity and providing business services to women;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution.

General Assembly resolution 51/170

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/603) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.46), based on informal consultations on draft by Costa Rica for Group of 77 and China and Colombia (A/C.2/51/L.12); agenda item 95.

Meeting numbers. GA 51st session: 2nd Committee 16, 17, 27, 36, 37; plenary 86.

### Coercive economic measures

At the request of the Libyan Arab Jamahiriya [A/51/193], a supplementary item, entitled "Elimination of coercive economic measures as a means of political and economic compulsion", was included in the agenda of the General Assembly's fifty-first session.

#### GENERAL ASSEMBLY ACTION

On 27 November, the General Assembly adopted **resolution 51/22**.

#### **Elimination of coercive economic measures as a means of political and economic compulsion**

The General Assembly,

Guided by the principles of the Charter of the United Nations, particularly those which call for the development of friendly relations among nations, and the achievement of cooperation in solving problems of an economic and social character,

Recalling its numerous resolutions in which it called upon the international community to take urgent and effective steps to end coercive economic measures,

Gravely concerned over the recent enactment of extra-territorial coercive economic laws in contravention of the norms of international law and the aims and purposes of the United Nations,

Believing that the prompt elimination of such measures is consistent with the aims and purposes of the United Nations and the relevant provisions of the World Trade Organization,

1. Reaffirms the inalienable right of every State to economic and social development and to choose the political, economic and social system which it deems most appropriate for the welfare of its people, in accordance with its national plans and policies;

2. Calls for the immediate repeal of unilateral extra-territorial laws that impose sanctions on companies and nationals of other States;

3. Calls upon all States not to recognize unilateral extraterritorial coercive economic measures or legislative acts imposed by any State;

4. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

5. Decides to include in the agenda of its fifty-second session the item entitled "Elimination of coercive economic measures as a means of political and economic compulsion".

General Assembly resolution 51/22

27 November 1996 Meeting 67 56-4-76 (recorded vote)

Draft by Libyan Arab Jamahiriya (A/51/L.23); agenda item 159.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, China, Colombia, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran, Jordan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Niger, Oman, Pakistan, Russian Federation, San Marino, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Micronesia, United States, Uzbekistan.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Monaco, Mongolia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Ukraine, United Kingdom.

## Sustainable development

### Commission on Sustainable Development

The Commission on Sustainable Development held its fourth session in New York from 18 April to 3 May 1996 [E/1996/28]. A high-level meeting with ministerial participation was held from 1 to 3 May, during which the Commission finalized its work programme covering 1993 to 1996 and discussed preparations for the special session of the General Assembly, to be held in 1997, to discuss the implementation of Agenda 21 (see below). The Commission's Ad Hoc Inter-sessional Working Group on Sectoral Issues (New York, 16 February-1 March) [E/CN.17/1996/6] discussed protection of the oceans and of the atmosphere (see PART THREE, Chapter VII).

Reports before the Commission dealt with a variety of subjects, including: trade, environment and sustainable development (see PART THREE, Chapter IV); integrating environment and development in decision-making; institutional arrangements to follow up the UN Conference on Environment and Development (UNCED); protection of the atmosphere; protection of the oceans; the Ad Hoc Intergovernmental Panel on Forests (see PART THREE, Chapter VII); and demographic dynamics and sustainability (see PART THREE, Chapter VIII).

Other matters considered by the Commission included: changing consumption and production patterns; capacity-building; financial resources and mechanisms for sustainable development (see below), as well as sectoral issues; combating poverty; the transfer of environmen-

tally sound technologies; and small island developing States.

By **decision 1996/231** of 11 July, the Economic and Social Council took note of the Commission's report on its fourth session [E/1996/28] and approved the provisional agenda for the fifth (1997) session.

### Changing consumption and production patterns

In a report to the Commission on Sustainable Development [E/CN.17/1996/5 & Add.1], the Secretary-General reviewed progress made in implementing the objectives set out in chapter 4 of Agenda 21, adopted by UNCED in 1992 [YUN 1992, p. 672], on changing consumption and production patterns. The report contained an overview of key issues in the five elements of the work programme adopted by the Commission in 1995 [YUN 1995, p. 839], drew conclusions relevant to policy and presented a number of recommendations for consideration by the Commission.

The report stated that consumption and production were the essence of economic activity; they involved the use of natural resources, their transformation into products and services and their ultimate disposal or dissipation into the environment as wastes. Traditionally, as economies expanded, overall levels of resource use and waste generation rose. It was now widely believed that modern consumption patterns were not compatible with long-term sustainability. In the 1960s and 1970s, concerns centred around the belief that economic growth was inherently limited by the finite nature of fossil fuel energy, minerals and other non-renewable resources. That "no-growth" position had since been largely discredited on the grounds that it failed to give due weight to the ability of markets to stimulate technological substitutes as scarcities emerged. Concern had shifted to other potentially limiting factors, notably: the degradation of renewable resources, particularly agricultural land; the accelerating rate of species loss; and the accumulation of emissions and wastes in the environment, with negative consequences for human health and possible ecological impacts, many of which represented largely unknown risks.

Agenda 21 stated that "the major cause of the continued degradation of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries" and called on developed countries to take the lead in promoting and achieving more sustainable consumption patterns. The main focus of the policy response to the Agenda 21 challenge continued to be on production and the traditional polluting sectors of industry, transport and agriculture. In addition

to command-and-control regulation of processes and products, much innovative policy research and development centred on creating an incentive framework for the more efficient utilization of resources and the development of closed-loop production/consumption systems that prevented the escape of wastes into the environment. The concept of eco-efficiency, which was concerned with maximizing the productivity of energy and material inputs in order to reduce resource consumption and pollution/waste per unit output, was seen as a promising short- to medium-term strategy, appropriate in both developed and developing countries, for maintaining economic growth and competitiveness while achieving improved environmental quality (the double dividend).

Many policy makers recognized, however, that changing consumption and production patterns would involve going beyond policies targeted on producers and intended to encourage eco-efficient practices in production. In the longer term, progress would depend on more fundamental changes in the lifestyle of consumers in developed countries. That was mainly because consumers represented the demand side of the economy and their preferences and choices largely determined the behaviour and output of other economic agents; and the Western consumer lifestyle served as a model and inspiration to millions of people in poorer countries.

Achieving sustainable development at a global level would depend on the development trajectory followed by developing countries, the current consumption levels of which were relatively very low. It was therefore essential that richer nations could demonstrate that resource-efficient, low-pollution lifestyles were both feasible and desirable. At the same time, efforts to change current consumption and production patterns should not hinder the development prospects of developing countries—for example through the creation of new barriers to trade.

Also before the Commission was the report of the Ad Hoc Inter-sessional Working Group on Finance and Changing Consumption and Production Patterns (New York, 4-8 March) [E/CN.17/1996/7], which contained recommendations relating to chapters 4 (on changing consumption patterns) and 33 (on financial resources and mechanisms) of Agenda 21. A symposium on sustainable production and consumption patterns was held in Brasilia, Brazil, from 25 to 28 November [E/CN.17/1997/19].

In a decision on changing production and consumption patterns [E/1996/28 (dec. 4/13)], the Commission recommended that measures for changing those patterns worldwide should take into

account, as appropriate, the need for improved market access, particularly for developing countries and countries with economies in transition, for more sustainably produced goods and services. The Secretariat was asked to compile information on measures taken by Governments, the private sector, trade unions and non-governmental organizations (NGOs) in response to the priorities set out in chapter 4 of Agenda 21, and the Commission decided to review that information at future sessions.

In the same decision, the Commission urged Governments to continue efforts to achieve more sustainable patterns of production and consumption and to reduce pollution and the generation of waste; explore the implications of eco-efficiency for policy development and implementation; analyse and implement optimal mixes of regulatory, voluntary, economic and social instruments and measures to make production and consumption patterns more sustainable; establish and implement policies for procuring environmentally sound and otherwise sustainable products and services for use within Governments; and facilitate the participation of major groups, particularly NGOs, women, youth and trade unions, in developing and implementing policies for promoting sustainable consumption and production patterns.

The Commission also called on international organizations to strengthen their work in support of national initiatives by undertaking sound analyses of projected trends in consumption and production patterns and their policy implications, the implications of eco-efficiency for policy development, and the merits and drawbacks of the different types of instruments available to achieve changes in consumption and production patterns; to consider undertaking policy-relevant studies of the possible impacts for developing countries of changes in consumption and production patterns in developed countries; to establish or contribute to an information clearing house on new and innovative policies for more sustainable consumption and production patterns; and to support Governments in initiatives to improve their environmental performance with regard to materials and energy efficiency, waste management and pollution prevention, procurement and investment policies, and the continued integration of environmental policy with economic and other policies.

Major groups were encouraged to cooperate with Governments in designing and implementing innovative policies and mixes of instruments to achieve changes in consumption and production patterns, and to assist the United Nations in revising the 1985 Guidelines for Consumer Pro-

tection [GA res. 39/248] to include aspects of more sustainable consumption and production patterns. Business and industry were specifically called on to continue exercising environmental responsibility by developing and implementing the concept of eco-efficiency and to help design optimal mixes of instruments for achieving more sustainable patterns.

#### Capacity-building in developing countries

In a March report on capacity-building for sustainable development [E/CN.17/1996/15], the Secretary-General enumerated the main ideas behind the concept of capacity-building—the process and means through which national Governments and local communities developed the necessary skills and expertise to manage their environment and natural resources in a sustainable manner. Capacity-building entailed strengthening peoples' ability to achieve sustainable livelihoods; a cross-sectoral multidisciplinary approach to planning and implementation; emphasis on organizational and technological change and innovation, as well as on the need to build social capital; and developing the skills and performance of both individuals and institutions.

Progress made in capacity-building since 1994 included greater national capacities for designing national plans, a wider involvement of non-State actors, a deeper understanding in the international community of capacity development issues, more focus on the demands of users, improved aid coordination and donor collaboration, more capacity investments on regional and global levels, and a greater role for information technology. Constraints were institutional—highly compartmentalized organizations in the public sector, difficulty in promoting decentralization, continuation of sectoral thinking and acting, lack of sufficient accountability and responsiveness, a shortage of financial and skilled human resources, poor salary and working conditions, and lack of a performance culture in many development organizations. New constraints being imposed on donor agencies limited their ability to respond creatively to demands for greater participation and control over development programmes that were coming from partner countries.

The report examined four current issues related to capacity-building for sustainable development: restructuring of donor agencies; development of tools and methodologies to support capacity-building; need for improved performance and results on capacity programmes; and institutional sustainability.

Four key issues presented to the Commission on Sustainable Development for consideration

were: level of donor support, the process of collaborative learning and action, the need for donor collaboration, and the need for developing countries to focus more intently on capacity issues.

In a decision on national mechanisms and international cooperation for capacity-building in developing countries [E/1996/28 (dec. 4/12)], the Commission urged Governments and international organizations to share experiences in capacity-building and to assist the developing countries through strengthened international cooperation programmes for sustainable development. It called on them not only to enhance co-ordinated efforts to assist developing countries in their own capacity-building efforts, but also to encourage the active involvement of non-State actors, including NGOs, the private sector and other major groups. The Commission encouraged UN programmes and funds to continue to assist developing countries to strengthen their capacities in planning and policy-making for sustainable development through consultative processes, and requested UNDP to disseminate further the results of programmes and evaluations of its Capacity 21 projects undertaken at the country level.

#### Financial resources and mechanisms

In a report on financial resources and mechanisms for sustainable development [E/CN.17/1996/4 & Add.1], the Secretary-General described progress made in implementing chapter 33 of Agenda 21 (financial resources and mechanisms). It was stated that the report had benefited from preparations for the Third Expert Group Meeting on Financial Issues of Agenda 21 (Manila, Philippines, 6-8 February) [E/CN.17/1996/28].

With regard to mobilizing national financial resources for sustainable development, the report noted that, as in other investment decisions of the private sector, risk perception played a major role in environmental investments. Private firms could not be sure that Governments would enforce regulations and not arbitrarily change them; in addition, they often lacked access to information about new technologies and did not necessarily consider cleaner production by means of a more efficient use of raw materials as a sufficient incentive to invest. Implementing enabling policies, therefore, needed to be put high on the agenda in both developed and developing countries: negative incentives in the form of regulations, taxes, charges, tradable permits and penalties for non-compliance were essential. Also, a broad range of positive incentives could boost private-sector finance, particularly financial incentives, incentives for creating or chang-



ing markets, and incentives for reducing market risk. Institution-building and campaigns for changing consumption and production patterns could also play a major role, the report stated. International organizations could stimulate private-sector investment in sustainable development, particularly through projects for creating or changing markets, reducing market risks or financing global benefits, such as the phasing-out of ozone-depleting substances. In that connection, promising initiatives were under way dealing with forests, energy, new and renewable sources of energy, biodiversity and greenhouse gas mitigation.

Concerning innovative mechanisms for financing the protection of the global environment, the report stated that, in addition to such mechanisms as international environmental agreements and the Global Environment Facility, other mechanisms in the form of global taxes and user charges for financing global environmental efforts were being discussed.

The report contained a number of recommendations for the Commission's consideration. The Commission adopted a decision [E/1996/28 (dec. 4/14)] in which it underlined the urgent need to fulfil all financial commitments of Agenda 21, especially those contained in chapter 33. It stressed the importance of donor countries promoting greater public awareness of commitments concerning official development assistance (ODA) as set forth in chapter 33, and emphasized the need to improve the effectiveness of ODA by various means, including the leveraging of private-sector investments from national and external sources. While acknowledging the positive aspects of the expansion of external private capital flows to some developing countries, the Commission stressed its concern at the volatility of such flows, which had a negative effect on the efforts of developing countries to achieve sustainable development.

As to mobilizing national financial resources for sustainable development, the Commission emphasized the importance of the participation of the private sector, in particular through increased investments. To further promote private-sector participation, the Commission called for greater use of innovative mechanisms, such as build-operate-transfer and similar mechanisms for financing infrastructure projects for sustainable development. The privatization of public enterprises and contracting out of services should also be encouraged as appropriate.

With regard to financing the transfer of environmentally sound technologies (ESTs), the Com-

mission emphasized that such financing should come from national and external resources and innovative mechanisms. Technology transfer efforts should be enhanced within a stable, predictable national and international economic and regulatory environment that would ensure the identification and development of markets for ESTs.

In discussing practical steps towards resolving the issues before it, the Commission called attention to the need for further studies, the desirability of strengthening cooperation and the necessity of improving the exchange of information.

### **Inter-Agency Committee**

The ACC Inter-Agency Committee on Sustainable Development (IACSD) held two sessions in New York in 1996. At its seventh meeting (5, 6 and 8 February) [ACC/1996/1], IACSD considered preparations for the April/May session of the Commission on Sustainable Development; support for Agenda 21, particularly coordination and planning at the national level; UNCED follow-up at the regional level; planning for the 1997 special session of the General Assembly to review the implementation of Agenda 21; and the reports of its subsidiary bodies.

At its eighth meeting (10-12 July) [ACC/1996/12], IACSD considered preparations for the Commission's 1997 session; streamlining of requests for national reports; a review of its own functioning (the outline of a draft statement to be submitted by ACC to the Assembly's 1997 special session was agreed); and reports of its subsidiary bodies.

### **High-level Advisory Board**

The High-level Advisory Board on Sustainable Development held two sessions in New York in 1996. At its fifth session (29-31 January) [E/CN.17/1996/31], the Board examined three topics: the impact of the global multimedia communications revolution on sustainable development; sustainable energy and transport systems; and the Board's role in the 1997 review of progress achieved in the implementation of the 1992 Rio Commitments (the Rio Declaration on Environment and Development, Agenda 21, and the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests) [YUN 1992, p. 670].

On communications, the Board agreed that modern telecommunications and information technologies that were broadly accessible could promote sustainable development by promoting economic growth, providing access to information, promoting civil society and reducing

energy-consuming travel. Although such new technologies, with their relatively low cost, allowed developed countries to "leapfrog" older, more expensive technologies, they also posed risks, such as promoting consumerism, allowing multinational companies to exploit local situations through better information, overwhelming people with floods of information and reducing cultural diversity. The Board agreed that every country should encourage modern information technologies and should educate the general public to enable households and businesses to benefit from globalization.

With regard to energy and transportation, the Board noted that fossil fuels provided 85 per cent of world commercial energy and 97 per cent of fuel used in transportation. Although most consumption took place in developed countries, future growth was projected to occur in developing countries, where 2.5 billion people still had little access to commercial energy. Lack of energy was a barrier to socio-economic development, but production and consumption patterns contributed to many environmental problems. Concerns over long-term availability of fossil fuels had given way to those regarding the contribution of carbon dioxide emissions to global warming. The Board agreed that there was great potential for increasing energy efficiency and alleviating the environmental impacts of fossil fuels. It also agreed that the main obstacle to the wide use of energy-efficiency measures and renewable sources of energy was the competitive advantage of fossil fuels, which was likely to prevail as long as their environmental costs were not internalized. Transportation accounted for 24 per cent of world commercial energy demand, and demand was expected to continue to grow, especially in developing countries. Some estimates suggested that the social and environmental costs of existing transportation patterns were equal to or greater than fuel costs. The Board urged Governments to report on progress in responding to the Commission for Sustainable Development's recommendations to eliminate lead from petrol. Policies for sustainable energy and transportation could focus on three main objectives: reducing emissions from transportation systems; shifting to transportation systems with lower emissions; and reducing the demand for transportation. Greater attention needed to be paid to measures to discourage private transportation and encourage the use of public transportation. Since international competition could be an obstacle to adopting environmental policies, more effective and stringent regulation and environmental standards for transportation systems needed to be implemented or coordinated at the

international level. The Board agreed that further attention should be paid to a number of questions: limiting the growth of air traffic; incentives for more efficient and cleaner cars; encouragement of least-cost planning/demand-side management schemes to stimulate energy efficiency; and internationally agreed environmental taxation schemes.

As to the 1997 review of the implementation of the Rio Commitments, the Board decided that it would contribute by taking initiatives to generate debate on their implementation in the constituencies of Board members and by preparing a report for submission to the Commission on Sustainable Development in 1997.

At its sixth session (4-6 September) [E/CN.17/1997/10], the Board focused on the organization and content of the report to be prepared for the 1997 review of the implementation of the Rio Commitments. It agreed that the report would focus on sustainable development in three critical sectors—energy, transport and water.

#### **Special session to review Agenda 21 (1997)**

**Commission on Sustainable Development.** In accordance with General Assembly resolution 50/113 YUN 1995, p. 840], the high-level segment of the Commission on Sustainable Development addressed matters related to the special session of the General Assembly, scheduled to be held in 1997 to undertake an overall review and appraisal of the implementation of Agenda 21, adopted by the United Nations Conference on Environment and Development (UNCED) in 1992 [YUN 1992, p. 672]. The Commission had before it a report [E/CN.17/1996/25] of the Secretary-General on preparations for the special session, describing action taken with regard to substantive issues, both within and outside the Commission, to implement Agenda 21. The report also addressed the need for a sectoral perspective and discussed issues of process.

In a 3 May summary [E/1996/28] of the high-level segment, the Commission Chairman stated that there was broad consensus that the special session should not attempt to renegotiate Agenda 21 or other intergovernmental agreements in the field of sustainable development, but should rather concentrate on their further implementation. A number of objectives were highlighted: to revitalize and energize commitment to the concept of sustainable development, ensure a central place for it on the political agenda, and reinforce momentum for its implementation at the international, national and local levels; to recognize the failure to meet certain goals and identify reasons for that; to boost im-

plementation of the Rio Commitments by identifying innovative approaches to cooperation and financial assistance and concrete proposals for action; to define priorities for the period beyond 1997; and to raise the profile of issues that had not been sufficiently addressed by UNCED or in areas where significant developments had taken place. Reflecting on the implementation of Agenda 21 objectives, participants in the high-level segment noted the continuing need to strengthen mechanisms within the UN system that helped to integrate environmental concerns more fully into regular decision-making processes. They stressed the importance of involving major groups both in the preparations for the 1997 special session and in the session itself.

**Report of Secretary-General.** The Secretary-General in October reported [A/51/420] on preparations for the special session. He described action taken by the Commission on Sustainable Development at its 1996 session (see above) and by the Commission Bureau, which met in New York on 15 July and decided that the special session should result in the adoption of an agreed statement or a declaration. The format and structure of a final document and its main elements were to be discussed by the Ad Hoc Inter-sessional Working Group of the Commission in February/March 1997.

The report enumerated activities carried out by IACSD, UN organizations and bodies, the High-level Advisory Board on Sustainable Development, Governments and major groups, and also made proposals for the organization of the special session.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/181**.

#### **Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21**

The General Assembly,

Recalling its resolution 47/190 of 22 December 1992, in which it decided to convene, not later than 1997, a special session for the purpose of an overall review and appraisal of the implementation of Agenda 21,

Reaffirming its resolution 50/113 of 20 December 1995, as the agreed basis that determines the modalities for the preparations for the special session, including the relevant role of the Commission on Sustainable Development, as the functional commission of the Economic and Social Council mandated to follow up the United Nations Conference on Environment and Development, as well as the role of other relevant organizations and bodies of the United Nations system,

Strongly reaffirming that the special session for the overall review and appraisal of the implementation of Agenda 21 will be undertaken on the basis of and in

full respect of the Rio Declaration on Environment and Development,

Taking note of the progress report of the Secretary-General on the state of preparations for the 1997 special session, and taking into account the views and concerns expressed by delegations to the Commission on Sustainable Development at its fourth session, the Economic and Social Council at its substantive session of 1996 and the Second Committee of the General Assembly at its fifty-first session,

1. Decides to convene the special session envisaged in its resolution 47/190 for a duration of one week, from 23 to 27 June 1997, at the highest political level of participation;

2. Decides also that the Commission on Sustainable Development will devote the forthcoming meeting of its Ad Hoc Open-ended Inter-sessional Working Group, to be held from 24 February to 7 March 1997, to preparing for the special session, and that the Commission will devote its fifth session, to be held from 7 to 25 April 1997 as a negotiating meeting, to final preparations for the special session for the overall review and appraisal of the implementation of Agenda 21;

3. Recognizes the important contributions made by major groups, including non-governmental organizations, at the United Nations Conference on Environment and Development and in the implementation of its recommendations, and the need for their effective participation in preparations for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the Conference, for their substantive contributions to and active involvement in the preparatory meetings and the special session, and in that context invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for the effective involvement of major groups in the special session;

4. Decides to invite States members of the specialized agencies which are not members of the United Nations to participate in the work of the special session in the capacity of observers;

5. Stresses that there should be no attempt to renegotiate Agenda 21, the Rio Declaration on Environment and Development, the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests or other internationally recognized intergovernmental agreements in the field of environment and sustainable development, and that discussions at both the preparatory meetings and the special session should focus on the fulfilment of commitments and the further implementation of Agenda 21 and related post-Conference outcomes;

6. Requests the Secretariat to provide all relevant reports called for in General Assembly resolution 50/113, including all other reports related to the outcome of the United Nations Conference on Environment and Development, for consideration by the Ad Hoc Open-ended Inter-sessional Working Group of the Commission on Sustainable Development and by the Commission at its fifth session, in accordance with the six-week rule and preferably not later than 15 January 1997;

7. Requests the Secretary-General to ensure that preparations for the comprehensive report are con-

ducted in accordance with paragraph 13 (a), (b), (c) and (d) of Assembly resolution 50/113;

8. Invites the Secretary-General to include in the reports requested in Assembly resolution 50/113 for the preparation of the special session information on the application of the principles contained in the Rio Declaration, and invites the Governing Council of the United Nations Environment Programme to include in its report to the General Assembly at its special session information and views on ways to address, in a forward-looking manner, national, regional and international application of these principles and the implementation of Agenda 21 in the interrelated issues of environment and development;

9. Decides to consider at its special session, inter alia, the application of the principles of the Rio Declaration at all levels—national, regional and international—and to make relevant recommendations thereon;

10. Requests that other contributions to the special session, in addition to those identified in its resolution 50/113, include submissions from relevant bodies and organizations of the United Nations, including the Ad Hoc Intergovernmental Panel on Forests of the Commission on Sustainable Development and the Global Environmental Facility, information on the outcomes of United Nations conferences held since the United Nations Conference on Environment and Development, such as the Programme of Action for the Sustainable Development of Small Island Developing States, regional and subregional conferences, summits and other inter-sessional meetings on sustainable development organized by countries, and information on the activities of relevant United Nations conventions on the environment and development and the global freshwater assessment, and that account be taken of the activities organized by major groups, including business and industry and non-governmental organizations;

11. Requests the Secretary-General, in the report on cross-sectoral issues of Agenda 21 for the special session, to give special consideration, without prejudice to other priority issues that may be identified in the preparatory process, to combating poverty and to health, financial resources and mechanisms, education, science, transfer of technology, consumption and production patterns, trade, environment and sustainable development, major groups, demographic dynamics, capacity-building and decision-making;

12. Also requests the Secretary-General, in the reports for the special session, to give consideration, where appropriate and without prejudice to other priority issues that may be identified in the preparatory process, to linkages between the cross-sectoral issues of Agenda 21 and relevant sectoral issues;

13. Welcomes the outcome of the United Nations Conference on Human Settlements (Habitat II), held at Istanbul from 3 to 14 June 1996, and its relevance to the field of sustainable development, calls for effective interaction and exchange of information on work carried out by the Commission on Sustainable Development and the Commission on Human Settlements, and invites the Commission on Human Settlements to make a contribution to the special session in connection with the implementation of the Habitat Agenda adopted in Istanbul;

14. Invites Governments and regional organizations to cooperate with the Secretary-General in preparing country profiles for review at the fifth session of the Commission on Sustainable Development, as envisaged in paragraph 13 of General Assembly resolution 50/113;

15. Also invites Governments to assist developing countries, particularly the least developed among them, in participating fully in the special session and its preparatory process, and to make timely contributions to the Trust Fund for Support of the Work of the Commission on Sustainable Development;

16. Requests the Secretary-General to enhance the public information programme of the United Nations so as to raise global awareness in a balanced manner, in all countries, of both the special session and the work undertaken by the United Nations in the follow-up to the Conference, and invites all Governments to promote widespread dissemination, at all levels, of the Rio Declaration on Environment and Development, and to make voluntary contributions to support the public outreach activities of the United Nations for the special session;

17. Decides to include in the provisional agenda of its fifty-second session the sub-item entitled "Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21", and requests the Secretary-General to submit to it at that session a report on the special session.

General Assembly resolution 51/181

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/605/Add.2) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.41), based on informal consultations on draft by Costa Rica for Group of 77 and China, and Colombia for Movement of Non-Aligned Countries (A/C.2/51/L.9); agenda item 97 (b).

Meeting numbers. GA 51st session: 2nd Committee 10-15, 24, 37; plenary 86.

## Eradication of poverty

**Commission on Sustainable Development.** In a February 1996 report [E/CN.17/1996/9], the Secretary-General described progress during the preceding year in implementing the goals of chapter 3 of Agenda 21 (combating poverty), with special reference to the Commission's 1995 recommendations [YUN 1995, p. 841]. He summarized the outcomes of major UN conferences held between 1991 and 1996 with regard to that subject, and reviewed progress achieved in reducing poverty by Governments, through international cooperation and activities of UN agencies, and by major groups. He also described opportunities and constraints faced in the implementation of Agenda 21's chapter 3. The report also suggested that the Commission might wish to recommend that national strategies for poverty eradication include linkages to environmental issues.

In a decision on combating poverty [E/1996/28 (dec. 4/2)], the Commission urged Governments to formulate or strengthen national strategies to

eradicate absolute poverty and reduce overall poverty. It recommended that Governments integrate environmental issues in such strategies and ensure that they were related to national sustainable development strategies, while recognizing that economic growth was a fundamental element of sustainable development. The Commission suggested to the Economic and Social Council that, in its future work, the Commission should focus its attention on links between poverty and the environment.

**Commission for Social Development.** The Commission for Social Development held a special session in 1996 (New York, 21-31 May) [E/1996/29], at which it discussed strategies and actions for the eradication of poverty, in accordance with a 1995 Economic and Social Council decision [YUN 1995, p. 1121]. It had before it a report [E/CN.5/1996/3] of the Secretary-General on policy and programme considerations in the formulation of integrated strategies for poverty eradication, meeting the basic human needs of all and promotion of self-reliance and community-based initiatives. The Secretary-General summarized the main recommendations of the 1995 World Summit for Social Development [YUN 1995, p. 1113] in regard to poverty eradication and outlined policy options for consideration by public authorities and other social actors.

The Commission adopted a resolution on strategies and actions for the eradication of poverty [E/1996/29 (res. S-1996/1)], by which it urged Governments to integrate poverty eradication strategies into overall development policies that took into account a people-centred and equitable process in which the ultimate goal of economic and social policies should be to better the human condition, responding to the needs and maximizing the potential of all members of society.

The Commission reaffirmed that human resources development was an essential part of poverty reduction strategies, which should also be based on strengthening the productive capacities of people living in poverty through the promotion of job training and job-creating activities and wider access to productive resources, as well as through programmes and policies directed towards the stimulation of productive employment, labour-intensive development and improvements in productivity.

The Commission stressed that Governments, in partnership with civil society and all other development actors (including NGOs and people living in poverty and their organizations), should cooperate to meet basic human needs—such as income, resources, education, health care, nutrition, shelter, sanitation and safe water—particularly of people living in poverty and

vulnerable and disadvantaged groups. The Commission also stressed the need for Governments and international institutions or organizations to examine how the rapid globalization of the world economy and the increased liberalization of trade were affecting the ability of States to design and implement effective strategies for eradicating poverty and to provide a stable legal framework that would create an enabling environment to achieve social development and to meet the basic human needs of all, in order to prevent greater inequality between different sectors of society.

Governments were urged to promote and attain the goals of eradicating illiteracy, achieving universal and equitable access to quality education, and attaining the highest standard of physical and mental health. They were also called upon to encourage international organizations, particularly international financial institutions, to support those objectives and integrate them into policy programmes and operations.

The Commission invited all UN specialized agencies, funds, programmes and related organizations, including the Bretton Woods institutions, to strengthen and adjust their activities, programmes and strategies, with a view to achieving the overall goal of eradicating poverty. The UNDP Administrator was invited to examine the options for continuing such programmes as the Poverty Strategies Initiative during the UN Decade for the Eradication of Poverty (1997-2006), so as to help developing countries, particularly African countries and LDCs, elaborate national plans, and formulate and implement replicable projects, to eradicate poverty.

**Coordination of poverty eradication activities.** In accordance with a 1995 decision [YUN 1995, p. 844], the Economic and Social Council considered the question of coordination of UN system activities for poverty eradication during its coordination segment (1-3 and 26 July). It had before it a report of the Secretary-General [E/1996/61], in which he discussed coordinated UN support and availability of resources for poverty eradication activities at the field level. A number of recommendations were presented to the Council relating to defining a poverty eradication strategy; moving towards a common country assessment of poverty; making better use of the country strategy note and the resident coordinator system; and improving cooperation with the Bretton Woods institutions. The report also described progress being made in mainstreaming the gender perspective in UN poverty eradication activities, and made recommendations for integrating the gender perspec-

tive into the follow-up to UN conferences, as well as into the work of the Council itself.

In an effort to assist the Council to promote harmonized and integrated consideration of poverty eradication at the intergovernmental level, particularly within its subsidiary machinery, the Secretary-General also made recommendations for an integrated review by the Council with respect to refocusing the work of some functional commissions on core aspects of poverty eradication.

On 26 July, the Council adopted agreed conclusions [A/51/3/Rev.1 (agreed conclusions 1996/1)] in which it recognized that the goal of poverty eradication represented a major challenge for the UN system. It stated that the participation of the system, including UN funds, programmes and specialized agencies, in the overall efforts of poverty eradication was aimed at assisting Member States in translating the global goals and commitments of international conferences into concrete actions, especially at the country level. The conclusions covered the issues of coordinated UN support and availability of resources for poverty eradication activities at the field level; mainstreaming the gender perspective in UN poverty eradication activities; and a harmonized and integrated approach to intergovernmental consideration of poverty eradication.

**UNDP activities.** In his annual report covering 1996 [DP/1997/16], the UNDP Administrator stated that the Programme's attempts to concentrate on poverty eradication within sustainable human development during the year had included strengthening policy analysis on the complex links between economic policy decisions and poverty eradication. It was widely acknowledged that poverty was multidimensional and country-specific; the constraints on eradicating it existed at the conceptual, analytical and operational levels. Sharpening UNDP's focus on poverty eradication involved finding appropriate sustainable human development entry points in varying country situations and continual improvement of methodologies for analysis and response. As Capacity 21 assistance had shown, nationally owned analysis and learning-by-doing were vital, but involving the poor in the design of strategies to improve their well-being implied investment in time. A first set of training packages and guidelines for poverty situation analyses, issued in 1996, was being reviewed and refined, based on country experience.

Strategic actions to be taken included: continuing work focusing on poverty eradication, taking into account the specificity of programme countries; completing work under the 1996-1997

UNDP Plan, e.g., the compilation and sharing of best practices through modern information networks; closer collaboration with other UN agencies, notably within the context of indicators of the United Nations Children's Fund (UNICEF), UNDP and the World Bank task force on poverty; and the development of actions specified by the change management exercise, "UNDP 2001" (see PART THREE, Chapter II).

### **International Year and UN Decade for the Eradication of Poverty**

In response to General Assembly resolution 50/107 [YUN 1995, p. 844], the Secretary-General submitted a report [A/51/443] in October on the observance of the International Year for the Eradication of Poverty in 1996 and the proclamation of the first UN Decade for the Eradication of Poverty (1997-2006). The report summarized action taken by the UN system in observance of the Year, noting that the Copenhagen Declaration and Programme of Action, adopted at the 1995 World Summit for Social Development [YUN 1995, p. 1114], provided the substantive framework for the activities in observance of the Year and for planning UN efforts in support of the first Decade and beyond. The report also described initiatives taken in and by the UN system to lay the foundation for a long-term programme of support for the Decade's goals and objectives, and made a number of suggestions for Assembly consideration concerning action in support of the Decade.

The Assembly also had before it a report [A/51/348] of the Secretary-General on implementation of the outcome of the World Summit for Social Development, which described action taken within and outside the UN system relating to the International Year and the Decade (see PART THREE, Chapter IX).

#### **GENERAL ASSEMBLY ACTION**

On 16 December, the General Assembly adopted **resolution 51/178**.

#### **First United Nations Decade for the Eradication of Poverty**

The General Assembly,

Recalling its resolutions 48/183 of 21 December 1993, 49/110 of 19 December 1994 and 50/107 of 20 December 1995 related to the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty, and all other relevant resolutions relating to international cooperation for the eradication of poverty in developing countries,

Recognizing that the international community, at the highest political level, has already reached a consensus on and committed itself to the eradication of poverty through declarations and programmes of action of the

major United Nations conferences and summits organized since 1990, particularly the World Summit for Social Development and the Fourth World Conference on Women,

Expressing serious concern that more than 1.3 billion people in the world, a majority of whom are women, live in absolute poverty, especially in developing countries, and that the number of such people continues to increase,

Welcoming the formulation of direct programmes of poverty eradication by some developing countries at the national level,

Having considered the reports of the Secretary-General on the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty and on the implementation of the outcome of the World Summit for Social Development,

Recognizing that investment in human capital and domestic and international policies supportive of economic and social development are essential prerequisites for the eradication of poverty,

Noting the activities to eradicate poverty carried out by countries, by organizations and bodies of the United Nations system and by organizations, associations, institutions and entities of civil society, within the framework of the International Year for the Eradication of Poverty, and the coordinated implementation of and follow-up to the results of the major United Nations conferences and summits organized since 1990 in the economic, social and related fields,

Noting also the action to be taken within the framework of the first United Nations Decade for the Eradication of Poverty (1997-2006),

Recalling its resolution 50/161 of 22 December 1995, in which it decided to hold a special session in the year 2000 for an overall review and appraisal of the implementation of the outcome of the World Summit for Social Development and to consider further actions and initiatives, *inter alia*, towards the eradication of poverty in the world,

Taking note of the agreed conclusions on coordination of the United Nations system activities for poverty eradication, adopted by the Economic and Social Council at its substantive session of 1996, as well as of the outcome of the sessions of relevant functional commissions of the Economic and Social Council in 1996,

1. Expresses its solidarity with people living in poverty in all countries and reaffirms that the satisfaction of basic human needs is an essential element of poverty eradication, those needs being closely interrelated and comprising nutrition, health, water and sanitation, education, employment, housing and participation in cultural and social life;

2. Also expresses its solidarity with those suffering from a lack of control over resources, including land, skills, knowledge, capital and social connections, and calls for particular actions to provide appropriate social services to enable vulnerable people and people living in poverty to improve their lives, to exercise their rights and to participate fully in all social, economic and political activities and to contribute to social and economic development;

3. Decides that the theme for the first United Nations Decade for the Eradication of Poverty shall be "Eradicating poverty is an ethical, social, political and

economic imperative of humankind", and also decides to adopt the logo for the Decade as proposed in the report of the Secretary-General;

4. Recommends that, within the context of overall action for the eradication of poverty, special attention should be given to the multidimensional nature of poverty and to the national and international framework conditions and policies that are conducive to its eradication, which should aim at the social and economic integration of people living in poverty and the promotion and protection of all human rights and fundamental freedoms for all, including the right to development;

5. Also recommends that the causes of poverty be addressed in the context of sectoral strategies such as those on environment, food security, population, migration, health, shelter, human resources development, fresh water, including clean water and sanitation, rural development and productive employment, and by addressing the specific needs of vulnerable groups, all of which should aim at the social and economic integration of people living in poverty;

6. Decides that the themes for 1997 and 1998 shall be "Poverty, environment and development" and "Poverty, human rights and development", respectively; the themes for the remaining years of the Decade will be decided every two years, commencing in 1998, at the fifty-third session of the General Assembly;

7. Also decides that the objective of the first United Nations Decade for the Eradication of Poverty is to achieve the goal of eradicating absolute poverty and reducing overall poverty substantially in the world, through decisive national actions and international co-operation in implementing fully and effectively all agreements, commitments and recommendations of major United Nations conferences and summits organized since 1990 as they relate to poverty eradication;

8. Invites all donors to give high priority to the eradication of poverty in their assistance budgets and programmes, on either a bilateral or multilateral basis, and also invites the relevant funds, programmes and agencies of the United Nations system to support developing countries, particularly African countries and the least developed countries, in their efforts to achieve the overall goal of eradicating poverty and ensuring basic social services, by supporting national efforts to formulate, coordinate, implement, monitor and assess integrated poverty strategies, including capacity-building, and by supporting efforts to empower people living in poverty;

9. Stresses that international cooperation and assistance are essential to supporting the efforts of developing countries, particularly African countries and the least developed countries, to meet the goal of eradicating poverty, and stresses at the same time that, at the request of Governments, the United Nations system should provide technical assistance in further developing and sustaining national capacities to gather and analyse information and to develop indicators for poverty analysis;

10. Calls upon all Governments and the United Nations system, in particular the relevant funds, programmes and agencies, to promote an active and visible policy of mainstreaming a gender perspective and to use gender analysis as a tool for the integration of a gender dimension into the planning and implementa-

tion of policies, strategies and programmes on poverty eradication;

11. Stresses that during the Decade and beyond, people living in poverty and their organizations should be empowered by being fully involved in the setting of targets and in the design, implementation, monitoring and assessment of national strategies, activities and programmes for poverty eradication and the development of community bases, ensuring that such programmes reflect their priorities;

12. Encourages developing countries, particularly African countries and the least developed countries, to mobilize domestic and external resources for poverty eradication activities and programmes and to facilitate their full and effective implementation;

13. Recommends that all Governments formulate or strengthen integrated poverty eradication strategies and policies and implement national poverty eradication plans or programmes, in a participatory manner, to address the structural causes of poverty, encompassing action on the local, national, subregional, regional and international levels, and stresses that those plans or programmes should establish, within each national context, strategies and affordable time-bound goals and targets for the substantial reduction of overall poverty and the eradication of absolute poverty;

14. Recognizes the need to increase the share of funding for social development programmes, in particular basic social programmes, commensurate with the scope and scale of the activities required to achieve the objectives and goals set out in commitment 2 of the Copenhagen Declaration on Social Development and chapter II of the Programme of Action of the World Summit for Social Development, relating to the eradication of poverty;

15. Reaffirms, in this context, that developed countries should, as soon as possible, strive for the fulfilment of the agreed target of 0.7 per cent of their gross national product for overall official development assistance and, where agreed, within that target, earmark 0.15 to 0.20 per cent of gross national product for the least developed countries;

16. Also reaffirms the agreement on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes, and notes with interest the consensus reached at Oslo on 25 April 1996 on this matter;

17. Welcomes the recent initiatives of the Bretton Woods institutions, including the Heavily Indebted Poor Countries Debt Initiative, and the ongoing process at the international level regarding debt relief, as appropriate, for developing countries, and calls upon the international community, including international financial institutions, to implement fully and effectively all initiatives that will contribute to a durable solution of the debt problems of developing countries, in particular African countries and the least developed countries, and thus support their efforts to eradicate poverty;

18. Reaffirms that the international community, including multilateral financial institutions, should consider further measures to facilitate the access of developing countries, particularly African countries and the least developed countries, to international markets, in

order to enable them to implement fully and effectively their national anti-poverty activities and programmes;

19. Urges the international community to reduce, as appropriate, excessive military expenditures on and investments in arms production and acquisition, consistent with national security requirements, in order to increase resources for social and economic development, in particular to poverty eradication programmes in developing countries, particularly African countries and the least developed countries;

20. Calls upon all States, particularly donor countries, to contribute substantially to the Trust Fund for the Follow-up to the World Summit for Social Development, established under the authority of the Secretary-General, which includes in its activities support for activities related to the first United Nations Decade for the Eradication of Poverty;

21. Invites the Administrator of the United Nations Development Programme to continue, as a contribution, *inter alia*, to the Decade, the effort launched in 1996 with the Poverty Strategies Initiative, in order to strengthen assistance in the elaboration of national plans, programmes and strategies to eradicate poverty in developing countries, particularly African countries and the least developed countries, and calls upon all countries to contribute to the Initiative;

22. Welcomes the agreed conclusions on the coordination of United Nations system activities for poverty eradication, adopted by the Economic and Social Council at its substantive session of 1996, and calls for their full and effective implementation by organizations of the United Nations system;

23. Notes with interest the initiative to convene a micro-credit summit in Washington, D.C., from 2 to 4 February 1997, to focus on the importance of increasing access to micro-credit and related financial services for self-employment and income-generating activities for people living in poverty, in particular women in developing countries, and calls upon all Governments, the United Nations system, including the Bretton Woods institutions, and the relevant actors of civil society to participate actively in the summit so as to contribute to its successful outcome and to support the development, implementation and management of micro-credit programmes in developing countries;

24. Requests the Secretary-General to continue to provide the Secretariat entity entrusted with the task of system-wide promotion of and follow-up to activities and programmes of the Decade with adequate human and financial resources within the regular budget of the United Nations to enable it to discharge fully and effectively its functions and responsibilities;

25. Also requests the Secretary-General to ensure that the reports to be prepared for the 1997 special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21 give due attention to the issue of poverty eradication;

26. Further requests the Secretary-General to report to the General Assembly at its fifty-second session on the overall assessment of the implementation of the programme for the observance of the International Year for the Eradication of Poverty, taking into account progress being made in the implementation of the outcome of the World Summit for Social Development, including recommendations for possible actions and initiatives in relation to the Decade;



27. Decides to include in the provisional agenda of its fifty-second session an item entitled "First United Nations Decade for the Eradication of Poverty (1997-2006)".

General Assembly resolution 51/178

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/604/Add.6) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.51), based on informal consultations on draft by Costa Rica for Group of 77 and China (A/C.2/51/L.18); agenda item 96 (f).

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 32, 37; plenary 86.

### Science and technology for development

The Commission on Science and Technology for Development did not meet in 1996. However, inter-sessional activities were carried out on information and communication technologies, scientific and technological aspects of sustainable energy systems, gender issues, technological capacity-building, and coordination of science and technology for development.

The Bureau of the Commission held two meetings in 1996 (Islamabad, Pakistan, March; Bucharest, Romania, November), at which it discussed in detail its 1995 recommendations [YUN 1995, p. 849], as endorsed by the Economic and Social Council in July of that year [YUN 1995, p. 850].

### Technology transfer

#### Commission on Sustainable Development.

The Secretary-General presented to the Commission on Sustainable Development a report [E/CN.17/1996/13] on the transfer of environmentally sound technologies (ESTs), cooperation and capacity-building, which provided an update on steps taken and results achieved in implementing the work programme on the transfer of EST, approved by the Commission in 1995 [YUN 1995, p. 854]. The work programme focused on three related areas: improving access to and dissemination of information on EST; capacity-building and institutional development; and financial and partnership arrangements. Based on national information and on information supplied by regional and international organizations, the report set out a series of recommendations and proposals for action, among other things aimed at cleaner production technologies and more efficient production systems emphasizing pollution prevention and minimization of waste. ISO 14000—the international environmental management standards established by the International Organization for Standardization (ISO)—had considerable potential to stimulate the adoption of environmental management standards and practices among enterprises throughout the world, on a voluntary basis, the report stated. Partnerships

between the private and public sectors should be encouraged as a means to agree on and achieve environmental goals and objectives and to demonstrate the economic and environmental benefits that could accrue through the application of ESTs and cleaner production methods, with a view to enhancing eco-efficiency concepts. A number of recommendations for action by Governments were suggested for Commission consideration.

In an addendum [E/CN.17/1996/13/Add.1] to that report, the Secretary-General focused on the assessment of experiences gained, results achieved and problems encountered in implementing specific elements of the work programme on EST transfer, with a view to identifying key issues for further Commission consideration.

In a 3 May decision [E/1996/28 (dec. 4/10)], the Commission urged Governments of developed and developing countries and countries with economies in transition to adopt appropriate environmental legislation to enhance the successful dissemination of ESTs in their own countries. They were also encouraged to develop and implement a mix of policy measures, including regulations and economic instruments and incentives to stimulate the adoption of cleaner production technologies and improved, more efficient systems of production that emphasized pollution prevention and waste minimization and recycling, with particular attention to the adoption of such systems by small and medium-sized enterprises (SMEs).

The Commission also encouraged the greater use of partnership arrangements in and between the private and public sectors as a means to achieve commonly agreed environmental goals; urged countries, international and business organizations to share information on the use and effectiveness of policy measures adopted by Governments and the private sector to promote, develop or create greater demand for technology and technological innovations aimed at changing methods of production, including improving efficiency in the use of energy and natural resources and reducing pollution and waste; called on Governments of developing countries and countries with economies in transition to strengthen EST support structures, including technical advisory or consultancy services, marketing support, legal advice, research and development and laboratory facilities and services; and urged Governments, in cooperation with business and industry, to apply appropriate measures to assist local companies to gain access to financial markets to facilitate technological cooperation and technology transfer.

The Commission invited the United Nations Environment Programme (UNEP) to continue to develop an EST information system network and to keep the Commission informed of its progress, and invited UNEP to consider developing and maintaining a catalogue of EST-related information systems and eventually to make such a catalogue publicly available. Business and industry, including transnational corporations, were invited to take steps to facilitate the access of SMEs to financial markets and ESTs and to promote capacity-building, particularly in developing countries.

In 1996, the Division on Science and Technology and the Division on Transnational Corporations and Investment of the United Nations Conference on Trade and Development (UNCTAD) issued a study titled *Promoting the Transfer and Use of Environmentally Sound Technology: A review of policies* [Sales No. E.96.II.D.4].

## Economic and social trends and policy

### Economic surveys and trends

The World Economic and Social Survey 1996 [Sales No. E.96.II.C.1], prepared by the Department for Economic and Social Information and Policy Analysis and issued in mid-1996, observed that, although the world economy was on a slowly accelerating growth path, it had not yet attained the more rapid and sustainable rate of growth of which it was capable. However, such growth appeared to be on the horizon for 1997.

The world's gross output of goods and services was expected to increase by about 2.5 per cent in 1996 for the third year in a row. That was a lower rate of expansion than the world average of the 1980s, but represented a considerable improvement compared with the first three years of the 1990s. A year earlier, a somewhat higher growth rate—3.25 per cent—had been forecast for 1996, a rate that was expected to be attained in 1997. The acceleration had been postponed by a slower growth trajectory of the developed economies in 1995 and 1996 than had been foreseen earlier.

In the **developed economies**, the cyclic upswing in economic activity lost some momentum in 1995. The slowdown in Australia, Canada, New Zealand, the United Kingdom and the United States was not unexpected, as those countries were the first to emerge from the previous recession. In continental Europe, however, the recovery of 1994 and early 1995 virtually stalled in late

1995. Indeed, there was a significant drop in activity at that time in several countries, including Belgium, France, Germany, Sweden and Switzerland. At the same time, after four years of almost no growth in output, the Japanese economy started to show signs of recovery. The increase in real gross domestic product (GDP) in the industrialized countries, although more synchronized, was expected to remain quite low. The Western European economy was forecast to grow by almost 1.5 per cent in 1996, while Japan and the United States were expected to see growth rates of about 2 per cent. With moderate growth, consumer price inflation was likely to remain under 2.5 per cent during 1996—a rate roughly in line with the long-run target for inflation being followed by the major central banks. Increased output had not led to commensurate increases in real wages—a major factor in holding inflation to a low level. However, restraint in wage increases meant that consumer spending had not played as large a role in stimulating economic growth as in previous economic cycles. Persistently high unemployment and growing income inequality were related concerns for policy makers. Among the seven major industrialized countries, only in the United Kingdom and the United States had the unemployment rate been below its 1980s average. The situation was particularly serious in Western Europe, where the unemployment rate rose from 8 per cent in 1991 to 11 per cent in 1994, a level from which it had barely receded.

Total output of the countries of **Central and Eastern Europe** and the successor States of the former USSR measured one third less in 1995 than in 1990. However, 1996 was expected to mark the end of economic contraction and the resumption of economic growth in transition economies as a whole. All Central and Eastern European transition economies and those of the Baltic States had begun growing by 1994, and many had strong rates of growth in 1995, with further strong growth forecast for 1996. The situation had been much more difficult in the countries of the Commonwealth of Independent States (CIS), where output continued to decline in 1995, albeit less rapidly than in earlier years. Only the beginnings of growth were foreseen in 1996. Indeed, there was so much uncertainty surrounding that prospect that a further contraction of output would not be surprising, the Survey stated. In Central and Eastern European countries, consumer demand, initially satisfied by imports, was increasingly being met by domestic production. Investment was picking up, as was industrial productivity. However, the unemployment picture remained serious and inflation rates, although falling, remained high. As a re-

sult of inflows of foreign exchange, either as portfolio investment or foreign direct investment, foreign-exchange reserves in most countries of the region had jumped.

The Russian Federation had also made remarkable progress: inflation had fallen, foreign-exchange reserves were high and private economic activity was advancing strongly. Nevertheless, little economic growth was forecast for 1996 and continued decline could not be completely ruled out. If uncertainty in the business community over future economic policy was reduced and the country invested the considerable resources that were leaving or being held in the form of foreign exchange, the outlook would be much brighter. Indeed, the human resources and much of the infrastructure that was so essential for economic growth were, for the most part, readily available in the Russian Federation. In contrast, short-term prospects for resumed economic growth were minimal in many other CIS countries.

In 71 of the 93 developing countries whose data were regularly monitored, GDP per capita rose in 1995; 75 countries were expected to belong to that group in 1996. That represented a substantial rise from 50 countries in 1993. Rising per-capita output was not a phenomenon limited mainly to China and the rapidly growing economies of South and East Asia. The least developed countries (LDCs) in particular had made significant gains in 1995 and were expected to advance further in 1996.

The gain in the number of countries having rising per-capita GDP had been most pronounced in **Africa**, where output grew 2.76 per cent in 1995, about equal to the population growth. The region was expected to see an increase in GDP per capita in 1996 for the first time since 1985. Prospects had improved under favourable external conditions and ameliorated policy environments. Also, after droughts in 1995, good rainfall had returned to northern and southern Africa and a favourable 1996 agricultural season was predicted, except in countries affected by civil strife. Despite overall performance, most African countries were still among the poorest in the world. The improved economic performance during 1995-1996 was as yet a short-term phenomenon and, unless it continued, would not be sufficient to alleviate significantly poverty, deteriorated social conditions and high unemployment rates.

In **Latin America and the Caribbean**, the regional GDP had increased by less than 1 per cent in 1995, well below population growth, and prospects for 1996 were for a mild recovery with growth not expected to exceed 2.5 per cent. On

the positive side, inflation had fallen to 25 per cent by the end of 1995, the lowest for 22 years, and further slowing of inflation was expected during 1996. Although Mexico's financial crisis was contained through international and domestic efforts, its negative consequences were the interruption of the economic recovery that the region had been experiencing since 1991. In several of the Caribbean island economies, economic growth slowed down due to a combination of adverse weather conditions affecting the tourism industry and agriculture, energy shortages that constrained manufacturing output, and austere fiscal and monetary policies to control inflation. However, growth had picked up in the Dominican Republic and resumed in Cuba and Haiti.

Following a year of near stagnation in 1994, economic growth in **West Asia** recovered and reached 3.1 per cent in 1995. Oil-importing economies expanded at a rate of 6.4 per cent, while the oil-exporting economies grew 2.6 per cent. Higher oil prices and export revenues boosted economic recovery in most oil exporters; however, efforts to implement economic reforms and reduce budget deficits, while reducing fiscal imbalances, restrained growth in most of them. In the oil-importing countries, strong growth in private investment and consumption helped to boost economic recovery, while reports of progress towards peace in the Middle East stimulated growth of new investment, tourism and construction, particularly in Israel, Jordan and Lebanon.

In **South and East Asia**, growth was expected to moderate slightly to 6 per cent in 1996 from 7 per cent in 1995. The reversal in the trend of accelerating growth since 1992 was largely the result of a deceleration in economic expansion in most of the high-growth countries—Indonesia, Malaysia, the Republic of Korea, Singapore and Thailand. Of other economies in the region, those of Hong Kong and Taiwan Province of China were expected to maintain their 1995 rates of growth of 5 to 6 per cent in 1996, and the positive economic growth of India, the Philippines and Viet Nam was expected to continue. However, growth in Bangladesh, Pakistan and Sri Lanka was likely to be restrained by political instability. The expected deceleration in the high-growth economies was the result of tightening monetary policies implemented in 1995. Several years of continued high growth had resulted in increasing upward price pressure; the changing policy stance was directed at slowing economic expansion to a more sustainable rate with lower inflation and reduced current-account deficits.

During 1995, China maintained a contractionary policy stance and its economic growth rate

slowed to 10 per cent, while inflation slowed also. It adopted a relatively tight monetary policy to curb inflation. The rise in retail sales slowed, and the rate of inflation was reduced to about 17 per cent from 24 per cent in 1994.

In a note giving an update of the world economy [E/1997/INF/1], the Secretary-General stated that finally the world economy was growing as fast as it had in the 1980s. With low inflation in most countries, growth might also be more sustainable. In many countries, however, there was not yet enough growth to reduce poverty and unemployment adequately. GDP of developed economies grew slightly faster in 1996 than the 2 per cent forecast, mainly due to a stronger-than-expected recovery in Japan (3.6 per cent). The economic growth of developing countries was also slightly stronger than the 5.5 per cent anticipated. Transition economies did not realize an expected first increase in aggregate GDP of the decade. While most European economies grew and some quite rapidly, Bulgaria slipped into a steep recession. The Russian Federation did not post the positive growth numbers anticipated, although several Central Asian economies did.

The Trade and Development Report, 1996 [Sales No. E.96.II.D.6], produced by UNCTAD, stated that growth of 4 per cent in developing countries as a whole (excluding China) in 1995 continued to outpace that of developed countries (2 per cent). The gap was considered likely to widen in 1996, if most regions maintained or improved their growth performance. Only a relatively modest recovery was expected in Latin America, where repercussions of the Mexican peso crisis in 1995 proved to be much deeper than anticipated. In contrast, growth in developing African countries in 1995 was not only broadly based but also the highest for the region since the beginning of the decade. Growth in developing countries in Asia continued to be outstanding throughout 1995, accelerating to 6.3 per cent, excluding China, which continued to be one of the fastest-growing economies in the world, with a growth rate of more than 10 per cent for the fourth year in succession.

### **Human Development Report 1996**

The complex relationship between economic growth and human development was explored in the Human Development Report 1996, prepared by UNDP. Noting that human development was the end and economic growth a means, the Report observed that the purpose of such growth should be to enrich people's lives. However, recent decades had shown that there was no automatic link between growth and human development and, even

when links were established, they could be eroded unless regularly fortified by skilful and intelligent policy management.

Growth had been failing over much of the past 15 years in about 100 countries, the populations of which comprised almost a third of the world's people. In addition, the links between growth and human development were failing for people in the many countries with lopsided development—with either good growth but little human development, or good human development but little or no growth.

The Report concluded that more economic growth, not less, would generally be needed as the world entered the twenty-first century. But more attention had to go to the structure and quality of that growth to ensure that it was directed to supporting human development, reducing poverty, protecting the environment and ensuring sustainability.

The Report ranked 174 countries in its human development index, which measured human development by combining indicators of life expectancy, educational attainment, income and others.

## **Development planning and public administration**

### **Development planning**

In accordance with a 1995 Economic and Social Council request [YUN 1995, p. 860], the Committee for Development Planning (CDP) held its thirtieth session in 1996 (New York, 28-29 May) [E/1996/76], at which it reviewed its terms of reference and methods of work and discussed arrangements for future work.

With regard to the terms of reference, CDP members attached particular importance to assessing world development trends and prospects; identifying national and international policies that would enhance the ability of developing countries and economies in transition to participate effectively in a globalizing world economy and achieve the goals agreed at UN global conferences; and undertaking periodic reviews of the list of least developed countries (LDCs) and the criteria used for identifying them.

Pending a fuller review of its methods of work at its thirty-first (1997) session, CDP agreed to continue its practice of holding plenary sessions of up to one week, for which preparations would be made by up to three working groups.

The Committee decided to prepare for its 1997 session by convening three working groups, on the topics of: rethinking the impact of globalization on development (Working Group I); re-examining stabilization, structural adjustment and economic reform in the context of globalization (Working Group II); and a general review of the list of LDCs (Working Group III). Working Group II met from 18 to 20 December 1996.

By **decision 1996/229** of 11 July, the Council took note of the CDP report on its thirtieth session.

### Public administration

In accordance with General Assembly resolution 49/136 [YUN 1994, p. 777], the General Assembly from 15 to 19 April 1996 held plenary meetings devoted to public administration and development. The meetings were designed to analyse the role of public administration in a changing environment, based on an analysis of the role of the public sector, as well as to review the activities of the UN programme in that field. The Assembly had before it the report of the Group of Experts on Public Administration and Finance on its twelfth (1995) meeting [YUN 1995, p. 861] and the report of the Secretary-General on public administration and development [A/50/847-E/1996/7]. Both reports had been considered earlier by the Economic and Social Council, which had transmitted them to the Assembly by **decision 1996/215** of 2 April 1996.

The Secretary-General's report, submitted in response to General Assembly resolution 49/136 [YUN 1994, p. 777], noted that the 1990s had presented new and perplexing challenges for public administration and finance systems of Governments worldwide. Mercurial domestic influences and unpredictable external factors had combined to create, for a significant number of Governments, a difficult environment that constrained decision-making and compromised performance improvement. Diverse national circumstances had generated a condition of permanent crisis management in the public sector and a need to establish a framework for stable and sustainable human development. Those challenges required a targeted, pragmatic and well-defined framework for institutional strengthening and capacity-building in support of governance and effective administrative and financial management systems.

In describing United Nations activities in public administration and development, the report reviewed UN mandates, elaborated some exemplary programmes of assistance, and gave an overview of the contributions of other organizations in the UN system concerned with public administration.

Addressing the context and dynamics of public administration and development, the report stated that, historically, the United Nations programme in public administration and finance had played a leading role in facilitating exchanges of ideas, experiences and innovations among Member States in the field of public administration and development. Consideration had to be given to: enabling conditions for development; implementing recommendations of the world conferences of the 1990s; implementing the 1995 recommendations of the Group of Experts on Public Administration and Finance [YUN 1995, p. 861]; and the importance of capacity-building in public administration.

As to strengthening the role of the United Nations in public administration and development, the report described some challenges facing the Organization and put forward recommendations for action, including those for national Governments.

The Assembly also had before it reports of the following regional meetings on public administration and development: the Interregional Seminar on the Role of Public Administration in Developing Infrastructure and Protecting the Environment (Rio de Janeiro, Brazil, 6-9 March 1996) [A/50/904]; the Regional Conference on the Role of Public Administration in Promoting Economic Reform in Eastern and Central European Countries (Berlin, 24-26 January 1996) [A/50/917]; the Interregional Conference and Workshop on Public Administration and Social Development (Stockholm, Sweden, 16-20 October 1995) [A/50/919]; the Regional Meeting on Public Administration and Development in Africa: from Structural Adjustment to Improved Efficiency in Government (Windhoek, Namibia, 25-27 March 1996) [A/50/920]; the Interregional Technical Meeting on Restoring Government Administrative Machinery in Situations of Conflict (Rome, Italy, 13-15 March 1996) [A/50/921]; and the Regional Conference on the Role of Public Administration in Promoting Economic Development in Asia (Manila, Philippines, 18-20 March 1996) [A/50/929]. By a 3 April letter [A/50/918], the United Arab Emirates transmitted a report by the Arab Administrative Development Organization on administration and development in the Arab countries.

### GENERAL ASSEMBLY ACTION

On 19 April, the General Assembly adopted **resolution 50/225**.

#### Public administration and development

The General Assembly,

Recalling the Tangier Declaration, adopted by the Pan-African Conference of Ministers of the Civil Service held in Morocco on 20 and 21 June 1994,

Recalling also its resolution 49/136 of 19 December 1994 on public administration and development,

Recalling further Economic and Social Council decision 1996/215 of 2 April 1996,

Bearing in mind the rapid pace and interdependence of global, political, social and economic developments, and their implications for all countries, particularly the developing countries, and that there is a critical need for improved efficiency and effective public institutions, administrative procedures and sound financial management to harness these challenges in support of sustainable development in all countries,

Affirming that States have the sovereign right and responsibility to decide, in accordance with their own development policy, strategies, needs and priorities, on their public administration management based on the rule of law,

Acknowledging the diversity of experiences in public administrative systems as well as the political, social and economic circumstances of each country,

Recognizing that effectiveness of government requires an efficient and effective public administration in all countries that is responsive to the needs of the people, promotes social justice, ensures universal access to quality services and productive assets and creates an enabling environment for sustainable people-centred development,

Reaffirming the importance of enhancing the quality of public administration based, *inter alia*, on the participatory approach to development,

Recognizing the role of the United Nations in assisting Governments, at their request, in ensuring the maintenance of essential basic government services and functions during times of crisis and in developing strategies for rebuilding a viable public administration in countries undergoing post-conflict rehabilitation and reconstruction,

Taking note of the fact that the United Nations system, responding to requests from interested Member States, has contributed in support of their public administration to include wider aspects of governance, including democratic, legal and judiciary reform, and strengthening of the civil society,

Recognizing that Governments in all countries should make their procedures transparent in order to avoid and combat all acts of corruption,

Emphasizing the benefits to all countries of exchanging experiences and views in order to promote better understanding and applications of various roles and functions of government and public administration, and enhancing international cooperation in this field, including such exchanges within the context of South-South and interregional cooperation,

Recognizing the important role of the public sector in the development process and stressing the need to improve development and management of its human resources through, *inter alia*, appropriate national incentive measures,

1. Takes note of the report of the Secretary-General on public administration and development and of the proposals contained therein;

2. Takes note also of the report of the Group of Experts on Public Administration and Finance;

3. Takes further note of the reports of the regional meetings on public administration and development;

4. Recognizes that there exist challenges and trends variously facing national Governments in the field of public administration;

5. Reaffirms that democracy and transparent and accountable governance and administration in all sectors of society are indispensable foundations for the realization of social and people-centred sustainable development;

6. Underlines the importance of transparent and accountable governance and administration in all public and private national and international institutions;

7. Recognizes that there is a need for public administration systems to be sound, efficient and well equipped with the appropriate capacities and capabilities through, *inter alia*, capacity-building, promotion of transfer, access and utilization of technology, establishment or improvement of training programmes for public service, strengthening of partnership of the public sector with the private sector and civil society, as well as providing an enabling environment for private sector activities, as appropriate, promotion of the role and involvement of women in public administration, and development of cross-sectoral gender-sensitive and multi-disciplinary capabilities, which supports all phases of the development process as well as the promotion of opportunities for all to participate in all spheres of the public sector;

8. Reaffirms that Governments in all countries should promote and protect all human rights and fundamental freedoms, including the right to development, bearing in mind the interdependent and mutually reinforcing relationship between democracy, development and respect for human rights, and should make public institutions more responsive to people's needs;

9. Invites Governments to strengthen their public administrative and financial management capacities through public-sector administrative and management reform, with emphasis on enhanced efficiency and productivity, accountability and responsiveness of the public institutions, and encourages, where appropriate, decentralization of public institutions and services;

10. Recognizes the importance of the major United Nations conferences and urges the development of the necessary capabilities to enable public administration to implement the commitments agreed upon in an effective and coordinated manner;

11. Confirms the importance of and calls for enhancement of the effectiveness of United Nations activities in the area of public administration and development;

12. Stresses the importance of an increased synergy, cooperation and coordination between United Nations funds and programmes, the specialized agencies, the United Nations Secretariat and the Bretton Woods institutions to ensure that the substantive and technical capacity of the United Nations system is optimized;

13. Acknowledges that the role of United Nations activities and programmes in public administration and development is to assist Governments, at their request, to improve their responsiveness to meet the basic needs of all, as well as to achieve sustainable development in all countries; the United Nations should focus its activities in the following areas as recommended by the

Group of Experts on Public Administration and Finance in its report:

(a) Strengthening government capacity for policy development, administrative restructuring, civil service reform, human resources development and public administration training;

(b) Improving performance in the public sector;

(c) Financial management;

(d) Public-private interaction;

(e) Social development;

(f) Developing infrastructure and protecting the environment;

(g) Government legal capacity;

(h) Post-conflict rehabilitation and reconstruction of government machinery;

(i) Management of development programmes;

in this context, the United Nations should carry out these activities through pooling and facilitating access to information in public administration, promoting training and research in public administration and finance at all levels, advocacy and exchange of experiences, advisory services, technical assistance, capacity-building and human resources development;

14. Requests the United Nations to develop strategies, at the request of interested countries, for rebuilding a viable public administration in countries undergoing post-conflict rehabilitation and reconstruction;

15. Invites the Bretton Woods institutions and all relevant United Nations agencies and bodies to assist, at their request, Member States involved in economic restructuring programmes to pursue national policies aimed at improving the development and management of their human resources through, inter alia, appropriate measures;

16. Recognizes the increased national efforts of Member States in providing adequate financial and other resources for the strengthening of their public administration;

17. Invites the international community to create an enabling international environment and to consider providing adequate financial and other resources for programmes of assistance to support national efforts in enhancing the effectiveness of public administration in developing countries and countries with economies in transition;

18. Recommends that the Secretary-General take appropriate measures in order to ensure maximum coordination of activities of the United Nations system in the field of public administration and development;

19. Calls upon the Secretary-General to ensure ways of strengthening the coordination, coherence and harmonization of the management and implementation of the operational activities of the United Nations system in the field of public administration and development;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-third session, through the Economic and Social Council, a report on public administration and development containing information on the implementation of the present resolution.

General Assembly resolution 50/225

19 April 1996 Meeting 112 Adopted without vote

20-nation draft (A/50/L.69/Rev.1 & Rev.1/Add.1); agenda item 12.

Meeting numbers. GA 50th session: plenary 105-112.

## Developing countries

### Least developed countries

**UNCTAD action.** At its October 1996 session, the UNCTAD Trade and Development Board (TDB) conducted the sixth annual review of progress in implementing the Programme of Action for the Least Developed Countries (LDCs) for the 1990s, adopted in 1990 by the Second United Nations Conference on the Least Developed Countries (Paris Conference) [A/CONF.147/18] and endorsed by the General Assembly later that same year [GA res.45/206].

TDB had before it The Least Developed Countries 1996 Report [Sales No. E.96.II.D.3], which focused on key developmental issues confronting the 48 countries on the United Nations list of LDCs—Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Comoros, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Sudan, Togo, Tuvalu, Uganda, United Republic of Tanzania, Vanuatu, Yemen, Zaire and Zambia.

The Report reviewed recent developments in LDCs, their short-term outlook and prospects for growth. It noted that LDC growth performance had improved markedly in 1995, and that continued improvement was forecast for 1996. Most notable was the increase of the average gross domestic product (GDP) growth rate of LDCs in Africa, from less than 0.6 per cent over the period 1990-1994 to 2.2 per cent in 1995. Most Asian LDCs continued to record a marked upsurge in their development performance, with estimated growth of 4.6 per cent in 1995. The performance of LDCs in the Pacific islands was less satisfactory; they attained GDP growth rates of only 1.2 per cent in 1994, with little improvement expected in 1995. In Haiti, shortages in electricity supply and slow progress in the disbursement of external aid already committed hampered the recovery of the economy, which had contracted by more than 10 per cent in 1994.

In describing recent trends in external finance and debt, the Report stated that while LDCs had been affected by stagnation in official development assistance (ODA), they had captured little of the increase in private capital flows to developing countries that had taken place in the first half of the 1990s. Many LDCs were debt-distressed and

had adopted a policy of refraining from new borrowing on non-concessional terms. Together, overall ODA scarcity and the continuing high debt-servicing burden threatened to diminish seriously the net transfer of resources to LDCs.

The Report also analysed selected issues in the context of interdependence, examined the implications for LDCs of the processes of globalization and liberalization, and presented a set of national policies and international support measures to enhance the capacity of LDCs to benefit from globalization and liberalization. The issue of financial-sector reform in LDCs was also examined.

An addendum to the Report [TD/B/42(2)/11/Add.1] reviewed the implementation of the Programme of Action in the field of external finance and debt and focused on policies relevant to strengthening the capacity of LDCs to participate in the multilateral trading system.

In agreed conclusions of 18 October [A/51/15, vol. II (agreed conclusions 435(XLIII)], TDB reaffirmed the outcomes of the 1995 Mid-term Global Review of the Implementation of the Programme of Action for LDCs [YUN 1995, p. 863] and of the ninth session of UNCTAD (UNCTAD IX) (see PART THREE, Chapter IV) as they related to LDC trade and trade-related issues. It stated that integration of LDCs into the world economy and the international trading system would entail the development of export capacities to produce tradable goods and services on a competitive basis, and, in that regard, the UNCTAD Secretary-General was encouraged to elaborate UNCTAD-wide integrated country-level programmes for selected LDCs by pooling the contributions of its Divisions, in accordance with the priorities identified by the countries concerned. UNCTAD should collaborate with other concerned organizations in the design and implementation of those activities to ensure coherence in policy advice and support. The Board asked the UNCTAD secretariat and the TDB Commissions to pay particular attention to the special needs of LDCs. The Commissions should highlight results of particular relevance to those countries when presenting their reports to the Board.

**UNDP action.** In a note to the Executive Board of UNDP and the United Nations Population Fund [DP/1996/24], the UNDP Administrator referred to a request from Namibia [DP/1996/24/Add.1] for special status equivalent to that of an LDC. He gave the background to Namibia's request, noting that the country had become independent in 1990 after 70 years of colonial rule under apartheid South Africa and since then had been faced with the challenge of remedying the

apartheid legacy. He also observed that while the average GDP per capita exceeded the values normally used by the Committee for Development Planning when identifying LDCs, the relatively high figure did not reflect the Namibian reality in terms of poverty and social and human development.

By a 15 May decision [E/1996/33 (dec. 96/30)], the Executive Board recognized the similarities of the economic and social development in Namibia and those of LDCs and decided to extend to Namibia for three years, starting in 1997, special status equivalent to that given to LDCs.

## Island developing countries

### Implementation of the Programme of Action

**Commission on Sustainable Development action.** In accordance with General Assembly resolution 49/122 [YUN 1994, p. 784], the Commission on Sustainable Development (New York, 18 April-3 May) reviewed the progress achieved and steps taken to implement the Programme of Action for the Sustainable Development of Small Island Developing States (SIDS), adopted in 1994 by the Global Conference on the subject [YUN 1994, p. 783]. As agreed by the Inter-Agency Committee on Sustainable Development in 1995, the Commission had before it reports on seven issues identified in the Programme of Action: management of natural and environmental disasters [E/CN.17/1996/20/Add.1]; sustainable development of energy resources [E/CN.17/1996/20/Add.2]; sustainable tourism development [E/CN.17/1996/20/Add.3]; maritime transport [E/CN.17/1996/20/Add.4]; sustainable development of air transport [E/CN.17/1996/20/Add.5]; development of communications [E/CN.17/1996/20/Add.6 & Corr.1]; and coastal area management [E/CN.17/1996/20/Add.7]. An overview report [E/CN.17/1996/20] presented recommendations which, if implemented along with those in the Programme of Action, would enhance sustainable development in each sector.

Also in response to General Assembly resolution 49/122 [YUN 1994, p. 784], the Secretary-General submitted a report on current donor activities in support of sustainable development in SIDS [E/CN.17/1996/21]. The report analysed the main trends in external assistance flows to those countries from bilateral and multilateral sources and delineated factors discernible at the global, regional and national levels that could have a bearing on the provision of assistance. It also highlighted commitments of assistance, by purpose and disbursements, of donor and recipient countries.



In aggregate, SIDS attracted net ODA (grants plus concessional loans) from all bilateral sources of approximately \$1.3 billion in 1991, which declined in the two following years, but rose to \$1.9 billion in 1994. The apparent recovery in 1994 was mainly due to unusually large disbursements to a few countries, particularly Haiti. Multilateral disbursements, after increasing 9 per cent in 1992 from the 1991 level, declined in 1993 but recovered in 1994 to slightly above the 1991 level. Multilateral flows were more evenly distributed than bilateral flows.

As requested in General Assembly resolution 49/100 [YUN 1994, p. 782], the Commission convened the High-level Panel Meeting on Island Developing Countries (New York, 22-23 April) [E/CN.17/1996/IDC/3], which concentrated on the implications for SIDS of trade liberalization and the Uruguay Round of multilateral trade negotiations (see below).

In a 3 May decision [E/1996/28 (dec. 4/16)], the Commission noted that current trends of trade liberalization and globalization were bringing new challenges as well as possible opportunities to SIDS. It urged the international community to recognize the inherent weakness of those countries and recommended the provision of adequate support for them to meet adjustment costs as well as their information, human and technology needs, in order to enable them to sustain the development of their exports while maintaining the integrity of their natural resource base.

Recognizing the coordinating role of the Department for Policy Coordination and Sustainable Development (DPCSD) in implementing the Programme of Action, the Commission recommended that the Secretary-General: take into account the need to continue substantive secretariat support to intergovernmental and inter-agency processes related to the implementation of the Programme of Action; ensure that DPCSD continue to act as a liaison and focal point for agencies of the UN system, as well as other relevant intergovernmental and non-governmental organizations, on matters related to the Programme of Action; and request DPCSD to look into the modalities for mobilizing resources for effective implementation of the Programme of Action. The Commission stressed the important role that the private sector could play in investment for sustainable development in SIDS, particularly in the infrastructure and tourism sectors.

Recalling that SIDS were particularly vulnerable to global climate change and sea-level rise, the Commission welcomed the growing number of ratifications of the United Nations Framework Convention on Climate Change (see PART

THREE, Chapter VII). It called on the international community to support SIDS in their efforts to adapt to the sea-level rise that would be experienced as a result of greenhouse gases that had already been emitted into the atmosphere.

Noting that during the preceding two-year period, due to major natural disasters, SIDS had experienced catastrophes of national proportions because of their small size and fragile ecosystems, the Commission recognized that the most effective strategy for responding to natural disasters was through regional cooperation as an integral part of sustainable development frameworks, with international support. Therefore, the Commission: encouraged Governments of SIDS to further increase their efforts towards subregional, regional and interregional cooperation; supported implementation of the Yokohama Strategy and Plan of Action, adopted by the 1994 World Conference on Natural Disaster Reduction [YUN 1994, p. 851], called on Governments to support the facilitation of an effective synergy between the implementation of Agenda 21, adopted by UNCED in 1992 [YUN 1992, p. 672], the Programme of Action for the Sustainable Development of SIDS [YUN 1994, p. 783] and the Yokohama Strategy and Plan of Action; and invited Governments to consider establishing an informal open-ended working group within the 1989 International Framework of Action for the International Decade for Natural Disaster Reduction [GA res. 44/236], with a view to ensuring full integration and participation of SIDS in the mapping of a concerted strategy for disaster reduction into the twenty-first century. The international community was called upon to support the efforts of SIDS directed towards: mobilizing additional resources to address urgent disaster reduction requirements; improving access to disaster and warning information; providing technical, financial and expert support for the establishment of a mechanism for interregional cooperation and the exchange of information among SIDS on disaster reduction; and targeting research and further development in various areas for building risk-reduction capacities.

As to coastal and marine resources, the Commission stressed that, for SIDS, effective coastal-zone management was a prerequisite for sustainable development. It recommended that, in developing integrated national coastal-area management strategies and plans, Governments should ensure that all steps were taken with the active participation of the private sector and local communities. To assist national authorities in designing and implementing integrated coastal-area management plans, international organizations should develop guidelines for specific sub-

sectors such as tourism, fisheries, agriculture and forestry, which were among the main users of coastal areas.

With regard to energy resources, the Commission noted that SIDS continued to be heavily dependent on conventional sources of energy, although, as a group, the total consumed by SIDS was a small percentage of world consumption. Due to the small quantities involved, the cost per capita was relatively high and use was generally inefficient. The international community was called on to support commercial energy development in SIDS based on those environmentally sound renewable sources with demonstrated viability, in order to improve the efficiency of existing technologies and end-use equipment based on conventional energy sources, as well as to assist in financing investments to expand energy supplies beyond urban areas. Noting that many SIDS continued to depend on biomass fuels, the Commission encouraged projects to ensure a sustainable fuelwood industry.

The Commission recognized the continued importance of tourism as one of only a few development options for many SIDS, both as a dynamic sector and as one that could stimulate growth in others. SIDS were encouraged to pursue policies of sustainable tourism development by: diversifying the tourism product; strengthening linkages of other economic sectors with tourism; investing in data collection on all indicators of benefits and costs necessary for cost-benefit analysis in order to carry out evaluations of the contribution of tourism to the domestic economy; and developing a multidisciplinary approach for the rigorous vetting of tourism development proposals. The international community was called on to provide assistance to improve and develop basic physical infrastructures in SIDS, such as airports, harbours, roads, telecommunications systems and freshwater systems.

Bearing in mind the resource constraint for expanding and modernizing the telecommunications network in SIDS, the high per capita cost of infrastructure due to small market size and the lack of economies of scale, the Commission encouraged SIDS to continue their telecommunications development and to improve facilities and availability. The international community was called on to assist SIDS in identifying the most feasible ways to secure financial assistance from different sources, and the World Bank and the regional development banks were invited to finance telecommunications development systematically. The Commission proposed a study of the impact on SIDS of changes taking place in the regulation of air transport and stated that more

regional cooperation regarding the regulatory aspects of air transport should be pursued.

Noting that maritime transport continued to represent an important lifeline to other markets for SIDS, the Commission encouraged the modernization of fleets through appropriate investment incentives and innovative measures. It called on the international community, in view of the large investments involved in developing infrastructure and acquisition of the means of maritime transport, to support the efforts of SIDS at the national and regional levels.

**Report of Secretary-General.** In response to General Assembly resolution 50/116 [YUN 1995, p. 875], the Secretary-General submitted a September report [A/51/354] on action taken at the international, regional and national levels to implement the Programme of Action for the Sustainable Development of SIDS. The report took account of the deliberations and decisions of the Commission on Sustainable Development at its 1996 session (see above) and described activities undertaken by organs, organizations and bodies of the UN system since 1995 in the context of the Programme of Action. It also included information on activities undertaken at the regional level by non-UN intergovernmental regional bodies and by the Governments of a number of SIDS at the national level.

The report concluded that much of the effort by UN organizations to implement the Programme of Action since mid-1995 had been directed at strengthening institutional and human-resource capacity. A number of initiatives had been taken to deal with the consequences of climate change and sea-level rise, signalling a growing recognition of the critical nature of such phenomena for SIDS. The high level of regional activity was especially notable, with the regional commissions and several non-UN regional and subregional intergovernmental bodies responding with new programmes and activities aimed mainly at waste management, capacity-building, water and sanitation, disaster preparedness and management of coastal areas. Based on the limited information obtained from national sources, it seemed that a number of SIDS had begun to implement parts of the Programme of Action that had especially high priority at the national level, including institution-building, particularly the strengthening of legislative frameworks; waste management; coastal area management; and, to a lesser extent, the preservation of biodiversity. The report stated that the cumulative record of implementation by the UN system indicated that insufficient attention was being paid to some priority areas of the Programme of Action, particularly transport and

communications, tourism, energy, science and technology, biodiversity resources, and climate change and sea-level rise.

The information contained in the report supported recommendations for future action to implement the Programme of Action contained in a 1996 Commission on Sustainable Development decision [E/1996/28 (dec. 4/16)] (see above). It was recommended that, in addition to endorsing that decision, the General Assembly might wish to request the Committee for Development Planning (CDP) to examine the report and recommendations of the expert group meeting on a vulnerability index for SIDS, to be held in 1997, and also request CDP to make recommendations for consideration in 1998 by the Assembly.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/183**.

#### **Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States**

The General Assembly,

Recalling its resolutions 49/100 and 49/122 of 19 December 1994 and 50/116 of 20 December 1995, on or related to the implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States, and reaffirming Commission on Sustainable Development decision 4/16 on the review of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States,

Reaffirming that, because the development options of small island developing States are limited, there are special challenges to devising and implementing sustainable development plans, and that small island developing States will be constrained in meeting such challenges and overcoming obstacles to sustainable development without the active support and cooperation of the international community,

Stressing the need for greater attention to priority areas of the Programme of Action, particularly climate change and sea-level rise, energy resources, tourism resources, biodiversity resources, transport and communications and science and technology,

1. Takes note of the report of the Secretary-General on action taken at the international, regional and national levels, inter alia, by the organs, organizations and bodies of the United Nations system to implement the Programme of Action for the Sustainable Development of Small Island Developing States, and welcomes in particular the action that has been taken by the Department for Policy Coordination and Sustainable Development of the Secretariat to support the system-wide implementation of the Programme of Action;

2. Stresses the importance of maintaining the Small Island Developing States Unit within the above-mentioned Department, and requests the Secretary-General to maintain the Unit at an appropriate level of staff and improve the structure and organization of the Unit, in accordance with resolution 49/122;

3. Welcomes the work being done by the regional commissions to support activities to coordinate the outcome of the Global Conference on the Sustainable Development of Small Island Developing States;

4. Takes note of the decisions of the United Nations Conference on Trade and Development, at its ninth session, related to programme support for small island developing countries, within the framework of the Programme of Action, and requests the Secretary-General to implement fully the relevant provisions of resolution 49/122;

5. Calls upon Governments, as well as the organs, organizations and bodies of the United Nations system, other intergovernmental organizations and non-governmental organizations, to continue to implement fully all the commitments and recommendations that were made at the Global Conference, and to continue to take the necessary actions for effective follow-up to the Programme of Action, including action to ensure the provision of the means of implementation under chapter XV thereof;

6. Recognizes the importance of the technical assistance programme, known as SIDSTAP, and the information network for small island developing States, known as SIDSNET, in the overall implementation of the Programme of Action, takes note of the progress made by the United Nations Development Programme in implementing resolution 49/122, and requests the Programme, in cooperation with Governments, to continue its actions to implement fully all provisions in order to operationalize the two mechanisms;

7. Takes note of the support that has been provided by the Commission on Sustainable Development to following up the implementation of the Programme of Action in accordance with resolution 49/122 and the Programme of Action itself, and invites the Commission at its fifth session to continue its support for and attention to the Programme of Action, as an integral part of the preparations for the special session of the General Assembly to be held in June 1997;

8. Requests that, in the context of the special session of the General Assembly, specific modalities be recommended for examining all outstanding chapters of the Programme of Action and for undertaking the full review of the Programme of Action in 1999;

9. Welcomes the inclusion of the development of a vulnerability index for small island developing States as part of the work programme of the Department for Policy Coordination and Sustainable Development for 1996-1997, and in this regard requests the Secretary-General, in collaboration with the United Nations Conference on Trade and Development, the United Nations Environment Programme, other relevant United Nations organizations and non-United Nations organizations, to prepare a report based on the views of relevant experts on the vulnerability index, in 1997;

10. Requests the Committee for Development Planning, at its thirty-second session, to formulate its views and recommendations on the above-mentioned report, in order to submit those views to the General Assembly at its fifty-third session, through the Economic and Social Council, and to make this information available to the Commission on Sustainable Development;

11. Requests the Department for Policy Coordination and Sustainable Development, in its coordinating role, to look into appropriate modalities for mobilizing

resources for the effective implementation of the Programme of Action and provide information thereon;

12. Requests closer collaboration and greater transparency between the Department for Policy Coordination and Sustainable Development and the United Nations Development Programme for effective implementation of SIDSTAP, and requests detailed information to be made available to Governments on actions taken to this effect;

13. Welcomes the report of the High-level Panel Meeting on Island Developing Countries on the challenges faced by island developing countries, particularly in the area of external trade, considered by the Commission on Sustainable Development at its fourth session;

14. Requests the Secretary-General to seek the views of Governments on the creation of an informal open-ended working group within the existing International Framework of Action for the International Decade for Natural Disaster Reduction, with the membership of all concerned States, including all relevant sectors in disaster reduction, with a view to ensuring full integration and participation of small island developing States in the mapping of a concerted strategy for disaster reduction into the twenty-first century and in improving access to disaster and warning information in order to enhance the capability of small island developing States with respect to disaster management;

15. Stresses that small island developing States are particularly vulnerable to global climate change and sea-level rise, and that the potential effects of global climate change and sea-level rise are increased strength and frequency of tropical storms and inundation of some islands, with loss of exclusive economic zones, economic infrastructure, human settlements and culture, and urges the international community to support small island developing States in their efforts to adapt to the sea-level rise that will be experienced as a result of the impact of greenhouse gases that have already been emitted into the atmosphere;

16. Calls upon the international community, including the Global Environment Facility, within the framework of its operational strategy, to support commercial energy development in small island developing States based on those environmentally sound renewable sources with demonstrated viability, to support improvement of the efficiency of existing technologies and end-use equipment based on conventional energy sources, and to assist with the financing of investments necessary to expand energy supplies beyond urban areas;

17. Also calls upon the international community, where appropriate, to support the efforts of and to provide assistance to small island developing States with respect to improving and acquiring, through appropriate investment incentives and innovative measures, the means of maritime transport and development of infrastructure in small island developing States, such as airports, harbours, roads and telecommunications;

18. Welcomes actions at the national and regional levels by small island developing States, and invites all Governments, with the assistance of international and regional organizations, to provide information on all of their major activities under the Programme of Action so as to enable an adequate review of the actions taken at the national and regional levels;

19. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the plans, programmes and projects for the sustainable development of small island developing States that have been implemented in response to the Programme of Action, as well as those that are under implementation and those that are envisaged for implementation within five years of the date of the report;

20. Decides to include in the provisional agenda of its fifty-second session, under the item entitled "Environment and sustainable development", the sub-item entitled "Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States";

21. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a progress report on the particular actions taken to implement the present resolution.

General Assembly resolution 51/183

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/605/Add.4) without vote, 2 December (meeting 38); draft by Vice-Chairman (A/C.2/51/L.35), based on informal consultations on draft by Canada, Costa Rica for Group of 77 and China, and Colombia for Non-Aligned Movement (A/C.2/51/L.7); agenda item 97 (d).

Meeting numbers. GA 51st session: 2nd Committee 10-15, 22, 38; plenary 86.

### Measures in favour of island developing countries

In response to General Assembly resolution 49/100 [YUN 1994, p. 782], the Secretary-General submitted a note [A/51/255] transmitting a report by the UNCTAD secretariat on specific measures in favour of island developing countries. The report outlined the policy recommendations of the High-level Panel on Island Developing Countries, convened by the Commission on Sustainable Development (New York, 22-23 April), grouping them under the following topics: new approach to island-specific characteristics; sustainable development strategies; alleviating the intrinsic handicaps of island developing countries; liberalization, globalization and sustainable development; enhancing the use of current trading opportunities; taking advantage of new trading opportunities; promoting a favourable environment to enhance specialization; developing sectoral information; regional and international support measures; and the role of UNCTAD.

The report also presented information received from States members of UNCTAD and from international and intergovernmental organizations on actions taken and policies adopted in favour of island developing countries. It also reviewed UNCTAD work on the specific needs and problems of those countries.

In **decision 51/442** of 16 December, the Assembly took note of the UNCTAD secretariat report.

**Land-locked developing countries**

In **resolution 51/168** of 16 December, the General Assembly invited donor countries and multilateral financial and development institutions to provide newly independent and developing land-

locked States in Central Asia and their transit developing neighbours with appropriate financial and technical assistance for the improvement of the transit environment for those countries (see PART THREE, Chapter V).

## Chapter II

## Operational activities for development

In 1996, the overall income of the United Nations Development Programme (UNDP)—the central funding body of the UN system for providing technical assistance to developing countries—reached \$1,751 million, up from \$1,624 million in 1995. Voluntary contributions to the UNDP general fund, which accounted for \$848 million of the total, represented 49 per cent of income versus 57 per cent in 1995. The decline was offset by a relative increase in resources mobilized for specific activities, which accounted for 45 per cent of UNDP income in 1996.

During the year considerable progress was made in transforming the Programme's new focus—achieving sustainable human development—into reality. Activities were concentrated in the areas of poverty eradication; employment and sustainable livelihoods; the advancement and empowerment of women; and the sustainable management of environmental resources. The objectives of UNDP were embodied in a mission statement, which was endorsed by the Executive Board of UNDP/United Nations Population Fund (UNFPA) in May. That statement stressed that national priorities constituted the frame of reference for national programming of operational activities for development within the UN system.

The Department for Development Support and Management Services of the United Nations delivered technical cooperation programmes in the areas of public administration and development management, energy, the environment and assistance to countries in crisis. The United Nations Capital Development Fund, which funded small-scale projects totalling \$50 million in 1996, shifted its focus from infrastructure projects to reducing poverty through the promotion of good governance, a dynamic private sector and the participation of civil society in development initiatives. The Special Unit for Technical Cooperation among Developing Countries provided support to developing countries in its priority areas of trade and investment, macroeconomic policy development and coordination, poverty eradication and management of the environment.

As a separate entity within the United Nations as of 1995, the United Nations Office for Project Services executed development projects worth

\$433 million in 1996. During the year, it acquired new business amounting to \$534 million, of which 37 per cent was funded by UNDP.

The United Nations Volunteers (UNV) marked its twenty-fifth anniversary in 1996 and moved its headquarters to Bonn, Germany. A total of 3,242 UNV specialists and fieldworkers from 137 countries served in 140 nations during the year.

### System-wide activities

#### Operational activities segment of the Economic and Social Council

The Economic and Social Council, at its 1996 substantive session (New York, 24 June-26 July) [A/51/3/Rev.1], considered the question of operational activities of the United Nations for international development cooperation. Among the documents before the Council was a June report [E/1996/64 & Add.1-3 & Add.2/Corr.1,2] of the Secretary-General on progress on the implementation of General Assembly resolution 50/120 [YUN 1995, p. 883], which dealt with the triennial policy review of operational activities for development of the UN system. The addenda to the report gave summaries of decisions adopted by the executive boards of the UN funds and programmes and of actions taken by UN organizations, and comprehensive statistical data on operational activities for development in 1994.

Describing steps taken by the UN system to implement the policy review and identify areas of progress and practical difficulties, the report focused on three areas that had been identified by the Assembly for consideration by the Council in 1996: issues of simplification and harmonization; common premises and administrative services; and monitoring and evaluation.

The Secretary-General reported that, on 23 December 1995, he had designated the UNDP Administrator as the Special Coordinator for Economic and Social Development. In that capacity, he assumed the lead role within the United Nations in the following areas: supporting the Secretary-General in his role as Chairman of the Administrative Committee on Coordination (ACC); enhancing the coordination of develop-

ment activities; and promoting an integrated follow-up, at the operational level, of recent global conferences and related ACC agreements and arrangements. Those responsibilities were distinct and separate from his role as UNDP Administrator.

The Secretary-General annexed to his report a management process for the implementation of Assembly resolution 50/120 and an ACC statement in which the United Nations system endorsed the management process and committed itself to implementing the resolution (see below).

In connection with the focal issue of simplification and harmonization of rules and procedures, the Secretary-General recommended that the Council provide guidance on the speed and scope of procedures being undertaken by the UN system, particularly in adapting rules and procedures to national requirements. Reporting formats, reporting requirements, monitoring and evaluation systems and financial years differed from donor to donor, which had become a burden on the limited human resources of most developing countries. It was important to further define common programming frameworks and to harmonize methodologies in order to take full advantage of the harmonization of programme cycles.

In an effort to arrange common premises and administrative services as requested by the General Assembly, the Secretary-General recommended that the Council provide further guidance, particularly on the question of common and shared services (in such areas as telecommunications and office automation, accounting and financial services, personnel, document centres, transport, maintenance, procurement, security, diplomatic pouch and travel support).

Appropriate monitoring and evaluation instruments continued to be a concern, and further work was needed to assess the impact of operational activities by establishing the essential baseline data needed and mechanisms for collecting such data. A number of institutions had been working on the elaboration of indicators of performance.

As to the country strategy note process, the report stated that 14 countries had formally adopted such a note, an increase of five since 1995. Final drafts were being considered for approval in another five countries and preliminary drafts had been prepared in eight. Of 138 countries for which information was available, 88 had declared their intention to pursue the process and the majority of those were already fully involved in formulation. The Secretary-General recommended that the existing guidelines on the country strategy note should be reviewed. A

workshop to finalize new guidelines was envisaged for early 1997.

A number of developments had taken place in field-level coordination. Organizations of the UN system had been asked to provide specific suggestions on strengthening the resident coordinator system and a number of issues had been identified. The Secretary-General suggested that a more detailed assessment of the functioning of field coordination could be prepared and that the Council might indicate specific areas for which information was required.

In accordance with a request contained in resolution 50/120, the Secretariat was planning a system-wide evaluation of the impact of operational activities for development and the Secretary-General reported on progress made. It was anticipated that four impact evaluations would be completed for the 1998 triennial comprehensive policy review. Together with other information, including from Governments and from relevant evaluations done within the UN system or by Governments, they would form a basis for an overall assessment of operational activities within the UN system.

In an overview of resource trends, the report stated that contributions for operational activities for development through the UN system increased in 1994 over 1993 (\$5.5 billion, compared to \$5 billion). However, the 1994 total was still below that of 1992. Moreover, a drop of \$5.6 billion had occurred in contributions for the operational activities of specialized agencies, in both assessed and extrabudgetary contributions. Total net official development finance fell to \$66 billion in 1994, after remaining relatively constant at around \$70 billion between 1990 and 1993. As had been strongly reaffirmed in resolution 50/120, the impact of operational activities of the UN system had to be enhanced by a substantial increase in their funding on a predictable, continuous and assured basis.

**Management process.** Annexed to the Secretary-General's report was the text of a management process for the implementation of General Assembly resolution 50/120. It identified actions that the UN system could undertake, in collaboration with recipient Governments, in order to strengthen its operational activities to better support national development priorities and objectives. The process covered the principal provisions of the resolution: programme development and implementation; field-level coordination; management and programme support; impact assessment; and resources, funding system and statistical reporting. It focused on common areas of work and did not touch on the wide range of individual actions undertaken by the

funds, programmes and specialized agencies of the UN system.

The Special Coordinator for Economic and Social Development had sought to determine what kind of support the UN system could be ready to provide, in the form of financing resident coordinator system activities at the country level, staff secondment to support the resident coordinator system, or any other means relevant to strengthening common endeavours.

**ACC action.** At its first regular session of 1996 (Nairobi, Kenya, 28-30 April) [ACC/1996/4], ACC adopted a statement supporting implementation of resolution 50/120. It recognized the crucial role that the UN system could play in assisting developing countries to take the lead in managing their development process. All members of ACC committed their secretariats to cooperate with each other and with their national counterparts with a view to achieving consistency and efficiency in the UN system response to the challenge.

In order to ensure the best possible support to recipient countries in their development efforts, ACC agreed to strengthen collaboration through the resident coordinator system. In that regard, ACC stated its intention to issue updated guidelines on the functioning of that system and to issue clear instructions to country representatives. It was particularly important to ensure that all parts of the UN system worked on the basis of a mutually agreed common understanding of the principal components of resolution 50/120. Therefore, a series of updated guidelines would be developed on the country strategy note process, the programme approach and national execution, as well as the functioning of the resident coordinator system. In addition, the work of the ACC task forces on the coordinated follow-up to international conferences would be translated into operational guidance for the resident coordinator system. ACC also agreed to strengthen the monitoring and evaluation of operational activities and to achieve the impact assessment called for in resolution 50/120. In order to achieve optimal use of resources, efforts towards the sharing of premises and services at the country level would be enhanced.

ACC adopted the statement on the proposal of its Consultative Committee on Programme and Operational Questions (CCPOQ) (Geneva, 11-15 March) [ACC/1996/7].

In his report, the Secretary-General recommended that the Council take note of the ACC statement and the management process. He also suggested that the Council call on Governments in a position to do so to contribute to the different

mechanisms set up to facilitate the implementation of resolution 50/120, and its monitoring and evaluation, in particular through the UNDP support to the Resident Coordinator Fund and the United Nations Trust Fund for Case Studies on Operational Activities.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/42**.

#### Progress on the implementation of General Assembly resolution 50/120

The Economic and Social Council,

Recalling General Assembly resolutions 44/211 of 22 December 1989, 46/219 of 20 December 1991, 47/199 of 22 December 1992 and 50/120 of 20 December 1995, in which the Assembly invited the Council, at its substantive session of 1996, to consider, inter alia, the issues of harmonization and administrative services, common premises and monitoring and evaluation, on the basis of progress reports by the Secretary-General, including appropriate recommendations,

Recalling also General Assembly resolutions 48/162 of 20 December 1993 and 50/227 of 24 May 1996,

Having considered the report of the Secretary-General on progress on the implementation of General Assembly resolution 50/120 on the triennial policy review of operational activities for development of the United Nations system, and on the management process for implementation requested in paragraph 52 of that resolution,

1. Welcomes the report of the Secretary-General;
2. Strongly reaffirms that the efficiency, effectiveness and impact of the operational activities of the United Nations system must be enhanced by, inter alia, a substantial increase in their funding on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, as well as through the full implementation of General Assembly resolutions 47/199, 48/162, 50/120 and 50/227;
3. Reaffirms the need for simplification and harmonization of rules and procedures in order to increase the overall effectiveness, efficiency and impact of the operational activities for international development of the United Nations development system, as well as the need to facilitate and increase national execution, bearing in mind the need not to overburden the host Government, and to this end, the United Nations development system is requested to report to the Economic and Social Council at its substantive session of 1997 on progress made towards the following:

(a) Improving the definition and guidelines for the programme approach, bearing in mind the need to further simplify and harmonize procedures and to allow sufficient flexibility for their application at the field level;

(b) Promoting a common understanding of capacity-building concepts and their operationalization, as well as on ways of enhancing the sustainability of capacity-building;

(c) Facilitating and increasing synergies between the activities of the funds and programmes of the United Nations system through the use of harmonized and synchronized programming and, as far as possible,



enhancing collaboration in all areas of programming, including evaluations and mid-term reviews;

(d) Developing and implementing an agreed methodology to establish common country databases in consultation with national Governments;

4. Urges the funds and programmes of the United Nations system to finalize work on the harmonization of their budget presentations in time for a final decision to be made by their respective executive boards in advance of the biennium 1998-1999 and to include in this work a common presentational framework for the budget based on agreed definitions and usage of budget terms and the identification of additional steps required for further harmonization and improved transparency;

5. Emphasizes the need to accelerate efforts to complete a common manual based both on a building-block approach and on a need to integrate and clarify existing guidelines, including the operationalization of the outcomes of the recent series of major United Nations conferences;

6. Expresses concern at the lack of progress made towards the use of common administrative services, and requests the funds and programmes of the United Nations system, with due concern given to effectiveness, efficiency and the impact of their activities, to:

(a) Simplify and harmonize administrative and financial procedures in a systematic way and at all levels, so that common administrative services can be established where feasible;

(b) Work towards increased delegation of decision-making authority and accountability to the country level and, where appropriate, the regional level, and their harmonization among funds and programmes;

(c) Set measurable targets and time-frames for the achievement of common administrative services, including the identification of priority areas for enhanced efforts, such as telecommunications, and financial- and personnel- related services;

(d) Develop guidelines on how to establish and operate a common services account;

7. Reaffirms the need to raise the target for common premises on a case-by-case basis, taking into account cost-benefit analysis and operational sustainability, using lessons learned during the implementation of this request and avoiding an increased burden on host countries; requests the funds and programmes of the United Nations system to develop a plan of action, administrative arrangements and a time-frame for the implementation of this request; and encourages the United Nations specialized agencies and regional offices to share those common premises where practicable;

8. Stresses the importance of strengthening the monitoring and evaluation activities of the United Nations development system; also stresses the significance of promoting at the country level, under the leadership of Governments, close monitoring and evaluation collaboration among national Governments, the United Nations development system and relevant development partners and, in this context, reiterates the need for the United Nations development system to support, when requested by Governments, the strengthening of national evaluation capacities; and requests that joint evaluations of operational ac-

tivities, including thematic evaluations and coordinated programme reviews, be undertaken, making the fullest possible use of national capacity in this area;

9. Reaffirms the need for the United Nations development system to increase its consideration and application of lessons learned from monitoring and evaluation activities, and calls for a system-wide effort to monitor and report on the frequency and quality of programmed and completed evaluations, the identification and use of lessons learned and the number of joint evaluations planned and undertaken;

10. Requests the Secretary-General to ensure that the Council and the governing bodies of individual funds and programmes and specialized agencies are provided with information on evaluation activities that is quantifiable and comparable and that specifies an evaluation's type, coverage, scope, timing and compliance;

11. Urges all funds, programmes and agencies of the United Nations development system to identify measurable targets to strengthen their monitoring and evaluation capabilities, to incorporate those targets into their respective management plans to implement resolution 50/120 and to intensify their cooperation in the development of monitoring and evaluation methodologies;

12. Requests the Secretary-General, in his progress report on the implementation of resolution 50/120, for submission to the Economic and Social Council at its substantive session of 1997, to consider, *inter alia*, capacity-building, field- and regional-level coordination and resources; and also requests the Secretary-General, in the context of field- and regional-level coordination, to highlight the problems encountered, make appropriate recommendations and discuss the functioning of thematic groups and field-level committees, and, in regard to resources, to include an analytical assessment of the implications on operational activities for development of the recent trends in core and non-core resources and to make recommendations on how to increase core resources and effectively implement section I of annex I to General Assembly resolution 50/227.

Economic and Social Council resolution 1996/42

26 July 1996 Meeting 52 Adopted without vote

Draft by Canada (E/1996/L.45), orally revised following informal consultations; agenda item 4 (a).

Meeting numbers. ESC 24, 25, 29, 52.

By **decision** 1996/310 of 13 November, the Council decided on the themes for the segments of its 1997 substantive session. The theme for the operational activities segment was entitled "Funding for operational activities for development: implementation of General Assembly resolution 50/227", which dealt with the restructuring and revitalization of the United Nations in the economic, social and related fields (see PART FIVE, Chapter I).

**UNDP/UNFPA Executive Board action.** By a 29 March decision [E/1996/33 (dec. 96/21)], the UNDP/UNFPA Executive Board requested the Administrator to report to its third regular session

on efforts to follow up on General Assembly resolution 50/120 on the triennial policy review, particularly paragraph 38 in which the Assembly invited the UN system to provide support to the resident coordinator system in view of the fact that the Office of United Nations System Support and Services (OUNS) was serving as the focal point in support of the resident coordinator system. The Administrator was also asked to review the proposed organizational structure of OUNS and to report thereon at the third regular session.

The Board approved on a provisional basis the proposal relating to OUNS contained in the 1996-1997 budget estimates report considered in 1995 [YUN 1995, p. 897].

The Board, at its third regular session, had before it the Administrator's conference room paper on OUNS activities in support of the resident coordinator system, in which he described UNDP work in follow-up to international conferences and the UN System-wide Special Initiative for Africa (see PART THREE, Chapter III).

On 13 September [E/1996/33 (dec. 96/41)], the Board urged the Administrator to redouble his efforts to obtain more support for OUNS, while expecting full cooperation from other bodies of the UN system.

### **Common premises and services**

In May 1996 [A/51/124-E/1996/44], ACC issued comments on the 1994 report of the Joint Inspection Unit (JIU) on UN system common premises and services in the field [A/49/629]. ACC's policy on the issue, which had been under continuous review within the UN system for a number of years, had been to support, whenever possible, common premises to be shared among UN agencies and programmes. Although it agreed that there should be financial benefits from sharing services and premises, ACC cautioned against undue reliance on the cost/benefit analyses put forward in the JIU report. It also expressed concern about entering into long-term financial commitments at a time when the financial situation of many organizations was precarious. ACC suggested that the common premises programme should proceed on the basis of rigorous financial analysis on a case-by-case basis, and future construction programmes should be undertaken based on written agreements between the participating organizations.

In connection with a JIU recommendation that General Assembly resolutions relating to common premises and services in the field be submitted to the governing bodies of specialized agencies, which should provide legislative authority to their secretariats, ACC considered that it had sufficient legislative authority to participate, in so

far as practicable, in any programme for common premises or services in the UN system. As for the JIU proposal that the United Nations draft a new standard representation agreement for all UN system field representations, some ACC members believed that might lead to renegotiating or cancelling agreements previously reached by various UN organizations and programmes. Concerning the JIU proposal that a subcommittee be set up to work out a programme for common premises and services, ACC believed that its existing subsidiary machinery, in particular CCPOQ, should continue to address such questions.

By **decision** 1996/227 of 10 July, the Economic and Social Council took note of the Secretary-General's note [E/1996/43] drawing the Council's attention to the JIU report and the ACC comments thereon.

### **Coordination of policy and programming frameworks**

By a 31 October note [A/51/636-E/1996/104], the Secretary-General transmitted to the General Assembly and the Economic and Social Council the JIU report on coordination of policy and programming frameworks for more effective development cooperation. The report analysed the cost and workload implications for the host Governments and cooperating partners of the plethora of development frameworks which created serious aid coordination bottlenecks in the developing countries. It outlined the coordination responsibilities and capacities of host Governments, as well as development aid policies of major bilateral donor Governments which affected development coordination at field and headquarters levels.

Within the UN system, the main coordination mechanisms were the resident coordinator system, the country strategy note (CSN) and the programme approach, which were interrelated; they had been identified as the most appropriate means to achieve the integration of external inputs with national development processes. It was recommended that host Governments, with the assistance of resident coordinators, ensure that the CSN process was used effectively and consistently by all external development partners. The CSN framework should replace other multisectoral programming frameworks at the country level in order to reduce costs and workloads. The design and preparation of the CSN should be updated by ACC, the report said.

Each organization should periodically evaluate its technical assistance policy and programming framework to establish their cost-benefits for the host countries and for the organizations themselves. Another recommendation called for

ACC to standardize formats for field data collection and evaluation system-wide. Other recommendations included the establishment of a database on development information in the resident coordinator's office, field-level coordination committees, and regional coordination of development frameworks.

JIU also suggested that the Economic and Social Council should enhance system-wide coordination and oversight functions by exploring the feasibility of expanding joint sessions of the executive boards of UN programmes and funds for considering specific coordination issues, including CSNs and country programmes.

### **Internal oversight mechanisms**

The Secretary-General submitted a draft report [DP/1996/16] on enhancing the internal oversight mechanisms in operational funds and programmes to the Executive Director of UNFPA, the Executive Director of the United Nations Office for Project Services (UNOPS) and the Administrator of UNDP. It was circulated at the second regular session of the Executive Board of UNDP and UNFPA (25-29 March). The draft report, prepared by the Office of Internal Oversight Services (OIOS) in response to General Assembly resolution 48/218 B [YUN 1994, p. 1362], considered 13 operational funds and programmes, all of which, with the exception of the World Food Programme (WFP), were audited by the United Nations Board of Auditors. Eight of the 13 funds and programmes were already serviced by OIOS, but five (UNDP, UNICEF, UNFPA, UNOPS and WFP) had internal oversight functions separate from OIOS.

After a survey and analysis, OIOS made recommendations on monitoring functions, inspection, investigation services, cooperation among the heads of the oversight units, implementation of recommendations of the oversight units, and periodic reporting to governing bodies. OIOS also recommended that a report be submitted to the General Assembly with summary records on internal oversight issues of each operational fund and programme, so that the General Assembly could monitor oversight activities of the individual organizations. In view of its increased responsibilities, OIOS said it should have the authority to obtain relevant information from the internal oversight entities or the concerned executive heads, and the right to comment on oversight activities.

Following informal discussions, the UNDP/UNFPA Executive Board decided not to adopt a decision on oversight services in funds and programmes. It would, however, convey the results of its discussion to OIOS.

### **Coordination of activities between the UN development system and the Bretton Woods institutions**

As it had decided in its resolution 1995/50 [YUN 1995, p. 880], the Economic and Social Council, at the high-level meeting of the operational activities segment, focused on strengthening collaboration between the UN development system and the Bretton Woods institutions (the International Monetary Fund (IMF) and the World Bank Group—the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency and the International Centre for Settlement of Investment Disputes). In June, the Secretariat submitted a note [E/1996/72 & Corr.1] to the Council on strengthening such collaboration in the areas of social and economic development at all levels, including the field level. It was noted that a broad reform process had been initiated within the UN system in the economic and social area. Issues concerning the relations of the Bretton Woods institutions with the rest of the system were an important part of negotiations and discussions in that process, including ongoing negotiations on an agenda for development (see PART THREE, Chapter I). The report, therefore, focused on the state of cooperation in a number of specific areas and on practical issues that the Council might wish to discuss as a further contribution to the broader reform process.

The report described the evolving relationship between the UN development system and the Bretton Woods institutions, noting that, as a result of the admission of countries of the former USSR and of Eastern Europe to the Bretton Woods institutions in the early 1990s, they had achieved almost identical membership to that of the United Nations. Technical assistance, long the mainstay of the UN system, was a major and growing part of the World Bank's portfolio of activities.

The report went on to summarize the current status of collaboration between UN funds and programmes and the Bretton Woods institutions and between the specialized agencies and those institutions. Examples of practical collaboration included cooperation in the follow-up to global conferences; initiatives in support of development in Africa; statistics; agricultural research; training and research in tropical diseases; the Global Environment Facility; and post-conflict peace-building.

With regard to strengthening collaboration at the country level, the report observed that that was perhaps the greatest need and potential. Country-level collaboration was taking place in a

number of areas: poverty reduction; capacity-building; human development; complementing and mitigating the effects of structural adjustment programmes; the Joint and Co-sponsored United Nations Programme on HIV/AIDS; policy dialogue; the country strategy note and policy framework papers processes; the resident coordinator system; aid coordination; country missions; connectivity at the country level; and the programme approach.

The record of cooperation between the Bretton Woods institutions and the UN system was extensive, the Secretariat said, involving several major joint initiatives. The Bank, the IMF and the UN system had forged close links around specific themes, such as social development, environment, population and reproductive health, and HIV/AIDS.

What was needed was to transform the ad hoc and selective approach into a more structured provision of support, at the request of Governments, based on mutual comparative advantages and expanded into new areas. Eradicating mass poverty, stimulating economic growth and capacity-building, trade efficiency and promoting employment were some of the areas for strengthened future cooperation. Such cooperation needed to be sustained and should include all stages from policy formulation to project monitoring and evaluation.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/43**.

##### **Strengthening collaboration between the United Nations development system and the Bretton Woods institutions**

The Economic and Social Council,

Recalling General Assembly resolutions 50/120 of 20 December 1995 on the triennial policy review of operational activities for development of the United Nations system and 50/227 of 24 May 1996 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields,

Recognizing the importance of strengthening the collaboration between the United Nations development system and the Bretton Woods institutions at the intergovernmental, intersecretariat and country levels,

Recognizing also the importance of joint initiatives between the United Nations and the Bretton Woods institutions in coordinating efforts for the implementation and follow-up of the commitments of the major United Nations international conferences and summits,

Reaffirming that the recipient Government should play a leading role in the overall coordination of collaboration at the country level,

Concerned about the potentially serious impact on development of the decline in resources allocated to the operational activities for development of the United Nations system,

Concerned also about the incomplete fulfilment of commitments to the tenth replenishment of the International Development Association, and hoping that adequate resources will be made available for the eleventh replenishment,

Taking into account the ongoing deliberation on an agenda for development in which issues relating to the strengthening of the relationship between the United Nations and the Bretton Woods institutions are being addressed,

Recalling Chapters IX and X of the Charter of the United Nations, with particular reference to the provisions setting forth the powers and functions of the Economic and Social Council with respect to making recommendations and coordinating United Nations system activities within the scope of its competence,

Reaffirming the importance of strengthening cooperation, communication and collaboration between the Council and its relevant subsidiary bodies, on the one hand, and the Bretton Woods institutions, on the other, in order to maximize the effectiveness of their respective development programmes and activities,

Noting the need to improve the Council's high-level sessions with the international financial and trade institutions by better preparing for and focusing the high-level dialogue, thereby advancing such cooperation, communication and collaboration and enhancing the quality, outcomes and value of the exchange of views,

1. Takes note of the note by the Secretariat on the coordination of activities on a system-wide basis: strengthening collaboration between the United Nations development system and the Bretton Woods institutions in the areas of social and economic development at all levels, including the field level;

2. Considers that the strengthening of collaboration between the United Nations and the Bretton Woods institutions requires an integrated approach, encompassing a closer policy dialogue at the intergovernmental level on relevant areas of international development policy issues, taking into account their respective competencies;

3. Looks forward to the report and accompanying recommendations to be prepared jointly by the United Nations and the Bretton Woods institutions in accordance with paragraph 86 of annex I to General Assembly resolution 50/227, on an early exploratory review to assess mechanisms, programmes and relationships at the field, headquarters and intergovernmental levels, with a view to identifying areas in which communication, cooperation and coordination could be improved;

4. Recommends the scheduling of a high-level special meeting at a time proximate to the semi-annual meetings of the Bretton Woods institutions with a view to benefiting, to the extent possible, from ministerial participation and from the participation of heads of financial and trade institutions and other relevant organizations, as called for by the General Assembly in paragraph 88 of annex I to resolution 50/227;

5. Requests the Secretary-General to consult the heads of the financial institutions by early 1997 in order to explore the possibilities and practical modalities of scheduling such a meeting: at a session of the Council to be held in early 1997, the Council should discuss the format, timing and possible agenda for the first such meeting;

6. Decides to explore concrete modalities for strengthening the exchange of information on development issues between the United Nations and the Bretton Woods institutions;

7. Also decides that, prior to the annual high-level policy dialogue between the Council and the international financial and trade institutions, and allowing sufficient time for preparation, the Secretariat should communicate to the financial and trade institutions a report on the relevant issues to be discussed at the session, with a primary focus on the agreed theme and that communication should be prepared in part based on the submission of issues and questions that Member States could be invited to suggest to the Secretariat, which would then be taken into account in the preparation of the Secretariat's report to the institutions;

8. Recommends, in order to better focus the policy dialogue, exploring the possibility of having joint reports prepared by the Secretariat, the United Nations Conference on Trade and Development, the Bretton Woods institutions and the World Trade Organization;

9. Invites the financial and trade institutions participating in the high-level segment of the Council in 1997 to furnish relevant reports and studies on the selected theme, within their respective mandates and areas of expertise, and on important developments in the world economy and in international economic co-operation;

10. Invites the Bretton Woods institutions to strengthen their cooperation with the Secretariat on issues falling within their respective competencies, such as multilateral external debt, challenges and opportunities of global financial integration and financing for development;

11. Decides to encourage cooperative working relations between the relevant units of the Bretton Woods institutions and the regional commissions, including, inter alia, improved arrangements for data collection and information exchange;

12. Also decides that full implementation of existing agreements, the strengthening of existing mechanisms and the exploration of new avenues and mechanisms of cooperation between the Bretton Woods institutions and other bodies of the United Nations system should be encouraged and undertaken within the framework provided by the resolutions of the General Assembly and the Economic and Social Council through, inter alia, participation in relevant meetings, information-gathering, information exchange, research, policy analysis and operational activities;

13. Stresses that the recipient Government should play a leading role in the overall coordination of the collaboration between the United Nations and the Bretton Woods institutions at the country level and that this collaboration should be on the basis of country-driven activities;

14. Also stresses that the fundamental characteristics of the operational activities of the United Nations system should be, inter alia, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the needs of developing countries in a flexible manner; and that they should be carried out for the benefit of the developing countries, at the request of those countries and in accordance with their own policies and priorities for development, and that the United Nations develop-

ment system should take into account the specific needs and requirements of the countries with economies in transition;

15. Considers that efforts should be made to promote, in consultation and agreement with Governments, complementarity between the country strategy notes, where they exist, the policy framework papers of the Bretton Woods institutions and the World Bank's country assistance strategies;

16. Emphasizes that the United Nations development system and the Bretton Woods institutions should expand, whenever appropriate, their collaboration in co-financing field programmes and projects and should continue to explore innovative ways to combine and maximize their resources, under the overall guidance of the national Governments, in support of development activities at the field level;

17. Invites the United Nations development system and the Bretton Woods institutions to improve their co-operation in the preparation, discussion and follow-up of round-table meetings and consultative groups to promote policy discussions, as appropriate;

18. Stresses that the United Nations development system and the Bretton Woods institutions have to take full account of the exchange of experiences and lessons learned and that, in the course of their work, staff exchanges and information-sharing, in particular the sharing of evaluation methodologies and results, should be encouraged.

Economic and Social Council resolution 1996/43

26 July 1996

Meeting 52

Adopted without vote

Draft by Vice-President (E/1996/L.48), based on informal consultations on drafts by Costa Rica, for Group of 77 and China (E/1996/L.20), and by United States (E/1996/L.22); agenda item 4 (b).

Meeting numbers. ESC 16-18, 31, 35, 52.

### Financing of operational activities

During 1995 [E/1997/65/Add.4 & Corr.1], the most recent year for which complete figures were available, expenditures by the UN system on operational activities, excluding loans and grants through the World Bank Group, totalled \$4.86 billion, compared with \$4.61 billion in 1994 and \$4.87 billion in 1993. That amount was distributed in development grants through UNDP or UNDP-administered funds (\$1.26 billion), UNFPA (\$231 million), UNICEF (\$803 million), WFP (\$1.1 billion), and specialized agencies and other organizations from regular budgets and extrabudgetary sources (\$1.42 billion).

In addition, concessional loans of \$165.3 million were disbursed by the International Fund for Agricultural Development (IFAD), and a total of \$136.9 million was provided through UNDP/UNOPS in services engaged by Governments receiving loans and credits from international development banks or resources from bilateral donors.

By region, expenditures on operational activities went to Africa (42 per cent of total expenditures), Asia and the Pacific (26.2 per cent), Latin

America and the Caribbean (21.3 per cent), Western Asia (5.3 per cent) and Europe (5.2 per cent).

Contributions from Governments and other sources for operational activities of the UN system, including IFAD but excluding the World Bank Group, totalled \$5.6 billion in 1995, compared with \$5.59 billion in 1994 and \$5.11 billion in 1993.

The 1996 United Nations Pledging Conference for Development Activities (New York, 4-5 November) [A/CONF.180/3] received pledges for 1997 by a number of Governments to UN programmes and funds concerned with development and related assistance. It took note of the fact that several Governments were not in a position to announce their contributions but would communicate their pledges to the Secretary-General after the Conference, as soon as they were in a position to do so.

In an October note to the General Assembly [A/CONF.178/2], the Secretary-General gave a statement of contributions (as at 30 June 1996) pledged or paid at the 1995 Pledging Conference to 28 funds and programmes. The total came to \$1.16 billion, with an estimated \$529 million designated for UNDP.

## Technical cooperation through UNDP

The Administrator of UNDP, in his annual report covering 1996 [DP/1997/16 & Add.1-8], said that the year was productive in consolidating achievements in reorienting UNDP and defining further changes needed. Progress was made towards the objectives of the UNDP Plan (1996-1997), which responded to UNDP Executive Board and General Assembly legislation to revitalize the United Nations and consolidate the role of UNDP as its sustainable human development (SHD) arm. The main goal of development cooperation—and the central mission of UNDP, he said—was to help countries to eradicate poverty and make human development sustainable.

Poverty eradication remained the most urgent global challenge, the Administrator said. Despite efforts to improve human development over the previous three decades, it was estimated that almost one third of the developing world's populations lived on less than \$1 per day. To meet the challenge, UNDP was committed to helping countries to achieve SHD by building capacity for: poverty eradication; employment and sustainable livelihoods; the advancement and empowerment of women; and the sustainable management of environmental resources. None of those was ob-

tainable without sound, responsive governance. Within that framework, it was central to UNDP's role to assist poor families to find opportunities and access to assets such as credit, skills, legal rights, jobs, environmental and energy services, and links with domestic and international markets. Building sustainable livelihoods, addressing such consequences of crises as the need to reintegrate demobilized soldiers, and expanding capacity for governance and community self-management were important curative or preventive forms of development. Furthermore, the Administrator said, UNDP needed to be able to respond rapidly to the opportunities and uncertainties of globalization, growing interdependence between nations, rapid developments in information technology and the increasing importance of private financial flows to developing countries.

In supporting country-defined priorities with regard to poverty eradication, UNDP's focus in 1996 was on: implementing a new resource distribution formula assigning more resources to the most needy countries (nearly 90 per cent of core resources went to low-income countries, home to 90 per cent of the world's poor); fine-tuning the objectives of ongoing programmes through mid-term reviews and evaluations and ensuring that new projects were aimed at SHD; and focusing advisory notes and country cooperation frameworks on poverty eradication. In 1996, 39 per cent of core funding went to poverty eradication and livelihoods for the poor; 32 per cent to governance; and 21 per cent to the environment. Sharpening the UNDP focus on poverty eradication involved finding appropriate SHD entry points in varying country situations and continual improvement of methodologies for analysis and response. A first set of training packages and guidelines for poverty situation analyses was issued in 1996 and was being refined based on country experience.

UNDP targeted increased resources to gender equality in 1996, strengthened country office capacity (by field advisers, training and review of the experience of 20 country offices), and developed gender-sensitive indicators for analysis and performance measurement.

UNDP targeted environment concerns in the following areas: sustainable agriculture and food security; water resources and the aquatic environment; energy needs of the poor; and forest management. During the year, achievements included support, through the Office to Combat Desertification and Drought, to 43 countries to help implement the 1994 United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or De-

sertification, Particularly in Africa [YUN 1994, p. 944]; launching an initiative for sustainable energy to analyse energy-poverty linkages and new technologies; helping Governments to integrate environment and poverty concerns into national development plans; and promoting cooperation with the private sector to reduce pollution problems.

In countries in crisis and special circumstances, UNDP was seeking to be an effective development partner, working in close collaboration with the UN Department of Humanitarian Affairs, which coordinated humanitarian activities. In bridging relief and development, UNDP also worked closely with UNHCR, UNICEF and WFP. There was a growing understanding that development did not cease during emergencies, and that SHD should continue during relief efforts. In times of crisis, UNDP concentrated its efforts in the following main areas: support to emergency interventions; programming for peace and recovery; resettling uprooted populations; reintegrating demobilized soldiers; demining operations; rebuilding institutions and improving governance; organizing national elections; and managing the delivery of programme aid. A total of \$36.6 million went to 32 interventions in 1996.

**Resources.** Annual contributions to UNDP core resources over the fifth programming cycle (1992-1996) fluctuated from a high of \$1,178 million in 1992 to \$903 million in 1995 and \$852 million in 1996. Pledges for 1997 indicated that core resources would be slightly above the 1996 level. Overall resources, core plus non-core, grew from \$1,739 million in 1992 to \$1,925 million in 1995. The estimate for 1996 was \$2,000 million. Core resources remained the primary means for impartial and universal multilateral assistance and were the foundation of the UNDP resource base. However, traditional donor countries, faced with budgetary constraints, had not expanded core funding, resulting in a ceiling on growth. Substantial commitments from donor Governments and multilateral institutions had been made at round-table meetings, where pledges were made for countries such as the Congo (\$900 million), Rwanda (\$617 million) and Sierra Leone (\$231 million). As a new avenue for broadening the UNDP financial base, the Executive Board had enabled UNDP to embark on partnerships in development with the private sector. Funding initiatives and guidelines had been prepared for country offices entering into private-sector funding partnerships.

**Advocacy and building partnerships.** In 1996, UNDP implemented its first communication and

advocacy strategy, which aimed to raise public appreciation of UNDP activities within the framework of the UN role in development. Country-level public affairs initiatives gave higher visibility to the UN system and UNDP. Almost all country offices appointed a public affairs officer and most produced national communication and advocacy strategies. Public affairs training workshops were held for country-level representatives and public relations officers, and a manual was issued. Special activities such as press briefings, seminars and television/radio presentations focused on the International Day for the Eradication of Poverty (17 October).

**Evaluation and efficiency.** A total of 117 UNDP-funded project evaluations were conducted during 1996 and recorded in the Central Evaluation Database (CEDAB). Six strategic evaluations and one country programme evaluations were initiated. The following programme elements were considered necessary for success: the participation of beneficiaries in formulating and implementing activities; realistic programme objectives; benchmarks against which to measure progress; the sharing of lessons learned and evaluation findings with programme countries and country offices; and monitoring and evaluation as instruments to improve programmes and as instruments of accountability. UNDP made efforts to improve evaluation by: closer tracking of evaluation compliance; expanding dissemination of evaluation findings by developing CEDAB to make it more user-friendly; building capacity for evaluation and use of lessons learned through regional workshops in which government officials participated; revising UNDP guidelines on monitoring and evaluation (to be distributed in 1997); training staff to strengthen evaluation operationally; and improving ways of assessing performance impact.

To increase organizational efficiency, UNDP implemented a biennial budget strategy for cost reduction, the third of its kind since 1992. During the 1992-1997 period, UNDP reduced its administrative budget in real terms by more than 15 per cent and reduced staff at headquarters by 32 per cent and total regular staff by 15 per cent. Information systems were upgraded in 1996 and a human resources strategy was launched to develop skills to meet development challenges. Accountability for the use of UNDP resources was strengthened, with more vigorous monitoring improving the rates of compliance with recommendations of the Board of Auditors from 52 per cent in 1995 to 61 per cent in 1996.

### UNDP/UNFPA Executive Board

In 1996, the UNDP/UNFPA Executive Board held three regular sessions (New York, 15-19 January, 25-29 March and 9-13 September) and its annual session (Geneva, 6-17 May) [E/1996/33].

At the first regular session, the Board adopted 12 decisions, one of which [dec. 96/12] gave an overview of the decisions adopted at that session. By another decision [dec. 96/05], the Board requested UNDP and UNFPA to ensure that the content of their reports to the Economic and Social Council enabled the Council to compare their achievements and identify problems and recommend action on issues relating to allocation of resources, harmonization of procedures and budget presentation, common administrative services and premises, and monitoring and evaluation, and to agree on a common format and structure for their 1996 reports. The Board, in a third decision [dec. 96/06], requested UNDP and UNFPA to establish a working group on document distribution issues, in collaboration with UNICEF. Other January decisions are dealt with below, apart from three covering UNFPA (see PART THREE, Chapter VIII) and one on the United Nations Development Fund for Women (UNIFEM) (see PART THREE, Chapter X).

At its second regular session in March, the Board again adopted 12 decisions. The Board encouraged the Administrator to present an information and publication policy so that account would be taken of the need to prioritize UNDP publications with special attention to the risk of duplication with other UN publications and UNDP's financial and human constraints [dec. 96/22]. The Board also gave an overview of its decisions at that session [dec. 96/24]. Other decisions are dealt with in this chapter, except for four relating to UNFPA (see PART THREE, Chapter VIII), two relating to health issues (see PART THREE, Chapter XIII) and one relating to the programme of assistance to the Palestinian people (see PART ONE, Chapter VI).

At its annual session in May, the Board adopted 10 decisions, one of which was on matters relating to its rules of procedure, documentation and functioning [dec. 96/25]. Another gave an overview of decisions adopted at the session [dec. 96/34]. Other decisions are covered in this chapter, apart from three relating to UNFPA (see PART THREE, Chapter VIII) and one on extending special status to Namibia (see PART THREE, Chapter I).

At its third regular session in September, the Board adopted 12 decisions, mostly on financial and administrative questions (see below). The Board set guidelines for UNDP documentation [dec. 96/45] and gave an overview of decisions adopted at the session [dec. 96/46]. One decision

related to health policy (see PART THREE, Chapter XIII) and another dealt with UNIFEM (see PART THREE, Chapter X).

By decision 1996/228 of 10 July, the Economic and Social Council took note of the UNDP/UNFPA Executive Board's reports on its 1996 annual session and its first and second regular sessions [E/1996/33]. It also took note of the Secretary-General's reports containing a summary of decisions adopted by the executive boards of UN funds and programmes and of actions by UN organizations on operational activities of the UN system for development [E/1996/64/Add.1 & 3].

### UNDP operational activities

#### Country and intercountry programmes

At its first regular session in January [E/1996/33 (dec. 96/12)], the Executive Board approved the first country cooperation framework (CCF) for Bangladesh [DP/CCF/BGD/1] and took note of the extension of the fifth country programme for Fiji and for Tonga. The Board also took note of the programme objectives for Aruba [DP/1996/5] and for Trinidad and Tobago [DP/1996/6], and took action on special programme assistance to Bosnia and Herzegovina (see below under "Europe and CIS"). By another decision [dec. 96/01], it approved continued funding of assistance to Myanmar [DP/1996/4] and authorized the Administrator, on a project-by-project basis, to approve projects for a total amount not exceeding \$52,076,000 during 1996-1997.

In September [dec. 96/46], two first CCFs were introduced and approved—for China (1996-2000) [DP/CCF/CPR/1] and for Viet Nam (1997-2000) [DP/CCF/VIE/1]. Both documents reflected a transformation in the role of UNDP, particularly with regard to its focus on poverty eradication. The frameworks had been developed through consultation with all relevant ministries as well as with civil society organizations, academia, the UN system and bilateral aid organizations, and with reference to the mid-term review process. A Board mission had visited China in February 1996.

**Mid-term reviews.** The Board, at its second regular session in March, considered the Administrator's February overview report [DP/1996/12] on mid-term reviews. The report was the fifth and final in a series responding to a 1992 UNDP Governing Council (the Executive Board's predecessor) request [YUN 1992, p. 559] that the Administrator report on mid-term reviews of the fifth cycle (1992-1996) country and intercountry programmes undertaken between 1993 and 1995. The report covered the main issues emerging



from the reviews, with reference to four specific items: experiences with national execution; national capacity-building; the new support-cost arrangements; and the programme approach. Seven mid-term reviews were carried out in 1993, followed by 14 in 1994 and 82 in 1995; 28 were due to be completed in 1996. In general, the mid-term review process was considered beneficial and instructive by those concerned, namely, the Government, UNDP, other UN agencies and bilateral donors and non-governmental organizations (NGOs). It afforded an opportunity for stock-taking and focused on the programme's relevance and likelihood of achieving desired results. For the most part, fifth cycle country and inter-country programmes were consistent with broad national development priorities and the priorities of the Executive Board.

From the review process, UNDP had learned that the modalities of national execution and the programme approach were useful in fostering ownership and integration of external cooperation into national programmes. UNDP was making an effort to reduce the reported complexity and administrative burden without compromising financial and substantive accountability. Under the new programming arrangements, periodic monitoring and reviews of cooperation frameworks would emphasize the likely impact or sustainability of the results of UNDP-supported activities, requiring clearer operational guidance on defining performance measures specifically linked to determining progress and prospects for sustainability in human and institutional capacity development.

The Board also had before it mid-term reviews of: the fifth country programmes for Brazil, the Lao People's Democratic Republic and Romania; the fourth country programme for Mozambique; and the first country programme for Yemen [DP/1996/12/Add.1-5].

The Board took note of the overview report on mid-term reviews and of the mid-term reviews of the five country programmes [E/1996/33 (dec. 96/24)].

### Country programmes by region

#### Africa

Through its Regional Bureau for Africa, UNDP provided support for the development of economic management capacity in 36 countries in 1996 [DP/1997/16/Add.1 (Part I)]. That assistance was instrumental in the design and implementation of sound macroeconomic policies in sub-Saharan Africa, where more than 40 countries had embarked on economic reform programmes. The average annual economic growth rate in the re-

gion reached 4.2 per cent in 1996, compared with an average 1.9 per cent in the 1980s. Inflation remained high, exceeding 20 per cent on average throughout the region. Using UNDP-supported macroeconomic models and project investment models, national officials prepared policy framework papers for talks with the International Monetary Fund.

The region was also experiencing political changes, with over 30 countries moving towards pluralistic, democratic systems. UNDP support for those countries focused on managing electoral processes, strengthening judicial systems and enhancing capacities for conflict prevention, management and resolution. That support contributed to peace and to the design and implementation of rehabilitation and reconstruction programmes in, for example, Mali, Mozambique and Sierra Leone. National governance programmes were being formulated in Cameroon, Ethiopia, Mali, Senegal, Sierra Leone and Swaziland.

Despite promising achievements, two challenges remained. Policies and practices to enable African countries to consolidate economic and political gains or to start the process towards stability and economic progress would have to be continued, and increased financial support would have to be mobilized from a variety of sources.

The UNDP goal of achieving SHD by fostering good governance, reducing poverty, alleviating the debt burden, improving access to international markets, increasing official development assistance, promoting direct foreign investment and improving coordination of aid from donors was consistent with the UN System-wide Special Initiative on Africa (see PART THREE, Chapter III), launched in March 1996. Along with the Economic Commission for Africa, UNDP was the joint lead agency of the governance component of the Initiative.

In 1996, UNDP supported 23 countries in implementing policies and programmes to eradicate poverty. Poverty profiles and public expenditure reviews providing a statistical overview of the extent of poverty were prepared, jointly with the World Bank, for Burkina Faso and Togo. An information system to prepare national human development indexes and to assess the impact of policies and programmes on the reduction of poverty was designed in Benin, and resources were mobilized to support poverty eradication programmes during round tables for the Congo, Namibia and Sierra Leone, where poverty programmes were presented to donors for funding. UNDP supported job creation, mainly through private-sector development and community-

based programmes. The ongoing African Project Development Facility, created in 1986 by UNDP, the African Development Bank and the International Finance Corporation, helped prepare small and medium-sized projects ranging from \$500,000 to \$5 million. Empresas Tecnológica (EMPLETEC), a facility developed in Argentina to support small and medium-sized enterprises through provision of technical assistance, financial advice and training, was introduced in Ethiopia, Ghana, Nigeria and Zimbabwe. It had helped to launch more than 250 new African businesses in such areas as agro-industry, plastics, chemicals and textiles, and assisted over 300 enterprises to expand and modernize.

A 20-year campaign to end onchocerciasis (river blindness) reached a successful conclusion in 1996. UNDP, which provided \$2.8 million in support in 1996, collaborated with the World Bank, the United States and other bilateral donors to help eliminate the disease from the Niger and Volta river basins, thereby enabling nearly 1 million people from 10 countries to move back to the region of rich farmland.

UNDP implemented the Africa 2000 Network programme in 1996, with funding of over \$1 million. The Network, a quick-acting programme for sustainable livelihoods in rural African communities, encouraged villages, grass-roots groups and NGOs, through grants of up to \$50,000, to engage in community-based activities intended to promote local livelihoods and sustain the environment. Over 500 projects were funded in 15 countries during the year.

UNDP contributed to the Global Environment Facility (GEF) in Africa, which provided \$85 million to help combat environmental problems in 1996. Four projects, 16 enabling activities and five project development funds totalling \$21.7 million were approved.

Nine new programmes for areas needing rehabilitation were approved in 1996, to be financed from core funds: Angola received \$2.5 million for demobilization; Liberia, \$500,000 for rehabilitation; Mali, \$200,000 for reintegration; Rwanda, \$2.5 million for capacity-building and rehabilitation; Sierra Leone, \$1 million for rehabilitation and reconstruction; the Great Lakes region, \$700,000 for information coordination in refugee areas; and the Horn of Africa, \$250,000 for designing a strategy for rehabilitation. Burundi and Mozambique were allocated \$500,000 and \$1 million, respectively.

Through national long-term perspective studies, UNDP assisted Cote d'Ivoire, Gabon, Guinea-Bissau, Madagascar, Malawi, Mauritius, Sao Tome and Principe and Zambia to design long-

term development strategies with a national vision and agreed development objectives.

A number of African countries encountered special problems in 1996, eight of which were characterized as countries in crisis or emerging from that status—Angola, Burundi, the Central African Republic, Liberia, Mozambique, Rwanda, Sierra Leone and Zaire. UNDP supported conflict prevention in the Central African Republic, conflict resolution in Mali and Sierra Leone, peace-building in Liberia and post-conflict recovery and rehabilitation programmes in Angola, Mozambique and Sierra Leone.

Of a total fifth cycle (1992-1996) entitlement for Africa of \$1.3 billion, 68 per cent was spent by December 1995, 23 per cent was committed for 1996 and 9 per cent would be carried over to the next cycle. Non-core resources for the region for the fifth cycle totalled \$479 million.

#### Arab States

Through the Regional Bureau for Arab States, UNDP managed programmes and country offices in 18 Arab States in the Middle East and Africa, a region that during the 1990s stagnated economically with per capita gross domestic product remaining unchanged, while the income level for large parts of the population fell [DP/1997/16/Add.1 (Part II)]. The region was faced with a high population growth rate, dependence on oil production, effects of war and internal strife. Adult literacy remained at 54 per cent, gender disparity was widespread and 30 per cent of the population was impoverished.

SHD was considered a serious goal by all countries in the region. Somalia and the Sudan were stressing poverty eradication through a highly successful area development scheme programme, which was being replicated by other countries of the region. In the Syrian Arab Republic, a national SHD workshop was held in August 1996, which resulted in recommendations that would be pursued as part of the UNDP programme on operationalizing SHD. Following the meeting, UNDP and government officials met to discuss preparations for a national strategy for poverty eradication.

In 1996, UNDP programmes in the Arab States were reoriented towards poverty eradication. In Yemen, almost 100 small projects covering a wide variety of development needs were gradually phased out and replaced by SHD programming. UNDP initiated dialogue with government, civil society, donors and UN agencies in the areas of sustainable water resources management; sustainable environment management; poverty eradication and employment generation; decentralization and governance; and rehabilitation

and reconstruction. Somalia, still conflict-ridden and with no nationally recognized Government since 1991, shifted its focus towards rehabilitation and poverty eradication. UNDP projects there included repairing ports and airports in the relatively stable areas of the north-east and north-west, which stimulated local economies and provided employment opportunities. In Lebanon, support was provided for integrated rural development in the impoverished region of Baalbeck-Hermel, which helped the Government to develop a regional strategy for the area.

In May, UNDP helped to organize a regional symposium on gender and human development in the Arab region, with the participation of Arab Governments, NGOs, and regional and UN organizations. The symposium adopted the Declaration of Tunis on Gender and Human Development, which focused on policy options for increasing women's economic and political participation in the Arab region.

In the field of environment, UNDP provided support staff for the Mediterranean Environmental Technical Assistance Programme (METAP) to help the countries in the region bordering the Mediterranean Sea in pollution prevention and integrated water management. The overall METAP programme was launched in Cairo, Egypt, in October 1996, and \$1.45 million was mobilized from the World Bank in cost-sharing for 1996, with anticipation of similar amounts per year for the following four years.

Major 1996 programmes in the area of governance were being implemented by Egypt, Kuwait, Lebanon and Morocco. Twenty-five per cent of UNDP activities in that sector in the Arab region were projects designed to assist aid management and coordination; 21 per cent focused on planning and support for policy formulation; and the remainder was divided among support to public-sector reform, strengthening civil society and financial management projects. A conclusion drawn from the governance-focused activities in Egypt, Kuwait, Lebanon, Morocco, Saudi Arabia, Tunisia, the United Arab Emirates and Yemen was that their impact was commensurate with the country's desire to carry out the reform of the public sector, as articulated in government strategy plans.

Several countries in the Arab region had published national human development reports, and it was expected that by the end of 1997 all country offices would have produced one. The reports provided a framework for UNDP offices in advocating SHD and building constituencies. In the Maghreb countries (Algeria, Morocco and Tunisia), political decisions were being implemented to curb poverty, create jobs, manage the environ-

ment, integrate population parameters into national development policy and promote food security. Symposia on gender mainstreaming and empowerment took place at the subregional and regional levels.

Five countries with special circumstances in the Arab region benefited from the target for resource assignment from the core resources (TRAC). For the biennium 1996-1997, \$5.1 million was allocated for Djibouti, Lebanon, Somalia, the Sudan and Yemen. Within that allocation, \$1 million was programmed for the preparation of strategic frameworks in Somalia and Yemen. The remainder would be used in Djibouti, Lebanon, Somalia and the Sudan for post-conflict rehabilitation, assistance to internally displaced persons and area development schemes. The \$20 million Somalia Rural Rehabilitation Programme supported social and economic rehabilitation activities in areas that were relatively stable. That programme funded and implemented initiatives that had a sustainable impact on improving access to basic social services, improving the productive potential of rural communities and establishing sustainable income-generation opportunities for rural populations. UNDP country offices cooperated with the UN Department of Humanitarian Affairs in preparing appeals for Iraq, Lebanon, Somalia and the Sudan. Cooperation was especially evident in Operation Lifeline Sudan (see PART THREE, Chapter III), a humanitarian programme that attracted external funding of more than \$30 million in 1996. In Iraq, UNDP assisted in the repair of electric power generation plants and transmission substations.

#### Asia and the Pacific

The Asia and Pacific region continued to experience dynamic economic growth in 1996, averaging 7 per cent [DP/1997/16/Add.1 (Part III)]. Growth rates, however, varied from over 9 per cent in North and East Asia to about 1 per cent in some Pacific island countries. There were marked disparities within most countries, with over 30 per cent of the region's population in absolute poverty. Increasing numbers of subsistence poor and rising income disparities were exacerbated by the high population growth, rapid industrialization and urbanization and unsustainable use of resources. In 1996, the UNDP Regional Bureau for Asia and the Pacific adopted a work plan aimed at delivering SHD programmes with measurable impact and providing support to poverty eradication efforts in the region. The effectiveness of the poverty eradication programmes was enhanced by poverty assessments, with more targeted interventions that responded to root causes of poverty and focused on poorer segments of the popula-

tion. In 1996, UNDP allocated 33 per cent of core resources to poverty eradication efforts in the region, followed by 24 per cent for governance and 23 per cent for environment activities.

The UNDP-supported National Poverty Reduction Programme in China, aimed at assisting 80 million persons living below the poverty line by the year 2000, was focused on upgrading skills of poor households and increasing access to rural credit. In Indonesia, UNDP supported interventions directed at specific segments of the population, including assessing the impact of poverty programmes, establishing baseline data, developing monitoring systems and providing poor communities with access to markets through information technology. UNDP completed the first phase of its human development initiative in Myanmar, which was estimated to have benefited approximately 1 million poor persons over the previous two and a half years. The human development initiative extension, approved in 1996, was designed to promote household food security, sustainable livelihoods, primary health care and basic education, and to strengthen a grass-roots outreach network. The subregional South Asia poverty alleviation programme, launched in February 1996, helped organize about 50,000 villagers into active community organizations in Bangladesh, India, Maldives, Nepal and Sri Lanka and provided training in management and technical fields to over 2,000 managers, community organization presidents and village activists.

As at December 1996, UNDP had helped 15 Asian and Pacific countries to strengthen or prepare national poverty eradication programmes and strategies; supported 18 countries in conducting poverty assessments; assisted 17 countries in preparing national human development reports; worked with 22 countries to incorporate science and technology into poverty alleviation programmes; and developed area-based programmes.

By the end of the year, five human development reports had been published for Bangladesh, Bhutan, the Philippines, India (state-level), and the Pacific (subregional). Reports were being prepared in a further 12 countries in the region. Related documents were being produced in 18 countries, for example, a socio-economic database in Pakistan, SHD situation analyses in four countries covered by the UNDP office in Samoa and in 10 countries covered by the UNDP office in Fiji, a human development monitoring report in Thailand, and a national poverty assessment in Maldives.

The UNDP integrated approach to the concerns of employment, gender and sustainable de-

velopment resulted in a number of programmes that provided training for and access to livelihoods that protected the environment, while providing a source of income to the rural poor, particularly women. In Nepal, a programme emphasized the development of the rural cottage and small industry sector through the provision of basic and vocational skills training. In Mongolia, UNDP established a cheese factory to assist herders who lived adjacent to a natural reserve and who had been affected by the reduction in grazing areas. Different approaches to providing microcredit were tested in the region and adapted to local conditions. A UNDP-supported project in China provided loans to poor households for income-generating activities such as animal husbandry and setting up small businesses. In Bangladesh, Nepal and Sri Lanka, village organizations were formed to aggregate savings from local families into pools of capital which could be used to create new jobs and businesses. Those organizations were also linked with the formal banking sector, facilitating access to an additional \$100,000 in loans. A programme for microcredit, targeting women in Samoa, provided \$5,000 in grants to female-headed businesses and women's groups for business start-up.

Conserving and regenerating forest and water resources was a priority of UNDP-supported environment programmes. For example, a project in Bhutan was aimed at building governmental capacity to prepare national guidelines for forest management plans. GEF provided approximately \$220 million to the region, covering 53 country and regional programmes. In 1996, those efforts were directed towards climate change and biodiversity. A programme for wetlands management was initiated with the approval of projects for China and Malaysia. Other GEF programmes were implemented in China, Mongolia, Papua New Guinea and Viet Nam.

Assisting Governments to strengthen national institutions and manage governance and public administration was another main area of concern to UNDP in the region. The Ministerial Conference on Governance for Sustainable Growth and Equity (Lahore, Pakistan, November), involving 14 Asian countries, adopted a declaration on the government-civil interface, decentralization of government tasks and the role of private enterprises. A specific area of UNDP governance assistance was for developing the electoral process. At the request of the interim Government of Bangladesh, UNDP provided technical support to the electoral process during the six months of political flux in early 1996, facilitating the work of election observers, providing voter education and awareness, training 400,000 voting officials and

preparing election training manuals. Following elections in June, the new Government requested UNDP assistance for future elections. Many countries had requested assistance in strengthening local government capacity to decentralize planning and administration. With UNDP support, 126 village organizations in Nepal had been established and were implementing local development activities. A UNDP-supported resettlement and reintegration project in Cambodia combined anti-poverty interventions with the strengthening of local administration and democratic processes. The project assisted local authorities, communities and NGOs to design and implement 113 subprojects in health, education, agriculture, credit, infrastructure, HIV/AIDS awareness and gender mainstreaming.

Among countries in the region that were in crisis and receiving UNDP assistance in 1996 was Afghanistan. UNDP provided support for participatory and community-driven rehabilitation, development of key programmes for joint funding, and logistical and programmatic support for coordinated UN system efforts.

During the year, natural disasters struck many parts of the region. With UNDP assistance, over \$1.5 million was mobilized for emergency relief following floods in Cambodia. In response to the typhoon and flood season in Viet Nam, UNDP established a facility for channelling disaster relief funds to the country, managed the funds, assisted in identifying the neediest communities and monitored distribution of relief goods. A series of floods in the Democratic People's Republic of Korea in 1995 and 1996 led to a food deficit. In response, UNDP prepared a joint inter-agency appeal and initiated an agricultural relief and rehabilitation programme.

Total fifth cycle (1992-1996) indicative planning figure (IPF) resources for the Asia and Pacific region were estimated at \$1.3 billion. Cost-sharing contributions, Special Programme Resources (SPR), technical support services and trust funds were expected to provide another \$250 million over the period. Estimated project expenditures totalled \$1.1 billion for 1992-1996. During 1996, 107 nationally executed programmes and projects were approved for approximately \$95 million, representing 73 per cent of the total value of new projects approved during the year.

#### Europe and CIS

Most countries of Eastern Europe had undertaken far-reaching reforms as they moved from one-party rule to pluralist democracies and from centrally planned to market-driven economies. For the three preceding years, socio-economic

conditions in most of the countries had been in a downward spiral, marked by declining gross national products, increasing poverty, unemployment and growing inequality of incomes.

In an effort to develop SHD policies, the UNDP Regional Bureau for Europe and the Commonwealth of Independent States (CIS) produced annual national human development reports on 25 countries in 1996 [DP/1997/16/Add.1 (Part IV)], providing statistical information on the demographic, social, economic, environmental and cultural components of the societies in transition. UNDP created the Central and Eastern European Privatization Network which played a role in the transition to market economies and enabled 23 regional countries to share experiences in the field of privatization. The development of small and medium-sized business centres and incubators in eight countries contributed to the establishment of around 500 such enterprises each year. The jobs created by those enterprises were critical in reducing poverty. In a similar effort, UNDP and the United Nations Industrial Development Organization (UNIDO) created the Small and Medium-sized Enterprises Business Consultancy Centre in Romania, providing assistance in the service, manufacturing and processing sectors. Since the Centre was opened in 1991, over 4,000 enterprises had benefited from its services, including 247 that had received loans worth \$31.5 million. Launched with UNDP help, six New Entrepreneurs' Centres in Estonia provided expert advice free of charge on how to start a business. Also with UNDP assistance, a Business Promotion and Support Centre was opened in Bulgaria in July to offer training courses and credit opportunities for small entrepreneurs.

UNDP initiated the establishment of gender-in-development units in the region to help Governments focus on women's issues. During 1995 and 1996, units became operational in 18 countries. In Bulgaria, UNDP cooperated with the Government in a programme to provide qualification training to unemployed women from five depressed areas of the country.

With regard to the environment, UNDP and the Inter-State Council for the Aral Sea organized an international conference in Uzbekistan to identify solutions to the crisis caused by the exposed seabed, which was thick with agricultural chemical residues and salt. The five heads of State attending the conference signed the Nukus Declaration committing their countries to remedying the consequences of the Aral Sea disaster. UNDP also contributed to a programme in the Barents Sea region of the Russian Arctic, which was

threatened by hazardous waste dumping and air pollution.

UNDP country offices worked with Governments throughout the region to institute governance and administration programmes. With the help of UNDP and the Soros Foundation, an NGO Information and Support Centre was opened in Lithuania to give advice about establishing NGOs and offer courses in financial management and public relations. After Estonia regained independence, nearly one third of its population—people who had settled there during the Soviet administration—were required to apply for residence and work permits. UNDP was asked to provide technical support for processing the 335,000 applications and, with additional funds from five donor countries, it recruited experts and provided local offices with computers linked to a network. In Latvia, a \$1.1 million UNDP programme provided assistance to the Human Rights Office, which handled complaints of human rights violations, disseminated information about human rights and investigated human rights issues. To help Kazakhstan achieve macro-economic stability and move to a market-based economy, UNDP recruited experts from Poland who had experience working in a transitional economy. The training focused on banking reform, inflation control, fiscal and tax policy, debt and foreign investment promotion. UNDP assisted countries in managing external resources and aid coordination; 15 countries joined a regional programme on external resources management in order to coordinate aid flows.

Significant contributions were made to countries in crisis and other special circumstances. UNDP made \$6.2 million available from various sources during the 1992-1996 period to support Bosnia and Herzegovina in its process of reconstruction. In 1996, thanks to additional funding from donors, UNDP was involved in 32 ongoing or planned operations there valued at \$34.4 million. A multidisciplinary UN system mission under UNDP leadership was fielded in March 1996 to assist the governmental structures recognized under the Dayton Agreement in designing a reconstruction programme including good governance and SHD. The mission produced plans for a \$110 million programme. The UNDP/UNFPA Executive Board, recognizing the need for massive reconstruction and rehabilitation in Bosnia and Herzegovina, by a January decision [E/1996/33 (dec. 96/11)], welcomed the Administrator's plan to earmark at least \$5 million in additional funds for programming activities in 1996 for that country, to come from available unprogrammed SPR to the extent possible. The funds were to be utilized

for programmes developed by the Government in consultation with UNDP. The Board welcomed the Administrator's decision to establish a UNDP country office in Bosnia and Herzegovina as soon as possible.

The UNDP programme for Tajikistan totalled around \$5 million, with emphasis on the economic and social spheres, aid coordination, peace-building, women in development, governance and rehabilitation and reconstruction. The peace- and confidence-building programme was staffed by United Nations Volunteers. Some 50 youth and community centres, involving over 3,000 young people, were established in nine districts most affected by the 1992-1993 civil war. Microcredit schemes facilitated the integration of 500 returnees into communities. With a programme budget for Azerbaijan of more than \$2.1 million, UNDP focused on aid coordination, environmental management, governance, administrative reforms and reconstruction of war-affected areas. In Georgia, UNDP allocated \$2 million for post-crisis development, especially in the former conflict zone in South Ossetia.

During the fifth programming cycle (1992-1996), 30 per cent of programme funds were delivered through the national execution modality. The delivery rate increased throughout the period. Deliveries from IPF totalled just under \$40 million in the first four years of the cycle. By the end of 1996, the total reached \$22.3 million for the year.

#### Latin America and the Caribbean

Adjustment policies in the Latin American and Caribbean region had resulted in its restoration to macroeconomic balance and reduced inflation during the 1990s. Economic growth between 1990 and 1994 averaged 3 to 4 per cent, but it slowed to 0.6 per cent in 1995, in part owing to crises in Mexico and Argentina. Preliminary data indicated the economy strengthened again in 1996 [DP/1997/16/Add.1 (Part V)]. Countries in the region faced problems of extreme poverty, poor governance structures and unsustainable use of natural resources.

With nearly 20 per cent of the population existing in absolute poverty and social inequalities having increased, major UNDP priorities for the region were poverty eradication and employment creation. The UNDP Regional Bureau for Latin America and the Caribbean supported projects designed to help countries develop national poverty eradication strategies. A trust fund for the Central American countries, financed by Italy and UNDP, supported a regional programme on SHD. In Nicaragua, a subprogramme benefited four departments characterized by extreme pov-

erty and former conflict; it strengthened local organizations, at the municipal and departmental levels, that promoted employment, health, education and environmental planning systems. In Guatemala, an anti-poverty subprogramme served three departments affected by former conflict, thereby contributing to the reintegration of uprooted populations.

In Haiti, support was provided to 15 municipalities to strengthen their planning and management capacity. Other projects were aimed at fostering rural economic development in the poorest regions. A \$4.5 million project in Bolivia helped 4,000 poor families in the Altiplano by providing technical assistance for improving the production of alpaca wool and establishing a processing unit to produce alpaca yarn. In Ecuador, a \$2 million project was improving living conditions in poor areas of Quito, Guayaquil and Cuenca, benefiting lower-income women and children through community participation. A pilot project in Guyana on squatter settlements was aimed at improving living conditions. An \$11.9 million programme, funded by UNDP and the Government, supported Colombia's national social plan to create employment, improve the condition of women and facilitate investments in local infrastructure serving the poorest 20 per cent of the population. In Peru, a \$20.8 million programme supported those living in extreme poverty and coca farmers. A crop-substitution programme promoted alternative development in three main coca-growing areas of Peru. Another \$20.3 million programme provided assistance in the resettlement of internally displaced populations. A \$200 million programme in Argentina trained 100,000 unemployed youths.

During 1996, the UNDP regional environment portfolio received significant support from GEF, with the most prominent activities related to biodiversity conservation, climate change and international waters. Projects totalling \$24.5 million were approved. The portfolio included five regional environment projects. They addressed sustainable use of resources in the Amazon, globally significant environmental concerns in Central America, energy efficiency and development of renewable energy resources, heavily contaminated bays and coastal zones in the Caribbean and monitoring of greenhouse-effect gases. Two new projects, currently in the preparatory phase, would contribute to the establishment of a Central American system of protected areas and biological corridors, and of a Central American fund for environment and development. The estimated contribution of GEF would be \$25 million, and the fund would finance projects addressing climate change, biodiversity loss, ozone

depletion and pollution of international marine, coastal and fluvial ecosystems.

UNDP provided assistance in governance programmes in the region, which had made sweeping strides towards democratization. Governance was selected as the main theme for the Ibero-American Summit of Heads of State (Santiago, Chile, November), and Chile requested UNDP assistance in preparing the technical documentation. Preparatory activities included the organization of national conferences in Argentina, Bolivia, Brazil, Colombia, Mexico and Nicaragua. In Peru, UNDP allocated \$176 million to improving key government institutions and creating new institutions to limit the role of the State and transfer productive assets to the private sector.

The subprogramme on judicial reform promoted the independence, restructuring and decentralization of the judiciary. It supported the strengthening of functions such as public defence, special proceedings for women and young criminals, and training of judges, district attorneys and magistrates. In Guatemala and El Salvador, UNDP assisted in establishing a public defence system, the overall reform of the judiciary, the strengthening of the Office of the Counsel for Human Rights and the civilian police. In Honduras, two projects aimed at strengthening the judiciary system and the civilian police, which would be transferred from military jurisdiction under the provisions of a constitutional amendment. A judicial reform programme in Peru, involving loans by the World Bank and the Inter-American Development Bank, provided \$115 million in support to the Judiciary Branch and the Department of the Public Prosecutor.

Another area of cooperation in governance concerned the strengthening of parliaments and political parties. In the English-speaking Caribbean, UNDP contributed to the launching of the Association of Caribbean Community Parliamentarians, which promoted dialogue on socio-economic and political issues in the subregion. A programme in Uruguay was aimed at improving the image of the Parliament by stressing efficient methods of management, streamlining functions and responsibilities and establishing formal mechanisms to facilitate access to legislators. Government administrative reform was the goal of a programme of support for municipal development in Argentina encompassing 150 municipalities in 24 provinces over a five-year period. Similarly, a programme in Colombia provided technical assistance through a World Bank loan, aimed at strengthening local public administration.

In the area of human rights, a UNDP project helped government officials in Colombia to identify actions for the defence, promotion and protection of human rights, including education campaigns.

UNDP continued to advocate SHD throughout the region. An important contribution was the preparation of human development reports. During the year reports were completed on Brazil, Chile and Costa Rica, and those for Argentina, Belize, Guyana and Trinidad and Tobago were being prepared.

Among countries in crisis or other special circumstances that received UNDP assistance was Nicaragua, which received support for consensus-building activities during the political campaign. In particular, discussion was promoted on an anti-poverty agenda. UNDP continued to implement projects related to the peace accords in El Salvador by strengthening democratic institutions and the social and economic reintegration of ex-combatants and demobilized soldiers. In Guatemala, UNDP assisted the Government and former guerrilla forces in building an investment and technical cooperation portfolio, and contributed to the restructuring of the judicial system. The UNDP programme in Haiti focused on strengthening democracy and improving management of democratic institutions. It also included support for civic education and the electoral system and reform of the prison system. In the area of natural disasters, UNDP was involved in post-hurricane reconstruction in Costa Rica and Nicaragua.

The Regional Bureau continued to mobilize additional external resources to supplement core resources. In 1996, external resources increased by over 10 per cent from the previous year. Total approved resources for the fifth cycle (1992-1996) reached \$3.25 billion, of which 94 per cent were non-core resources and 6 per cent were approved IPF resources. The non-core segment was composed of government cost-sharing resources, originating largely from loans from international financial institutions and the Governments' own resources.

#### Global and interregional programmes

In a July report [DP/GCF/GLO/1], the UNDP Administrator submitted to the UNDP/UNFPA Executive Board the global cooperation framework, which he said was aimed at initiating and strengthening global partnerships; identifying and analysing emerging global issues and trends; supporting research, pilot and demonstration projects common to many countries; evolving multidisciplinary development approaches; carrying the lessons of experience at the country

level to the interregional and global levels; and supporting the application of policy and programme tools in formulating national programmes. The five programme categories of the global framework were: sustainable human development; poverty elimination and sustainable livelihoods; the environment, natural resource management and energy; the advancement of women and gender equality; and the management of development and governance.

Of the \$110 million estimated to be available for the global programme for 1997-1999, \$3 million was to support the Human Development Report Office and \$9 million was for contingencies. The balance of \$98 million would be spread among the five programme categories.

By a 13 September decision [E/1996/33 (dec. 96/42)], the Executive Board took note of the global cooperation framework and requested the Administrator to submit in 1997 a revised text of the framework, taking into account clarifications requested and comments made by the Board and without prejudice to the framework's implementation.

#### Programme planning and management

In his annual report covering 1996 [DP/1997/16/Add.1 (Part VI)], the Administrator stated that UNDP had a key role to play in the next decade in assisting countries to take advantage of the opportunities presented by globalization, while protecting their most vulnerable citizens from globalization's hazards. To make SHD a reality in an increasingly globalized world, a more integrated approach was required that allowed economic growth, social equity and environmental sustainability to move forward together.

In 1996, support to country offices continued to be the chief priority of the Bureau of Policy and Programme Support (BPPS), which sought to ensure that UNDP had ready access to knowledge, policy guidance and operational tools for achieving SHD by providing substantive guidance and organizational leadership in the five areas of priority concern—poverty eradication, jobs and sustainable livelihoods, environmental protection and regeneration, gender equality and governance. In that regard, BPPS emphasized the creation of strategies, guidelines, indicators, assessment methodologies, the dissemination of best practices and research, and the testing of innovative models through flagship programmes. During the year, the bulk of programmes and activities funded through the fifth cycle (1992-1996) global and interregional programmes and the Special Programme Resources (SPR) were con-



eluded and major evaluations of those programmes were conducted.

Addressing the operationalization of SHD and the strengthening of country offices and headquarters, the Administrator stated that the Sustainable Development Networking Programme had been strengthened in 1996. That Programme was designed to provide civil society organizations in developing countries with access to information relevant to sustainable development. By the end of 1996, it was active in more than 30 countries.

The Poverty Strategies Initiative, a flagship effort of BPPS, was launched in March 1996 to support country implementation of the commitments contained in the 1995 World Summit for Social Development Programme of Action [YUN 1995, p. 1115]. They included formulating national poverty eradication plans and strategies and elaborating national definitions, measurements, criteria and indicators of absolute poverty. Initiatives were already under way in over 70 countries.

In 1996, an outside evaluation of the Private Sector Development Programme (PSDP) was conducted, which recommended sharpening the UNDP focus in that area. Three programming priorities were identified: support to microentrepreneurs, especially through microfinance; support to small and medium-sized enterprises, especially through provision of non-financial support and advisory services; and engaging the private sector. Important progress was made in the area of microfinance with the approval in July of the MicroStart Programme. New microfinance initiatives were launched in Brazil and China. PSDP was active in supporting national-level programmes, such as an initiative involving private-sector organizations in South Africa and their counterparts in the region and an inter-agency mission on private-sector development in Haiti. Technical support was provided to Bangladesh for a project aimed at decentralizing production systems through the establishment of partnerships between microfinance NGOs and private-sector companies.

During the year, the Gender in Development Programme was instrumental in increasing UNDP resource commitments to the advancement of women. Some 15 per cent of total UNDP global and regional resources had been committed to the advancement of women for the next programming cycle, up sharply from the 1992-1996 cycle.

The areas of concentration of UNDP's environmental activities were sustainable agriculture and food security; water resources and the aquatic environment; renewable energy and energy conservation; and forest management. An organization-wide initiative on energy was

launched in 1996 to help developing countries move towards sustainable energy futures. With regard to forest management, UNDP was working in 70 countries to manage, preserve and regenerate forests. It had also designed a forest capacity programme through a special fund, with which it assisted countries to formulate and implement integrated strategies for forest management. The global Capacity-building Programme for Sustainable Water Sector Development, funded by UNDP and several donors, supported water sector assessments and strategy formulation in Bolivia, China, Ghana, Mali, Mexico, Peru, the Sudan, Swaziland and Viet Nam. The programme was designed to produce a nucleus of officials and specialists trained in sustainable water sector development and to improve collaboration.

The UNDP GEF was very active in 1996, with the GEF Council approving 16 projects, 31 enabling activities and 22 Project Development Facilities. UNDP-GEF projects approved carried a total value of \$80.8 million and encompassed every region of the developing world.

Capacity 21, a fund that assisted developing countries to integrate the principles of Agenda 21, adopted at the 1992 United Nations Conference on Environment and Development [YUN 1992, p. 672], contained \$65.6 million, with additional contributions in excess of \$6 million made in 1996. During the year, programmes were approved in Bhutan, Bolivia, Bulgaria, China, Costa Rica, Djibouti, the Dominican Republic, El Salvador, Kyrgyzstan, Nepal, the Niger and Sao Tome and Principe, as was a regional programme for the Mediterranean.

In connection with the Montreal Protocol, which was adopted in 1987 [YUN 1987, p. 686] in an effort to reverse the damage to the ozone layer, UNDP was helping 49 countries to eliminate ozone-depleting substances by the end of 1996. Those countries were being assisted in programme formulation, technical cooperation and training, demonstration projects, national institutional strengthening and technology transfer projects. In 1996, total funding amounted to \$30.3 million.

UNDP also supported efforts to implement the 1994 United Nations Convention to Combat Desertification [YUN 1994, p. 944] through its regular core programmes and through the Office to Combat Desertification and Drought. In 1996, technical and catalytic financial support was provided to 33 countries in various preparatory activities in the implementation of the Convention. An estimated \$6.7 million was mobilized through the Trust Fund to Combat Desertification and Drought, which supplemented \$1.7 million for ongoing desertification-control projects in the

most affected countries. The total value of ongoing projects in 1996 was approximately \$45.3 million.

Programmes in the areas of governance were spearheaded by the Management Development and Governance Division, which strove to strengthen electoral processes; support decentralization and economic and financial management; build civil society partnerships; promote legal reform; and support the establishment of parliamentary processes. A significant achievement in 1996 was the completion of the UNDP policy document "Governance for Sustainable Human Development", which was intended to guide the work of UNDP country offices and key partners in programme countries in the field of governance. Another achievement in 1996 was the launching of the Management Development and Governance Network (MAGNET), a moderated electronic network that aimed to transform the Management Development Programme into a professional network in order to enhance support for public-sector reform and governance.

As a participant in the Joint and Co-sponsored United Nations Programme on HIV/AIDS, UNDP continued to give high priority to strengthening the ability of country offices to integrate HIV activities in key UNDP programme areas, including governance, gender and poverty.

With regard to new programming arrangements and delivery, the Administrator reported that the Programme Management Oversight Committee became fully operational during the latter part of 1996. Extensive consultations were held on the programme approach during the fourth quarter of the year, resulting in the "User's Guide on the Programme Approach", which was distributed to country offices for comments in December.

The Administrator stated that UNDP was strengthening its partnerships in the UN system and attempting to build a leaner, more accountable organization. He noted that a prototype corporate plan, introduced in 1995 [YUN 1995, p. 894], was currently under implementation and efforts had been made to institutionalize corporate planning in UNDP and to formulate a mission statement. The Administrator considered it important to synchronize UNDP's planning and budgetary cycles and proposed achieving that synchronization by the start of the 1998-1999 biennial budget cycle. After that, a corporate plan would be issued every two years. As a transitional step, the next corporate plan would span the 18-month period from June 1996 to December 1997 and the following structure for that plan was proposed: mission statement, situational analysis,

corporate operational objectives and action plan (matrix).

By a 15 May decision [E/1996/33 (dec. 96/29)], the Executive Board endorsed the mission statement, taking into account the discussions that had taken place during the Board's 1996 annual session. The mission statement said that UNDP was committed to the principle that development was inseparable from the quest for peace and human security and that the United Nations must be a strong force for development as well as peace. UNDP's mission was to help countries to achieve SHD by assisting them to build their capacity to design and carry out development programmes in poverty eradication, employment creation and sustainable livelihoods, the empowerment of women and the protection and regeneration of the environment, giving first priority to poverty eradication. Further, UNDP acted to help the UN family become a force for SHD and worked to strengthen international cooperation in that regard. At the request of Governments, said the mission statement, UNDP assisted in building capacity for good governance, popular participation, private- and public-sector development and growth with equity, stressing that national plans and priorities constituted the only viable frame of reference for the national programming of operational activities for development within the UN system. The statement also described how UNDP functioned, and affirmed that it was politically neutral and impartial and that it sought to conduct its work in a manner transparent and accountable to all its stakeholders.

### **Fifth programming cycle**

#### **Independence bonus**

In a July report [DP/1996/27], the Administrator described implementation of a 1995 Executive Board decision [YUN 1995, p. 894] in which it had been agreed that 15 countries were eligible for an independence bonus to be granted to each country that had gained independence since 1973 as a supplement to its IPF. Subsequent to the 1995 decision, Slovakia was added to the list, bringing the total number of countries granted recipient status during the fifth programming cycle (1992-1996) to 23—Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Czech Republic, Eritrea, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Republic of Moldova, Russian Federation, Slovakia, Slovenia, South Africa, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine and Uzbekistan. Palau had been granted recipi-

ent status prior to the fifth cycle, but independence was achieved only in October 1994. In 1995, the Board had decided that the independence bonus would be financed from the resources of the fifth programming cycle, provided that existing allocations for country and intercountry programmes were fully honoured.

The Administrator reported that UNDP had released the first tranche of the independence bonus, totalling \$4,167,000. The remaining bonus amounts, equalling \$10,338,000, represented approximately 0.3 per cent of total fifth cycle programme resource. The Administrator proposed releasing the remaining bonus amounts against UNDP general resources to the 16 eligible countries: Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Eritrea, Georgia, Kazakhstan, Kyrgyzstan, Palau, Republic of Moldova, Slovakia, Slovenia, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Uzbekistan.

Having been informed that Ukraine should be deleted from the list of eligible countries, the Board took note of the Administrator's report [dec. 96/46].

### **Successor programming arrangements**

As requested by the Executive Board in 1995 [YUN 1995, p. 896], the Administrator submitted a report on the implementation of the successor programming arrangements in UNDP [DP/1996/3], with specific reference to the development of guidelines that would translate into a set of operational procedures and processes. An initial set of guidelines was prepared covering country-level programming, resource assignment and programme review for the first two lines of the target for resource assignment from the core (TRAC). The preliminary guidelines, which were summarized in the report, included start-up and phasing-in procedures that permitted immediate, limited programming of TRAC resources, in line with Board directives, pending the finalization of a new CCF for each programme country. The measures were aimed at ensuring that programme countries could derive maximum benefit from the new arrangements as soon as possible.

The previous programming concept was based on a fixed five-year cycle with preallocated IPFs. However, new programming mandates had been established for UNDP in recent years, including the programme approach, national execution and enhanced resident coordinator functions. The new arrangements focused on high-impact programmes supporting national efforts towards SHD, with emphasis on poverty elimination. CCF was the prime instrument for programming UNDP resources at the country level; it was devel-

oped by Governments in consultation with UNDP and set out, for Executive Board review, the intended nature, focus and financial scope of UNDP cooperation in the country. Once endorsed by the Board, CCF would become the framework for programming all UNDP-managed resources in the country for the period specified. It set out the overall strategy for UNDP cooperation, taking into account country-specific circumstances. The Board would be able to comment on the broad, strategic directions for cooperation before actual programme formulation began.

CCF would cover a period of three to five years that was harmonized as much as possible with national planning horizons and the time frames of other UN system activities. It was based on national development priorities from an SHD perspective and on an overview of external cooperation in the country. CCF outlined possibilities for joint programming with other development partners, the results expected and the likelihood of sustainability once support ceased. It also outlined management arrangements for implementation, monitoring and review, as well as a resource mobilization strategy and target for all UNDP-managed resources.

Following endorsement of CCF by the Board, the Administrator would assign TRAC resources for programme implementation, on the basis of an initial request prepared by the country office. Resource assignments would be reviewed and could be revised at later stages after programme reviews. The country office would then formulate the full programme. That delegation of authority would be coupled with a system for programme review and monitoring, which ensured quality control accountability.

Under the rolling, three-year planning scheme, the financial period was rolled forward at year end, with a new year added and the first year dropped, and additional resources released. A revised system for programme monitoring, review and oversight was being established at the corporate, regional bureau and country-office levels. Since the majority of existing country programmes expired in 1996, the Administrator suggested that start-up procedures be applied so that the schedule for submitting the expected large volume of CCFs could be extended to the Executive Board's first regular session of 1998. The Administrator put forward suggestions for rationalizing and streamlining the Board's workload to enable it to deal with 30 to 50 CCFs per regular session in 1997 and 1998, including the possible establishment of working committees.

The Executive Board, in January [E/1996/33 (dec. 96/7)], requested the Administrator to ensure that revised guidelines were submitted to the

Board no later than at the 1996 annual session. Reaffirming that CCF was the central document in the country programming process and that the recipient Government had the primary responsibility for its formulation, the Board noted that CCF should be based on a realistic estimate of income from both core and non-core resources. The Administrator was asked to submit CCFs, as formulated by the countries concerned in consultation with UNDP, to the Board for approval. It decided that CCFs would be approved as submitted, without discussion, unless at least five members objected. The Board requested the Administrator to submit in 1996 a proposed format and timing for review reports that would enable the Board to review implementation of CCF in each country and lessons learned as part of the preparation for the next CCF.

### Agency support costs

In response to the Board's January decision, the Administrator issued, in March, another report on implementation of the successor programming arrangements [DP/1996/21]. He provided summaries of guidelines for country-level programming; resources for development in countries in special development situations; regional programming; global interregional and special activities; and programme support to the resident coordinator/aid coordination.

As to the programme review and support system, the Administrator stated that, in general, biennial reports reflecting the outcomes of Government/UNDP reviews of progress in implementing CCFs would be made available to the Board. In addition, ad hoc reports on evaluation of the main themes of UNDP assistance would be submitted as and when they were undertaken. Other details were provided in the Manual for the Programming of UNDP Resources.

In a February report [DP/1996/13], the Administrator gave an overview of the support cost components of the successor programming arrangements, highlighting in particular the financial framework. The Executive Board had greatly simplified the structure for support costs by establishing three major lines in the new resource framework, which replaced the nine lines used in the fifth programme cycle (1992-1996). Together, the three lines constituted support for UNDP-funded programmes and for providing technical and programme support services from the UN system. They totalled 6.6 per cent of total core resources for the 1997-1999 period, or \$72.6 million annually. Earmarkings were based on an estimated \$1 billion in average annual contributions for that period. Within overall annual allocations, the Administrator intended to make

flexible earmarkings among eligible agencies and regional commissions, based on three criteria: the need for preparatory activities in implementing successor programming arrangements; the need to provide upstream assistance to Governments and coordination from the UN organizations in identifying SHD programming opportunities; and the need to channel contributions towards the support of enabling environments for SHD activities in programme countries. The Administrator said that the simplification of support cost facilities under the successor programming arrangements created the possibility of moving to an integrated support cost regime that could apply to the entire UN system.

The Board, in March [E/1996/33 (dec. 96/23)], stated that it would consider at its annual session the proposals contained in the reports on support cost components of the successor programming arrangements and additional information to be provided by the Administrator on the agency support costs system.

The Board, having considered that additional information at its annual session, adopted a May decision [dec. 96/31], by which it reaffirmed the continued relevance and importance of the original key objectives of the agency support cost arrangements. It decided that, under the successor programming arrangements, the current guidelines for support costs would continue to apply and would be adjusted only to the extent necessary to: ensure coherence with established procedures; reflect experience with the support costs arrangements from the fifth cycle; and accommodate the more simplified system of support costs earmarking. The Administrator was requested to ensure that the agency support cost arrangements became more driven by country priorities, and to promote the linkage of technical support by agencies to UNDP support for national programmes. The Board decided that the support cost facilities would be administered directly by country offices in consultation with the programme countries and that national execution would be encouraged. It requested the Administrator to promote the involvement of national and regional institutions in programme development and implementation. He was urged to ensure that the support of the regional commissions was focused mainly on upstream work to support national and regional programme development. Any resources saved through national execution, it was decided, would be made available for additional programming by the country. Further, the Board decided that UNDP, in order to simplify the system, should reimburse the cost of administrative and support services to the five large executing agencies (the Food and Agricul-

ture Organization of the United Nations, the International Labour Organization, UNIDO, the United Nations Department of Development Support and Management Services and UNOPS) with a maximum of 10 per cent, which represented the current average reimbursement rate for various inputs. Should the actual costs fall below 10 per cent, only actual costs would be reimbursed. The Board decided that agencies would maintain the existing cost measurement system and the Administrator should continue to report biennially on the actual costs incurred. UNDP was requested to ensure that the experience of individual countries was disseminated throughout the system and used for the benefit of the development community.

The Administrator was asked to review recent experience with the agency support cost arrangement at the country level and to report thereon in 1997 in the context of the review of the successor programming arrangements.

### Programme evaluation

In a February report on UNDP evaluation [DP/1996/14], the Administrator described activities undertaken in 1995 by the Office for Evaluation and Strategic Planning (OESP) and by other organizational units of UNDP, within the conceptual framework for monitoring and evaluation. He stated that the work programme in evaluation presented to the Board in 1995 [YUN 1995, p. 896] had been fully implemented. Evaluations continued to focus on performance dimensions of the UNDP programme, including sustainability, results-based management and beneficiary participation. OESP was undertaking a thorough review of performance compliance that would establish a performance profile of all organizational units concerned. That process would emphasize the importance of maintaining compliance rates in evaluation through adherence to established procedure.

At the project level, evaluations were decentralized and regional bureaux and country offices had used their own resources to carry out approximately 900 evaluations between 1990 and 1994. Over that period, the average annual rate of decline in the number of evaluations was 15 per cent, due largely to the adoption of the programme approach, which had resulted in fewer small projects. In 1994, 123 evaluations were carried out by UNDP. Early figures for 1995 showed that 92 per cent of project evaluations were in Africa and Asia. Of particular note in the Asia region were evaluations of the following projects: establishment of a national forest resources information database in China; development of hybrid rice technology in India; and strengthening

of the National Planning Commission Secretariat in Nepal. In Africa, evaluations related to regional projects such as the programme for strengthening management training institutions in sub-Saharan Africa; the West African Rice Development Association; and the regional project on National Long-term Perspective Studies.

In line with the 1995 OESP action plan for evaluation, five initiatives were given priority: linking evaluation and strategic planning; facilitating and testing modalities of decentralization; building capacity of programme countries in new evaluation techniques; review of policy, procedures and operational mechanisms used in programme support, project design and monitoring and evaluation; and collaboration with other international agencies.

The report presented examples of evaluations conducted in 1995, grouped into three categories: strategic evaluations; evaluations of SPR-financed programmes; and evaluations undertaken by UNDP-administered trust funds.

In March [E/1996/33 (dec. 96/20)], the Executive Board stressed the importance of feeding back the lessons of monitoring and evaluation into planning and management in order to improve output. It requested the Administrator to ensure that evaluation and monitoring were established in the UNDP management culture by: raising the profile of accountability and of staff and programme performance monitoring and evaluation; reviewing and revising the systems and criteria for selecting subjects for evaluation, the handling in evaluations of UNDP's operational implementation, opportunities for joint evaluations with other UN bodies, and actions required of UNDP personnel; linking compliance with monitoring and evaluation procedures with UNDP personnel management and reporting systems; and reporting the results of strategic evaluations to the Board. The Administrator was requested to report in 1997 on implementation of the decision.

UNDP evaluation activities in 1996 [DP/1997/16/Add.4] included six main evaluations undertaken centrally. Evaluative work at the country level for the year covered 117 project-level evaluations registered in the Central Evaluation Database in 1996 and evaluations of regional, interregional and global programmes. As a result of those activities, the importance of the following elements was determined: participation of beneficiaries in the design and implementation of programmes; realism and clarity in objectives; the need for baseline data and performance indicators for measuring progress towards objectives; reinforcement of organizational learning by dissemi-

nating lessons learned; and reduction of the the multiplicity of administrative procedures.

The Administrator concluded that the resounding message of evaluation findings was the need for the organization to become one that was more results-oriented and where prospects for SHD were what guided programme formulation. Particularly in the fields of governance and environment, where its capacity was increasingly recognized, UNDP was becoming a partner to national authorities in substantive policy dialogue and a vehicle for implementing development programmes funded by other donor organizations.

### Accountability

In a July report on accountability in UNDP [DP/1996/35], the Administrator presented a framework for both organizational and individual accountability within the Programme. He pointed out that UNDP had been at the forefront of the UN system in certain areas that were critical to accountability, including strategic planning, performance appraisal of staff, formulation of budget strategies and financial accountability. In order to improve accountability, UNDP engaged management consultants in early 1996 to make recommendations for a framework of accountability systems. Their initial findings identified six subsystems within UNDP that had a direct bearing on accountability—planning and programming; financial resources management; human resources management; material resources management; oversight, including audit and evaluation; and internal justice. The final study was expected to be completed by the end of the year.

The accountability framework, which was similar to many managerial frameworks drafted for international, national and private-sector organizations, was a four-step process: the UNDP mandate mission and goals needed to be defined through such means as establishing policies, defining authorities and responsibilities, and setting measurable performance targets and indicators; shared ethical values should be established, communicated and practised, including human resource policies and practices consistent with values and objectives, and authority, responsibility and accountability defined and consistent with objectives; a high level of capability, should be made available to ensure the availability of the knowledge, ability, skills, tools and information to achieve objectives; and monitoring performance against targets and learning from the outcomes, including assurance on compliance with the accountability framework, reliability of reporting, compliance with policies, implementing

corrective actions and applying rewards and sanctions.

The Executive Board, in September [E/1996/33 (dec. 96/36)], expressed its support for the direction being pursued by UNDP to make it a more effective, efficient and accountable organization. The Administrator was asked to report informally at each Board session on progress made to implement the accountability framework.

### Financing

The UNDP Administrator, in his annual review of the financial situation [DP/1997/24 & Add.1], gave an overview of the financial situation at the end of 1996 and provided financial forecasts for 1997, 1998 and 1999 and an analysis of all funds managed by UNDP over the previous three years. The 1996 report differed from previous ones in several ways, including the fact that it broke down the accounting for the UNDP general account, the Inter-Agency Procurement Services Office (IAPSO) and the Reserve for Field Accommodation.

The overall income structure of UNDP underwent a considerable shift in 1996, with the proportion of voluntary contributions falling to 49 per cent of income versus 57 per cent in 1995. The decline was offset by an increase in resources mobilized for specific activities, which accounted for 45 per cent of UNDP income. The specific contributions included project and programme cost-sharing, contributions to trust funds and sub-trust funds (small trust funds established to earmark contributions for a specific purpose consistent with the purpose of an open trust fund), and management service agreements. The shift in funding increased the administrative workload of UNDP, since most of the contributions for specific purposes required specific financial control and reporting, as well as management of cost-apportionment mechanisms.

Voluntary contributions to the UNDP general fund in 1996 fell by 6 per cent, from \$900 million in 1995 to \$848 million. The decrease was further aggravated by late payments by donor countries and appreciation of the United States dollar over the course of the year. By the end of the year, \$58 million of voluntary contributions pledged for 1996 and prior years remained unpaid and the overall loss on 1996 pledges due to appreciation of the dollar totalled \$24 million.

In contrast, UNDP resource mobilization efforts had resulted in a continuous increase in third-party cost-sharing income to the general fund, which amounted to \$100 million at the end of 1996, up from \$68 million in 1995, a 47 per cent increase. That increase was particularly

strong in least developed countries (LDCs), where third-party cost-sharing income amounted to \$44 million in 1996, 63 per cent more than the 1994 level.

Total resources mobilized as government cost-sharing to the UNDP general fund increased in 1996, reaching \$701 million. Five countries (Argentina, Brazil, Colombia, Panama and Peru) accounted for 73 per cent of that amount. Excluding countries from Latin America, government cost-sharing income amounted to \$47 million in 1996, a 4 per cent increase over the 1995 level. Interest income earned in 1996 amounted to \$51 million compared to \$60 million in 1995, excluding interest earned on cost-sharing resources (\$17 million), which was accounted for under extrabudgetary income.

With respect to other programmes, for which total 1996 income amounted to \$589 million compared to \$467 million in 1995, income received by funds and trust funds rose by 26 per cent, to \$394 million from \$313 million in 1995. Two factors contributed to the increase: a higher level of voluntary contributions, amounting to \$287 million, and a substantial increase in sub-trust funds contributions, which equalled \$71 million in 1996 compared to \$24 million in 1995. Contributions channelled through management service agreements increased by 27 per cent, from \$132 million in 1995 to \$168 million in 1996. Interest income earned by funds and trust funds totalled \$25 million compared to \$18 million in 1995.

Total programme expenditure increased in 1996, both for the UNDP account (\$1,211 million in 1996 compared to \$994 million in 1995) and for other programmes (\$439 million in 1996 compared to \$397 million in 1995). Programme expenditure from general resources increased by 11 per cent, to \$544 million from \$490 million in 1995. Three regions contributed to the increase in programme delivery (Latin America, Europe and Africa). In the Asia Pacific and Arab States regions, the level of programme expenditure from general resources remained below 1995 and 1994 levels. Programme expenditure from general resources in LDCs grew significantly, reaching \$140 million in 1996 compared to \$118 million in 1995. An increase in cost-sharing expenditure by 34 per cent to \$667 million confirmed that programme countries with high levels of mobilized resources also had high levels of programme delivery.

The continued shift towards national execution, which had accelerated since 1992, accounted in 1996 for 70 per cent of the UNDP general fund programme expenditure, compared to 60 per cent and 53 per cent in 1995 and 1994, re-

spectively. The increase in programme expenditure for national execution and UNOPS was particularly noteworthy, while the share of other UN agencies, regional and Bretton Woods institutions further declined to represent less than 17 per cent of UNDP general fund programme expenditure. Programme expenditures of funds and trust funds increased by \$20 million in 1996, mainly because of higher programme delivery in GEF, the Programme of Assistance to the Palestinian People, the Trust Fund for Rwanda and Capacity 21, as well as in many small trust funds.

Total expenditures through UN agencies remained stable, as indicated by the level of agency support costs. As part of the implementation of the new support cost arrangements under the successor programming arrangements, all existing projects still ruled by the old regime were to be converted to the new regime in 1997.

#### Revised 1996-1997 budget

The Administrator issued a June report [DP/1996/29] on the revised budget estimates for the 1996-1997 biennium. The revised estimates for the budget component relating to core activities amounted to \$376.8 million gross and \$338.8 million net. In net terms, that was an increase of \$0.8 million, or 0.3 per cent, in relation to the original appropriation approved in 1995. The estimates incorporated an increase as a result of the establishment of a country office in Bosnia and Herzegovina as approved by the Executive Board in January (see above, under "Europe and CIS"). The revised estimates for the component relating to Programme Support and Development Activities amounted to \$179.6 million, an increase of \$1.4 million, or 0.8 per cent. That component included support to the operational activities of the United Nations. Total revised estimates for the budget components financed from UNDP resources amounted to \$556.5 million gross or \$518.5 million net. Total revised estimates for the budget components relating to the funds amounted to \$22.7 million, an increase of \$0.03 million, or 0.1 per cent. The revised estimates for all budget components combined and financed from the resources of UNDP and the funds amounted to \$579.1 million gross and \$541.1 million net. In net terms, the figure represented a total increase of \$2.3 million, or 0.4 per cent.

The revised budget estimates were reviewed by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [DP/1996/30], which noted that voluntary contributions were projected at \$1,852 million for 1996-1997, reflecting a decrease of 8.9 per cent, as compared with the \$2,034 million previously projected for the biennium; however, the revised figure still repre-

sented an increase of 1.3 per cent over contributions received for 1994-1995.

In September [E/1996/33 (dec. 96/41)], the Executive Board approved the revised 1996-1997 budget estimates of UNDP and the funds it administered, in the amount of \$579.1 million gross (\$541.1 million net). It also approved costs for establishing a country office in Bosnia and Herzegovina and the Administrator's proposals on principles and criteria for determining amounts to be reimbursed by host Governments towards local office costs. The Administrator was authorized to maintain an accounting linkage between voluntary contributions and contributions to local office costs in such a manner that contributions were first applied against obligations towards local office costs. The Board decided that in the case of countries with a 1994 per capita gross national product of \$4,701 and above, UNDP would finance a resident representative and a second international staff member where programme activities exceeded \$12 million over a three-year period and would finance a resident representative where programme activities exceeded \$8 million over that period. Financing would continue for the three years after a country passed that threshold.

### **Review of the 1995 financial situation**

At its third regular session in September, the Executive Board had before it the Administrator's review of the 1995 financial situation [DP/1996/28 & Add.1-4]. Total overall income for 1995 amounted to \$1,624 million, a decrease of \$18 million compared to 1994. Voluntary contributions before the application of the accounting linkage between them and government local office costs declined slightly to \$903 million, from \$932 million in 1994. The level of voluntary contributions was aided by a relatively weak dollar during the course of the year. As at 31 December 1995, voluntary contributions pledged but unpaid totalled \$37 million.

After several years of rapid growth, cost-sharing income remained stable compared to 1994, growing by less than 1 per cent from \$596 million to \$601 million in 1995. Miscellaneous income rose from \$58 million in 1994 to \$76 million in 1995; most of that increase was due to improved interest earnings. Extrabudgetary income was reduced from the 1994 level of \$49 million to \$40 million solely because of the separation of UNOPS income from that of UNDP. Excluding UNOPS income from activities relating to trust funds and management services arrangements, which amounted to \$18 million in 1994, UNDP extrabudgetary income rose from an adjusted \$31 million to almost \$40 million in 1995.

The \$9 million difference arose primarily from increases in programme and administrative support services provided by country offices, support services provided by UNDP to non-core activities and trust funds, and procurement services provided by IAPSO.

Total expenditure decreased from \$1,389 million in 1994 to \$1,379 million in 1995. Programme expenditure declined to \$994 million from \$1,020 million in 1994. Within that amount, IPF expenditure declined from \$489 million to \$438 million and SPR expenditure declined from \$43 million to \$41 million.

Cost-sharing expenditure increased from \$475 million in 1994 to \$504 million in 1995 and represented slightly less than 51 per cent of total programme delivery.

In September [E/1996/33 (dec. 96/44)], the Board expressed concern over the reduction in voluntary contributions to UNDP core resources and called on donors to increase their contributions in the light of the estimated planning figures it had adopted. It encouraged UNDP to work towards securing a more predictable level of core resources. Expressing concern about the build-up in the balance of general resources, the Board urged the Administrator to continue efforts to improve programme delivery, keeping in mind the importance of maintaining the quality of UNDP programming. It decided to continue the application of the agreed formula for determining the level of the Operational Reserve, and requested the Administrator to present by January 1998 a review of the modality of non-core resources from donor countries in relation to their financial management, focusing on their cost effect on core resources.

### **Reserve for Field Accommodation**

In an addendum to his review of the 1995 financial situation [DP/1996/28/Add.3], the Administrator reported on the Reserve for Field Accommodation, as requested by the Executive Board in 1995 [YUN 1995, p. 897]. He provided an update of the activities of the Reserve following the issuance of a three-year plan in late 1994, noting that a review of the Reserve's operations had begun in 1995 and improvements were being realized in management and reporting. Serious issues regarding the three-year plan had arisen, which had caused UNDP not to implement the plan. UNDP decided to retain housing assets originally planned for disposal. The non-realization of that income, coupled with costs required to complete ongoing construction, caused the level of the Reserve to increase to \$46.8 million at the end of 1995. Under new accounting procedures using gross terms, the balance was \$54.8 million.



The report outlined management actions taken during 1995 and 1996, analysed the contributing factors for the current situation, and made proposals for a revised accounting treatment for the Reserve, in line with international accounting standards. The review had identified some serious managerial weaknesses which were being addressed, in particular overcommitment and overexpenditure. The Administrator had established a separate management oversight committee to deal with the accountability aspects raised by the review.

UNDP considered that the forecast amount of cumulative borrowing from UNDP of \$27.5 million in 1996 would be the peak borrowing by the Reserve, and it was expected that the amount due to UNDP would decline to \$12.2 million by the year 2000, principally from the surplus of rental income as against maintenance costs. Other factors could also reduce the amount due.

Recalling that the Reserve was intended originally for housing only, but that UNDP had been authorized to use it for office accommodation if no other options were available, the Administrator recommended that the Executive Board include only housing operations under the Reserve. Pending approval of a detailed plan for housing and office premises, the Administrator requested the Board to approve the level of the Reserve at \$62.8 million, as at 31 December 1996.

The Executive Board, in September [E/1996/33 (dec. 96/40)], welcomed the report on the Reserve and additional information provided by the Administrator and the UN Board of Auditors. It noted with concern the failure of management oversight to ensure the proper application of the Financial Regulations and Rules and the supervision of staff and contracted parties that had contributed to the problems outlined in the report. The Board welcomed the actions initiated by UNDP to strengthen control of the Reserve and requested the Administrator to take steps to ensure compliance with all financial regulations, including training of staff in financial management and oversight. He was also requested to address any systemic problems relating to financial control and management that had come to light, in order to ensure that the matter remained an isolated incident, and was urged to finalize the investigation of the Reserve's management and to ensure that, within the framework of accountability, responsibility was assigned at the individual level. While endorsing the revised accounting treatment for the Reserve, the Board noted with concern that overcommitment would reach \$62.8 million by the end of the year. The proposal that activities under the Reserve cover only housing

premises and that office premises be handled separately was approved.

### Procurement

In a report [DP/1996/7] to the January session of the UNDP/UNFPA Executive Board, the Administrator stated that the mandate of the Inter-Agency Procurement Services Office (IAPSO) was to undertake research and development activities in the area of procurement and to provide a wide range of procurement services, including advisory, training and direct procurement services, to Governments, NGOs, the UN system and UN staff. The Administrator had reviewed the activities and role of IAPSO as part of the budget strategy for the 1996-1997 biennium, incorporating recommendations of the UN Board of Auditors. The Administrator believed that IAPSO should continue with its two basic mandates and that the direct procurement and training services offered should continue to be provided on a cost-recovery basis. However, research and development activities should continue to be provided as a free service to UN organizations and should be financed from UNDP resources, but should also gradually become self-financing.

By a 17 January decision [E/1996/33 (dec. 96/02)], the Executive Board reaffirmed that under its mandate for research and development on procurement-related matters for the UN system, IAPSO would continue to promote inter-agency cooperation and coordination, where possible finding ways of making such activities self-financing. It also reaffirmed that, under its mandate for procurement services, IAPSO would continue to provide a range of procurement services to the UN system and external development partners, including NGOs, Governments and governmental agencies, building on its capacity in common-user items and other product groups for which the Administrator would determine that IAPSO had the requisite capacity. The Board requested IAPSO to present a consolidated biennial report on its activities, including direct procurement, and to provide a full statistical report on UN system procurement later in the year.

In response to that request, the Administrator submitted in July the first biennial report on IAPSO activities [DP/1996/31 & Corr.1]. It highlighted the developments and results achieved since 1994, as well as activities planned for the future. The Common Guidelines for Procurement by Organizations in the United Nations System were developed and adopted by the Inter-Agency Procurement Working Group (IAPWG) in 1996. The aim of the guidelines was to provide transparent information to suppliers on how to do business with the UN system. IAPWG continued

work on defining standard terms and conditions on contracts for procurement of goods and services, in collaboration with the UN Office of Legal Affairs. It had defined the concept of "lead agency" to guide coordinated procurement for selected product groups and had undertaken standardization of basic specifications and collective price arrangements for common-user items such as motor vehicles, office equipment and electric generators. Use of the resulting umbrella contracts had resulted in an estimated direct annual savings of \$20 million.

The volume of procurement handled by IAPSO had grown from \$48.2 million in 1994, an increase of 9.5 per cent over the previous year, to \$56.8 million in 1995, an increase of 16.5 per cent. Growth continued in early 1996 at a rate of about 15 per cent. In 1995, 77.2 per cent of IAPSO procurement was for motor vehicles and spare parts, while computers, office equipment, communication and audio-visual equipment, power generators and laboratory equipment represented 22.8 per cent of the total dollar value.

The IAPSO publication 1995 Annual Statistical Report was distributed to the Executive Board. It stated that total procurement of goods and services for 1994 and 1995 was almost the same, at \$3.67 billion and \$3.69 billion, respectively. Procurement under UNDP funding, which was increasingly carried out through national execution, had increased substantially, resulting in a lesser share of procurement originating in industrialized countries. In 1995, 59.9 per cent of UNDP procurement came from developing countries (up from 58.8 per cent the year before) and 4.2 per cent from underutilized major donor countries (up from 2.8 per cent).

The Executive Board, in September [E/1996/33 (dec. 96/35)], recommended that IAPSO continue to explore ways to enter into arrangements for coordinated procurement with UN entities, drawing on the respective strengths of each entity.

### **Financial Regulations and Rules**

In his report on the 1995 annual review of the financial situation [DP/1996/28/Add.4], the Administrator proposed amendments to the UNDP Financial Regulations and Rules in order to enhance the coordination and mobilization of resources by UNDP from non-governmental sources, as well as to enable UNDP to operate a viable micro-capital grant programme. The proposed changes were a first and temporary measure, to be followed by a complete revision to be presented to the Executive Board in 1997.

Since its formation in 1965, UNDP had been permitted to receive funding from private and public sources, including NGOs, under its Finan-

cial Regulations. UNDP had broadened its resource mobilization strategy to encompass greater involvement of NGOs, and to effectively mobilize such sources a revision of the Regulations was required. In particular, the requirement for prior approval by the Board for donations in excess of \$25,000 was not practical; nor was there a need to involve the Board in prior review and approval. UNDP was putting in place all necessary elements to ensure that: UNDP associated only with non-governmental sources that were apolitical and supported its objectives; there was a system of checks and balances in place to ensure that sources of funding were appropriate for the activities to be funded; the resources mobilized did not jeopardize the universal character of UNDP activities; and once received, donations would be managed by UNDP in accordance with the Regulations.

The Administrator proposed that changes be made to expand the definition of "contribution" to include cash and in-kind assistance from non-governmental sources. In addition, he proposed eliminating the requirement for prior approval by the Board of contributions and replacing it with an annual reporting requirement.

With regard to micro-capital grants, he further proposed raising the maximum of any one grant from \$50,000 to \$150,000. Experience had demonstrated that a \$50,000 grant was not large enough to initiate effective micro-credit activities, the Administrator reported, and the micro-capital grant was the principal modality in UNDP for supporting credit activities.

By a September decision [E/1996/33 (dec. 96/39)], the Board approved the Administrator's proposed changes to the Financial Regulations. It requested the Administrator to keep the Board apprised of the status of resource mobilization initiatives from non-governmental sources and to report on the matter in 1998.

## **Other technical cooperation**

### **UN programmes**

In July [DP/1996/32], the UNDP Administrator reported on technical cooperation expenditures financed from sources other than UNDP in 1995. The report covered the executing agencies, the International Atomic Energy Agency (IAEA), UNDP, UNFPA, the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and the World Bank Group, but excluded expenditures on activities relating to refugees,

humanitarian and special economic assistance, peacekeeping operations and disaster relief.

Non-UNDP-financed technical and non-technical cooperation expenditures contracted in 1995, reaching a total of \$1,494.3 million, the main reason being the shortfall by WFP and the World Bank Group. Concessional technical cooperation by the World Bank Group dropped by 20.6 per cent to \$1,173.6 million in 1995, reversing the growth record of the previous two years. Grant technical cooperation (agencies, plus UNFPA and UNDP) grew throughout the 1993-1995 period, but the growth in 1995 was weak, with expenditures amounting to \$2,751 million. In 1995, total technical cooperation (grant plus the World Bank Group) amounted to \$3,925.3 million, which was 5.8 per cent less than the previous year. That was the first time that total technical cooperation expenditures of the UN system had contracted since 1989. Non-technical cooperation expenditures (UNICEF and WFP) reached \$1,901.2 million in 1995, 13.4 per cent less than the previous year.

#### **DDSMS activities**

During 1996, the United Nations Department for Development Support and Management Services (DDSMS) had more than 1,300 technical cooperation projects under execution in a dozen substantive sectors, with a total project expenditure of some \$74.3 million. Projects financed by UNDP represented \$45.2 million; those by trust funds, \$23.6 million; and by UNFPA, \$5.5 million.

On a geographical basis, the DDSMS-executed programme included expenditures of \$27.7 million in Africa, \$16.9 million for interregional and global programmes, \$16.3 million in the Middle East and Europe, \$9.3 million in Asia and the Pacific and \$4.1 million in the Americas. Project delivery in Africa remained the largest with a 37.3 per cent share of total delivery.

Distribution of expenditure by substantive sectors was as follows: development policies and planning, \$17.5 million; associate expert programme, \$12.6 million; governance and public administration, \$11.9 million; water, \$9.2 million; statistics, \$5.1 million; social development management, \$3.5 million; energy, \$3.4 million; infrastructure, \$3.4 million; public finance and enterprise management, \$3 million; minerals, \$1.9 million; population, \$1.6 million; programme support, \$0.7 million; and the United Nations Educational and Training Programme for Southern Africa, \$0.5 million. Of the total of \$74.3 million, development policies and planning comprised 23.6 per cent; the associate expert programme, 17 per cent; and governance and public administration, 16 per cent.

On a component basis, DDSMS delivery in 1996 included \$53.3 million for project personnel; \$7.8 million for training; \$6.9 million for equipment; \$3.9 million for subcontracts; and \$2.4 million for miscellaneous expenses.

In a report [DP/1996/8] to the January session of the Executive Board, the Secretary-General stated that DDSMS continued to focus its substantive support to technical cooperation on environmental management and social development, which comprised the areas of natural resources and environment planning and management, energy planning and management, and social development management, and on public administration and development management, which consisted of governance and public administration, public finance and enterprise management, and development planning and policies. With funding from the UN regular budget and extra-budgetary resources, DDSMS provided technical and managerial support and advisory services on request to bolster the development efforts of Member States. It also conducted operational research and seminars, and provided parliamentary services to expert groups and intergovernmental bodies in its areas of expertise.

DDSMS continued to collaborate with UNDP, and with the regional commissions and other Secretariat entities, in programme and project development in the areas of poverty elimination, environment, employment, women and governance, including follow-up to global conferences and implementation of the United Nations System-wide Special Initiative on Africa (see PART THREE, Chapter III). Attention was also being increasingly directed to post-conflict reconstruction and rehabilitation. Partnership was also being built between DDSMS and UNOPS (see below), through an agreement whereby UNOPS could call on the substantive capabilities of DDSMS, and DDSMS could call on the project-servicing capabilities of UNOPS.

The Executive Board, by a 19 January decision [E/1996/33 (dec. 96/04)], invited DDSMS, UNDP and other UN entities to give further attention to strengthened programmatic linkages. It recommended that UNDP consider including in its work plan an evaluation of the DDSMS activities that it financed, including a value-for-money audit.

#### **UN Office for Project Services**

In a March report [DP/1996/23] to the UNDP/UNFPA Executive Board, the Executive Director of the United Nations Office for Project Services, which became a separate entity within the United Nations on 1 January 1995 after having operated under UNDP direction, described

the transitional measures that UNOPS had undergone in order to adapt itself to its new institutional status.

UNOPS was and remained a fully self-financing and extrabudgetary operation. The cornerstone of UNOPS efforts to solidify its financial viability and improve its performance was the 1995 Business Plan, the three principal priorities of which were to improve quality of service, build and enhance relationships with the client community, and complete the transition to UNOPS. Based on that Plan and following a Management Coordination Committee (MCC) recommendation that the UNOPS internal structure be reviewed, an intensive reorganization effort took place. The reorganization strategy was intended to result in improvements in three areas: responsiveness (improving timeliness, flexibility and creativity in adapting to new needs); quality (effectiveness, transparency and professionalism of services); and value (providing value for money and an ongoing commitment to reducing the cost of service delivery).

The most important concept underlying UNOPS reorganization was that of building integrated teams by placing appropriately skilled staff in self-contained groups that could focus on the needs of specific clients and portfolios. Those teams were expected to accelerate service delivery and to contain cost by streamlining work processes. Three types of integrated operations teams were formed: regional, thematic and implementation modality. The operations teams would join both project management and service specialists (purchasing, recruitment, payments), who had previously been assigned to separate organizational units.

The report went on to discuss guidance, support and control functions; client relationships; human resources issues; and future steps in the transition process.

The Executive Board, on 15 May [E/1996/33 (dec. 96/33)], encouraged the Executive Director to continue his efforts to make UNOPS more innovative and cost-effective, as recommended by the MCC. It requested the Executive Director to keep it apprised of the operational results and financial implications of the reorganization within the framework of future annual reports, submitted through MCC.

### **Budget estimates**

The Executive Director, in a July report [DP/1996/36], issued revised 1996-1997 budget estimates for UNOPS, which had been reviewed and approved by the UNOPS MCC. The report explained changes, endorsed by the UN Board of Auditors, that UNOPS made in its reporting pro-

cedures to enhance the transparency of compensation paid to UNDP for services provided to UNOPS. It also provided justification for an increase of less than 1 per cent over the approved biennial estimates, the full amount of which UNOPS expected to be covered by its income. Information on UNOPS staffing arrangements was updated.

According to the report, the estimated revised budget for 1996-1997 was \$65,444,000. Total income was projected at \$67,189,000: \$59,689,000 from project implementation; \$6,000,000 from services to the International Fund for Agricultural Development (IFAD); \$1,400,000 from interest income; and \$100,000 from accounting services provided to the Programme of Assistance to the Palestinian People. The revised estimates showed an income of \$5,670,000 more than projected earlier, due mainly to a change in procedures for recording payments to UNDP country offices for services provided on behalf of UNOPS and interest on investments of unspent income.

The revised estimates of administrative expenditures for 1996-1997 totalled \$65,444,000, or \$4,015,000 greater than estimated. Of that increase, \$3,500,000 was accounted for by the reporting of payments to country offices as a separate line under the administrative budget. Consequently, the actual increase amounted to \$500,000, less than 1 per cent over the original approved estimate. Most of the increase was for reimbursement for internal audit services provided by UNDP. Other revised cost increases were for subcontracts, rent and maintenance, and computer hardware.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ) reviewed the revised 1996-1997 budget estimates, and in an August report [DP/1996/38] said that actual administrative expenditures and support income earned were in line with the original projections.

The Executive Board, on 11 September [E/1996/33 (dec. 96/37)], took note of the changes in financial reporting procedures that had been introduced with effect from the 1996-1997 biennium. It approved the revised budget estimates for 1996-1997 in the amount of \$65,444,000.

### **1996 activities**

In his annual report to the Executive Board covering 1996 [DP/1997/19 & Add.1/Rev.1], the Executive Director stated that UNOPS had met the majority of its 1996 financial targets and continued to operate in accordance with the self-financing principle.

The demand for the Office's services increased in 1996 for the second consecutive year, and newly acquired business amounted to \$534 million. Of that amount, UNDP core resources ac-

counted for the largest share, 37 per cent, followed by Management Services Agreements with international financial institutions and bilateral donors, especially Japan, with 30 per cent; UNDP trust funds, the Global Environment Facility and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (see PART THREE, Chapter VII) with 19 per cent; and Governments of programme countries and other UN agencies and programmes with 14 per cent. Traditionally, UNOPS and its predecessors had mainly provided implementation services, handling clients' financial resources in a manner similar to that of a general contractor. Increasingly, UNOPS was being asked to provide services in support of project execution and contracting carried out by other parties, such as national Governments of programme countries. Management fees reimbursed the cost of providing those services. An example of that modality was the loan administration service provided by UNOPS for nationally executed loans from IFAD. In addition to administering loans, UNOPS guided projects towards the attainment of agreed development objectives, helping strengthen the staff capacity of national executing agencies.

With regard to delivery, the 1996 target was set in the 1996 Business Plan at \$454 million. Provisional data indicated a delivery of \$433 million, at a delivery rate of 95 per cent. Of particular note was the strong delivery in the UNDP core budget portfolio, which reached \$179 million. In addition to funds handled on behalf of clients, UNOPS programme supervision had led to the disbursement of \$129 million in IFAD loans, representing 50 per cent of IFAD total disbursement in 1996.

Provisional data indicated that income was \$36.9 million in 1996, or 11 per cent above the target set in the Business Plan. The largest portion of UNOPS income in 1996, 85 per cent, was generated by projects for which funds were entrusted to UNOPS. More than 11 per cent derived from fees for "services only" activities, with the remaining 4 per cent coming from interest income and miscellaneous sources. While income from delivery of the UNDP core budget portfolio increased in dollar value, UNOPS income derived from the implementation of UNDP core projects was below 50 per cent, underlining UNOPS efforts to diversify its portfolio.

Administrative cost for 1996 was estimated at \$33.6 million, or \$0.9 million higher than foreseen in the Business Plan; that figure included the estimated cost for central services and country office services provided by UNDP. The administrative elements under UNOPS direct control amounted to \$29.9 million.

The administrative overhead on funds handled on behalf of clients was an important factor for UNOPS competitiveness. The administrative cost varied considerably from project to project, depending on the nature and extent of services required. In most cases, overhead costs were negotiated with the client and/or funding source on the basis of estimated actual expenditures and were budgeted as dollar amounts, rather than on a percentage basis. The overall average overhead rate for 1996 projects was 6.9 per cent.

As part of its reform and reorganization efforts, UNOPS pursued decentralization where it led to improved service at lower cost. Besides headquarters in New York, UNOPS maintained offices in El Salvador, Kenya and Malaysia. In 1996, it established new offices in Copenhagen, Denmark, and Geneva. Since IAPSO had moved its operations to Copenhagen, the conditions offered by Denmark to UNOPS had led to a decrease in the average cost of procurement operations of 10 to 15 per cent. The Rehabilitation and Social Sustainability Unit, which was responsible for social rehabilitation projects in countries in crisis and in transition, including support for the reintegration of returning refugees, internally displaced populations and demobilized combatants, moved to Geneva in 1996; Switzerland financed that relocation.

### UN Volunteers

In his annual report for 1996 [DP/1997/16/Add.1 (Part VII)], the UNDP Administrator described activities of the United Nations Volunteers (UNV), which celebrated its twenty-fifth anniversary that year and moved its headquarters from Geneva to Bonn, Germany. To mark the anniversary, the book *Volunteers against Conflict*, written by UNV specialists and based on field experiences in humanitarian and peace-building missions, was launched in May.

A total of 3,242 UNV specialists and fieldworkers from 137 nations served in 140 countries during 1996. They included more than 600 specialists who worked with the Organization for Security and Cooperation in Europe (OSCE) during the September elections in Bosnia and Herzegovina, 120 national eco-volunteers and hundreds of Transfer of Knowledge Through Expatriate Nationals (TOKTEN) and United Nations International Short-Term Advisory Services (UNISTAR) volunteers serving around the world. The organization increasingly directed its efforts towards poverty eradication, peace-building, democratization and relief to development, while continuing its community-focused development work.

In the area of poverty eradication, a regional workshop on UNV contributions in sub-Saharan Africa was held in February in Ouagadougou, Burkina Faso, with UNDP resident representatives/resident coordinators, government officials and NGO representatives. UNV specialists increasingly supported UNDP poverty-related programmes, specifically in China, Kyrgyzstan, the Lao People's Democratic Republic, Mongolia, Namibia, Nepal, Senegal, Sri Lanka, Togo, Uganda, the United Republic of Tanzania and Zimbabwe. Poverty-related, community-based initiatives launched by UNV in Latin America included projects with street children in Central America; with artisans in Ecuador; with populations around Sao Paulo, Brazil; and with the UNDP Participatory Development Programme in the Caribbean, notably in Barbados, Guyana and Trinidad and Tobago.

UNV activity in peace-building and democratization included the assignment of 234 specialist volunteers to provide support to UN missions, in particular those in Angola, Haiti, Liberia and Rwanda. The dispatch of 40 election logistics specialists and 605 election supervisors for OSCE in Bosnia and Herzegovina was the first UNV operation on such a significant scale in support of a regional organization. Sixty-five UNV specialists were fielded as human rights monitors in Rwanda in connection with United Nations Centre for Human Rights activities.

In the area of relief to development, UNV specialists were present at the local level in post-conflict situations in Bosnia and Herzegovina, Cambodia, Haiti, Mozambique and Rwanda, in support of rehabilitation processes. Many specialists were involved in quick-impact projects which aimed at stimulating longer-term local development initiatives. For example, in Mozambique, UNV specialists facilitated the rural resettlement of formerly displaced persons and demobilized soldiers in cooperation with government services and other organizations.

At the end of 1996, UNV Strategy 2000, a document outlining the identity, role and direction of UNV work for the years 1997 to 2000, was finalized. It stated that UNV would focus on responding to specific country needs, especially in the main areas of concentration of urban development, environmental management and preventive/curative development.

The UNDP Administrator, in a March report [DP/1996/22], described UNV activities during the 1994-1996 period. He said that volunteer roles were particularly relevant in support of NGOs and local community-based groups in countries in crisis. UNV specialists had contributed to crisis prevention, emergency humanitarian relief,

electoral assistance and rehabilitation. Major activities within the framework of UN missions included demobilization of former combatants in Mozambique; electoral support in South Africa and Haiti; and technical and administrative support in Angola, Liberia, Rwanda and the former Yugoslavia. UNV human rights monitors had worked in Guatemala, Haiti and Rwanda and conflict resolution endeavours combining international and national volunteers were undertaken in the Great Lakes region of Africa (Burundi, Rwanda and Zaire) and in some countries of the Commonwealth of Independent States. UNV work in poverty eradication through the Domestic Development Services (DDS) programme continued, with the focus on enhancing the managerial and the technical capacities of community-based groups. Operational in over 30 developing countries and with some 200 government and NGO partners, DDS supported the expansion of village-level, income-generating initiatives and assistance to the most disadvantaged.

Financing for UNV activities was made available from the Special Voluntary Fund (SVF) for pilot and experimental projects, including support for the artisan sector in Asia, sensitizing UNV programme officers to the HIV/AIDS epidemic in Africa, coordinating with NGOs in several Latin American countries, and diversifying traditional rural activities in Arab States. The UNISTAR and TOKTEN programmes, both under UNV management, continued to perform well. UNISTAR, the private-sector development arm of UNV, had increasingly focused its attention on countries in transition, and its work in 1994-1995 was marked by collaboration with multinationals such as the Samsung Group, which provided assessment and advice to electronic and electrical engineering firms in Uzbekistan, and Fiat, which advised Bulgaria on developing joint venture possibilities. TOKTEN continued to provide short-term technical assistance to 43 countries. During the reporting period, TOKTEN programmes were established in Haiti and Lebanon, as well as in the West Bank and Gaza.

For 1996, UNV resources were expected to total \$54.7 million, up from \$52.6 million the year before. Of that amount, \$20.2 million was projected from SVF contributions and funds-in-trust, \$20 million from UNDP resources and \$12 million from UN system organizations.

The Executive Board, on 10 May [E/1996/33 (dec. 96/32)], noted the substantial contribution of the UNV programme to humanitarian, peace-keeping, peace-building, human rights and rehabilitation activities as well as to poverty eradication and encouraged UNV to intensify participation in UN development, humanitarian

and peace activities. The Board stressed the need for further contributions, including through co-financing arrangements to SVF, UNISTAR and TOKTEN. The Board took note of a UNV proposal to consider having the International Year of Volunteers 2001 as one of the instruments to promote volunteerism.

### **Technical cooperation among developing countries**

In his annual report for 1996 [DP/1997/16/Add.1 (Part VII)], the Administrator stated that the Special Unit for technical cooperation among developing countries (TCDC) supported the implementation of activities consistent with the TCDC new directions mandate approved by the High-level Committee on the Review of TCDC in 1995 and endorsed by the Economic and Social Council and the General Assembly [YUN 1995, pp. 902-903]. During the year, the Special Unit emphasized the areas of priority approved by the High-level Committee—trade and investment, macroeconomic policy development and coordination, poverty eradication and management of the environment—which were in accord with the objectives of SHD. The Special Unit issued a publication entitled TCDC and Sustainable Human Development, which provided examples of the linkage between TCDC and SHD.

In the area of poverty eradication, emphasis was placed on implementing the 237 agreements concluded among participants in the capacity and needs-matching exercise on credit and rural poverty held in Bangladesh in 1994. At the end of 1996, about one third of the agreements had been implemented, while others were in various stages of preparation. The Special Unit provided follow-up support, including funds, to facilitate further implementation. In collaboration with the Latin American Economic System (SELA), efforts were made to stimulate the development of small-scale enterprises through an analysis of opportunities offered by integration arrangements in the region. The Special Unit was monitoring activities of the countries concerned to use the knowledge gained for the benefit of establishing small businesses.

With respect to management of the environment, support was continued for the International Network on Small Hydropower based in Hangzhou, China. The network had pooled the resources of the main regional energy institutions in Africa, Latin America and Asia, serving as an expert facility and repository of technical information relating to the development of small hydropower operations as an environmentally friendly alternative source of energy, particularly

in rural areas of developing countries. The E-7 Network of Expertise, a consortium of the major energy authorities of the Group of Seven major industrialized countries, shared its technical know-how on energy development with the network. Other environment activities included providing support for the establishment of a network of regional groups to exchange technical information, policies, practices and facilities relating to bio-systematics, the effective use of which had important implications not only for a country's species, but also in the development of agriculture and food production. Also, a monograph on best practices in urban management was compiled as part of preparations for the second United Nations Conference on Human Settlements (Habitat II) (see PART THREE, Chapter VIII).

With regard to macroeconomic policy development, support was provided to the Third World Network, which helped developing countries to disseminate and analyse information relating to trade negotiations and the establishment of the World Trade Organization. Support was also provided to the Group of 77 and China with respect to preparations for the 1997 South-South Conference on Trade, Finance and Investment.

The Special Unit continued to support the implementation of the 1994 Programme of Action for the Sustainable Development of Small Island Developing States [YUN 1994, p. 783]. The first draft of the Directory of Experts and Institutions of Small Island Developing States, consisting of four volumes, was prepared and made available through UNDP country offices and various institutions. The information was also made available via the Internet through the TCDC Information Referral System (INRES). The TCDC/INRES database was expanded to cover information on the capacities of 3,400 institutions in 60 developing countries.

Overall, the TCDC programme was successfully implemented during 1996, the Administrator noted, but failure to integrate the TCDC modality into project implementation and the lack of effective operational integration between TCDC and economic cooperation among developing countries were constraints to full realization of its potential.

### **UN Capital Development Fund**

During 1996 [DP/1997/9], United Nations Capital Development Fund (UNCDF) projects focused on reducing poverty through promotion of good local governance, a dynamic private sector and the participation of civil society in development initiatives. The Fund was increasing its activity in its innovative areas of intervention:

local development funds (financing facilities managed by local authorities and communities for investment in small-scale rural infrastructure); eco-development (in which communities agreed to work towards long-term restoration of ecologically fragile areas in exchange for investments to meet immediate needs of the community, such as energy, irrigation or shelter); and microfinance (identifying innovative ways of extending credit to microentrepreneurs). Those efforts were carried out in close partnership with Governments and UNDP, and supported efforts in least developed countries towards democratization, decentralized decision-making and the devolution of resource management to local government authorities and community organizations. Based on a capacity assessment study, UNCDF was revising its project cycle to allow for increased local participation in project design. Progress on implementation of the new policy would be reviewed at the end of 1997.

New UNCDF project approvals totalled \$40.4 million in 1995 and \$50 million in 1996. While approvals were increasing, the Fund's reserves were declining. The reserves were kept at twice the mandatory level to ensure that UNCDF could meet its ongoing commitments for at least two years. Overhead costs remained low. As a result of stricter financial controls, the amount in outstanding commitments had dropped yearly, from \$241.5 million in 1993 to \$200.5 million in 1996.

With its new policy focus, UNCDF activities were shifting to new areas. In the previous biennium, infrastructure projects, such as irrigation

schemes, rural roads, water supply and sanitation systems, and educational and health facilities, accounted for 73 per cent of funds approved. In the 1995-1996 biennium, that figure had declined to allow for an increase in funding to local development and eco-development funds from the former level of 14 per cent to the current level of 44 per cent. Funding to credit and guarantee schemes increased from 7 per cent to 21 per cent. In 1996, 70 per cent of UNCDF programme resources were being spent in Africa, with the remaining 30 per cent divided between Asia, the Arab States and Latin America.

Contributions to UNCDF increased in 1995 to \$32.9 million, after three years of declining donations, and \$34 million was expected by the end of 1996. The projected totals expected for 1997 and 1998 were \$35 million and \$37 million, respectively. The increase in contributions and UNCDF core funding was considered to be the result of the challenge that UNCDF issued to donors. In a decision reached in 1996, UNCDF major donors (Belgium, Denmark, France, Japan, the Netherlands, Norway, Sweden and Switzerland were represented) agreed to continue financing UNCDF at current or increased levels until 1999. During that period, the Fund should demonstrate greater effectiveness in implementing its policies favouring decentralization and local governance. In 1999, the donors would evaluate UNCDF performance and report to the Executive Board. If the Fund had not made sufficient progress towards implementing the new policies by that time, its funding might be discontinued.



## Chapter III

## Humanitarian and special economic assistance

In 1996, the international community continued to respond to major humanitarian emergencies—notably in the Great Lakes region of Africa and countries of the former Yugoslavia, as well as Angola, Liberia, the Sudan, Afghanistan and Iraq. Devastating natural disasters affecting countries in all parts of the world were also the focus of UN attention and aid.

Since the inception of the UN Department of Humanitarian Affairs (DHA) in 1992, millions of the most vulnerable and needy had been given food, shelter and medical care. Tens of thousands of lost children had been reunited with their families, and millions of refugees had returned to their original homes or resettled in new communities. Many war-torn economies and societies were being rehabilitated, with UN assistance, and confidence was being restored among long-hostile neighbours.

During the year, DHA made six Consolidated Appeals for assistance to Africa, seeking \$1.2 billion from donors, with the needs of the Great Lakes region and Angola dominating. Almost three quarters of all the funds raised through Consolidated Appeals in 1996 were directed to two emergencies: those in the Great Lakes region and in the area of the former Yugoslavia.

On 15 March, the System-wide Special Initiative on Africa was launched to bring a more coherent and comprehensive approach by the UN system to Africa's needs and priorities. The largest coordinated UN action in support of a continent's peoples, the Special Initiative was a multi-billion-dollar programme to accelerate African development over the coming decade by expanding basic education and health care, promoting peace and better governance, and improving water and food security. It was intended to give impetus and act as an operational wing to the UN New Agenda for the Development of Africa in the 1990s. During the mid-term review of the New Agenda in September, the Secretary-General noted a marked improvement in Africa's economic performance over the first half of the decade and called for greater commitment by both African Governments and the international community to consolidate and extend the significant economic and political gains that had been achieved.

Responding in 1996 to 60 natural and two technological disasters in 46 countries, DHA mobi-

lized and coordinated international assistance to disaster victims by distributing information, channelling immediate cash assistance, dispatching in-kind support and providing technical assistance. It issued 27 international disaster appeals, which generated donations of \$84 million in cash and in-kind contributions, \$6.2 million of which was channelled through DHA. A Consolidated Appeal, requesting \$44 million, was launched for the flood-affected Democratic People's Republic of Korea. Appeals were also made for international assistance to Costa Rica and Nicaragua, which were struck by a hurricane, and to Madagascar, which had suffered major damage from a series of cyclones.

With more than 60 countries around the world affected by the presence of uncleared anti-personnel landmines and unexploded ordnance, DHA acted as focal point for all UN mine-clearance activities and related issues, which received increasing attention. The UN system further supported reconstruction and development efforts in the aftermath of conflict in a number of countries, among them Djibouti, Lebanon, Mozambique, Nicaragua, Somalia and Yemen.

Humanitarian assistance continued to be provided to some of the newly independent States of the former USSR, such as the three countries of the south Caucasus which were recovering from conflict—Armenia, Azerbaijan and Georgia—as well as Tajikistan, where continuing political instability compounded the severe economic crisis. Further assistance was also required in post-conflict Chechnya, Russian Federation. Special economic assistance was requested for several countries, including States neighbouring South Africa, to enable them to overcome the negative consequences of past acts of destabilization in the region; the Comoros, a least developed country whose economic difficulties had been compounded by an invasion of mercenaries in September 1995; and nations adversely affected by the imposition of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

The importance of strengthening UN humanitarian assistance was underlined by the General Assembly, as well as the Economic and Social Council, in the light of the widespread acknowledgement that effective coordination of human-

itarian assistance was crucial for saving lives, helping victims and encouraging local coping mechanisms.

## Humanitarian assistance

The UN Department of Humanitarian Affairs (DHA) continued its work as the facilitator for the coordination of relief for both natural and complex emergencies, increasing its capacity to act as an advocate of relief assistance in the context of both political and humanitarian policy discussions, and with respect to resource mobilization for humanitarian emergencies. A complex emergency is generally considered to be a humanitarian crisis of a nature and magnitude beyond the mandate and capacity of any single organization: DHA continued to develop its capacity to respond to ongoing and incipient complex emergencies, in particular through inter-agency Consolidated Appeals and related processes. The response of DHA to those emergencies was also strengthened by the continued rapid deployment of departmental missions, often with the active participation of other UN bodies.

The success of the international community in addressing a humanitarian crisis, however, depended not only on the formulation of a well-coordinated response, but also on raising the resources needed to ensure timely assistance. The largest requirements and number of emergencies in 1996 were found in Africa, where DHA launched six appeals for \$1.2 billion. The humanitarian programmes in Iraq and Afghanistan accounted for the largest funding requirements in the Middle East and Asia, respectively. In 1996, \$84,110,293 in contributions was reported to DHA. Almost three quarters of the funds raised through the Consolidated Appeals process (CAP) in 1996 were directed towards emergencies in the Great Lakes region and in the former Yugoslavia, with the remaining 27 per cent contributed to the other 12 appeals.

### Coordination and resource mobilization

The Secretary-General observed in a 21 June report [A/51/172-E/1996/77] on strengthening all aspects of UN capacity to provide humanitarian assistance that, if current trends continued, humanitarian assistance in the coming decade was likely to be provided in an increasingly complex environment—one of internal conflicts and other situations where the international community was called upon to engage in peacemaking,

peacekeeping and post-conflict peace-building efforts, to stabilize threatened societies, and to assist in rebuilding war-torn communities. The report contained observations on this complex environment, and gave a brief overview of substantive discussions held by the governing bodies of relevant UN organizations, highlighting issues of system-wide concern. It also covered activities specific to DHA, both in complex emergencies and in natural disasters and environmental emergencies (see below, under "Disaster relief").

The Secretary-General identified several weaknesses in the response capacity of the UN system, in the areas of prevention, preparedness and contingency planning; the definition of specific coordination arrangements; the availability of resources; and accountability. Ultimately, he concluded, the international community's capacity to respond to humanitarian emergencies and natural disasters would depend on how well each part of the system worked and how, within and outside the UN system, it worked with the other elements.

The development of an early warning system within DHA continued in 1996. The Humanitarian Early Warning System compiled and analysed data from several sources so as to identify potential crises that might have humanitarian implications, drawing on the various early warning mechanisms of other UN and non-UN organizations and collaborating with NGOs as sources of information and partners in assessing situations. The Secretary-General explained that the next step in strengthening the Humanitarian Early Warning System was the development of a strong, effective and regular channel of communication with field offices and regional information systems, such as DHA's Integrated Regional Information Network, maintained in Nairobi, Kenya, as well as with regional organizations. Recognizing the need for better communication, DHA had also established an interconnected, global information network known as "Reliefweb". The information on the Web site, in the form of situation reports, appeals, evaluations, news reports, maps, financial tracking and country information from the Humanitarian Early Warning System, was being produced by the international humanitarian community and maintained by DHA. Reliefweb consolidated and organized data on emergencies and disasters and ensured that they were current, easily retrievable and readily accessible on the Internet.

**Central Emergency Revolving Fund.** According to the Secretary-General's June report [A/51/172-E/1996/77], the Central Emergency Revolving Fund continued to serve as one of the

main sources of funding for UN agencies in need of a timely response to emergencies. Since beginning operations in 1992 [YUN 1992, p. 584], the Fund had been used 48 times, with \$124 million disbursed from April 1992 to December 1996. A total of \$4 million was allocated in 1996.

The Secretary-General expressed some concerns regarding the use of the Fund. Although the Fund was established to ensure a timely response in the initial phase of an emergency, he reported that it had been utilized, on a limited number of occasions, for protracted emergencies in order to avert critical interruption or scaling down of much-needed humanitarian activities. He suggested that the Economic and Social Council might formally authorize, in compelling circumstances, use of the Fund for that purpose. The Secretary-General also reported that delayed reimbursements had had a serious impact on the Fund's ability to meet requirements in emergency situations. A number of advances had remained outstanding for more than one to two years, owing to weak responses to certain appeals. He stated that the only remaining alternative for recovery of those advances would be to seek specific donor contributions to cover them so that the Fund's level of resources could be maintained at the stipulated minimum of \$50 million.

**Inter-Agency Standing Committee.** Established by the General Assembly in 1991 [YUN 1991, p.421] to coordinate the international humanitarian response to emergencies, the Inter-Agency Standing Committee (IASC) consisted of heads of major UN agencies and other humanitarian organizations. Chaired by the Emergency Relief Coordinator, permanent IASC members included the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and the World Health Organization (WHO).

In a June report [A/51/172-E/1996/77], the Secretary-General described IASC as a key tool for inter-agency coordination on a variety of pressing humanitarian issues; in the first half of 1996, IASC had addressed the follow-up to a multi-donor evaluation study on Rwanda, the humanitarian impact of sanctions, the Consolidated Appeals process (see below) and resource mobilization. Through inter-agency discussions and a review of agency deliberations, seven key issues of a systemic nature were identified: coordination, resource mobilization, relief and development, staff development, monitoring and evaluation, strengthening local capacity and coping

mechanisms, and internally displaced persons. Members of IASC decided that the task of reviewing those issues and recommending improved practices and methods would best be pursued in informal consultations.

### **Consolidated Appeals**

Since its inception in 1992, the DHA-coordinated Consolidated Appeals process evolved from the preparation of a fund-raising document to an instrument for coordination, consisting of needs assessment, strategic planning, preparation of the appeal, and post-appeal follow-up and monitoring. Where applicable, appeals reviewed previous humanitarian programmes in the country or region and outlined further plans of action. UN agencies and bodies involved in projects included: FAO, UNDP, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Human Rights, UNHCR, UNICEF, the United Nations Volunteers (UNV), WFP, and WHO. Also proposing projects were the International Organization for Migration (IOM) and DHA.

In 1996, new or ongoing Consolidated Appeals were coordinated by DHA for the following countries or regions: Angola, the Caucasus, Chechnya (Russian Federation), the Democratic People's Republic of Korea, the Great Lakes region, Iraq, Lebanon, Liberia, Sierra Leone, Somalia, the Sudan, Tajikistan, the former Yugoslavia and eastern Zaire. Several of the appeals which attracted relatively little donor support were long-standing ones seemingly resistant to political settlement. In 1996, the six largest donors were the United States, the European Union, Japan, the Netherlands, Sweden and the United Kingdom, accounting for approximately 64 per cent of all assistance.

**Responses to JIU report.** By a July note [A/50/572/Add.1], the Secretary-General submitted to the General Assembly his comments on a 1995 report [A/50/572] of the Joint Inspection Unit (JIU) on the relationship between humanitarian assistance and peacekeeping operations. The JIU report analysed existing and proposed mandates of the various UN humanitarian agencies and the UN Secretariat, to discover if those mandates were appropriate and applicable during complex emergency operations. It concluded that further efforts were necessary to improve the existing potential of the United Nations to contribute to peace and international security through the promotion of social, economic and humanitarian progress, and set out a number of recommendations in that respect. The Secre-

tary-General agreed with the general thrust of the report, stating that it made an important contribution to a vital and complex topic.

In October, the Secretary-General transmitted [A/51/442] the comments of the Administrative Committee on Coordination (ACC) on another 1995 JIU report [A/50/687], which had analysed the mechanisms and capacity of the UN system to provide and coordinate humanitarian assistance and problems and progress in that regard. ACC pointed out that many of the issues raised in the JIU report were already being addressed on an ongoing basis at the inter-agency level as part of a systematic effort to improve the humanitarian response to emergencies. The fact that JIU did not observe concrete instances of coordination in the field also limited the effectiveness of the report, ACC noted.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July 1996, the Economic and Social Council adopted **resolution 1996/33**.

##### **Strengthening of the coordination of emergency humanitarian assistance of the United Nations**

The Economic and Social Council,

Reaffirming the guiding principles and coordinating mechanisms for providing emergency humanitarian assistance as outlined in the annex to General Assembly resolution 46/182 of 19 December 1991,

Recalling other relevant General Assembly resolutions, in particular resolutions 47/168 of 22 December 1992, 48/57 of 14 December 1993, 49/139 A of 20 December 1994 and 50/57 of 12 December 1995, and Economic and Social Council resolution 1995/56 of 28 July 1995,

Taking note of the report of the Secretary-General,

1. Requests the Secretary-General, in close cooperation with relevant organizations of the United Nations system, to submit to the Economic and Social Council, at its substantive session of 1997, a comprehensive analytical report, including options, proposals and recommendations for a review and strengthening of all aspects of the capacity of the United Nations system for humanitarian assistance;

2. Calls upon the Inter-Agency Standing Committee to adopt clear work plans and timetables for the working groups established in the follow-up to Council resolution 1995/56 in order that the Secretary-General may have sufficient time to consider their recommendations;

3. Urges all relevant organizations of the United Nations system to actively participate in the follow-up process established for Council resolution 1995/56;

4. Also urges the governing bodies of the relevant agencies to complete their consideration of the follow-up to Council resolution 1995/56 in good time, no later than their first regular sessions of 1997, in order that the Secretary-General may have sufficient time to consider their recommendations;

5. Calls upon the Department of Humanitarian Affairs of the Secretariat to provide a conference room paper on the status of the discussions of the working

groups of the Inter-Agency Standing Committee prior to each meeting of the governing bodies of the agencies, funds and programmes at which the follow-up to Council resolution 1995/56 is to be discussed, so that governing body discussions can build on each other and on the work of the Inter-Agency Standing Committee;

6. Encourages Governments to ensure coherence in the direction given to the governing bodies of relevant agencies, organizations, funds and programmes of the United Nations system with the aim of improving the coordination and effectiveness of humanitarian assistance within the United Nations system;

7. Calls upon the Department of Humanitarian Affairs, in this context, to continue to convene regular, informal and open-ended information meetings with Member States, observer States and relevant intergovernmental and other organizations on the review of the above-mentioned issues, so as to ensure that they are coherently addressed and appropriately reflected in the report of the Secretary-General.

Economic and Social Council resolution 1996/33

25 July 1996 Meeting 50 Adopted without vote

Draft by Argentina, Australia, Belarus, Bulgaria, Canada, Czech Republic, Ireland (for EU), Japan, Norway, Poland, Romania, Russian Federation, Slovakia, Switzerland and United States (E/1996/L.33); agenda item 5 (a).

Meeting numbers. ESC 41-43, 45, 50.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/194**.

##### **Strengthening of the coordination of emergency humanitarian assistance of the United Nations**

The General Assembly,

Reaffirming its resolutions 46/182 of 19 December 1991, 47/168 of 22 December 1992, 48/57 of 14 December 1993, 49/139 A and B of 20 December 1994, 50/57 of 12 December 1995 and Economic and Social Council resolutions 1995/56 of 28 July 1995 and 1996/33 of 25 July 1996,

Reaffirming also the guiding principles contained in section I of the annex to its resolution 46/182,

Taking note of the report of the Secretary-General, in particular of the attention paid by the Secretary-General to effectiveness, accountability and transparency in humanitarian assistance under increasingly complex operational environments and the need for further efforts to identify and support the smooth transition from relief to rehabilitation, reconstruction and long-term development,

Taking note of the establishment, within the Department of Humanitarian Affairs of the Secretariat, of Reliefweb, for the dissemination of reliable and timely information on natural disasters and other emergencies,

Taking note also of the relevant decisions of operational agencies, organizations, programmes and funds of the United Nations system concerning their participation in a coordinated response to humanitarian emergencies,

Recognizing the need for coordinated humanitarian assistance and adequate financial resources to ensure a prompt, timely and effective response by the United Nations to natural disasters and other emergencies, both for immediate relief and for the smooth transition

from relief to rehabilitation, reconstruction and long-term development, which are not necessarily sequential and often proceed at the same time,

Bearing in mind the critical importance of prevention, preparedness and contingency planning for a timely and effective response to both natural and other emergencies by the Governments concerned and the international community,

Welcoming the request to the Secretary-General by the Economic and Social Council, in its resolution 1995/56, to submit to the Council, at its substantive session of 1997, in close cooperation with relevant organizations of the United Nations system, a comprehensive analytical report, including options, proposals and recommendations for a review of issues concerning the role and operational responsibilities and strengthening of all aspects of the capacity of the United Nations system for humanitarian assistance,

Deeply concerned about the suffering of victims of disasters and emergency situations, the loss of human lives, the flow of refugees, the mass displacement of people and the material destruction,

Reaffirming that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations and, in this context, that humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal of the affected country,

Reaffirming also that each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory, and hence, the affected State has the primary role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory,

Strongly emphasizing the urgent need to ensure, respect and promote international humanitarian law, principles and norms, the safety of humanitarian personnel and the need for States whose populations are in need of humanitarian assistance to facilitate the work of humanitarian organizations in implementing humanitarian assistance, in particular the supply of food, medicines, shelter and health care, for which access to victims is essential, and reaffirming that humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality,

Concerned about the impediments created by natural disasters and similar emergencies to the development efforts of the affected countries, and welcoming the efforts of the Department of Humanitarian Affairs, in the context of the International Decade for Natural Disaster Reduction, to promote disaster prevention, mitigation and preparedness measures,

Commending the activities of the United Nations Volunteers, and of the "White Helmets", deployed in the context of the implementation of General Assembly resolutions 49/139 B of 29 December 1994 and 50/19 of 28 November 1995, as well as other activities to improve, in accordance with resolutions 46/182 and 50/19, the capability for a quick and coordinated response to natural disasters and other emergencies,

Reaffirming the need for the improved accountability of all relevant actors involved in emergency relief operations,

1. Encourages Governments to ensure coherence in the direction given to the governing bodies of relevant organizations, funds and programmes of the United Nations system, and to thereby promote the development and strengthening of the cooperation between these organizations and the Department of Humanitarian Affairs, drawing on the mandate, expertise and respective strengths and available capabilities of each, to improve the system-wide capability for a quick and coordinated response to complex humanitarian emergencies and natural disasters;

2. Urges all relevant organizations of the United Nations system to participate actively in the follow-up process established by Economic and Social Council resolution 1995/56;

3. Calls upon the Secretary-General to ensure that the Inter-Agency Standing Committee, as a contribution to the report of the Secretary-General to the Economic and Social Council at its substantive session in 1997, develops options and proposals to further define operational responsibilities between its members, drawing on their respective mandates, expertise, strengths and available capabilities, to identify cooperative arrangements to strengthen their joint capacities and to strengthen its work in priority setting and formulation of coherent humanitarian strategies;

4. Requests the Secretary-General to include in his report to the Economic and Social Council at its substantive session in 1997 recommendations of the Inter-Agency Standing Committee on measures aimed at making it a more effective and transparent mechanism, under the leadership of the Emergency Relief Coordinator, for inter-agency decision-making on coordination;

5. Emphasizes the need for the Secretary-General to draw on the discussions and conclusions in the various governing boards, as mentioned in paragraph 1 above, on the follow-up to Economic and Social Council resolution 1995/56, on the results of the work of the Inter-Agency Standing Committee in this regard and on the assessment of the Emergency Relief Coordinator, when contributing to the report of the Secretary-General, in order to ensure that all relevant issues are coherently addressed and appropriately reflected;

6. Encourages all relevant agencies of the United Nations system to collaborate closely at the country level in carrying out their relief activities, in order to enhance the overall policy coherence, operational complementarity and cost-effectiveness of the response of the United Nations system in emergencies;

7. Encourages the Secretary-General to develop further, in consultation with the Emergency Relief Coordinator and with members of the Inter-Agency Standing Committee, a transparent and timely procedure for putting into place effective coordination arrangements in the field;

8. Encourages members of the Inter-Agency Standing Committee to cooperate closely with each other, as well as with the Bretton Woods institutions and the regional development banks, to ensure that relief, rehabilitation, reconstruction and long-term development are addressed in a more effective manner, taking into account the need for a clearer division of responsibilities between different actors;

9. Encourages the Secretary-General to strengthen further the cooperation and coordination between the

Department of Humanitarian Affairs and other relevant departments of the Secretariat to ensure an effective and coherent United Nations response to natural disasters and other emergencies;

10. Calls upon States to respond quickly and generously to consolidated appeals for humanitarian assistance, taking into account the importance for donors to be flexible in their response to the specific requirements of affected populations, for rapid response as well as for early rehabilitation and recovery;

11. Requests the Secretary-General, in consultation with the Inter-Agency Standing Committee, to include in his report to the Economic and Social Council at its substantive session in 1997 proposals for the clearer identification of priority needs and the formulation of a coherent humanitarian strategy within consolidated appeals, and to ensure that consolidated appeals are formulated in a manner consistent with the smooth transition from relief to rehabilitation, reconstruction and long-term development, and also requests the Secretary-General to invite States to submit their views on this subject in due time;

12. Invites the Secretary-General, in consultation with the Inter-Agency Standing Committee, to make recommendations to the Economic and Social Council, at its substantive session in 1997, on possible ways to strengthen the effectiveness of the Central Emergency Revolving Fund, taking into account the revolving nature of the Fund, to ensure a timely response in the initial phase of an emergency, and taking into account the need for transparent complementarity between the Fund and the individual emergency funds of operational agencies, and requests the Secretary-General to invite States to submit their views on this subject in due time;

13. Requests the Secretary-General to further develop Reliefweb as the global humanitarian information system for the dissemination of reliable and timely information on emergencies and natural disasters, and encourages all Governments, the United Nations agencies, funds and programmes and other relevant organizations, including non-governmental organizations, to support Reliefweb and actively participate in the Reliefweb information exchange, through the Department of Humanitarian Affairs;

14. Encourages the Secretary-General to develop further the Humanitarian Early Warning System, to make it fully operational as soon as possible and to consult all States on the use to which the database could be put, as well as its further development, taking into account that early warning information should be made available in an unrestricted and timely manner to all interested Governments and authorities concerned;

15. Calls upon the United Nations system to strengthen accountability in the field of humanitarian assistance, in particular through improved monitoring and evaluation, to ensure that:

(a) Organizations of the United Nations system involved in humanitarian assistance activities develop common methodologies for data collection and reporting, situation analyses, needs assessment, monitoring and tracking of resources, in order to ensure an effective and timely response;

(b) Clearer arrangements are made for system-wide evaluation, the lessons learned from evaluation exercises are systematically applied at the operational level

and joint evaluation criteria are developed for humanitarian and disaster relief operations at the planning stage;

16. Urges all operational agencies of the United Nations system to collaborate fully with the Department of Humanitarian Affairs, particularly in the early phase of an emergency, *inter alia*, by providing the Department with sufficient support in terms of human and logistical assets, to enable it to enhance coordination and the rapid-response capability of the system as a whole;

17. Stresses the critical need to create a sound and predictable financial basis for the Department of Humanitarian Affairs to enable it to carry out fully its mandate, and encourages the Secretary-General to continue to explore all possible options to achieve that goal.

General Assembly resolution 51/194

17 December 1996 Meeting 87 Adopted without vote

88-nation draft (A/51/L.45/Rev.1 & Add.1); agenda item 21 (al)

Meeting numbers. GA 51st session: plenary 62, 63, 87.

### Mine clearance

An estimated 110 million landmines were buried in more than 70 countries, according to an October report [A/51/540] of the Secretary-General. There were approximately 25,000 mine-related casualties each year, most of whom were civilians. The report, submitted in response to General Assembly resolution 50/82 [YUN 1995, p. 930], provided information on the activities of the UN system and other organizations and NGOs involved in mine-action activities. The Secretary-General reviewed ongoing programmes in Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Croatia (including Eastern Slavonia), the Lao People's Democratic Republic, Mozambique and Yemen.

A sustainable national mine-clearance capacity was the objective in each country, the Secretary-General explained, and to that end, programmes were developed in close collaboration with the Governments concerned. Within the UN system, the following entities were involved in such efforts: DHA—the focal point for all humanitarian mine-clearance activities—the Department of Peacekeeping Operations, UNDP, UNICEF, UNHCR and WFP. The UN mine-action programmes also worked closely with NGOs, which trained local personnel in mine-awareness, surveying and demining operations.

The Voluntary Trust Fund for Assistance in Mine Clearance had received more than \$23 million since its establishment in 1994 [YUN 1994, p. 172], out of the \$32.7 million pledged. Just over \$8 million, or 28 per cent, was non-earmarked and available for mine-clearance programmes at the discretion of DHA. Of the total available to the Fund, \$1.77 million was utilized in 1995 and approximately \$9 million was disbursed during the

first three quarters of 1996. Contributions to the standby capacity for mine-related activities, launched at the International Meeting on Mine Clearance in 1995 [YUN 1995, p. 223], had been received from Finland, Germany and the United States, as well as from Handicap International, an international NGO. The Secretary-General noted that the development of this standby capacity had been slow and was in need of enhanced support from Member States.

By an August note [A/51/306 & Add.1], the Secretary-General transmitted the report of his expert on the topic, Graça Machel, on the impact of armed conflict on children. The report described the particular danger mines posed for that often-forgotten group. The expert explained that commercial teams frequently cleared only the major roads and generally followed the priorities of central Government or of businesses, such as airports and commercial transportation routes. Too often, children's needs were ignored and the areas around schools or rural footpaths left uncleared.

In response to General Assembly resolution 49/215 [YUN 1994, p. 173], requesting the promotion of scientific research on and development of humanitarian mine-clearance techniques and technology, Denmark, with the support of DHA, convened an International Conference on Mine Clearance Technology (Elsinore, Denmark, 2-4 July 1996) [A/51/472]. The participants recommended a framework for international standards for humanitarian mine clearance, to enhance the safety and efficiency of such programmes throughout the world. Criteria were recommended for all aspects of mine clearance, starting with the mine-survey process. Minefield-marking standards were prescribed to create a universal visual demarcation of a mined area to warn the population of the danger. Quality assurance was addressed through the proposal of specific guidelines for applying standards to contractors, NGOs and individuals engaged in demining activities. Safety standards were reviewed in detail to establish such items as safety distances, early warning requirements and procedures for the use of explosives, and medical and communications requirements. Medical support standards addressed the training of personnel, the deployment of teams and the required equipment and supplies.

In 1996, more than ever before, the issue of landmines received significant political attention, according to the Secretary-General [A/51/540]. This was due primarily to the first Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which

May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects [YUN 1980, p. 76] (Vienna, 25 September-13 October 1995; Geneva, 15-19 January 1996 and 22 April-3 May 1996), where participants agreed on additional restrictions on the production, trade and use of landmines. Also in 1996, the 50 participating States of the Ottawa International Strategy Conference, "Towards a Global Ban on Anti-Personnel Mines" (Ottawa, Canada, 3-5 October), endorsed the Ottawa Declaration [A/C.1/51/10], calling for the earliest possible conclusion of a legally binding international agreement to ban anti-personnel mines (see also PART ONE, Chapter VII).

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/149**.

#### Assistance in mine clearance

The General Assembly,

Recalling its resolutions 48/7 of 19 October 1993, 49/215 of 23 December 1994 and 50/82 of 14 December 1995 on assistance in mine clearance, all adopted without a vote,

Reaffirming its deep concern at the tremendous humanitarian problem caused by the presence of mines and other unexploded devices that have serious and lasting social and economic consequences for the populations of mine-infested countries and constitute an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations and to reconstruction and economic development, as well as to the restoration of normal social conditions,

Reiterating its dismay at the high number of victims of mines, especially among civilian populations, particularly children, and recalling in this context Commission on Human Rights resolutions 1995/79 of 8 March 1995 and 1996/85 of 24 April 1996 on the rights of the child and 1996/27 of 19 April 1996 on the human rights of persons with disability, and noting the recent report on the impact of armed conflict on children prepared by the expert of the Secretary-General,

Deeply alarmed that the number of mines being laid each year, as well as the presence of a large number of mines and other unexploded devices as a result of armed conflicts, exponentially outweighs the number of such mines that can be cleared during that time, and thus convinced of the necessity and urgency of a significant increase in mine-clearance efforts by the international community,

Noting the recent decisions taken at the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly with respect to Protocol II of the Convention and the inclusion in the Amended Protocol of a number of provisions of importance for mine-clearance operations, notably the requirement of detectability,

Noting also the adoption at the Ottawa International Strategy Conference, "Towards a Global Ban on Anti-

Personnel Mines", on 5 October 1996, of the Ottawa Declaration, whereby participants undertook a commitment towards the earliest possible conclusion of a legally binding international agreement to ban anti-personnel mines and which, among other things, recognizes that the international community must provide significantly greater resources to mine-awareness programmes, mine-clearance operations and victim assistance, and stressing the need to convince mine-affected States to halt new deployments of anti-personnel mines to ensure the effectiveness and efficiency of mine-clearance operations, and noting the offer by the Government of Belgium to host a follow-up conference at Brussels in June 1997,

Welcoming the offer by the Government of Japan to hold at Tokyo a conference on anti-personnel landmines in March 1997 with a view to reinforcing international support for the work of the United Nations in landmine clearance, development of new technology for landmine detection and removal and the rehabilitation of landmine victims,

Emphasizing the importance of recording the location of mines, of retaining all such records and making them available to concerned parties upon cessation of hostilities, and welcoming the strengthening of the relevant provisions in international law,

Recognizing the important role that the international community, particularly States involved in the deployment of mines, can play in assisting mine clearance in affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby traps,

Bearing in mind the serious threat that mines and other unexploded devices pose to the safety, health and lives of personnel participating in humanitarian, peacekeeping and rehabilitation programmes and operations,

Aware that the rate of mine clearance needs to accelerate substantially if the global landmine problem is to be tackled effectively,

Concerned about the limited availability of safe and cost-effective mine-detection and mine-clearance equipment as well as the lack of global coordination in research and development to improve the relevant technology, and conscious of the need to promote progress in this field and to foster international technical cooperation to this end,

Encouraged by the initiative taken by the Government of Denmark in hosting and organizing the International Conference on Mine Clearance Technology at Elsinore from 2 to 4 July 1996 with the support and co-operation of the Department of Humanitarian Affairs of the Secretariat and by the work of the Conference, notably in relation to international standards and procedures for humanitarian mine-clearance operations, which can serve as a basis on which to advance the safety, effectiveness and professionalism of these operations throughout the world,

Recognizing that, in addition to the primary role of States, the United Nations has an important role in the field of assistance in mine clearance,

Noting with satisfaction the inclusion in the mandates of several peacekeeping operations of provisions relating to mine-clearance work carried out under the di-

rection of the Department of Peacekeeping Operations of the Secretariat, in the context of such operations,

Commending the activities already undertaken by the United Nations system, donor and recipient Governments, the International Committee of the Red Cross and non-governmental organizations to coordinate their efforts and seek solutions to the problems related to the presence of mines and other unexploded devices,

Also commending the role of the Secretary-General, through the work of the Department of Humanitarian Affairs, in increasing public awareness of the problem of landmines, and in the establishment of the central landmine database and inventories of mine-awareness materials and mine-clearance techniques,

Welcoming the statement by the President of the Security Council at the 3693rd meeting of the Council, on 30 August 1996, on demining in the context of United Nations peacekeeping,

1. Expresses its appreciation to the Secretary-General for his comprehensive report on the activities of the United Nations on assistance in mine clearance and the operation of the Voluntary Trust Fund for Assistance in Mine Clearance, and takes note with interest of the proposals contained therein;

2. Welcomes, in particular, the efforts made by the United Nations to foster the establishment of mine-clearance capacities in countries where mines constitute a serious threat to the safety, health and lives of the local population, and emphasizing the importance of developing national mine-clearance capacities, urges all Member States, particularly those that have a capacity to do so, to assist afflicted countries in the establishment and development of their national mine-clearance capacities;

3. Invites Member States to develop national programmes, in cooperation with the relevant bodies of the United Nations system where appropriate, to promote awareness of landmines, especially among children;

4. Expresses its appreciation to Member States and regional organizations for their financial contributions to the Trust Fund, and appeals to them to continue this support through further contributions;

5. Encourages all relevant multilateral and national programmes and bodies to include, in coordination with the United Nations, activities related to mine clearance in their humanitarian, social and economic assistance activities;

6. Stresses the importance of international assistance for the rehabilitation of landmine victims and their full participation in society;

7. Emphasizes again, in this connection, the importance of effective coordination by the United Nations of activities related to mine clearance, including those by regional organizations, in particular activities related to standards, technological development, information and training;

8. Welcomes the efforts of the Department of Humanitarian Affairs to coordinate mine-related activities and, in particular, the establishment, in cooperation with other relevant United Nations organizations, of comprehensive mine-action programmes, and encourages the Department to continue and enhance those efforts with a view to improving the effectiveness of assistance in mine clearance by the United Nations;



9. Also welcomes the designation of the Department of Humanitarian Affairs, the focal point in the United Nations for coordinating humanitarian demining and related issues, as the repository of information and for encouraging and facilitating international research to improve mine-clearance methods;

10. Urges Member States, regional organizations, governmental and non-governmental organizations and foundations to continue to extend full assistance and cooperation to the Secretary-General and, in particular, to provide him with information and data as well as other appropriate resources that could be useful in strengthening the coordination role of the United Nations in the field of mine awareness, training, surveying, mine detection and clearance, scientific research on mine-detection and clearance technology, and information on and distribution of medical equipment and supplies;

11. Calls upon Member States, especially those that have a capacity to do so, to provide the necessary information and technical and material assistance, as appropriate, and to locate, remove, destroy or otherwise render ineffective minefields, mines, booby traps and other devices in accordance with international law;

12. Urges Member States and intergovernmental and non-governmental organizations and foundations that have the ability to do so to provide, as appropriate, technological assistance to mine-inflicted countries and to promote scientific research and development on humanitarian mine-clearance techniques and technology so that mine-clearance activities may be carried out more effectively at lower costs and through safer means and to promote international collaboration in this regard;

13. Encourages Member States and intergovernmental and non-governmental organizations and foundations to continue to support ongoing activities to promote appropriate technology, as well as international operational and safety standards for humanitarian mine-clearance activities, including the early follow-up of the International Conference on Mine Clearance Technology;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the progress achieved on all relevant issues outlined in his previous reports to the Assembly on assistance in mine clearance and in the present resolution and on the operation of the Trust Fund;

15. Decides to include in the provisional agenda of its fifty-second session the item entitled "Assistance in mine clearance".

General Assembly resolution 51/149  
13 December 1996 Meeting 84 Adopted without vote  
65-nation draft (A/51/L.44 & Add.1); agenda item 34.

### New international humanitarian order

In response to General Assembly resolution 49/170 [YUN 1994, p. 828], the Secretary-General presented a report [A/51/454] in October, which contained replies to his request to Governments and NGOs for information on humanitarian issues of special concern. As at 31 August 1996, comments had been received from Monaco and

Turkey and from the Independent Bureau for Humanitarian Issues. The Secretary-General felt that the contribution of the latter underlined the need to build on and strengthen existing humanitarian instruments and mechanisms in order to ensure rigorous respect for humanitarian norms and to devise more effective means for implementing humanitarian assistance programmes.

#### GENERAL ASSEMBLY ACTION

On 12 December 1996, the General Assembly adopted **resolution 51/74**.

#### New international humanitarian order

The General Assembly,

Recalling its resolution 49/170 of 23 December 1994 and other pertinent resolutions relating to the promotion of a new international humanitarian order and international cooperation in the humanitarian field,

Taking note of the report of the Secretary-General and the previous reports containing the comments and views of Governments, the specialized agencies and non-governmental organizations,

Noting that a number of Governments have not yet submitted their comments with regard to the above-mentioned resolutions,

Noting with deep concern the growing scale of humanitarian emergencies involving widespread suffering, loss of life and uprootedness,

Noting the corresponding increase in the burden on the international community in providing emergency relief for protracted periods while durable solutions remain evasive, to the detriment of stability and security and thereby adversely affecting economic and social development,

Bearing in mind the urgent need to ensure respect for and promotion of the principles and norms relating to humanitarian emergencies,

1. Expresses its appreciation to the Secretary-General for his continuing support for the efforts to promote a new international humanitarian order;

2. Urges Governments and governmental and non-governmental organizations that have not yet done so to submit their comments and views to the Secretary-General regarding the promotion of a new international humanitarian order;

3. Requests Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of special concern to them, in order to identify opportunities for future action;

4. Invites the Independent Bureau for Humanitarian Issues to continue and to strengthen further its activities in cooperation with the governmental and non-governmental bodies concerned, including local and regional capacity-building to respond to humanitarian problems and the search for more effective measures to increase international cooperation in the humanitarian field;

5. Requests the Secretary-General to remain in contact with Governments and non-governmental organizations, including the Independent Bureau for Humanitarian Issues, in order to report in a comprehensive manner on the progress made by them to the General Assembly at its fifty-third session.

General Assembly resolution 51/74

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 8 November (meeting 29); 23-nation draft (A/C.3/51/L.16), orally revised; agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29; plenary 82.

## Activities in Africa

### Great Lakes region

In February 1996, DHA issued a United Nations Consolidated Fund-Raising Document for the Great Lakes Region, reviewing assistance provided during 1995 and summarizing funding requests and projects proposed by UN agencies and DHA for the period January to December 1996. The report also gave details of a regional strategy and outlined the focus of programmes in 1996, as well as of the current situations in both Rwanda and Burundi. In all, \$548,033,793 was to be requested from donors for projects in the region as a whole, as well as for four individual countries within it: Rwanda (\$103,558,061), Burundi (\$50,991,280), eastern Zaire (\$6,785,370) and the United Republic of Tanzania (\$1,739,348); total resources required were \$711,107,852. In November, DHA released a United Nations Consolidated Inter-Agency Flash Appeal for the Great Lakes Region in Response to the Crisis in Eastern Zaire (see below).

In the document, DHA stated that during 1995 much progress had been made in stemming the humanitarian crisis arising from the events in Rwanda in 1994, yet the situation throughout the Great Lakes region remained precarious. The genocide that claimed the lives of an estimated 1 million Rwandans had left the region with a complex refugee crisis and a legacy of fear and bitterness which threatened to last for generations. The past year had witnessed a low-level but growing destabilization campaign in the country by militiamen allied with the former Rwandan Government. In Burundi, the general climate of insecurity and conflict was increasingly endemic in the north-west of the country, with border areas in the United Republic of Tanzania also affected. Constant population displacements resulted in the need for higher levels of humanitarian assistance, and another humanitarian emergency might occur, DHA stated, also because of reduced access to land and crops.

The fate of the Great Lakes region as a whole was inextricably bound up with the fate of the Rwandans and Burundians living outside their countries of origin, DHA declared. Traditionally, the region had been a generous host to refugee populations; however, during 1995, there was a

growing frustration on the part of host countries, with the rights of refugees challenged as never before. There was a consensus that organized repatriation was the only feasible solution for most Rwandan refugees. At the same time, DHA stated, a number of unresolved issues, such as security, the slow pace of re-establishing the justice system and the fragility of conditions in areas of return, constituted serious barriers which would have to be surmounted.

The complex and myriad challenges facing the Great Lakes region in 1996 would require the continued and full support of Governments of the region and the international community, DHA said. In view of the reluctance or inability of many Rwandan and Burundian refugees to return to their home countries, care and maintenance programmes in refugee camps would have to be continued. Assistance was further required for other vulnerable groups in both countries, and a limited number of humanitarian activities to assist host communities most affected by refugee populations were also proposed.

### Rwanda

In 1996, DHA reported that significant progress was made towards alleviating the humanitarian crisis in Rwanda, which had erupted in 1994. Schools reopened and the national banking system was re-established. By the end of 1995, electricity and water were available in all urban centres and in 80 per cent of rural areas. Bilateral donations also improved in the second half of 1995 and support was extended to key sectors of the national economy and for the re-establishment of the justice system and police force. However, the high rate of arrests, mainly on charges of genocide, and overcrowded prisons and places of detention remained major concerns.

In the UN Consolidated Fund-Raising Document for the Great Lakes Region, \$103,558,061 was requested specifically for 1996 activities in Rwanda, including \$43,944,797 for food assistance; \$15,416,480 for health care; \$9,328,700 for human rights projects; and \$7,833,150 for agriculture and livestock.

At a round-table conference (Geneva, 20-21 June) co-organized by the Government of Rwanda and UNDP, bilateral donor countries, multilateral organizations and financial institutions pledged \$617 million of the \$832 million requested by the Government. The next round-table meeting was to be held in Kigali in January 1998.

On 23 November, Canada and Rwanda organized a multilateral meeting in Geneva on refugee reintegration. Priorities included: resettlement and reintegration of the displaced population;

rehabilitation of the justice system and the maintenance of law and order; assistance to vulnerable groups, particularly genocide survivors; promotion of values that encouraged national reconciliation; and food security and strengthening of the macroeconomic framework.

**Report of Secretary-General.** On 12 September, the Secretary-General reported [A/51/353] that while the situation in Rwanda continued to improve, the lingering instability in the region and the presence of some 1.6 million Rwandan refugees still outside the country caused uncertainty and cast a shadow on efforts at rehabilitation and long-term sustainable development.

During the period from 1 January to 20 August, UNHCR registered 99,791 returnees to Rwanda, some 30 per cent fewer than over the same period in 1995. Government officials in Rwanda believed that the stagnation of repatriation might be attributable to an escalation in propaganda and intimidation tactics by former government leaders in the refugee camps.

The Secretary-General reported progress in the re-establishment of a functioning justice system in Rwanda. Intensive training and recruitment programmes attempted to compensate for the serious shortfall in trained personnel at every level.

Reviewing the assistance provided by the international community and various UN organizations, the Secretary-General reported that UNDP was primarily involved in the resettlement and reintegration of refugees; rehabilitation of the justice system and human security; and capacity-building. UNDP activities were funded from its own resources and through its Trust Fund for Rwanda, to which 10 donors had contributed more than \$36 million since the beginning of 1995. A survey on vaccination coverage undertaken by the Rwandan Ministry of Health and UNICEF in March showed that pre-war vaccination levels in the number of children under the age of five immunized against the six major vaccine-preventable diseases (polio, measles, tuberculosis, whooping cough, tetanus and diphtheria) had nearly been attained. Over two thirds of WFP assistance to Rwanda during the first half of 1996 was provided in the form of food-for-work and income-generating activities. WHO assisted in the training of health auxiliaries, physicians and medical support staff. Activities by UN agencies with a World Bank special emergency assistance grant of \$20 million had been completed. In 1996, approximately 90 international NGOs were working in Rwanda.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/30 H.**

#### **International assistance to Rwanda for the reintegration of returning refugees, the restoration of total peace, reconstruction and socio-economic development**

The General Assembly,

Recalling its resolutions 48/211 of 21 December 1993, entitled "Emergency assistance for the socio-economic rehabilitation of Rwanda", 49/23 of 2 December 1994, entitled "Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda", and 50/58 L of 22 December 1995, entitled "Situation in Rwanda: international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in Rwanda",

Taking into consideration the need for continued humanitarian assistance to support the ongoing process of the voluntary repatriation, resettlement and reintegration of returning refugees,

Emphasizing the need for, inter alia, an infusion of significant material and financial resources in Rwanda in order to create conditions for sustainable peace and development,

Conscious that continued technical assistance and advisory services, as well as other assistance, is required to assist the Government of Rwanda in reconstructing the social, legal and economic infrastructure of Rwanda,

Recognizing, inter alia, that the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993, as well as the recently established Commission for National Reconciliation, provide an appropriate framework for national reconciliation,

Expressing its gratitude to those States and intergovernmental and non-governmental organizations which have responded positively and continue to respond positively to the humanitarian and development needs of Rwanda, and to the United Nations, which has mobilized and coordinated the distribution of humanitarian assistance,

Welcoming the meeting on refugee reintegration in the Great Lakes region, convened at Geneva on 23 November 1996,

Welcoming also the manner in which Rwanda has handled the massive and sudden repatriation of refugees from eastern Zaire and Burundi, and stressing the need for the Government of Rwanda to continue its efforts to support the voluntary repatriation, resettlement and reintegration of returning refugees,

1. Congratulates all relevant United Nations agencies, funds and programmes for their efforts to draw the attention of the international community to the humanitarian and development needs of Rwanda, requests them to provide all possible assistance and encourages them to coordinate with the Government of Rwanda and the coordinator of United Nations activities in Rwanda in order to address the emergency and long-term development needs of Rwanda, as presented at Geneva by the Government of Rwanda on 23 November 1996, in the programme for the resettlement and

reintegration in the context of the present massive return of refugees;

2. Welcomes the commitment of the Government of Rwanda to cooperate with and to take all necessary measures to ensure the safety and security of all humanitarian personnel, including personnel of non-governmental organizations, operating in the country;

3. Urges all States, United Nations organizations and specialized agencies, as well as other intergovernmental and non-governmental organizations and the multilateral financial and development institutions, to continue to assist Rwanda in the resettlement and reintegration of refugees and other vulnerable groups in the context of the national reconciliation process, and in the rehabilitation efforts in the following priority areas: education, health, justice, security and public infrastructure;

4. Calls upon the international community to continue its assistance, with a view to alleviating the intolerable conditions in Rwandan prisons and to expediting the processing of cases, encourages the Government of Rwanda to continue its efforts to improve the judicial system, including by expediting the trial process, and encourages the Government of Rwanda to continue to improve the situation in the prisons;

5. Encourages the International Tribunal for Rwanda to pursue its work speedily and calls upon all States to cooperate with the Tribunal, in accordance with Security Council resolutions 955(1994) of 8 November 1994 and 978(1995) of 27 February 1995, by arresting and detaining persons suspected of genocide and other serious violations of international humanitarian law, and to ensure the transfer of indicted individuals to the Tribunal;

6. Urges all States to provide funds to projects and programmes for the reintegration of refugees, as proposed in the various subprogrammes presented by the Government of Rwanda at Geneva on 23 November 1996;

7. Calls upon all States, in particular the States of the Great Lakes region, to act in accordance with the recommendations adopted by the Nairobi Summit of January 1995 and the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura in February 1995, and with those contained in the Cairo Declaration on the Great Lakes Region, and to continue efforts with regard to the search for peace in the Great Lakes region, in particular the convening of a conference on security, stability and development in the Great Lakes region after consulting the countries of the region;

8. Decides to consider at its fifty-second session the question of international assistance for the reintegration of returnees, the restoration of total peace, reconstruction and socio-economic development in Rwanda, and requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution.

General Assembly resolution 51/30 H  
13 December 1996 Meeting 84 Adopted without vote

32-nation draft (A/51/L.50/Rev.1 & Rev.1/Add.1); agenda item 21 (b).  
Meeting numbers. GA 51st session: plenary 62, 63, 84.

## Burundi

In the United Nations Consolidated Fund-Raising Document for the Great Lakes Region, \$50,991,280 was requested by UN agencies for activities in Burundi, such as food assistance (\$19,591,968), human rights (\$8,369,428) and emergency relief (\$6,750,000). DHA reported that assistance programmes in Burundi assumed more importance during the year as security worsened and continued population movements occurred. The newly established Ministry for Repatriation and Reintegration of Refugees and Displaced Persons, together with relief organizations, implemented incentive programmes to encourage reintegration into the home communities.

**Report of Secretary-General.** The Secretary-General, in an October report [A/51/464] on emergency assistance to Burundi, reviewed developments from September 1995 to August 1996. Economic, financial, material and technical assistance had had to be severely reduced owing to increased insecurity and the lack of progress on initiatives aimed at political reconciliation. Emergency humanitarian aid was also affected by operational difficulties and economic sanctions against Burundi instituted by eight African States following a bloodless coup overthrowing the Burundian Government on 25 July.

Since the end of 1995, the report stated, intense fighting and attacks on the civilian population throughout the country had made the humanitarian situation extremely precarious. The spreading conflict made it difficult for government authorities to provide adequate guarantees for the safety of aid workers, and the lack of security seriously impeded access to the most vulnerable populations. The politicization of the inter-ethnic conflict had made it difficult for humanitarian organizations to be perceived by the population as neutral, as their assistance was judged to favour one side or the other. Some organizations had temporarily suspended their activities and evacuated their staff. Donors said they would not pledge additional funding to Burundi until the situation had improved.

In May 1996, some improvement in the security situation was reported. WFP was able to carry out extensive food distributions to populations displaced by the fighting, and other organizations resumed activities. After three delegates of the International Committee of the Red Cross (ICRC) were murdered in an ambush, the entire ICRC delegation left Burundi on 11 June. The action had severe consequences because ICRC had maintained programmes in areas most seriously affected by the conflict.

The sanctions continued to have far-reaching implications for all humanitarian agencies operating in Burundi. Essential supplies of fuel were exempted for the United Nations and the diplomatic corps, but not for NGOs. FAO reported that if seeds and other agricultural products were not allowed into the country, agricultural productivity might decrease by as much as 40 per cent. The United Nations continued to work with the Organization of African Unity (OAU) and the Regional Sanctions Coordination Committee (RSCC) to identify exemptions to the sanctions in order to ensure that essential life-saving support would reach vulnerable populations.

The Secretary-General said that the UN system must adjust humanitarian programmes to ensure greater access to vulnerable populations and to safeguard the provision of uninterrupted assistance in areas regularly affected by fighting and insecurity.

Taking note of the report of the Secretary-General, Burundi submitted a draft resolution [A/51/L.48] on 9 December, calling for further assistance to Burundi. By **decision** 51/451 of 17 December, the General Assembly, on the proposal of Austria, decided to defer consideration of the text until its resumed fifty-first session.

#### SECURITY COUNCIL ACTION

In a Presidential statement of 5 January [S/PRST/1996/1], the Security Council expressed grave concern at attacks on personnel of international humanitarian organizations, which had led to the suspension of essential assistance to refugees and displaced persons and to the temporary withdrawal of international personnel. It underlined the responsibility of Burundi authorities for the security of such personnel and called on the Government to provide adequate security for them and for food envoys.

The Council, in **resolution** 1049(1996) of 5 March, encouraged the Secretary-General to continue consultations with the Member States concerned and with OAU on contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi.

In a Presidential statement of 25 April [S/PRST/1996/21], the Council warned that the dramatic increase in violence throughout the country severely inhibited humanitarian aid and could have a negative effect on donors' capacity to implement development assistance in Burundi. In another statement, of 15 May [S/PRST/1996/24], the Council voiced deep concern that relief organizations had been prevented from delivering vital humanitarian and development assistance and at the resulting suf-

fering imposed on the people of Burundi. The Council called on the parties and all concerned to refrain from any action that could aggravate the refugee problem.

#### Zaire

In the United Nations Consolidated Fund-Raising Document for the Great Lakes Region of February 1996, some \$6.7 million was requested for programmes in eastern Zaire, including health care (\$5,385,370), children in especially difficult circumstances (\$950,000), water and sanitation (\$100,000) and education and peace promotion (\$50,000). In November, following a deterioration of the situation in the area, DHA decided to launch a UN Consolidated Inter-Agency Flash Appeal for the Great Lakes Region in Response to the Crisis in Eastern Zaire. The Flash Appeal, which reflected inter-agency needs for the period 1 November 1996 to 31 January 1997, called for more than \$259 million to deal with the loss of infrastructure and increased transport and distribution costs arising from the crisis, among other things.

In a matter of a few weeks, increased conflicts in eastern Zaire, strained by the presence for more than two years of 1.25 million Rwandan and Burundian refugees, had sparked a mass movement of most of those refugees, creating 250,000 internally displaced persons and affecting at least 500,000 others inside the country. The situation in eastern Zaire had developed into one of the largest humanitarian crises ever, according to DHA, affecting large parts of the population in Burundi and Rwanda. Priority would be given to the provision of shelter, water and sanitation, food assistance, essential agricultural inputs, immunization and essential drugs to ensure the prevention of epidemics and malnutrition and to children in especially difficult circumstances and for protection.

In a Presidential statement of 1 November [S/PRST/1996/44] calling for an end to the fighting in eastern Zaire, the Security Council expressed its full support of the efforts of UNHCR and humanitarian agencies to alleviate the suffering there. It called on all parties in the region to allow humanitarian agencies and NGOs to deliver humanitarian assistance to those in need and to ensure the safety of all refugees, as well as the security and freedom of movement of all international humanitarian personnel.

In **resolution** 1078(1996) of 9 November, the Council, deeply concerned at the obstacles to the efforts of all international humanitarian agencies to provide relief and assistance to those in need and determining that the magnitude of the humanitarian crisis in eastern Zaire threatened

peace and security in the region, welcomed the Secretary-General's proposal that a multinational force be set up for humanitarian purposes in eastern Zaire. The Council urged Member States to prepare the necessary arrangements, in consultation with the States concerned and in cooperation with the Secretary-General and OAU, to allow the immediate return of humanitarian organizations and the safe delivery of humanitarian aid to displaced persons, refugees and civilians at risk in eastern Zaire. It requested the Secretary-General, in consultation with his Special Envoy and the coordinator of humanitarian affairs, and with UNHCR, OAU, the Special Envoy of the European Union and the States concerned, to draw up a concept of operations and a framework for a humanitarian task force.

By **resolution 1080(1996)** of 15 November, the Council authorized the Member States cooperating with the Secretary-General to establish for humanitarian purposes a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery of humanitarian aid. (For further details, see PART ONE, Chapter II.)

### **United Republic of Tanzania**

In the United Nations Consolidated Fund-Raising Document for the Great Lakes Region, a total of \$1,739,348 was requested for WHO and UNICEF assistance to the United Republic of Tanzania, to finance activities such as health care (\$639,348), water and sanitation (\$300,000), education and peace promotion (\$200,000) and assistance to children in especially difficult circumstances (\$400,000).

According to the Document, the anticipated return of large numbers of refugees from Tanzania in the second half of 1995 had not occurred, although the number of refugees volunteering to repatriate rose from 1,617, during the period January to June, to 3,260, from July to November. A verification exercise concluded in late 1995 that 570,000 refugees remained in Tanzania. An increase in adult malnutrition in refugee camps was reported in the latter part of the year, and supplementary and therapeutic feeding was introduced in all camps as necessary. To make delivery of assistance easier and to stop the recycling of refugees between Tanzania and Uganda, 10,000 refugees were relocated further inland from the border. Despite tracing activities, the number of unaccompanied children in Tanzanian camps remained high.

### **Angola**

In April 1996, DHA launched a United Nations Updated Consolidated Inter-Agency Appeal for

Angola, requesting \$139,052,213 for programmes for the period January to December 1996. The Updated Appeal for 1996 was an extension of the 1995 programme. It divided planned activities into three basic programmes: emergency relief and resettlement; demobilization and reintegration of former combatants; and mine action. DHA estimated that approximately 700,000 internally displaced persons, 1.8 million war-affected (but not displaced) urban and rural residents and 200,000 potential returnees from outside Angola would benefit from those activities.

DHA said that despite numerous delays, uncertainty and frustrations, the collective achievements in humanitarian assistance were remarkable. In accessible areas, WFP and partner agencies reduced the number of food-aid beneficiaries from 1.5 million to 1.1 million, while continuing to provide food to the most needy. WFP supported an increased number of food-for-work projects. Agricultural tools and seeds were distributed to over 400,000 war-affected families. More than 4,000 drug kits were distributed, giving over 2 million persons access to life-saving medications.

The uncertainty of the peace process and delays in the quartering schedule initially prompted a cautious response among donors, said DHA. By June 1995, no more than 30 per cent of the Appeal budget had been covered. Following a revision of the Appeal in July 1995, and based on detailed information provided through periodic meetings and financial reports, contributions increased steadily during the second half of the year, and the overall response reached close to 50 per cent.

In a report [A/52/563] describing humanitarian assistance activities in Angola, the Secretary-General said that as security risks declined, humanitarian activities began to expand into previously inaccessible areas and UN agencies and NGOs began to move from emergency to rehabilitation programmes. By July 1996, enhanced access allowed humanitarian agencies to deliver 70 per cent of humanitarian assistance by road, as compared to 1995 when 70 per cent of assistance was delivered by air. However, restrictions on the free circulation of persons and goods continued to constrain some humanitarian activities.

At the end of the year, UN agencies reported receiving approximately \$ 132 million in response to the 1996 Appeal. Humanitarian efforts had been extended to all but one fifth of the national territory, including infrastructural repairs, demining, food assistance, provision of seeds and tools, and delivery of health services.

Of the funding requirements for the year, totalling \$187,294,074, the amount of \$112,355,731

(or 60 per cent) was received in pledges and contributions.

By December 1996, more than 60 international and 58 national NGOs were involved in a mixture of emergency and rehabilitation programmes in 18 Angolan provinces. Other organizations, such as the German Agency for Technical Cooperation (GTZ) and Swiss Humanitarian Aid, were also active in Angola, particularly through transition programmes, with an emphasis on rehabilitation and reconstruction where possible.

In **resolution 1087(1996)**, the Security Council urged the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, and stressed the importance of such assistance for the consolidation of the gains in the peace process.

### Central African Republic

On 19 June 1996, DHA released an Extended Situation Report on the Central African Republic Conflict-Related Crisis, requesting emergency assistance from the international community to respond to humanitarian needs arising from armed conflict which had broken out in May. A total of \$1,308,800 was requested by UN agencies and programmes (FAO, UNDP, UNESCO, UNICEF, WFP, WHO) for relief activities in health care (\$200,000), education (\$564,000) and agriculture and livestock (\$544,800). The programmes covered periods of up to three months.

On 23 May, the President of the Central African Republic had made an urgent request to the Secretary-General for international humanitarian assistance. Following assessments conducted by UN agencies and other relief organizations, two priorities were identified: survival requirements for the 500,000 residents of the capital city of Bangui, for whom health and nutritional rehabilitation programmes had been severely disrupted; and intervention in the education, agriculture and animal health sectors which, if left unaddressed, would have a serious impact on key socio-economic sectors and potentially create more social unrest. The Central African Red Cross estimated that 241 persons were wounded and 45 killed during the 10-day conflict.

### Comoros

On 13 December [A/51/PV.84], the Comoros introduced a draft resolution [A/51/L.27/Rev.1] requesting special economic assistance to the country. The Comoros said it had had to cope with many constraints that hindered its economic and social development, with its economy dependent

essentially on agriculture. Its major export crops now faced stiff competition in world markets due to price drops and the development of synthetic substitutes. Its many problems were further compounded by frequent and devastating hurricanes. In addition, the political instability that prevailed between 1990 and 1995, marked by 17 successive Governments, exacerbated an already unfavourable situation.

To respond to urgent humanitarian needs, the Government had to redeploy, on an emergency basis, a major part of the State budget and financial resources normally devoted to vital economic and social programmes. Furthermore, the Government did not have the means to carry out the reconstruction and development projects essential to survival. The Comoros urgently appealed to the international community to aid the country and its people.

### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/30 F**.

#### Special emergency economic assistance to the Comoros

The General Assembly,

Noting the fact that, on 28 September 1995, an army of international mercenaries invaded the Comoros, overthrew the President of the Republic, and disrupted the constitutional order and, in so doing, the State institutions, as well as the political, economic and social order of the country,

Noting also that the unfavourable situation of the Comoros, which is on the list of least developed countries, is aggravated by several important factors, including its physical distance from its trading partners, the scarcity of natural resources, the diminutive size of the domestic market, the fall in prices of its export products and the poverty of its soil,

Noting further the economic and social trauma caused by that invasion and the material and structural damage suffered by the country during those events,

Aware of the efforts made by the Government and people of the Comoros to assist the most affected and deprived sectors of the population,

Considering, in particular, that in order to respond to those urgent humanitarian needs the Government of the Comoros, in the absence of other resources, had to reallocate as a matter of great urgency the major part of the budget required for the functioning of the State and the financial resources normally devoted to vital economic and social programmes,

Noting, nonetheless, the insufficiency of means available to the Government to execute programmes of reconstruction and development essential for the survival of the country,

1. Expresses its gratitude to the States and intergovernmental and non-governmental organizations which have provided assistance to the Government of the Comoros for the rehabilitation of the country, and appeals for the continuation of such assistance;

2. Stresses that the financial resources available remain nonetheless insufficient vis-a-vis the basic needs to ensure the emergence of the country from its transitional phase into a development phase;

3. Urgently appeals to all States and all appropriate international organizations, including United Nations bodies and specialized agencies, to provide, in consultation with the Government of the Comoros, assistance to the Comoros in repairing the damage caused by the act of aggression;

4. Requests the Secretary-General to furnish all necessary assistance in accordance with paragraph 3 above and asks him to dispatch to Moroni as soon as possible a multidisciplinary humanitarian and technical assessment mission in order to carry out a detailed study of the needs of the country in terms of assistance;

5. Requests all Member States and donor bodies, as well as the specialized agencies and other organizations of the United Nations, to grant to the Comoros all necessary humanitarian, financial, economic and technical assistance, in order to enable it to achieve national reconstruction and sustainable development;

6. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

General Assembly resolution 51/30 F

13 December 1996 Meeting 84 Adopted without vote

9-nation draft (A/51/L.27/Rev.1 & Rev.1/Add.1); agenda item 21 (b).

Sponsors: Belize, Congo, France, Jordan, Pakistan, Qatar, Saudi Arabia, United Arab Emirates, Yemen.

Meeting numbers. GA 51st session: plenary 62, 63, 84.

## Liberia

In October 1996, the United Nations Consolidated Inter-Agency Appeal for Liberia, which was to have expired at the end of August, was extended to 31 December 1996 by DHA following the outbreak of hostilities in April and May in the capital of Monrovia and the need to reappraise humanitarian input in the light of the Abuja Agreement (see PART ONE, Chapter II). The Appeal sought \$114.6 million and had received \$89.3 million by the end of the year.

In consultation with NGOs and international organizations, UN agencies developed a joint approach to the situation in Liberia composed of two parts, to begin in January 1997: emergency programmes, coordinated by DHA, and transitional/recovery programmes, instituted by UNDP. In December, DHA launched the first part in the form of a United Nations Consolidated Inter-Agency Appeal for Liberia, covering the period January to June 1997 and focusing on the continuation of aid for all civilians in need, as well as catering to the initial and basic needs of ex-combatants, internally displaced persons and refugees. The \$31,235,149 requested would fund projects in the areas of demobilization and reintegration (\$7,817,840); food security and agriculture (\$6,605,600); health (\$6,022,170); shelter and infrastructure (\$5,900,000); water and sani-

tation (\$1,169,000); education (\$990,000); and assistance to vulnerable groups, including children in especially difficult circumstances (\$751,000). The second part of the joint approach, the United Nations System Inter-Agency Community Reintegration and Peace Building Programme, was prepared by UNDP in December and focused on transitional activities requiring immediate implementation using a community-based strategy continuing over a 12-month period to December 1997. A total of \$60,659,115 was requested for six sub-programmes: restoration of communities through resettlement assistance (\$17,113,615); management of the electoral process (\$13,752,000); restoration of basic social services (\$10,418,500); strengthening law enforcement institutions and building civil administration (\$9,000,000); skills development and job creation (\$5,900,000); and reintegration of war-affected children, youth and women (\$4,475,000). DHA estimated that, of the total pre-war population of approximately 2.3 million in 1989, 750,000 were internally displaced and 768,000 were refugees as at December 1996. The conflict had also destroyed most of the country's institutions of civil society, property and productive capacity.

**Reports of Secretary-General.** Pursuant to General Assembly resolution 50/58 A [YUN 1995, p. 908], the Secretary-General reported [A/51/303] in August on assistance for the rehabilitation and reconstruction of Liberia since October 1995. Following the signing of the Abuja Agreement [YUN 1995, p. 358] in August 1995, significant and successful efforts had been made to expand humanitarian activities throughout the country, the Secretary-General stated. However, those positive developments took place against a backdrop of increasing political instability and insecurity. The failure of the warring factions to cease fire and disengage, coupled with delays in the disarmament process and the poor dissemination of information to fighters, contributed to a volatile environment for humanitarian assistance. In addition to the harassment of relief workers, persistent ceasefire violations and the general deterioration of security continued to cause civilian populations to shift, thereby compounding the problem of displaced persons.

The fighting that broke out in Monrovia on 6 April 1996 posed a most serious threat to the peace process and humanitarian operations in Liberia and shattered the sanctity of its capital city as a safe haven, the Secretary-General reported. The Ministry of Health estimated that about 3,000 people were killed and more than 50 per cent of the town's nearly 800,000 inhabitants were displaced by the fighting. All aid



organizations, UN agencies, NGOs, the UN Observer Mission in Liberia and government offices, as well as shops and other commercial establishments, were systematically looted by fighters of all factions. With their facilities and warehouses plundered and most of their staff gone, the humanitarian assistance community was seriously constrained in effectively carrying out relief work.

Despite the high security risk, UN agencies and the UN Humanitarian Assistance Coordination Office remained in Monrovia to monitor and coordinate the delivery of much-needed relief assistance. Since the ceasefire brokered by the Economic Community of West African States and the United Nations on 31 May, expatriate staff of the major relief agencies had gradually re-established their presence in Liberia. However, the Secretary-General emphasized that the fighting had had a profound, detrimental impact on humanitarian operations. Coming at a time when relief groups were braced for a massive operation in the hinterland, it compelled the organizations to re-examine their involvement in the country. Consequently, the international NGO community in Liberia took a decision to limit programmes only to life-saving activities until a safe working environment was restored. UN agencies also agreed on a common position, involving only essential services.

The Secretary-General concluded that more than 1.5 million Liberians remained dependent on relief aid as refugees and war-affected and displaced persons. Under the current circumstances of continuing uncertainty and volatility, the requisite humanitarian assistance could not be delivered according to the pre-established plan of moving from relief to sustainable development. Mainly owing to the persistent efforts of the humanitarian community, there was no large-scale starvation in the country and the high rate of malnutrition in some areas was swiftly brought down through a concerted food-aid programme. Contagious epidemics of cholera, yellow fever and Ebola virus were effectively controlled. Clean drinking water and medical supplies were available in most accessible areas. Shelter was also provided to more than 400,000 people, while numerous camps and feeding centres catered to the vulnerable. Additionally, an increasing number of internally displaced persons were engaged in income-generating activities.

Humanitarian assistance in Liberia was at a crossroads, the Secretary-General stated. Short-term concerns were likely to continue to overwhelm humanitarian programmes and resource mobilization had become more problematic. While the current deployment of humanitarian

organizations could address immediate and small-scale emergencies, the Secretary-General felt that they were inadequately equipped and staffed to respond effectively to any major emergencies, epidemics or disasters. In spite of those difficulties, the humanitarian assistance community seized every opportunity to emphasize the commitment to continuing relief assistance; it was hoped that ongoing political efforts would be successful and that leaders would agree to a complete cessation of hostilities and disarmament of their forces.

In a later report [A/52/678] on emergency assistance to Liberia, the Secretary-General said that while relief work in and around Monrovia was being carried out, the UN Humanitarian Coordinator continued to negotiate access to the hinterland with the various factions. A series of assessment missions was conducted to the most affected areas, and relief organizations were thus able gradually to expand their activities to reach towns and villages that had been inaccessible since the outbreak of the conflict.

All successful efforts were made against the background of repeated harassment and abuse by the factions against civilians and representatives of the humanitarian assistance community. With the commencement of the disarmament and demobilization exercise on 22 November, however, the humanitarian situation in the country had improved significantly; the nature of humanitarian assistance broadened, from the addressing of life-threatening human suffering to trauma counselling and the repair of basic roads and bridges and other infrastructure so as to facilitate the expansion of assistance programmes after the rainy season.

#### GENERAL ASSEMBLY ACTION

On 5 December 1996, the General Assembly adopted **resolution 51/30 B**.

#### **Assistance for the rehabilitation and reconstruction of Liberia**

The General Assembly,

Recalling its resolutions 45/232 of 21 December 1990, 46/147 of 17 December 1991, 47/154 of 18 December 1992, 48/197 of 21 December 1993, 49/21 E of 20 December 1994 and 50/58 A of 12 December 1995,

Taking note of Security Council resolution 1071 (1996) of 30 August 1996, in which the Council, inter alia, welcomed the agreement of the Economic Community of West African States at Abuja on 17 August 1996, which extended the 1995 Abuja Agreement until 15 June 1997, established a timetable for implementation of the Agreement, adopted a mechanism to verify compliance with the Agreement by the faction leaders and proposed possible measures against the factions in the event of non-compliance,

Having considered the report of the Secretary-General [A/51/303],

Deeply concerned about the adverse effects of the protracted conflict on the socio-economic development of Liberia, particularly the attacks against civilians, the looting of property and the destruction of infrastructure throughout the country, including the capital, as a result of the outbreak of hostilities on 6 April 1996, and the urgent need to restore peace and stability to facilitate economic recovery and the rehabilitation and reconstruction of basic sectors of the country,

Acknowledging the efforts of Mrs. Ruth Sando Perry, Chairman of the Council of State, to govern on behalf of the people of Liberia,

Noting with concern that the lack of adequate logistics and security guarantees from the Liberian factions continues to impair the delivery of relief assistance, particularly in the areas not yet under the control of the Economic Community of West African States Monitoring Group, thereby hampering the transition from emergency to development activities,

Commending the concerted and determined efforts of the Economic Community of West African States to restore peace, security and stability in Liberia,

1. Expresses its gratitude to all States and intergovernmental and non-governmental organizations that have rendered assistance to the Liberian National Transitional Government in its relief and rehabilitation activities, and urges that such assistance be continued;

2. Calls upon all States and intergovernmental and non-governmental organizations to continue to provide Liberia with technical, financial and other assistance for the repatriation and resettlement of Liberian refugees, returnees and displaced persons and the rehabilitation of combatants so as to facilitate the restoration of peace and normalcy in Liberia;

3. Reiterates its appeal to all States to contribute generously to the Trust Fund for Liberia established by the Secretary-General, *inter alia*, to assist the Economic Community of West African States Monitoring Group to fulfil its mandate and to provide assistance for the reconstruction of Liberia;

4. Deplores all attacks against and intimidation of personnel of the United Nations, its specialized agencies, non-governmental organizations and the Economic Community of West African States Monitoring Group, as well as the looting of their equipment, supplies and personal property;

5. Emphasizes the urgent need for all parties and factions and their leaders in Liberia to respect fully the security and safety of all personnel of the United Nations, its specialized agencies, non-governmental organizations and the Economic Community of West African States Monitoring Group by ensuring their complete freedom of movement throughout Liberia and to take all measures necessary to create an atmosphere conducive to the successful resolution of the conflict;

6. Urges the factions and their leaders to establish conditions essential to the socio-economic development of Liberia by honouring their commitments to cease all hostilities and disarm their combatants according to the timetable agreed to at Abuja on 17 August 1996;

7. Commends the Secretary-General for his continuing efforts to mobilize relief and rehabilitation assistance for Liberia, and requests him:

(a) To continue his efforts to mobilize all possible assistance within the United Nations system to help the Liberian National Transitional Government in its reconstruction and development efforts;

(b) To undertake, when conditions permit, in close collaboration with the authorities of Liberia, an overall assessment of needs, with the objective of holding a round-table conference of donors for the reconstruction and development of Liberia;

8. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the progress made in the implementation of the present resolution;

9. Decides to consider at its fifty-second session the question of international assistance for the rehabilitation and reconstruction of Liberia.

General Assembly resolution 51/30 B

5 December 1996 Meeting 74 Adopted without vote

2-nation draft (A/51/L.24/Rev.1 & Rev.1/Add.1); agenda item 21 (b).

Sponsors: Cameroon, Pakistan.

Meeting numbers. GA 51st session: plenary 62, 63, 74.

## Mozambique

**Report of Secretary-General.** In a 25 October report [A/51/560] to the General Assembly, the Secretary-General reviewed emergency and humanitarian aid for Mozambique; assistance for reconstruction and development; macro-economic trends; structural reforms; public administration reforms, decentralization and governance; external aid; aid coordination; and UN system initiatives. The Secretary-General stated that peace had radically improved Mozambique's prospects for economic recovery and development; while humanitarian aid was still being delivered, it was in a much reduced form. The emphasis had meanwhile clearly shifted from emergency aid to rehabilitation, reconstruction, reintegration and development.

In 1994, Mozambique received \$131.8 million in food aid and \$13.6 million for other emergency non-food aid. Although emergency food aid continued at a high \$135 million in 1995, other emergency non-food assistance saw a sharp drop to \$10 million, the Secretary-General noted. The largest part of the emergency food aid (\$100.2 million) was channelled through WFP. Total estimated aid disbursement by donors in 1995 amounted to \$879 million, of which \$733 million was for reconstruction and development programmes. As of 25 October, 1996 emergency food aid pledges were just over \$40 million and the non-debt relief component of pledged financing amounted to \$567 million.

In post-war Mozambique, the peace dividends had yet to materialize in any tangible way, observed the Secretary-General. In 1996, growth was projected at 4 per cent. The prevalence of the recent trend of lacklustre growth performance was likely to translate into GDP per capita too

modest to make a visible contribution to, and to sustain, the goals of poverty reduction, social sector development, reconstruction and restoration of external viability.

UNDP in 1994 had reassumed responsibility for coordinating humanitarian assistance activities in the country, including support for reintegration and demining. Other UN agencies continuing to work in Mozambique included UNFPA, UNICEF, WFP and WHO. The role of UNHCR had been paramount, as it had, notably with cooperation from WFP and the International Organization for Migration (IOM), successfully conducted one of the largest refugee repatriation and resettlement operations on record, covering about 1.7 million returnees, mostly from Malawi, South Africa, Swaziland and Zimbabwe. The operation was concluded in June.

#### GENERAL ASSEMBLY ACTION

On 5 December, the General Assembly adopted **resolution 51/30 D**.

#### Assistance to Mozambique

The General Assembly,

Recalling Security Council resolution 386(1976) of 17 March 1976,

Recalling also its relevant resolutions, in particular resolution 45/227 of 21 December 1990, 47/42 of 9 December 1992 and 49/21 D of 20 December 1994, in which it urged the international community to respond effectively and generously to the call for assistance to Mozambique,

Reaffirming the principles for humanitarian assistance contained in the annex to its resolution 46/182 of 19 December 1991,

Recalling its resolutions 48/7 of 19 October 1993, 49/215 of 23 December 1994 and 50/82 of 14 December 1995 on assistance in mine clearance, and stressing the need to foster the establishment of national mine clearance capacity with a view to enabling the Government of Mozambique to deal more effectively with the adverse effects of these weapons within the framework of the efforts for national reconstruction,

Bearing in mind that Mozambique is emerging from a devastating war and that a proper response to address the current situation in the country requires substantial international assistance in a comprehensive and integrated manner and linking, inter alia, resettlement to reintegration programmes in order to strengthen further the process of national reconstruction and development,

Bearing in mind also the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,

Noting the mobilization and allocation of resources by States, relevant organizations of the United Nations system and intergovernmental and non-governmental organizations to assist national efforts,

Having considered the report of the Secretary-General on assistance to Mozambique,

1. Takes note of the report of the Secretary-General;

2. Welcomes the assistance rendered to Mozambique by various States, relevant organizations of the United Nations system and intergovernmental and non-governmental organizations;

3. Welcomes the progress made in the consolidation of a lasting peace and tranquillity, the enhancement of democracy and the promotion of national reconciliation in Mozambique;

4. Takes note with satisfaction of the successful completion of the repatriation, resettlement and reintegration programme of Mozambican citizens from neighbouring countries, and expresses appreciation for the support of the international and non-governmental organizations which, in close cooperation with the Government of Mozambique, played an important role in that programme;

5. Stresses that Mozambique has made significant progress in mitigating the consequences of a devastating war and that continued substantial coordinated international assistance is required to assist the country in addressing its development needs, in particular with regard to the ongoing resettlement and reintegration of internally displaced persons and demobilized soldiers;

6. Commends all States and intergovernmental and non-governmental organizations that have contributed to mine clearance in Mozambique, and urges those that have a capacity to do so to continue to provide the needed assistance with a view to enabling the Government of Mozambique to develop its national mine clearance capacity within the framework of the ongoing mine clearance programme;

7. Requests the Secretary-General, in close cooperation with the Government of Mozambique:

(a) To continue his efforts to mobilize international assistance for the national reconstruction and development of Mozambique;

(b) To ensure the coordination of the work of the United Nations system for adequate response to the development needs of Mozambique;

(c) To prepare a report on international assistance for the national reconstruction and development of Mozambique for consideration by the General Assembly at its fifty-third session.

#### General Assembly resolution 51/30 D

5 December 1996 Meeting 74 Adopted without vote

9-nation draft (A/51/L.30 & Add.1); agenda item 21 (b).

Sponsors: Australia, Austria, Cameroon, China, France, Pakistan, Portugal, Romania, United States.

Meeting numbers. GA 51st session: plenary 62, 63, 74.

#### Sierra Leone

In March 1996, DHA reported that Sierra Leone was in the throes of a serious humanitarian crisis. Approximately 2.1 million persons, or 47 per cent of the country's population, had been forced by violence to abandon their homes and livelihoods. Of that number, an estimated 1.6 million were internally displaced, with an additional 370,000 having sought refuge in neighbouring countries. Displaced persons inundated district towns, which were reached only sporadically by relief agencies, resulting in overcrowd-

ing, malnutrition, outbreaks of disease, the collapse of overburdened social services and a sense of hopelessness. Accordingly, DHA launched a United Nations Consolidated Inter-Agency Appeal for Sierra Leone, covering the period from March 1996 to February 1997. The Appeal sought \$57,074,706, with the bulk of the funds supporting programmes in food aid (\$25,032,052), non-food assistance to the displaced and affected populations (\$10,419,255), food production (\$9,118,586) and health (\$7,877,175).

The single largest impediment to the relief programme was poor access to populations in need and inadequate security for relief and rehabilitation operations, DHA reported. Until road access improved, efforts to meet the needs of displaced and affected populations in the major district towns would be extremely limited, DHA warned.

With the restoration of a multi-party democracy in March and the ensuing ceasefire agreement, the Government of Sierra Leone proposed a National Resettlement, Rehabilitation and Reconstruction Programme to facilitate post-war recovery. This Programme consisted of two components: a quick-action programme to be launched in September to address urgent resettlement and rehabilitation needs over a 24-month period, and a medium-term reconstruction programme, encompassing a period of three years. The Government requested approximately \$211 million to cover short-term needs and \$760 million for medium- and longer-term initiatives.

In August, a mid-term review of the 1996 Appeal was carried out to reflect changes that had taken place in the humanitarian environment and to harmonize the ongoing emergency operations with the Government's quick-action programme for resettlement and rehabilitation. By the end of the year, some \$38 million, or 66 per cent of the total amount of the Appeal, had been pledged to participating agencies. The food-aid sector was very well funded, enabling WFP and others to provide extensive assistance to displaced and war-affected populations. Contributions received by FAO were applied to the distribution of seeds and tools for the main planting seasons, supplementing NGOs' efforts in agricultural assistance. Other aid supported primary health care, disease control and water and sanitation programmes. UNICEF and other organizations implemented projects amounting to nearly \$1 million to benefit children affected by the war. The United Nations Humanitarian Assistance Coordination Unit (UNHACU), established by DHA in cooperation with UNDP in January, received funding to coordinate the humanitarian assistance programme and to support the new

Ministry for National Reconstruction, Resettlement and Rehabilitation (MNRRR).

Welcoming the Peace Agreement signed between the Government and the Revolutionary United Front on 30 November, the Security Council President, in a statement [S/PRST/1996/46] made on 4 December on behalf of the Council, stressed the importance of a coordinated international effort to alleviate the humanitarian situation in the country. (For further details, see PART ONE, Chapter II.)

### **Somalia**

After six years of civil war, Somalia continued to be held hostage to violence, particularly in the southern regions of the country where the former Government was situated, according to DHA. Somalia's neighbours remained host to around half a million refugees, and within the country itself several hundred thousand men, women and children remained displaced, living in abject poverty. Overall, the economy of Somalia remained weak, a situation which continued to take its toll on the most vulnerable members of Somali society. The lack of security had a negative impact on communities and was cited by DHA as the major impediment to the delivery of assistance. Faced with the apparent intractability of the situation, the response from the international community to both United Nations and other appeals for assistance to Somalia had diminished considerably.

In an oral report [E/1996/SR.41] to the Economic and Social Council on 19 July, the Under-Secretary-General for Humanitarian Affairs said that the situation in Somalia remained fragile and required the continuation of humanitarian programmes, for which donor support was essential. Because of the complexity of the problems involved, assistance programmes had to be well coordinated and delivered in tandem with efforts to stabilize threatened societies, reduce vulnerability and rebuild destroyed communities. On 19 July, the Economic and Social Council took note of the Under-Secretary-General's report by **decision 1996/237**.

In December, DHA launched a United Nations Consolidated Inter-Agency Appeal for Somalia, to cover total funding requirements of \$100,558,830 for October 1996 to December 1997. The Appeal followed an area-based approach for planning and implementation of UN activities, taking into account the markedly different needs and environments in regions of the country. While all projects fell into the main categories of emergencies, reintegration, rehabilitation, food security and governance, the Appeal outlined joint projects (totalling \$46,531,000) and individ-

ual agency projects (\$54,027,830). In addition, a special supplement of \$13,223,043 was requested for NGO projects.

**Report of Secretary-General.** In August, the Secretary-General reported [A/51/315] on assistance for humanitarian relief and the economic and social rehabilitation of Somalia. While funding constraints and security conditions had affected many programmes in a negative way, UN agencies, ICRC and NGOs continued to provide food support, as well as assistance for health services, clean water supply and education. The vital presence of more than 50 international NGOs had kept them at the forefront of relief and rehabilitation interventions, and more than 10 Somali NGOs were working as reliable partners of UN agencies.

The Secretary-General explained that in the absence of a recognized national Government, UN agencies had continued to exercise a pragmatic approach to interacting with de facto local authorities. By mid-year, UN agencies were uncertain as to how much longer a renewed humanitarian crisis could be held back under prevailing conditions. The health and nutritional status of vulnerable populations had worsened in some parts of the country. Food shortages and insecurity resulted in new population displacements in southern Somalia, creating the risk of a backflow of Somali refugees into neighbouring countries. He cited such factors as poor harvests, disruptions of commercial trade flows and transportation routes as contributing to food insecurity.

Diarrhoeal diseases, anaemia, malaria and acute respiratory infections remained among the leading causes of mortality, and low immunization coverage, poor water and sanitation and limited access to health services exacerbated the situation. The return of refugees placed an additional burden on already fragile local infrastructures, and the provision of continued support to returnees was vital to ensure their sustainable reintegration, the Secretary-General said.

The Secretary-General pointed out that there were an estimated 1 million landmines still laid in Somali soil; UNESCO mine-awareness material remained relevant and was used in schools, while ICRC was launching a mine-awareness campaign targeted at youth and militia groups.

Humanitarian operations in Somalia continued to be severely impeded by security problems, including looting and inter-clan violence, the Secretary-General said. While the civil conflict over the past year had often been localized and of low intensity, the fighting had at times been heavy, claiming the lives of many innocent civilians, including women and children. There had

been numerous attacks directed at or affecting humanitarian agencies and staff.

Unless there was commitment on the part of faction leaders that they would not continue to hold the country hostage to their political ambitions, Somalia would remain in a state of acute vulnerability, the Secretary-General warned. While diminishing donor resources for Somalia had reined in the operations of humanitarian partners, the Secretary-General encouraged donors to adopt a proactive and forward-thinking approach.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/30 G**.

#### **Assistance for humanitarian relief and the economic and social rehabilitation of Somalia**

The General Assembly,

Recalling its resolutions 43/206 of 20 December 1988, 44/178 of 19 December 1989, 45/229 of 21 December 1990, 46/176 of 19 December 1991, 47/160 of 18 December 1992, 48/201 of 21 December 1993, 49/21 L of 20 December 1994 and 50/58 G of 20 December 1995 and the resolutions and decisions of the Economic and Social Council on emergency assistance to Somalia,

Recalling also Security Council resolution 733(1992) of 23 January 1992 and all subsequent relevant resolutions, in which the Council, inter alia, urged all parties, movements and factions in Somalia to facilitate the efforts of the United Nations, its specialized agencies and humanitarian organizations to provide urgent humanitarian assistance to the affected population in Somalia and reiterated the call for the full respect of the security and safety of the personnel of those organizations and the guarantee of their complete freedom of movement in and around Mogadishu and other parts of Somalia,

Noting with appreciation the continued efforts made by the Secretary-General to assist the Somali people in their efforts to promote peace, stability and national reconciliation,

Noting with concern that political instability and the absence of central authority continue to characterize Somalia and that, while the environment has become conducive to some reconstruction and development-oriented work in certain parts of the country, the humanitarian and security situation has worsened in other parts,

Reaffirming the importance it attaches to the need for effective coordination and cooperation among the United Nations agencies and their partners,

Taking note of the report of the Secretary-General on assistance for humanitarian relief and the economic and social rehabilitation of Somalia,

Deeply appreciative of the humanitarian assistance and rehabilitation support rendered by a number of States to alleviate the hardship and suffering of the affected Somali population,

Recognizing that, while the humanitarian situation remains fragile in some parts, there is a need to continue the ongoing process of rehabilitation and recon-

struction alongside the process of national reconciliation, without prejudice to the provision of emergency relief assistance wherever and whenever required, as security allows,

Noting with appreciation the efforts of the United Nations system focusing on working directly with Somali communities, whenever possible, in the absence of a recognized national government, and welcoming the efforts of the United Nations, in partnership with Somali counterparts at the local level and non-governmental organizations, to formulate a programme combining humanitarian and developmental approaches, given the varying conditions in different areas of the country,

Re-emphasizing the importance of the further implementation of its resolution 47/160 to rehabilitate basic social and economic services at the local level throughout the country,

1. Expresses its gratitude to all States and the intergovernmental and non-governmental organizations that have responded to the appeals of the Secretary-General and others by extending assistance to Somalia;

2. Expresses its appreciation to the Secretary-General for his continued and tireless efforts to mobilize assistance to the Somali people;

3. Welcomes the ongoing efforts of the United Nations, the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference, the Intergovernmental Authority on Development of the countries of the Horn of Africa and the States members of the Movement of Non-Aligned Countries to resolve the situation in Somalia;

4. Also welcomes the strategy of the United Nations focusing on the implementation of community-based interventions aimed at rebuilding local infrastructures and increasing the self-reliance of the local population, and the ongoing efforts by the United Nations agencies, their Somali counterparts and their partner organizations to establish and maintain close coordination and cooperation mechanisms for the implementation of relief, rehabilitation and reconstruction programmes;

5. Emphasizes the principle that the Somali people, in particular at the local level, have the primary responsibility for their own development and for the sustainability of rehabilitation and reconstruction assistance programmes, and reaffirms the importance it attaches to the creation of workable arrangements for collaboration between the United Nations system and its partner organizations and their Somali counterparts at the local level for the effective execution of rehabilitation and development activities in those parts of the country where peace and security prevail;

6. Urges all States and relevant intergovernmental and non-governmental organizations to continue the further implementation of its resolution 47/160 so as to assist the Somali people to embark on the rehabilitation of basic social and economic services, as well as institution-building aimed at the restoration of civil administration at the local level in all those parts of the country where peace, security and stability prevail;

7. Appeals to all the Somali parties concerned to terminate hostilities and to engage in a national reconciliation process that allows for transition from relief to reconstruction and development;

8. Calls upon all parties, movements and factions in Somalia to respect fully the security and safety of personnel of the United Nations and its specialized agencies and of non-governmental organizations, and to guarantee their complete freedom of movement throughout Somalia;

9. Calls upon the Secretary-General to continue to mobilize international humanitarian, rehabilitation and reconstruction assistance for Somalia;

10. Calls upon the international community to provide continued and increased assistance in response to the United Nations Consolidated Inter-Agency Appeal for relief, rehabilitation and reconstruction assistance for Somalia covering the period October 1996 to December 1997;

11. Requests the Secretary-General, in view of the critical situation in Somalia, to take all necessary measures for the implementation of the present resolution, and to report thereon to the General Assembly at its fifty-second session.

General Assembly resolution 51/30 G

13 December 1996 Meeting 84 Adopted without vote

40-nation draft (A/51/L.37/Rev.1); agenda item 21 (b).

Meeting numbers. GA 51st session: plenary 62, 63, 84.

#### SECURITY COUNCIL ACTION

In a Presidential statement of 24 January [S/PRST/1996/4], the Security Council commended the valiant efforts of UN and international humanitarian agencies and their Somali personnel for the courage and determination to render assistance to the Somali people. The Council encouraged Member States to continue to provide humanitarian assistance in order to avoid a further deterioration of the situation in the country. The Council considered the uninterrupted delivery of humanitarian assistance to be a central factor in the country's overall security and stability and called on the Somali parties and factions to open unconditionally seaport and other transportation facilities, as their closure posed a potential major impediment to future emergency deliveries. In a statement of 9 December [S/PRST/1996/47], the Council reaffirmed its appreciation to all the organizations and individuals who carried out humanitarian activities in Somalia and called on all Somali factions to ensure the safety of all personnel involved.

#### The Sudan

During 1996, the 13-year-old civil conflict in the Sudan continued to destabilize and further degrade the lives of millions of Sudanese, as war-affected populations throughout the country struggled to cope with the effects of chronic malnutrition and an alarming increase in the spread of infectious diseases. The rapid deterioration of the economy during the second quarter of 1996 exacerbated the humanitarian crisis, putting intense pressure on millions of people already liv-

ing below subsistence levels. By the fourth quarter of 1996, the coping mechanisms of many vulnerable populations were at the point of collapse, raising the prospect of widespread hunger.

Further deepening the crisis, the humanitarian efforts of the United Nations through Operation Lifeline Sudan (OLS) were constrained throughout the year by the Government's initiative to control unilaterally the flow of international relief assistance. Beginning in 1995, the Government had imposed unprecedented control over the type of equipment available to OLS, paralysing many scheduled deliveries of food relief, especially in southern Sudan. In other areas, more than 1,800 died as a result of an outbreak of cholera and severe diarrhoea, and severe flooding displaced more than 15,000 people and destroyed food crops.

Of the vulnerable populations put at greater risk in 1996, the displaced persons living in Khartoum camps and settlement areas continued to be the least protected by the United Nations. Access restrictions and forced evictions/demolitions eroded the coping mechanisms of thousands already living below subsistence level. During the year, more than 12 demolitions by the Government occurred in squatter settlements in Greater Khartoum, with over 20,000 displaced persons losing their homes.

In the third quarter of 1996, 240,000 persons living in the Red Sea Hills State were reportedly affected by famine conditions. A combination of deteriorating terms of trade between livestock and grain, as well as government restrictions on the movement of food, forced the price of cereals up by more than 300 per cent.

The unpredictable dynamics of the civil conflict resulted in splits and major realignments within the rebel movements. In that connection, the new political environment created by the signature of the Political Charter in April caused a cancellation of plans to resume multilateral talks on humanitarian access with the UN Special Envoy for Humanitarian Affairs.

Although insecurity, aircraft shortages and denials of flight access seriously constrained delivery of humanitarian relief assistance to southern Sudan during 1996, OLS significantly addressed some of the worst effects of the conflict on civilians by delivering 50,366 metric tons (MTs) of food between January and November. It also delivered by air 3,403 MTs of non-food relief supplies and continued to support rehabilitation programmes in the fields of health, household food security, livestock, water and sanitation, emergency education, war-affected children and capacity-building.

Responding to the humanitarian crisis, DHA in February launched a United Nations Consolidated Inter-Agency Appeal for the Sudan, covering the period January to December 1996 and requesting a total of \$107,574,977 from donors, in order to facilitate programmes in areas such as emergency food aid (\$40,279,157); nutrition, health and water (\$30,204,320); refugees and returnees (\$17,503,500); agriculture, livestock and fishing (\$9,496,000); and other emergency activities (\$6,696,000).

Donor confidence in OLS's ability to maintain access was severely tested, resulting in a major funding shortfall. By year's end, donor pledges totalled only 51.4 per cent of the amount required.

**Report of Secretary-General.** The Secretary-General in September reported [A/51/326] on emergency assistance to the Sudan. He noted that OLS had evolved over the years from a short-term relief programme to the most far-reaching and diversified international assistance effort in the Sudan. The number of beneficiaries slated to receive assistance during 1996 increased by 900,000 persons to over 2.1 million, as compared to 1.2 million in 1995.

Working closely with the Sudan Relief and Rehabilitation Association and the Relief Association of South Sudan, UNICEF coordinated 25 health NGOs working in OLS southern sector. In 1996, the programme aimed to reach an estimated 1.7 million people with basic health care services. Efforts continued to ensure that water supply management and hygiene awareness were incorporated into primary health care. Community-based animal health workers continued to vaccinate cattle against rinderpest and treat other major livestock diseases. OLS southern sector provided basic education materials for 1,200 primary schools serving 300,000 children. UNICEF and other organizations continued teacher training. Educational support to more than 3,000 unaccompanied children living in accessible camps in Eastern Equatoria also continued. A UN/NGO network was formed in June to focus on issues of unaccompanied children, family tracing and reunification, and child protection.

The Secretary-General stated that the tragic civil war in the Sudan continued unabated and remained a crisis of immense proportions, affecting the lives of millions of Sudanese. Under such circumstances, any attempt to diminish the capacity of the international community to respond to conditions of suffering and hardship among the civilian population could only give rise to the most adamant expressions of concern as a violation of recognized humanitarian principles.

ples, most importantly, the right of civilian populations to receive humanitarian assistance in times of war.

Arising from OLS's growing difficulties in matters of access, the first comprehensive review of the Operation in its seven-year history had been completed in mid-August, with donor support and the cooperation of the Government and rebel movements. Bearing in mind the global, regional and national significance of OLS, the Secretary-General said, the review's findings and recommendations would be critically important in charting the future of humanitarian activities in the Sudan.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/30 I**.

#### Emergency assistance to the Sudan

The General Assembly,

Recalling its resolutions 43/8 of 18 October 1988 and 43/52 of 6 December 1988, 44/12 of 24 October 1989, 45/226 of 21 December 1990, 46/178 of 19 December 1991, 47/162 of 18 December 1992, 48/200 of 21 December 1993, 49/21 K of 20 December 1994 and 50/58 J of 22 December 1995 on assistance to the Sudan,

Noting the declining contributions to the 1996 consolidated inter-agency appeal for Operation Lifeline Sudan despite the progress made in the Operation, and noting also that considerable relief needs still remain to be addressed, in particular in the areas of non-food assistance, including assistance to combat malaria, and for logistics, emergency recovery, rehabilitation and development,

Recognizing the need in emergency situations to address the continuum of relief, rehabilitation and development so as to reduce dependence on external food aid and other relief services,

Taking note of the report of the Secretary-General and of the statement by the representative of the Sudan before the General Assembly,

1. Acknowledges with appreciation the cooperation by the Government of the Sudan with the United Nations, including the agreements and arrangements achieved to facilitate relief operations towards improvement of United Nations assistance to affected areas, and encourages the continuation of that cooperation;

2. Stresses the need for Operation Lifeline Sudan to be operated with a view to ensuring its efficiency, transparency and effectiveness, with the full participation of the Government of the Sudan in its management and operation, including conducting of assessment, allocation, distribution and evaluation processes, as well as consultations in the preparation of the consolidated annual inter-agency appeal for the Operation;

3. Stresses also that Operation Lifeline Sudan should operate within the principle of national sovereignty and the framework of international cooperation in accordance with relevant national and international law;

4. Calls upon the international community to continue to contribute generously to the emergency needs, recovery and development of the country;

5. Urges the international community to give priority to assistance for the rehabilitation of roads, railways and airports and to provision of means of road transport in order to facilitate relief supplies to the affected areas;

6. Calls upon the donor community and the organizations of the United Nations system to provide financial, technical and medical assistance, guided by the actions called for by the General Assembly in its relevant resolutions to combat malaria and other epidemics in the Sudan;

7. Welcomes the signing in April 1996 of the political charter between the Government and many factions of the rebel movement for the achievement of peace in the Sudan, and encourages the remaining factions to join the peace process so as to establish durable peace and stability in the country and to facilitate relief efforts;

8. Urges the international community to support the programmes of rehabilitation, settlement and integration of returnees, refugees and the internally displaced;

9. Stresses the importance of assuring safe access for personnel providing relief assistance to all in need, and the importance of strict observance of the principles and guidelines of Operation Lifeline Sudan;

10. Urges all parties involved to continue to offer all feasible assistance, including facilitating the movement of relief supplies and personnel, so as to guarantee maximum success of Operation Lifeline Sudan in all affected parts of the country, with special emphasis on national capacity-building in the humanitarian field for governmental and non-governmental organizations;

11. Also urges all the parties to the conflict to desist from using anti-personnel mines, and calls upon the international community to refrain from supplying mines to the parties of the conflict and to provide the Government of the Sudan with financial and technical assistance in mine clearance;

12. Requests the Secretary-General to continue to mobilize and coordinate resources and support for Operation Lifeline Sudan and to report on the emergency situation in the affected areas and the recovery, rehabilitation and development of the country to the General Assembly at its fifty-second session.

#### General Assembly resolution 51/30 I

17 December 1996 Meeting 87 103-34-15 (recorded vote)

6-nation draft (A/51/L.26 & Add.1); agenda item 21 (b).

Sponsors: Cameroon, Oman, Pakistan, Qatar, Syrian Arab Republic, Yemen.

Meeting numbers. GA 51st session: plenary 62, 63, 87.

#### Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zimbabwe.



Against: Andorra, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States.

Abstentions: Argentina, Australia, Belarus, Bosnia and Herzegovina, Cyprus, Georgia, Marshall Islands, Micronesia, New Zealand, Palau, Republic of Moldova, Samoa, San Marino, Uzbekistan, Vanuatu.

In a statement before the General Assembly on 21 November [A/51/PV.62], the Sudan said that its commitment was irreversible where OLS was concerned. It called on all its OLS partners to intensify their efforts to increase confidence, transparency and respect for humanitarian principles; all parties, it said, were participants in and not opponents of OLS. It welcomed a UN role in coordinating the relief operation, but stressed that that role should be exercised in full cooperation with the Government. It also welcomed the assistance of the international community in eliminating landmines. It hoped that OLS, as one of the most important channels for providing humanitarian assistance, would prove to be one of the major means of confidence-building and peace settlement.

Explaining their vote, a number of delegations, among them Australia, Canada, Ireland (on behalf of the European Union), Mexico, Norway and the United States, expressed regret that consensus could not be reached on the text. The United States noted that certain aspects of the text, including the proposed government involvement in the management and operation of OLS, were contrary to the spirit of OLS and could result in preventing urgent humanitarian assistance from reaching all war-affected civilians in the Sudan. Canada believed that some of the resolution's language could detract from a coordinated international effort to deliver humanitarian assistance. Mexico stressed that humanitarian assistance should not be tainted with any political aspects alien to its spirit and should abide strictly by the principles of humanitarianism, neutrality and impartiality.

## Activities in Asia

### Afghanistan

By December 1996, protracted fighting in Afghanistan had produced a refugee population of at least 6 million people. Within the country itself, up to 500,000 Afghans had been forced to relocate in the past two years. An estimated 10 million landmines were still buried in the country. Preventable communicable diseases were the leading cause of death among Afghan children, and malnutrition affected 15 to 20 per cent of all children under the age of five. Only 5 per cent of

the rural population and at best 40 per cent of the urban population had access to safe drinking water. In the past two years, Afghanistan had had typhoid and cholera epidemics, while pneumonia threatened the majority of children.

In response to the October 1995 United Nations Consolidated Inter-Agency Appeal for Emergency Humanitarian Aid Rehabilitation Assistance to Afghanistan [YUN1995,p.915], which covered the period 1 October 1995 to 30 September 1996, a total of \$60.1 million had been pledged/contributed as at 16 October 1996. The Appeal was extended for three months, to 31 December 1996, focusing on emergency winter relief needs, with particular attention to urgent humanitarian requirements for the most needy people in the capital of Kabul. A total of \$10.4 million, later updated to \$11.2 million, was requested to carry out activities in the areas of food aid (\$6,500,000), mine clearance (\$3,000,000), non-food aid, such as blankets and plastic sheeting (\$350,000), emergency services (\$300,000) and fuel (\$66,132). Included were WFP's requirements for six months, ending 31 March 1997.

In December, a Consolidated Appeal for Assistance for Afghanistan was launched, requesting a total of \$133 million for the period January to December 1997 for programmes that responded to urgent needs, including basic relief, mine clearance, repatriation, assistance to the disabled, immunization, narcotics control, the provision of safe drinking water, primary health care, urban and rural recovery and income generation. The Appeal outlined a series of national programmes totalling \$73,052,049, as well as programmes for the various regions: north (\$8,530,986), south (\$3,829,020), east (\$9,875,533), west (\$21,610,684), and the centre (\$16,110,920) of the country.

**Report of Secretary-General.** The Secretary-General reported [A/51/704] in December on emergency assistance to Afghanistan. He said humanitarian programmes continued to operate throughout the country, but current Taliban policies regarding women were having a significant impact on projects that employed women as well as on those that targeted women as direct beneficiaries. The United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA) continued to supervise the mine-clearance programme, the aircraft operation and the radio network, while also retaining responsibility for the management of the camps for internally displaced persons at Jalalabad. The rebuilding of rural and urban communities represented a predominant objective in UNDP.

A major priority of UN agencies and NGOs had been to create conditions that were conducive to

the reintegration and resettlement of internally displaced persons. After the Taliban takeover of Kabul, an additional 9,231 persons were displaced, not including thousands displaced from Kabul since 1992 who were not living in camps. The report said that WFP had initiated food-for-work programmes, while water supply, health care and expanded educational opportunities were being provided by NGOs. On 21 October, a task force comprising UNHCR, WFP, UNICEF, Médecins sans frontières and Oxfam, under the overall coordination of UNOCHA, was set up to coordinate emergency supplies and assistance.

An estimated 2.35 million Afghans remained in exile, mostly in Pakistan and Iran. However, during the first 10 months of 1996, nearly 123,000 Afghan refugees had returned. In addition to transportation assistance and cash and in-kind repatriation grants, UNHCR provided reintegration assistance to areas of high return through quick-impact projects. The Inter-Agency Consolidated Appeal had called for \$35.2 million to assist the voluntary repatriation of Afghan refugees, of which \$19.8 million had been received as at 16 October 1996. For 1997, UNHCR and the Governments of Iran and Pakistan projected the return of 350,000 more Afghans.

Several parts of Afghanistan continued to suffer from severe food shortage, the Secretary-General reported. Despite many constraints, WFP provided direct assistance to nearly 1.8 million persons around the country. In collaboration with UNDP, WFP also supported the rehabilitation and reconstruction of community infrastructure.

Health programmes focused on maternal and child health, the prevention and control of communicable diseases, nutrition, immunization and the rehabilitation of the health infrastructure. The main strategy of WHO and UNICEF was to establish regional management teams composed of regional health departments, NGOs and UN agencies. An estimated 2.4 million children and 1.1 million women of childbearing age were vaccinated in 1996.

The provision of safe drinking water and the improvement of sanitation systems remained the most urgent need in rural and urban areas. UNICEF had selected six districts in five regions for water and sanitation activities, through which approximately 100,000 persons were to be provided with access to safe water.

Notwithstanding the modest level of funding FAO had received for activities in the food and agriculture sector, and despite the total collapse of rural infrastructure, the destruction of irrigation systems and the presence of mines in prime agri-

cultural land, WFP had had remarkable success in assisting in relaunching food production, the Secretary-General reported. Although during the emergency phase initial seed supply came from neighbouring countries, since 1995 UNDP had placed great emphasis on in-country production with supervision to ensure quality control.

Mine deaths and mine-related injuries in Kabul had reportedly soared in recent months owing to the massive number of civilians moving back into former front-line territory, and were expected to rise with the onset of winter, when many people, especially children, would enter former areas of conflict in search of firewood and accidentally come across mines and unexploded ordnance. Mine-related deaths in Kabul were already estimated at one person every hour.

The Secretary-General concluded that the provision of humanitarian relief assistance was critical for the survival of the most vulnerable people of Afghanistan in the short term. To avert further worsening of the humanitarian situation during the coming winter, particularly for the poorest residents of Kabul, there was an urgent need to replenish depleted food stocks, fuel and medical supplies. Some activities, specifically involving female workers and targeting women beneficiaries, had been suspended. That, the Secretary-General said, continued to be a matter of serious concern to the United Nations, and it was hoped that the Afghan authorities concerned would respect the rights of all the Afghan people.

The Secretary-General also expressed serious concerns about the safety and security of UN staff, both local and international, following a number of incidents in Kabul since the Taliban took control in September. Some local staff had been apprehended and subjected to harassment, he said, while UN premises and some residences of international staff members had been encroached upon. He urged the authorities to exercise restraint and to respect the privileges and immunities of UN staff. Finally, the Secretary-General called on the international donor community to continue supporting the humanitarian assistance programmes and initiatives in Afghanistan.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/195 A**.

#### **Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan**

The General Assembly,

Recalling its resolutions 47/119 of 18 December 1992, 48/208 of 21 December 1993, 49/140 of 20 December

1994 and 50/88 A of 19 December 1995 concerning emergency international assistance for the reconstruction of war-stricken Afghanistan,

Taking note of the report of the Secretary-General,

Concerned about the continuation and recent intensification of the military confrontation in Afghanistan, threatening regional peace and stability, and the attendant displacement of families and interruptions in the process of repatriating refugees,

Deeply concerned about the massive loss of human life, the aggravated suffering of the most vulnerable groups, the destruction of property and the serious damage to the economic and social infrastructure of Afghanistan caused by seventeen years of war, and stressing the importance of a return to peace and stability for the rehabilitation and reconstruction of Afghanistan, bearing in mind that the country continues to suffer from an extremely critical economic situation as a landlocked, least developed and war-stricken country,

Supporting the efforts of the United Nations Special Mission to Afghanistan headed by Mr. Norbert Holl to bring about the restoration of peace, normalcy and national reconciliation and the reconstruction and rehabilitation of war-stricken Afghanistan,

Deeply concerned about the problem of millions of anti-personnel landmines and unexploded ordnance in Afghanistan, which continue to prevent many Afghan refugees from returning to their villages and working in their fields, and disturbed by reports of new mines being laid,

Concerned for the well-being of the unarmed civilian population of Afghanistan, in particular of Kabul, who face a long winter possibly deprived of basic foods, fuel and medicine owing to a renewal of hostilities around the capital,

Bearing in mind the close interrelationship between ensuring peace and normalcy in Afghanistan and the ability of the country to take effective steps towards revitalizing the economy, and stressing that a cessation of armed hostilities between the warring parties in Afghanistan and political stability are indispensable if reconstruction measures are to have a lasting effect,

Affirming the urgent need to continue international action to assist Afghanistan in restoring basic services and the infrastructure of the country, and welcoming the efforts of the United Nations Development Programme and other United Nations agencies, associated bodies and other humanitarian organizations and agencies, including relevant non-governmental organizations, in this respect,

Expressing its appreciation for the assistance of the Office of the United Nations High Commissioner for Refugees in its continuing support for the repatriation of Afghan refugees from neighbouring countries,

Reaffirming the principle of non-refoulement as contained in article 33 of the Convention relating to the Status of Refugees,

Expressing its gratitude to all Governments that have rendered assistance to Afghan refugees, in particular the Governments of Pakistan and the Islamic Republic of Iran, and recognizing the need for continuing international assistance for the maintenance abroad and the voluntary repatriation and resettlement of refugees and internally displaced persons,

Expressing its appreciation to the States, intergovernmental organizations and associated bodies of the United Nations, as well as to other humanitarian organizations and agencies, including relevant non-governmental organizations, that have responded positively and continue to respond to the humanitarian needs of Afghanistan, as well as to the Secretary-General for his efforts to draw the attention of the international community to the acute problems of reconstruction in Afghanistan and for mobilizing and coordinating the delivery of appropriate humanitarian assistance,

1. Takes note of the report of the Secretary-General, and endorses the observations and recommendations set out therein;

2. Requests the Secretary-General to authorize the United Nations Special Mission to Afghanistan, established under resolution 48/208, to continue its efforts to facilitate national reconciliation and reconstruction in Afghanistan;

3. Also requests the Secretary-General to continue efforts to develop plans for national reconstruction and rehabilitation beginning in areas of peace and security, on the basis of the recommendations set out in his report;

4. Calls upon the leaders of all Afghan parties to place the highest priority on national reconciliation, acknowledging the war-weariness of the Afghan people and their desire for rehabilitation, reconstruction and economic and social development;

5. Demands that all Afghan parties fulfil their obligations and honour their commitments regarding the safety and full freedom of movement of United Nations personnel and other international personnel, as well as the security of their premises in Afghanistan, and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies in their efforts to respond to the humanitarian needs of the people of Afghanistan;

6. Calls upon all parties not to hamper the delivery of humanitarian assistance;

7. Expresses grave concern at the indiscriminate use of landmines in Afghanistan, which seriously impedes the delivery of humanitarian assistance;

8. Urgently appeals to all States, organizations and programmes of the United Nations system, specialized agencies and other intergovernmental and non-governmental organizations to continue to provide, on a priority basis and as far as conditions on the ground permit, all possible financial, technical and material assistance for the restoration of basic services and the reconstruction of Afghanistan and the voluntary, safe and secure return of refugees and internally displaced persons, with dignity and honour, and appeals to the international financial and development institutions to assist in the planning of the reconstruction of Afghanistan;

9. Calls upon the international community to respond to the inter-agency consolidated appeal for emergency humanitarian and rehabilitation assistance for Afghanistan launched by the Secretary-General for the period from 1 January to 31 December 1997, bearing in mind the availability also of the Afghanistan Emergency Trust Fund;

10. Denounces the discrimination against girls and women and other violations of human rights and inter-

national humanitarian law in Afghanistan, and notes with deep concern possible repercussions on international relief and reconstruction programmes in Afghanistan;

11. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the actions taken pursuant to the present resolution;

12. Decides to include in the provisional agenda of its fifty-second session, under the cluster of items on coordination of humanitarian assistance, the item entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan".

General Assembly resolution 51/195 A

17 December 1996 Meeting 87 Adopted without vote

57-nation draft (A/51/L.49 & Add.1); agenda item 21 (c).

Meeting numbers. GA 51st session: plenary 84, 87.

Explaining its position, Pakistan said that, unlike in previous years, it had not co-sponsored the resolution owing to reservations on paragraph" 10, as it did not see any justification in linking humanitarian assistance and social issues.

### **Democratic People's Republic of Korea**

Between 30 July and 18 August 1995, torrential rains caused devastating floods in the Democratic People's Republic of Korea (DPRK), resulting in major devastation for the agricultural sector. According to government data, some 360,000 hectares of arable land had been seriously damaged by the floods. Combined with low food stocks and exacerbated by hail damage at harvest time in 1994, the 1995 floods caused a very serious food deficit for the following 12 months, affecting 5.2 million people in eight of the country's nine provinces.

In June 1996, DHA launched a UN Consolidated Inter-Agency Appeal for Flood-Related Emergency Humanitarian Assistance to the DPRK for the period 1 July 1996 to 31 March 1997, with proposed activities totalling \$43,632,935. The Appeal addressed urgent needs resulting from the unprecedented flooding in 1995, focusing on requirements in the three priority sectors of food aid (\$26,804,365), recovery of arable lands (\$10,322,260) and restoration of health services (\$5,940,310).

In July and August 1996, heavy rainfall once again caused widespread flooding in the DPRK. Damage was sustained in the south-western and northern parts of the country, with at least 116 reported killed and approximately 3 million people affected. The Government estimated this latest damage at about \$1.7 billion. On 19 August, DHA urged all nations to support the June Appeal and reported that the response thus far had only been slightly more than 40 per cent.

### **Iraq**

In 1996, DHA reported that the humanitarian situation in Iraq had been steadily deteriorating, with increasing cases of malnutrition, high mortality rates among children under the age of five, and other signs of widespread poverty. As the response to an April 1995-March 1996 Appeal had been grossly inadequate, with funding made available to the UN Consolidated Inter-Agency Humanitarian Programme amounting to only \$86 million against requirements of \$169 million, an Appeal for an extension of the Programme was prepared in March 1996, calling for \$340,701,081 to cover humanitarian activities of UN agencies throughout the country for the period April 1996 to March 1997. The Appeal was geared towards arresting the fast-declining nutritional status of the most vulnerable population groups and the rehabilitation of the sectors of health, food production, water and sanitation, energy, education and resettlement, all contributing towards improved living conditions.

In view of the then ongoing negotiations related to the sale of Iraqi oil in exchange for relief goods, the launching of the Appeal was delayed until after a Memorandum of Understanding [S/1996/356] on the implementation of Security Council resolution 986(1995) [YUN 1995, p. 475] was signed between the United Nations and Iraq on 20 May. On 31 May, DHA appealed for \$80 million to meet Iraq's most pressing humanitarian needs until resolution 986(1995) was effectively implemented. In September, DHA reported that, of that amount, \$12.5 million had been made available to UN programmes and \$17 million had been pledged to or received by NGOs and bilateral humanitarian programmes.

The outbreak of hostilities in northern Iraq in September further exacerbated the humanitarian situation and resulted in the displacement of some 20,000 people and the departure of an estimated additional 39,000 people for Iran. Schools, hospitals, water and sanitation systems, and government buildings had been damaged or looted, and electricity, water and public health services had been affected.

The cumulative effects of economic sanctions, hyperinflation, unemployment and a 30 per cent drop in crop production had contributed significantly to the hardship of the vulnerable population groups. The sharp decline in voluntary contributions to essential humanitarian activities frustrated the efforts of UN agencies and NGOs to address effectively the needs of the severely affected segments of the population, which included internally displaced persons and refugees, children, pregnant and lactating mothers, destitute families and families headed by women.

DHA in September outlined emergency requirements of \$39,963,000 for the period from October to December 1996, to address the most pressing humanitarian needs, especially in northern Iraq, and to ensure the uninterrupted continuation of crucial humanitarian activities throughout the country until the commencement of the programme outlined in Security Council resolution 986(1995). Under the emergency programme, \$18,956,000 was requested for food; \$7,400,000 for the health sector; \$5,307,000 for resettlement and shelter for returnees and internally displaced persons; \$3,900,000 for water and sanitation; \$2,500,000 for electricity; \$1,100,000 for nutrition programmes; and \$800,000 for education.

On 12 December, the General Assembly, in **resolution 51/106**, welcomed the Memorandum of Understanding between the United Nations and Iraq and urged the latter to cooperate in ensuring that medicines, health supplies, foodstuffs and other humanitarian supplies purchased with the proceeds of the sale of Iraqi petroleum and petroleum products were distributed to the Iraqi population equitably and on a non-discriminatory basis. The Assembly expressed special alarm at Iraq's policies, which discriminated between regions and prevented the equitable enjoyment of basic foodstuffs and medical supplies, and called on Iraq to cooperate with international humanitarian agencies in providing relief to those in need throughout the country.

### Lebanon

Tension in southern Lebanon intensified in the first few months of 1996, with attacks by Islamic fundamentalists escalating against Israeli targets, countered by heavy Israeli bombardments (see PART ONE, Chapter VI). The conflict spread to other areas of the country, including Greater Beirut, and affected, in the main area of conflict, more than 150 towns and villages. Up to 400,000 persons were forcibly displaced, while an estimated 60,000 remained in the war zone, because they either chose to stay or were unable to leave. Fighting damaged the region's infrastructure, and caused significant damage to housing and other private property.

In response to the situation, DHA, on 19 April, launched a United Nations Flash Appeal for Internally Displaced Persons as a Result of the Emergency in Lebanon, seeking a total of \$8,586,875, for food (\$3,299,625), health (\$2,326,000), water (\$550,000) and basic supplies (\$2,311,250) to assist 20,000 families, representing 100,000 to 120,000 persons in dire need. The funds requested were to cover only emergency re-

lief and humanitarian assistance operations during the period from mid-April to mid-July and did not include provisions for the estimated 172,000 Palestinian refugees in Lebanon displaced by the situation. As at 31 May, \$15.5 million—excluding in-kind contributions—had been received from donors.

**Report of Secretary-General.** On 21 June, the Secretary-General reported [E/1996/65] on assistance for the reconstruction and development of Lebanon, which covered the period from 1 May 1995 to 31 May 1996.

Under the ceasefire understanding, a consultative group organized by the United States was to be established with a view to meeting Lebanon's reconstruction needs, including those resulting from the April violence. The consultative group, a nationally led effort, would aim to mobilize \$5 billion over a five-year period, at the rate of \$1 billion annually. The first year of the programme would be essentially for rehabilitation; subsequently, the emphasis would be on development.

The Secretary-General noted that the emergency rehabilitation phase was being completed and that the outlook was towards a perspective of development. He reiterated the need for strong national policies and programmes aimed at strengthening public-sector management, developing human resources, meeting basic needs (particularly of the poor), and preserving and managing the natural environment. He called on the international community to support the country's financial requirements for reconstruction through the mechanism of the planned consultative group.

In a later report [E/1997/96], the Secretary-General observed that economic activity in 1996 was characterized by a marked slowdown, with the annual growth rate falling to 4 per cent, compared to 6.5 per cent in 1995.

The scope and volume of UN activities increased by about 25 per cent in 1996 to just under \$20 million: UNDP contributed \$5.6 million; the World Bank, \$3.8 million; and WFP, \$1.7 million. A national housing and population survey and database, completed in October by the Ministry of Social Affairs with UNFPA assistance, made available data on population and development for the first time in more than 50 years.

On 16 December, a Friends of Lebanon Conference, organized by the United States in support of the reconstruction process in Lebanon, was convened in Washington, D.C. Contributions were announced of more than \$1 billion; in addition, a number of countries committed themselves to making available resources amounting to \$2.2 billion by the year 2000. In De-

cember, WFP closed its office and operations in Lebanon after achieving its mission, which included providing food aid to needy persons throughout the war period. The United Nations International Drug Control Programme also closed its country office, maintaining operations from a regional office to be established in Cairo, Egypt.

On 19 July, by **decision 1996/237**, the Economic and Social Council took note of the June report of the Secretary-General.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, the Council adopted **resolution 1996/32**.

#### Assistance for the reconstruction and development of Lebanon

The Economic and Social Council,

Recalling General Assembly decision 48/450 of 21 December 1993,

Recalling its resolutions in which it called upon the specialized agencies and other organizations and bodies of the United Nations system to expand and intensify their programmes of assistance in response to the urgent needs of Lebanon,

Reaffirming its resolution 1995/42 of 27 July 1996,

Aware of the magnitude of the requirements of Lebanon resulting from the extensive destruction of its infrastructure, which is impeding national rehabilitation and reconstruction efforts and adversely affecting economic and social conditions,

Reaffirming the pressing need to continue to assist the Government of Lebanon in the reconstruction of the country and the recovery of its human and economic potential,

Expressing its appreciation for the efforts of the Secretary-General in mobilizing assistance for Lebanon,

1. Appeals to all Member States and to all organizations of the United Nations system to intensify their efforts with a view to considering an increase of all forms of support, including financial grants and soft loans given for the reconstruction and development of Lebanon; in particular, donor countries are requested to consider playing a full part in the consultative group on the reconstruction and rehabilitation of Lebanon, to be established;

2. Calls upon all organizations and programmes of the United Nations system to support governmental requirements for national capacity-building and institutional renewal in the areas of social reconstruction and development, environmental management, public services provision and support for private-sector development and for implementing priority field-based programmes in the rehabilitation and reintegration of displaced persons and in the reconstruction and development of Baalbeck-Hermel and the south Lebanon region;

3. Requests the Secretary-General to inform the Council at its substantive session of 1997 of the progress achieved in the implementation of the present resolution.

Economic and Social Council resolution 1996/32

25 July 1996

Meeting 50

Adopted without vote

21-nation draft (E/1996/L.28), orally revised; agenda item 5 (a).

Meeting numbers. ESC 41-43, 45, 50.

#### GENERAL ASSEMBLY ACTION

On 5 December, the General Assembly adopted **resolution 51/30 C**.

#### Assistance for the reconstruction and development of Lebanon

The General Assembly,

Recalling its decision 48/450 of 21 December 1993,

Recalling Economic and Social Council resolutions in which the Council called upon the specialized agencies and other organizations and bodies of the United Nations system to expand and intensify their programmes of assistance in response to the urgent needs of Lebanon,

Reaffirming Economic and Social Council resolution 1996/32 of 25 July 1996,

Aware of the magnitude of the requirements of Lebanon resulting from the extensive destruction of its infrastructure, which is impeding national rehabilitation and reconstruction efforts and adversely affecting economic and social conditions,

Reaffirming the pressing need to continue to assist the Government of Lebanon in the reconstruction of the country and the recovery of its human and economic potential,

Expressing its appreciation of the efforts of the Secretary-General in mobilizing assistance for Lebanon,

1. Appeals to all Member States and all organizations of the United Nations system to intensify their efforts with a view to considering an increase of all forms of support, including financial grants and soft loans given for the reconstruction and development of Lebanon; in particular, donor countries are requested to consider playing a full part in the consultative group to be established on the reconstruction and rehabilitation of Lebanon;

2. Calls upon all organizations and programmes of the United Nations system to support governmental requirements for national capacity-building and institutional renewal in the areas of social reconstruction and development, environmental management, public services provision and support for private-sector development, and for implementing priority field-based programmes in the rehabilitation and reintegration of displaced persons and in the reconstruction and development of Baalbeck-Hermel and the south Lebanon region;

3. Requests the Secretary-General to report to the General Assembly at its fifty-second session through the Economic and Social Council at its substantive session of 1997 on the implementation of the present resolution.

General Assembly resolution 51/30 C

5 December 1996

Meeting 74

Adopted without vote

18-nation draft (A/51/L.25/Rev.1 & Rev.1/Add.1); agenda item 21 (b).

Meeting numbers. GA 51st session: plenary 62, 63, 74.

## Activities in the Americas

### Nicaragua

**Report of Secretary-General.** In a 2 August report [A/51/263], the Secretary-General reviewed the activities of the UN system in facilitating international assistance for the rehabilitation and reconstruction of Nicaragua.

With elections scheduled for October (see PART ONE, Chapter III), the Secretary-General stated that Nicaragua was entering a period of undeniable economic achievements: price stability had been maintained and the necessary framework for a market economy established.

Peace and democracy in the country had been progressively consolidated, which was reflected in the sharp reduction of political violence, the high level of public freedom, the increasingly independent functioning of the branches of Government, the strengthening of local authorities and the reduction and conversion of the armed forces. Nevertheless, the Secretary-General warned, the people's confidence in the political institutions was not sufficiently consolidated to guarantee stability. He ascribed that lack of trust to the fact that most people had not experienced a substantive improvement in their standard of living. A particularly alarming consequence was the difficulty of reintegrating former combatants. The Secretary-General concluded that the best way to make democracy take root in Nicaragua was by using the electoral debate to generate consensus on a long-term development strategy. The international community could not only stimulate that national debate, but also ensure that it was not stifled or limited by conditions established for the provision of international assistance.

UN bodies and agencies continued to provide support to Nicaragua in 1996. UNDP carried out activities promoting reconciliation, pacification, democratic governance, and economic and social development. It also continued to act as the secretariat of the Support Group for Nicaragua, created in 1994 [YUN 1994, p. 848]. Following damage caused by hurricane Cesar, DHA coordinated relief efforts in the country.

#### GENERAL ASSEMBLY ACTION

On 25 October, the General Assembly adopted **resolution 51/8**.

#### **International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters**

The General Assembly,

Recalling its resolutions 45/15 of 20 November 1990, 46/109 A and B of 17 December 1991, 47/118 of 18 December 1992, 48/161 of 20 December 1993, 49/137 of

19 December 1994 and 50/132 of 20 December 1995 concerning the situation in Central America,

Recalling also its resolutions 47/169 of 22 December 1992, 48/8 of 22 October 1993, 49/16 of 17 November 1994 and 50/85 of 15 December 1995 concerning the item entitled "International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters", in which it requested the international community to continue providing support to Nicaragua, taking into account the exceptional circumstances faced by that country, and requested the Secretary-General, in coordination with the Nicaraguan authorities, to provide the assistance necessary in the process of consolidation of peace,

Deeply concerned at the fact that the recent natural disasters that have occurred in Nicaragua, the burden of the foreign debt, despite its reduction and renegotiation achieved with the collaboration of the international community, and the harmful effects on its economy of the prolonged periods of rain and floods that have afflicted the Central American region impede the efforts being made by Nicaragua to overcome the consequences of war within the framework of a democracy and under the macroeconomic conditions already achieved,

Deeply concerned also at the serious effects of hurricane Cesar, which created an emergency in the affected areas, as well as the urgent requirement for humanitarian assistance and the need to restore the normal conditions of the population, recognized in its resolution 50/244 of 29 August 1996,

Taking into account the central role of all parties in Nicaragua, in particular the Government and the Nicaraguan people, in seeking lasting solutions to consolidate the achievements of their transition,

Expressing its appreciation for the work of the Support Group for Nicaragua, which, under the coordination of the Secretary-General, continues to play an active role in supporting that country's efforts towards economic recovery and social development,

Recognizing the efforts of the international community and the Government of Nicaragua to provide relief to the persons affected by the aftermath of the war and recent natural disasters,

Recognizing also the intensive efforts by the Government of Nicaragua to promote a sustained economic recovery and the considerable progress made in securing a broad social consensus by means of a process of national dialogue for the adoption of measures to lay the foundations for reconstruction and economic and social development through a comprehensive transition process that will be further consolidated with the holding of free and democratic elections in October 1996,

Taking into account the commitments adopted by the Central American Presidents at the Central American Environment Summit for Sustainable Development, through the Alliance for the Sustainable Development of Central America, and, in this context, the special attention required by Nicaragua because of its exceptional situation in order that those important commitments may begin to be implemented,

Taking note with satisfaction of the report of the Secretary-General on the measures adopted pursuant to resolution 50/85,

1. Commends the efforts made by the international community, including the organs and organizations of the United Nations system, to supplement the action undertaken by the Government of Nicaragua and by other parties concerned in the task of rehabilitation and national reconstruction as well as in providing emergency assistance;

2. Requests the Secretary-General, within existing resources, to support the efforts of the Government of Nicaragua in the affected areas, and invites Member States, organizations, specialized agencies and programmes of the United Nations to continue to provide assistance and to respond generously to the appeal issued by Nicaragua;

3. Expresses its gratitude to the Secretary-General for his report on the measures adopted pursuant to resolution 50/85;

4. Encourages the Government of Nicaragua to continue its efforts to bring about reconstruction and national reconciliation, in particular those related to poverty alleviation, economic and social development and the solution of property problems, with a view to the consolidation of a stable democracy;

5. Requests all Member States, the international funding agencies and regional, intraregional and non-governmental organizations to continue to provide, in a broad and flexible form, support to Nicaragua at the required levels, giving particular attention to that country's exceptional circumstances so as to stimulate a greater effort in the process of reconstruction, social investment, stabilization and development;

6. Expresses its gratitude to Member States, the international agencies, regional and intraregional organizations and, in particular, the Secretary-General, for their support for the explicit request of the Government of Nicaragua in connection with the technical cooperation and assistance needed in support of the general elections in Nicaragua in 1996;

7. Requests the Secretary-General, in cooperation with the relevant organs and organizations of the United Nations system and in close cooperation with the Nicaraguan authorities, to continue to provide, within existing resources, all necessary assistance to activities for the reconstruction, stabilization and development of Nicaragua and to continue to ensure the timely, comprehensive, flexible and effective formulation and coordination of programmes of the United Nations system in Nicaragua, given the importance of those activities for the consolidation of peace, democracy and sustainable development;

8. Also requests the Secretary-General to continue to provide Nicaragua, at the request of its Government, within existing resources, with all possible assistance to support the consolidation of peace, democracy and sustainable development in such areas as caring for displaced persons, land ownership and land tenure in rural areas, appropriate care for war-disabled persons, mine clearance and the overcoming of difficulties in the restoration of the productive areas of the country, and, in general, a process of sustained economic and social recovery and development so that the peace and democracy already achieved become irreversible;

9. Further requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the action taken to implement the present resolution;

10. Decides to consider this issue on a biennial basis, under the item entitled "Special economic assistance to individual countries or regions".

General Assembly resolution 51/8

25 October 1996

Meeting 41

Adopted without vote

37-nation draft (A/51/L.3 & Add.1); agenda item 36.

## Activities in Europe

### The former Yugoslavia

The General Framework Agreement for Peace in Bosnia and Herzegovina of December 1995 [YUN 1995, p. 544] marked a dramatic shift in the focus of humanitarian agencies, from the provision of aid in the context of open military hostilities to support for the peace process and durable solutions throughout the region of the former Yugoslavia. Activities of UN humanitarian agencies in 1996 centred on annex 7 of the Peace Agreement, relating to the return and repatriation of displaced persons and refugees—the overall responsibility of UNHCR—and on the recognition that assistance for refugees, internally displaced persons, returnees and war-affected populations within the region would continue to be necessary at least throughout 1996.

On 1 March 1996, DHA and UNHCR issued a United Nations Revised Consolidated Inter-Agency Appeal for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro), the former Yugoslav Republic of Macedonia and Slovenia, covering humanitarian needs from January to December 1996. The Appeal proposed assistance to 3.1 million beneficiaries: an estimated 525,300 refugees, 1,240,000 internally displaced persons and 1,400,000 vulnerable war-affected people. A total of \$823,213,465 was sought for assistance in areas such as food and nutrition (\$209,528,020); shelter, water and sanitation (\$114,302,100); logistics and transport (\$110,564,086); domestic needs (\$92,426,300); community services and support for children in especially difficult circumstances (\$44,176,300); health (\$42,609,400); agriculture, crop production and livestock (\$42,107,000); and refugee movements (\$38,948,000). A sum of \$4,695,860 was requested for mine-clearance and mine-awareness programmes.

In October, DHA released an implementation report for the period January to July 1996, on the status of programmes outlined in the Revised Consolidated Appeal. The framework and operational plan for the return of refugees and internally displaced persons and for the promotion of durable solutions in the region, as well as the overall plan for humanitarian assistance, were presented in a series of meetings convened by



UNHCR and DHA, which included the first and second meetings of the Humanitarian Issues Working Group (Geneva, 16 January and 13 May), a high-level working meeting on implementation of annex 7 of the Peace Agreement (Oslo, Norway, 8 March), and a DHA-organized donor information meeting (Geneva, 15 March). In addition, a mid-term review meeting (Florence, Italy, 13 June) on the overall implementation of the Peace Agreement also provided an opportunity to discuss humanitarian programmes (see also PART ONE, Chapter V).

According to DHA, planning assumptions relating to the return and repatriation of affected persons to Bosnia and Herzegovina were not borne out by events in the first eight months of 1996. The foremost factor, DHA said, was the failure of the parties to implement fully the provisions of annex 7, particularly with regard to the freedom of movement to areas of origin. Furthermore, limited housing and essential infrastructure, as well as employment opportunities, combined with uncertainties about security, had had a chilling effect on repatriation from abroad and on return to both minority and majority areas. The bulk of rehabilitation efforts during the review period were of an emergency nature, implemented primarily through UNHCR, the United States Office of Foreign Disaster Assistance, the European Community Humanitarian Office (ECHO), UN organizations, NGOs and the multinational Implementation Force (IFOR). UNHCR implemented a shelter programme to support the procurement and distribution of materials to internally displaced persons and returnees, enabling them to make immediate basic repairs to render habitable their dwellings and thereby support return.

Although UN humanitarian efforts focused primarily on Bosnia and Herzegovina (with \$500 million budgeted), considerable assistance continued to be provided to refugees in Croatia (\$117 million), the Federal Republic of Yugoslavia (\$105 million) and, to a lesser extent, Slovenia (\$2 million) and the former Yugoslav Republic of Macedonia (\$6 million). In Croatia, the United Nations continued to focus on support for refugees in collective centres throughout the country and on activities to assist displaced and war-affected groups in Eastern Slavonia. Other concerns included the situation of the Serb minority in the region of former Sectors North and South, and the repatriation of Serb refugees in the Federal Republic of Yugoslavia to that area.

In the Federal Republic of Yugoslavia, the search for durable solutions for more than 566,000 refugees proved to be difficult. Together with ECHO, WFP provided food assistance to some

310,000 refugees. UNHCR continued to promote the repatriation of refugees to Bosnia and Herzegovina and Croatia. It was anticipated that a citizenship law, expected to come into force in January 1997, would provide an option for some refugees to remain in the Republic. WFP, WHO, UNICEF and UNESCO pursued ongoing activities in the former Yugoslav Republic of Macedonia as well. UNHCR maintained multi-sectoral assistance programmes aimed at refugees who had been unable to return to Bosnia and Herzegovina. An estimated 222,000 to 224,000 Bosnian internally displaced persons and refugees had either returned, relocated or repatriated by the end of August, DHA reported.

The General Assembly, in **resolution** 51/203 of 17 December, welcomed the efforts of UN agencies, NGOs and others to establish projects designed to facilitate the return of refugees and displaced persons to all regions of Bosnia and Herzegovina. The Security Council, in **resolution** 1088(1996) of 12 December, emphasized the importance of creating conditions conducive to reconstruction and development in that country, and encouraged Member States to provide assistance for the reconstruction programme.

### The Caucasus

In 1996, the overall situation in the Caucasus continued to improve, although durable political settlements had not yet been reached for the conflicts in the region and humanitarian assistance was still required in Armenia, Azerbaijan and Georgia. In February, DHA issued a supplement to the 1995-1996 United Nations Consolidated Inter-Agency Appeal for the Caucasus [YUN 1995, p. 925], which originally was to have expired in March 1996. The supplement requested \$36,664,444 for the period from 1 January to 31 May 1996. It provided for a two-month extension to the 1995 Appeal to allow time for the completion of a comprehensive assessment of humanitarian needs. To review the humanitarian situation, more than 150 representatives of the humanitarian community, donors and the three Governments met at Tbilisi, Georgia (5-6 March). Participants agreed that in the light of the continuing severe humanitarian situation confronting displaced persons, refugees and other vulnerable groups, assistance was still required in all three countries of the region. The meeting noted that humanitarian assistance could not be significantly diminished unless durable political solutions to the region's conflicts were found.

In May, DHA launched a United Nations Consolidated Inter-Agency Appeal for the Caucasus, covering the period from June 1996 to May 1997,

which reflected the results of the joint assessment, and sought to continue emergency assistance in the sectors of food aid, agriculture, shelter, sanitation, health and education for selected most-vulnerable categories of people. At the same time, UN agencies aimed to assist in building the capacity of Governments and communities to respond to emergency needs and promote self-sufficiency among people. Funding requirements for the Appeal totalled \$101,017,395, with \$9,397,506 for activities in the region as a whole, \$24,408,123 for Armenia, \$30,525,287 for Azerbaijan and \$36,686,479 for Georgia. As at 30 October 1996, donors had pledged contributions of \$38,974,464. Subsequently, DHA urgently called on the international community to make additional contributions.

In November, DHA conducted a mid-term review, assessing the humanitarian situation and priorities of the three countries until the end of May 1997, focusing on the transition from emergency relief to development assistance.

A survey among priority sectors of Armenia, Azerbaijan and Georgia showed consistent major gaps in health, education, special needs, agriculture, community support and income generation. The weak donor response to the health sector was extremely serious, and DHA called on all donors to enable UN agencies to address urgent health issues. Education, agricultural and income-generation projects were also of concern.

In Armenia, despite overall improvements in the macroeconomic performance, the numbers of vulnerable persons—about 400,000, including 100,000 refugees and internally displaced persons—remained large. Overall food supply remained poor. The Ministry of Health was still unable to support even the most basic health care programmes, and increases in communicable diseases, particularly diphtheria and polio, threatened the populace.

The immediate to short-term outlook for Azerbaijan remained precarious despite its oil production activities, as financial dividends from that resource were not expected to have an impact on the general population for several years. Although Azerbaijan continued to abide by the 1994 ceasefire agreement [YUN 1994, p. 577] with Armenia, and negotiations for a political settlement continued, there was little hope for the return of displaced persons to Nagorny Karabakh and the front-line areas after three years of exile. In the meantime, the needs of the 900,000 internally displaced, refugees and other vulnerable groups had to be addressed. An estimated 80 per cent of a total population of 7.4 million were affected by poverty.

In Georgia, improvements in most parts of the country had led humanitarian organizations to

shift their programmes from emergency relief to more development-oriented, sustainable assistance. In the agricultural sector, the privatization of land had led to substantial modernization and growth. Education and health presented major challenges, however. Despite positive trends, some areas, including Abkhazia and South Ossetia, and the most vulnerable sectors of society, especially internally displaced persons, orphans and the elderly, would continue to depend on emergency aid, DHA said.

### **Chechnya, Russian Federation**

As federal forces re-established control over large areas of Chechnya, fighting diminished and internally displaced persons began returning to their homes, in so far as they still existed. At the end of 1995, the Russian Federation requested a continuation of UN humanitarian activities, stating that 130,000 people were in need of shelter, food, clothes and medical services. The request was discussed at a UN agencies meeting (New York, 10 January 1996) and at a donors' meeting (Geneva, 11 January).

DHA in April launched a United Nations Consolidated Inter-Agency Appeal for Persons Displaced as a Result of the Emergency Situation in Chechnya, Russian Federation, for the period from January to December 1996, proposing a continuation of the existing programme at a reduced level until 31 December 1996, with the exception of WFP activities, which would continue until March 1997. Assistance, to be delivered at about 50 per cent of 1995 levels, would offer sufficient resources to provide displaced persons with a limited programme of shelter and food, and assist returnees and the internally displaced.

The 1996 Appeal outlined activities totalling \$13,122,260 in areas such as food aid (\$5,102,560); shelter, water and sanitation (\$2,174,000); health (\$1,259,700); domestic items (\$1,002,000); and transport (\$1,047,000). The 1995 Appeal had initially sought approximately \$25 million, with a donor response of 90 per cent. The 1996 Appeal elicited contributions amounting to \$13,150,582 as at 1 January 1997. Total 1996 humanitarian assistance for Chechnya was \$36,960,940 as at the same date.

### **Tajikistan**

Political instability and military confrontation compounded the continuing severe economic crisis in Tajikistan, which kept the country one of the poorest of the newly independent States to emerge from the former USSR. As the armed conflict between the Government and the United Tajik Opposition (UTO) intensified during 1996, the collapse of the Tajik economy and declining

public and social services increased the vulnerability of large segments of the population. The worsening humanitarian situation, characterized as almost a chronic emergency, became a source of growing concern to the international community. DHA organized a UN inter-agency needs assessment mission to Tajikistan in October. The Security Council, in a Presidential statement of 20 September [S/PRST/1996/38], welcomed the Secretary-General's initiative to arrange for such a mission to determine how to respond effectively to the humanitarian situation in the country.

The mission visited Tajikistan from 6 to 16 October, determining that the country was faced with a situation of widespread need, experiencing in certain areas acute humanitarian crises. The most vulnerable groups, who could not meet their basic food and survival needs and who constituted 10 to 15 per cent of the population, required continued and immediate humanitarian assistance.

In response to the mission's findings, a UN Consolidated Inter-Agency Donor Alert on Urgent Humanitarian Needs in Tajikistan was launched in November, requesting donor support for a total of \$22,203,068 in urgent humanitarian assistance for a period of six months, from 1 December 1996 to 31 May 1997. The Donor Alert highlighted the most urgent and outstanding needs for what was predicted to be a harsh winter, focusing on emergency food aid (\$6,704,887), education (\$4,185,000), health (\$4,043,400), assistance to the agricultural sector (\$2,170,000), water and sanitation (\$1,570,000), shelter (\$1,075,000), energy (\$1,050,000), landmines and unexploded ordnance (\$734,425) and assistance to the internally displaced (\$389,016). Humanitarian assistance could contribute to social stability and would support the country in its difficult transition towards sustainable development, the Donor Alert noted.

In December, the Secretary-General reported [S/1996/1010] that WFP managed the single largest humanitarian assistance operation in the country; 620,000 persons, or around 12 per cent of the in-country population, were eligible for relief food assistance. UNICEF supported government vaccination activities against diphtheria, provided schools with educational material, and rendered assistance in health and nutrition. UNHCR was overseeing the repatriation of small groups of Tajik refugees from Afghanistan and Turkmenistan and continued to support a legal capacity-building training programme. A large-scale UNDP rural rehabilitation and reconstruction programme was launched. UNDP also jointly organized with the Government the first informal donors' meeting in October. The Interna-

tional Monetary Fund (IMF) assisted the Government in the areas of balance of payments and budget support. Plans were under way, in cooperation with UNDP, to strengthen the institutional capacity of the central banking system and the customs administration. The World Bank in early 1997 began a \$10 million poverty alleviation programme, while its \$50 million rehabilitation loan package had reached final approval stage. The Consultative Group meeting on Tajikistan, convened by the World Bank in October, pledged further support for long-term rehabilitation and development needs in Tajikistan.

Expressing concern over the worsening humanitarian situation in the country, the Security Council, in **resolution 1089(1996)**, called on Member States and others concerned to respond promptly and generously to the Donor Alert.

## African economic recovery and development

### New Agenda for the Development of Africa

In 1996, a number of UN bodies continued to implement or monitor the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, adopted by the General Assembly in 1991 [GA res. 46/151]. An Ad Hoc Committee of the Whole carried out a mid-term review of the New Agenda in September 1996. At an organizational session on 20 June [A/AC.251/3], it decided to recommend to the Assembly that it meet during the Assembly's fifty-first session and that its mandate be extended. The mandate of the Ad Hoc Committee was extended by the Assembly in **resolution 50/160 B** (see below).

The Committee for Programme and Coordination (CPC), on 19 and 20 June [A/51/16 (Part II)], considered and recommended approval of the proposed medium-term plan of the New Agenda for the period 1998 to 2001 [A/51/6 (Prog. 6)]. The Assembly adopted the medium-term plan by **resolution 51/219, section I**.

#### GENERAL ASSEMBLY ACTION

On 16 July, the General Assembly adopted **resolution 50/160 B**.

#### Implementation of the United Nations New Agenda for the Development of Africa in the 1990s

The General Assembly,

Recalling its resolution 50/160 of 22 December 1995, by which an Ad Hoc Committee of the Whole of the fifty-first session of the General Assembly was established as the most appropriate mechanism to prepare the

mid-term review in 1996 of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, and by which it was decided that the Ad Hoc Committee should meet for a period of up to seven working days in September 1996, prior to the fifty-first session of the General Assembly, to prepare the mid-term review on the basis of a report to be prepared by the Secretary-General,

Recalling also the decision of the Ad Hoc Committee, at its organizational session on 20 June 1996, to conduct the mid-term review starting from 16 September 1996 and, to that end, to recommend to the General Assembly at its fiftieth session that the Ad Hoc Committee meet during the fifty-first session of the Assembly,

Decides to authorize the Ad Hoc Committee to meet during the fifty-first session of the General Assembly and, for that purpose, to extend the mandate of the Ad Hoc Committee through the fifty-first session of the Assembly.

General Assembly resolution 50/160 B

16 July 1996

Meeting 121

Adopted without vote

Draft by Belgium (A/50/L.75); agenda item 24.

**Ad Hoc Committee of the Whole.** The mid-term review of the New Agenda for the Development of Africa in the 1990s (New York, 16-20 September 1996) [A/51/48] took place against a background of rapid globalization and liberalization of the world economy, which presented opportunities and challenges as well as risks and uncertainties. For Africa, with 33 of the world's 48 least developed countries, the risk of further marginalization was real. The Ad Hoc Committee of the Whole for the Mid-term Review, established by the General Assembly in 1995 [GA res. 50/160 A], called for urgent action to support Africa's efforts to integrate fully into the global economy.

As part of the preparation for the mid-term review, the United Nations Office of the Special Coordinator for Africa and Least Developed Countries, along with Japan, co-organized a High-level Seminar on African Development (Tokyo, 27-28 August 1996), at which participants agreed on the necessity of a new common strategy for development, based on a partnership between donors, recipients and other actors in the development process.

Among other documents, the Ad Hoc Committee had before it a report [A/51/228 & Add.1] of the Secretary-General on the implementation of the New Agenda (see below), a report [A/AC.251/5] on NGOs that were participating in the work of the Ad Hoc Committee, and a report [A/51/359] of the Organization of African Unity (OAU) on the assessment of the implementation of the New Agenda.

The Ad Hoc Committee stated that an evaluation of the New Agenda from the point of view of Africa's own efforts indicated the following key areas for priority attention: economic reforms,

including the effective mobilization and efficient utilization of domestic resources; promotion of the private sector and foreign direct investment; intensification of the democratization process and the strengthening of civil society; environment and development; agriculture, rural development and food security; the human dimension in development; regional and subregional co-operation and integration; and South-South co-operation. Primary responsibility for implementation of the New Agenda lay at the national level. The international community played a complementary role, by supporting adequate resource flows; solutions to Africa's debt problem; trade facilitation and market access; diversification of African economies; development assistance for capacity-building; international cooperation; and external development assistance from non-African NGOs.

An analysis of progress during the period 1992 to 1995 showed achievement in institutional and private-sector development and revealed significant variations among African countries in their economic and social performance. The Ad Hoc Committee stated that the effective and timely implementation of the New Agenda was contingent on the political will of African Governments and their commitment to allocate adequate resources to their development objectives. However, for African efforts to succeed within the time-frame of the Agenda, they should be complemented by sufficient and predictable resource flows. The System-wide Special Initiative on Africa (see below) was complementary to the New Agenda and designed to facilitate its implementation.

The Ad Hoc Committee recommended that monitoring and evaluation of the implementation of and follow-up to the New Agenda should be improved; the Office of the Special Coordinator for Africa and the Least Developed Countries, the Department of Public Information, the Economic Commission for Africa (ECA), the specialized agencies and UN funds and programmes, including the Bretton Woods institutions, should ensure that advocacy was undertaken in a strategic manner; advocacy and implementation of the New Agenda should be further reviewed in order to enhance coordination; UN agencies should ensure that the relevant recommendations of the mid-term review were integrated and implemented; the final review and appraisal of the New Agenda should be conducted in 2002 by an ad hoc committee of the whole; and the Secretary-General should bring the outcome of the mid-term review to the attention of United Nations and other organizations for follow-up action.

**JIU report.** By a note of 5 March [A/50/885], the Secretary-General transmitted to the General Assembly a 1995 report of the Joint Inspection Unit (JIU) on the evaluation of the United Nations New Agenda for the Development of Africa in the 1990s. The report concluded that, independently of the New Agenda, virtually all the agencies and organizations of the UN system had, since the mid-1980s, assigned priority to the Africa region, particularly in terms of the growing proportion of resources allocated for technical cooperation activities and humanitarian operations. At the same time, the report stressed the general lack of awareness of the existence of the New Agenda among UN field personnel in Africa, who were theoretically supposed to be at the cutting edge of its implementation. For years after its launch, JIU said, the New Agenda had so far had no impact on the ground. JIU made a number of recommendations aimed at raising awareness and promoting the New Agenda among the international community, UN organizations and the African States, thus forging a new development partnership and cooperation.

By a 17 May note [A/50/885/Add.1], the Secretary-General transmitted his comments and those of the Administrative Committee on Coordination (ACC) on the JIU report, which was considered a very interesting, useful and timely study presenting a good overview of Africa's extremely important development problems. However, the Secretary-General pointed out that while the report took account of progress made in implementing specific priority areas of the New Agenda, the analysis was limited to actions taken at the field level and did not recognize that consensus-building achieved at the international level was a direct outcome of the New Agenda. Some recommendations, he stressed, were beyond the UN system's capabilities, particularly due to resource constraints, and were not implementable. The Secretary-General also noted that the report did not sufficiently take into account the linkage between the New Agenda and the newly launched UN System-wide Special Initiative on Africa, overlooking the positive impact of the latter on the advancement of the New Agenda. CPC, on 10 and 11 June [A/51/16 (Part I)], considered and took note of the JIU report and of the comments of the Secretary-General and of ACC and endorsed some of the JIU recommendations.

**UNDP action.** The Executive Board of UNDP and the United Nations Population Fund (UNFPA), in May, took note [E/1996/33] of a March report [DP/1996/20] of the Administrator on 1995 UNDP activities in support of the New Agenda.

**Report of Secretary-General.** On 6 August 1996, the Secretary-General reported to the Gen-

eral Assembly [A/51/228] on the implementation of the New Agenda. He reviewed some critical development issues affecting the programme and recommended measures to accelerate its implementation and generally to foster sustained and sustainable growth and development in Africa. He raised a number of priority issues facing Africa in the 1990s, including: good governance; human development and capacity-building; mobilization of resources, such as domestic and foreign direct investment; and trade, commodity diversification and industrial development. In an annex to the report, the Secretary-General gave an account of actions taken and progress achieved in the implementation of the New Agenda since its adoption.

The Secretary-General reported that most African countries experienced socio-political changes that appeared to provide an opening for development, including the trend towards democratization of political systems; an increasing recognition by Governments of the important role of the private sector; the growing commitment to regional and subregional cooperation and integration; and the active participation of Africa at world conferences and summit meetings held under UN auspices. Notwithstanding the successes achieved by a number of African countries, the Secretary-General concluded that there was still a pressing need to address issues in the development process, such as the need to adopt and apply the principles of good governance; the persistent high rate of population growth and its effect on development; the gaps in national capacities for implementing development programmes; the persistent problems of civil war and displaced people; Africa's unmanageable external debt and debt-servicing obligations; the stagnation of official development assistance (ODA) and flows of foreign direct investment; and the anticipated difficulties in adapting to a globalized world economy.

To achieve the major objectives of the New Agenda and especially the target growth rate of 6 per cent, the Secretary-General stressed that it would be necessary to open Africa's production and financial sectors and to step up the drive to attract more foreign direct investment with a view to gaining access to external markets and integrating the emerging African economies more closely into the global economy. Even more crucial would be the readiness of Africa's public and private sectors, as well as households, to boost their aggregate savings rate in order to channel a substantial share of economic output towards capital investment. As the New Agenda dealt with long-term development, the Secretary-General considered a further commitment to a

dynamic partnership between Africa and the international community to be vital for realizing the continent's potential in the coming years. The effective and timely implementation of the New Agenda was contingent on the political will of African Governments and their commitment to allocate resources for that purpose, the Secretary-General stated; however, for African efforts to succeed within the New Agenda timeframe, they should be complemented by adequate and assured resource flows from the international community.

In an addendum to his report [A/51/228/Add.1], the Secretary-General presented a comparative analysis, prepared by ECA, of the financial commitments entered into, against the resources actually mobilized over the period 1992 to 1995, in order to provide insights into the level of involvement and investment by African countries and the international community in the search for economic recovery and sustainable development. The analysis concluded that despite the efforts of African countries to improve their use of ODA and the expressed concern of developed countries regarding the need to support Africa's development, the total volume of ODA to Africa had, since the beginning of the decade, dropped to about \$20 billion, an amount far below the \$30 billion set by the New Agenda, which had expected ODA to increase by 4 per cent yearly. The various objectives of mobilizing financial resources had been only partially achieved, with investment and savings rates remaining weak, terms of trade having deteriorated and only slight improvement occurring in the development of the resources traded within the continent. In addition, factors that determined the flow of foreign direct investment had not improved sufficiently to stop Africa from being marginalized with respect to flows of such investment; the debt stock had not decreased, and even though debt service was being paid and had stabilized at around \$28 billion, the amount was still triple the ceiling recommended under the New Agenda; and the volume of ODA was declining. The report pointed out that those pitfalls did not stem from lack of will or effort but rather from the failure of the African countries and the international community to implement more sustained practical measures. While it was the primary responsibility of African States to bear the bulk of their development burden by tapping their own financial resources as a matter of priority, the rigid international economic environment, the domestic economic hardship and the lukewarm disposition of some creditors to adopt radical measures constituted obstacles to the mobilization of financial resources and to the devel-

opment of Africa. The Secretary-General concluded that most African countries would not be able to implement the economic reforms required for development without further domestic and foreign financial resources, nor could Africans and the international community afford to see yet another international initiative for Africa's socio-economic recovery and development fail.

**UNCTAD action.** The Trade and Development Board, at its October session, had before it an August report [TD/B/43/6] on UNCTAD's contribution to the implementation of the New Agenda and the role of UNCTAD in implementing the United Nations System-wide Special Initiative on Africa (see below). The report covered relevant UNCTAD activities in the areas of policy research and analysis, as well as technical cooperation in the areas of trade, debt, commodities, investment, science and technology, shipping, ports and multimodal transport, insurance, economic cooperation among developing countries, least developed countries and landlocked developing countries. Despite several years of implementing structural adjustment programmes, Africa as a region had yet to show tangible signs of a strong recovery and sustained growth, according to the report. The region's share of both world output and trade continued to shrink, whereas its share of world population continued to rise. In addition to the adverse impact of political instability, ethnic conflicts and the vagaries of weather, economic performance in many countries continued to be characterized by low productivity, management difficulties, failure to diversify from a narrow production and export base, and high vulnerability to the external economic environment.

In its agreed conclusions, the Board [A/51/15 (vol. II)] noted that the efforts of African countries in various areas had resulted in significant improvement in their overall economic performance, with the number of countries recording negative growth dropping to three in 1995, and those achieving the target of 6 per cent annual growth increasing to 12 by the end of 1995. It also noted the support shown by the international community through debt relief, extension of trade preferences, export compensatory mechanisms, resource flows to Africa and the various bilateral and multilateral technical and financial assistance programmes. The Board reaffirmed the agreed conclusions of the mid-term review and called on all partners in development to implement as soon as possible the recommendations of the Ad Hoc Committee. It also called on UNCTAD to fulfil its responsibilities within the framework of the New Agenda.

## GENERAL ASSEMBLY ACTION

On 6 December, the Assembly adopted **resolution 51/32**.

**Mid-term review of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s**

The General Assembly,

Reaffirming its resolution 46/151 of 18 December 1991, the annex to which contains the United Nations New Agenda for the Development of Africa in the 1990s,

Recalling its resolutions 48/214 of 23 December 1993 and 49/142 of 23 December 1994 on the New Agenda,

Recalling also its resolutions 50/160 A and B of 22 December 1995 and 16 July 1996 establishing the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s,

Noting that the mid-term review of the implementation of the New Agenda has been an occasion for an in-depth assessment of the actions taken in the implementation of the New Agenda and the measures needed to accelerate its implementation during the remaining period of the decade and beyond,

Recognizing that while there was an overall improvement in economic performance in some African countries, in the continent as a whole many of the critical social conditions and economic problems which led to the adoption of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, and the New Agenda in 1986 and 1991, respectively, still exist and have worsened in some countries;

Recognizing also, as noted in the mid-term review, that poverty and unemployment are expected to increase substantially in Africa, leading to the need for African countries and the international community to take urgent measures to attain the objectives of the New Agenda,

Taking note of the reports of the Secretary-General concerning the mid-term review of the implementation of the New Agenda,

Taking note also of the document of the Organization of African Unity concerning the mid-term review of the implementation of the New Agenda, the outcome of the High-level Seminar on African Development, held at Tokyo on 27 and 28 August 1996, and the submission by the non-governmental organizations,

Noting the contribution made by individual Governments and intergovernmental and non-governmental organizations to the work of the Ad Hoc Committee,

1. Adopts the conclusions of the mid-term review of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, consisting of an assessment of the responses and measures to accelerate the implementation of the New Agenda, as set forth in the report of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s, highlighting key areas for priority attention, inter alia: (a) economic reforms, including the effective mobilization and efficient utilization of domestic re-

sources; (b) the promotion of private sector and foreign direct investment; (c) the intensification of the democratic process and the strengthening of civil society; (d) environment and development; (e) resource flows; (f) solution of Africa's debt problem; (g) trade facilitation and market access; (h) the diversification of African economies; (i) the improvement of physical and institutional infrastructure and social and human resource development; and (j) women in development;

2. Requests the Secretary-General to give the outcome of the mid-term review the widest publicity to all Member States and in particular to sensitize the heads of the agencies and institutions of the United Nations system, including the Bretton Woods institutions, and the donor community to the measures and recommendations contained therein;

3. Requests all States, international and multilateral organizations, financial institutions and development funds, the organs and programmes of the United Nations system and intergovernmental and non-governmental organizations to take, as a matter of urgency, concrete and effective measures in order to implement fully the recommendations contained in the report of the Ad Hoc Committee and to do so in a co-ordinated manner;

4. Reaffirms the importance of effective follow-up, monitoring and evaluation arrangements for the implementation of the New Agenda at the national, regional and global levels, and in this regard requests the Secretary-General to strengthen and improve follow-up, monitoring and evaluation of the implementation of the New Agenda;

5. Recognizes the complementary role of the United Nations System-wide Special Initiative on Africa in the implementation of the New Agenda, including the mobilization of adequate resources, while avoiding unnecessary duplication of activities;

6. Requests the Secretary-General, pending the final review and appraisal of the New Agenda in the year 2002, to submit to the General Assembly at its fifty-third and fifty-fifth sessions a progress report on the implementation of the present resolution under an item entitled "Implementation of the United Nations New Agenda for the Development of Africa in the 1990s, including measures and recommendations agreed upon at its mid-term review".

General Assembly resolution 51/32

6 December 1996 Meeting 75 Adopted without vote

119-nation draft (A/51/L.31 & Add.1); agenda item 44.

Meeting numbers. GA 51st session: plenary 50-53, 75.

### **UN System-wide Special Initiative on Africa**

The United Nations System-wide Special Initiative on Africa was launched on 15 March 1996 to provide renewed impetus to Africa's development. Its 14 components were grouped into five main themes: water, food security, capacity-building for governance, social and human development, including in particular basic health and education for all, and resource mobilization. A lead UN agency or agencies were to be respon-

sible for resource mobilization and for coordinating implementation of each of the five major components, while ACC was to monitor the implementation of the Special Initiative through a steering committee, co-chaired by the UNDP Administrator and the Executive Secretary of ECA. The text of the Special Initiative was annexed to the annual overview report of ACC for 1995 [E/1996/18].

In a May report [E/AC.51/1996/6 & Corr.1], the Secretary-General called the Special Initiative the most significant mobilization of support ever by the United Nations for the development of a continent's people and its largest coordinated action. He estimated that implementation would require up to \$25 billion over a period of 10 years, not including food security, and said that financing would come mainly from a redirection of existing resources at the national and international levels, as well as from new resources. The Secretary-General indicated that the Special Initiative, prepared and launched by ACC, complemented the UN New Agenda for the Development of Africa in the 1990s (see above) and was a vehicle for implementing the revised System-wide Plan of Action for African Economic Recovery and Development, adopted by CPC in 1994 [YUN 1994, p. 817].

**CPC action.** In June [A/51/16 (Part I)], CPC took note of the Secretary-General's progress report and recognized the role of the Special Initiative in implementing the Plan of Action. While welcoming the potential of the Special Initiative as an operational wing of and a complement to the New Agenda, CPC expressed strong concern about the prevailing trend to flood Africa with new initiatives that were hardly implemented. Noting that the UN organizations, including, in particular, the World Bank, had committed themselves to coordinating their efforts and pooling resources, making use of their means for media awareness through the Special Initiative, CPC urged them to produce tangible results and requested a report on the implementation of the Special Initiative for its spring session in 1997.

**ACC consideration.** Following the launching of the Special Initiative, ACC focused on arrangements that would ensure its effective and expeditious implementation. At its first regular session of 1996 in April, the ACC noted that significant progress had already been made in several components of the Initiative. Lead and cooperating agencies were formulating implementation strategies in cooperation with African Governments. ACC members considered that the financial aspects of the Special Initiative needed further clarification and elaboration. The figure of \$25 billion represented approximate resource re-

quirements for those components of the Initiative for which such estimates had been prepared. Four components—education, health, water and governance—accounted for over 95 per cent of such external requirements. Total external resource requirements were expected to be larger, bearing in mind that there were several programmes under key components, such as food security, that had not yet been fully developed or costed. ACC welcomed the joint World Bank/International Monetary Fund (IMF) initiative to create a framework of action to resolve the debt problems of the heavily indebted poor countries.

The co-chairs of the ACC Steering Committee of the Special Initiative briefed ACC on the conclusions of its fifth meeting (New York, 20 September). They noted that there was increasing evidence of African interest and involvement in the Initiative, initially reflected in the participation of a number of heads of State and Government in its launch in March, and more recently in the endorsements extended to the Initiative at meetings of ministers of health and other sectors of a number of African Governments. They further noted that the current mid-term review of the New Agenda (see above) provided a very useful opportunity to reinforce linkages between the Special Initiative and the New Agenda.

The co-chairs reported on the increasingly effective inter-agency collaboration developing around the Special Initiative, as well as progress in the preparation of sector investment programmes in education, health, water and governance in 13 countries. They stressed that an important next step was the formulation of a common communication strategy to guide further work in connection with the Special Initiative. With respect to the priority area of basic education for all African children, the caucus of African ministers of education had adopted an implementation protocol jointly prepared by the World Bank and UNESCO.

ACC, at its second regular session in October [ACC/1996/20], called for prompt implementation of the work programme endorsed by the Steering Committee. It also urged that more focused attention be given to a number of priority dimensions of the Special Initiative, including sustainable livelihoods in environmentally marginal areas, poverty alleviation, human-rights and gender, areas in which programme development did not yet appear to be sufficiently advanced. ACC welcomed indications of increased African interest and involvement in the Special Initiative at the international level, and noted that some of the questions raised earlier about the added value of the Special Initiative were being progressively overcome.



**ECA consideration.** At its May 1996 session, the Conference of Ministers of ECA had before it a report [E/ECA/CM.22/5] describing the setting and content of the Special Initiative and identifying methods of implementing and funding it. The Conference endorsed [E/1996/35 (res. 811(XXXI))] the Special Initiative and noted that its priorities were congruent with those elaborated in the Cairo Agenda for Action for launching Africa's economic and social development, approved by the OAU Council of Ministers in 1995 [YUN 1995, p. 989], as well as with the New Agenda. It further noted that the Initiative represented concrete and coordinated actions aimed at maximizing support for Africa's development within the framework of the New Agenda. The Conference called on the international community, particularly the UN system, to extend effective support to African countries to enable them fully to realize the objectives and targets of the Special Initiative.

ECA adopted the report on the Special Initiative and brought the matter to the attention of the Economic and Social Council.

**UNDP action.** The Executive Board of UNDP/UNFPA, at its annual session in May [E/1996/33], discussed the role of UNDP in monitoring the implementation of the Special Initiative. UNDP, which had primary responsibility for the segment on governance, would report to ACC through its Administrator, a co-chair of the Steering Committee. The Board took note of a March report [DP/1996/20] of the Administrator on the New Agenda, which also dealt with the Special Initiative; the latter, the Administrator believed, would give fresh impetus to the New Agenda, as the UN system, in partnership with African countries, the Bretton Woods institutions and bilateral donors, would commit itself to working in a synergistic manner to support an unprecedented set of concrete programme actions designed to maximize African development efforts.

**UNCTAD action.** In an August report [TD/B/43/6], UNCTAD briefly described its role in the implementation of the Special Initiative. It would act as lead agency for the "trade access opportunities" component, in consultation and co-operation with other agencies such as UNDP, the World Trade Organization (WTO), the United Nations Industrial Development Organization (UNIDO), the Food and Agriculture Organization of the United Nations (FAO), the World Bank, the African Development Bank, the International Trade Centre (ITC), UNESCO and IMF. UNCTAD would also ensure close coordination between this component and the joint ITC/UNCTAD/WTO integrated technical assistance programme. It also planned to cooperate in several other prior-

ity components of the Special Initiative, such as information technology, South-South cooperation, poverty reduction and debt relief.

In October, the Trade and Development Board identified other areas in which UNCTAD could play a role. It invited donors to make extra-budgetary contributions to finance the required technical assistance programmes. At a panel meeting held by the Board on the African situation, at which ministers and ambassadors were represented, participants welcomed the Special Initiative. They identified a number of domestic and external factors responsible for Africa's continued severe problems and put forward suggestions for action to reverse that trend. A report on the panel's work was annexed to the Board's agreed conclusions on the subject [A/51/15 (vol. II) (agreed conclusions 436(XLIII))].

## Special economic assistance

### Djibouti

The Secretary-General, in a July report [A/51/213], said that Djibouti's difficulties and problems were related first and foremost to the conflicts in the Horn of Africa, which had created a large movement of displaced populations and reduced the country's revenues as a result of loss of trade and services. In addition, recurring emergency situations brought about by drought, floods and epidemics, combined with large-scale destruction of livestock, water sources, and health and education facilities as a result of the war in the country, had considerably increased emergency and humanitarian needs. UN organizations involved in Djibouti included UNICEF, UNESCO, UNDP, UNHCR, the World Bank, WFP and WHO. The Secretary-General's report provided a brief description of progress made in the reconstruction and development of Djibouti.

According to the report, the growing social and economic problem of the refugees was affecting not only general security, but also the health sector. UN organizations in the country constantly dealt with that problem by developing activities related to repatriation, food distribution and education; initiating regrouping efforts to resettle refugees in camps; and clean-up operations in the capital. As a result of a major repatriation programme to Ethiopia and a stricter national policy, the pressure from refugees had been alleviated somewhat, but the problem of displaced persons resulting from civil strife during the years 1991 to 1993 remained, the Secretary-General said. As for the remaining

refugees, most of whom were of Somali origin, UNHCR would continue to seek durable solutions, the most feasible of which would require regional agreements and a formal commitment of the countries concerned; it could be facilitated, in the Secretary-General's view, by the UN system, in close cooperation with the Djibouti-based Intergovernmental Authority for Drought and Development.

There was an immediate need for the rehabilitation and reconstruction of damaged or destroyed social infrastructures in all regions affected by civil strife, the Secretary-General stated. In order to initiate that process, and before serious efforts were made to restore public services, displaced populations had to be encouraged to return to the towns and villages they had left. The Secretary-General estimated that at least \$30 million was urgently needed to mitigate the socio-economic impact of the war. Well-coordinated action by local authorities and the active participation of returnees, including demobilized soldiers, might secure the financial and technical support needed for quick and effective rehabilitation activities, which would also alleviate the critical unemployment situation. Food aid would be an incentive for former soldiers and returnees to participate in rehabilitation activities. An international presence would be required to provide technical support and a sense of security and confidence. UNDP could serve as the coordinating body for a cross-mandate operation on behalf of all UN agencies. The Secretary-General called on the international community for financial support to enable him to assist the urgent socio-economic programmes for Djibouti's reconstruction and development.

#### GENERAL ASSEMBLY ACTION

On 5 December, the General Assembly adopted **resolution 51/30 E**.

#### **Assistance for the reconstruction and development of Djibouti**

The General Assembly,

Recalling its resolution 50/58 F of 12 December 1995 and its previous resolutions on economic assistance to Djibouti,

Recalling also the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990, as well as the mutual commitments undertaken on that occasion and the importance attached to the follow-up to that Conference,

Noting that the economic and social development efforts of Djibouti, which is included in the list of least developed countries, are constrained by the extremes of the local climate, in particular cyclical droughts and

torrential rains and floods such as those that occurred in 1989 and 1994, and that the implementation of reconstruction and development programmes, as well as of the demobilization programme, requires the deployment of substantial resources which exceed the real capacity of the country,

Noting with concern that the situation in Djibouti has been made worse by the deteriorating situation in the Horn of Africa and in particular in Somalia, and noting the presence of tens of thousands of refugees and persons displaced from their countries, which has, on the one hand, placed serious strains on the fragile economic, social and administrative infrastructure of Djibouti and, on the other, caused serious security problems in the country,

Noting the difficult economic and financial situation of Djibouti resulting in part from the number of priority development projects that have had to be suspended in view of serious developments in the international situation and in part from the prolonged effects of the previous regional conflicts, notably in Somalia, which have disrupted services, transport and trade and which are draining the State of most of its revenues,

Noting with satisfaction that the Government of Djibouti has begun to implement the structural adjustment programme, and convinced of the necessity to support that financial recovery programme and to take effective measures to alleviate the consequences, in particular the social consequences, of that adjustment policy, which is in the course of implementation, in order that the country may achieve appreciable economic results,

Noting with gratitude the support provided to relief and rehabilitation operations by various countries and by intergovernmental and non-governmental organizations,

Taking note of the report of the Secretary-General,

1. Declares its solidarity with the Government and people of Djibouti, who have had to face critical challenges owing, in particular, to the scarcity of natural resources and the continuing critical situation in the Horn of Africa, especially in Somalia;

2. Welcomes the implementation by the Government of Djibouti of the structural adjustment programme and, in that context, appeals to all Governments, international financial institutions, the specialized agencies of the United Nations system and non-governmental organizations to respond in an appropriate manner, as a matter of urgency, to the financial and material needs of the country;

3. Requests the donor community to participate actively and generously in the round table on Djibouti which will be organized in February 1997 in order to help that country to rebuild its economy, restore its basic and social infrastructure and develop its human resources;

4. Considers that implementation of the demobilization programme and of the national rehabilitation plan and reinforcement of democratic institutions require appropriate assistance in the form of financial and material support;

5. Expresses its appreciation to the Secretary-General for his efforts to make the international community aware of the difficulties faced by Djibouti;

6. Requests the Secretary-General to continue his efforts to mobilize the resources necessary for an effective

tive programme of financial, technical and material assistance to Djibouti;

7. Also requests the Secretary-General to prepare a study of the progress made with regard to economic assistance to Djibouti, in time for the question to be considered by the General Assembly at its fifty-second session.

General Assembly resolution 51/30 E

5 December 1996 Meeting 74 Adopted without vote

30-nation draft (A/51/L.32/Rev.1 & Rev.1/Add.1); agenda item 21 (b).

Meeting numbers. GA 51st session: plenary 62, 63, 74.

### States neighbouring South Africa

In October, the Secretary-General reported [A/51/528] on special assistance to front-line States and other States neighbouring South Africa, covering activities undertaken by Member States and UN organizations to enable those States to overcome the negative consequences of past acts of destabilization in the region. As at 18 October, 4 Member States and 14 organizations had replied to the request for pertinent information.

The Secretary-General also transmitted a letter [A/50/1001] of 8 July from Botswana forwarding a communique issued at Gaborone, Botswana, on 28 June by the Summit of Heads of State or Government of the Southern African Development Community (SADC), launching an SADC Organ on Politics, Defence and Security.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **decision 51/431**.

#### Special assistance to front-line States and other neighbouring States

At its 84th plenary meeting, on 13 December 1996, the General Assembly, on the proposal of the Congo, recalling its resolution 49/21 M of 20 December 1994, having considered the report of the Secretary-General on special assistance to front-line States and other neighbouring States, and welcoming the establishment of the Southern African Development Community Organ on Politics, Defence and Security, which, therefore, effectively supersedes the front-line States, decided:

(a) To express its appreciation to the Secretary-General for his efforts regarding assistance to the front-line States and other neighbouring States;

(b) To note with appreciation the support being rendered to the Southern African Development Community by donor countries, organizations of the United Nations system and non-governmental organizations;

(c) Strongly to urge the international community to continue to provide, in a timely and effective manner, the financial, material and technical assistance necessary to enhance the collective capacity of the countries of the Southern African Development Community in their efforts for the reconstruction, rehabilitation and development of their economies;

(d) To discontinue consideration of this question under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance" and to consider all related matters in the context of its consideration of the question of cooperation between the United Nations and the Southern African Development Community.

General Assembly decision 51/431

13 December 1996 Meeting 84 Adopted without vote

Draft by Congo (A/51/L.43); agenda item 21 (b).

### Yemen

In the aftermath of the 1994 military conflict in Yemen, DHA continued to assist the country in clearing landmines, UNDP reported [E/1996/SR.41] to the Economic and Social Council on 19 July. Almost 35 per cent of the mines had been cleared, and Yemeni personnel had been trained to complete the demining operation. In addition, UNDP was funding a project to rehabilitate the water supply and sanitation systems in affected areas. In view of the frequency of natural disasters in the country, a project had been formulated to establish a national authority for disaster preparedness and management. Describing the activities of UN agencies, including assistance to Eritrean, Ethiopian and Somali refugees in the country, the UNDP representative concluded that, while the current level of assistance had enabled Yemen to cope with the most recent natural disasters, it was increasingly apparent that long-term capacity-building would have to be developed in order to manage future disasters and provide early warning. On 19 July, the Economic and Social Council, by **decision 1996/237**, took note of the oral report.

### States affected by sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)

Following the conclusion of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes Thereto [YUN 1995, p. 521], the Security Council, in 1996, suspended the sanctions regime against the Federal Republic of Yugoslavia (Serbia and Montenegro), opening the way for the gradual resumption of economic relations with, and especially transit traffic through, the country. The Secretary-General in September reported [A/51/356] that the suspension had considerably eased the burden on the neighbouring and other States of the region that had been adversely affected by the implementation of economic sanctions over the last three and a half years.

Assistance by the UN system addressed balance-of-payments support, transport and infrastructure development and trade and investment promotion. The World Bank implemented wide-ranging programmes of balance-of-payments support, project financing and technical cooperation. IMF reported that its total disbursements from May 1992 to May 1996 to eight affected countries—Albania, Bulgaria, Hungary, Romania, Slovakia, the former Yugoslav Republic of Macedonia, Uganda and Ukraine—amounted to more than \$3 billion, an increase of \$710 million during the past year. Issues of transport and infrastructure development, and of trade and investment promotion, were addressed through special initiatives and assistance arrangements under the auspices of the Organization for Security and Cooperation in Europe, the European Union and the European Bank for Reconstruction and Development and in cooperation with other organizations. UNDP proceeded with a project to improve alternative land routes around the Federal Republic of Yugoslavia. In Bosnia and Herzegovina, a major UNDP-sponsored inter-agency programming mission identified 46 projects in March 1996 at a total cost of \$ 112 million; a first phase of assistance, under a rehabilitation and development programme, was approved in May.

The Secretary-General noted the particular importance of enhancing regional economic cooperation following the suspension of the sanctions regime, and of facilitating the participation of the affected countries in the reconstruction effort in the former Yugoslavia. Neighbouring and other affected countries should be encouraged to participate more actively in international support for the rehabilitation, reconstruction and development efforts in the former Yugoslavia, he said. As the focus of the UN humanitarian assistance programme shifted from a four-year emergency relief operation to providing for the return of refugees and displaced persons, longer-term support projects opened new possibilities for suppliers from the neighbouring and other affected countries. In implementation of the economic reconstruction programmes for Bosnia and Herzegovina, co-financing of projects under the auspices of multilateral institutions should facilitate and increase transparency in the procurement of goods and services, including from neighbouring countries, and in the use of funds for investment and recurrent costs in the region, the Secretary-General said. The international community should accelerate disbursement of funds on flexible and concessional terms which, in turn, would help restore and promote further economic cooperation with and among all the States of south-eastern Europe as an important

contribution to stability and prosperity in the region.

By a note verbale of 11 July to the Secretary-General, Bulgaria transmitted [A/51/211-S/1996/551] the Sofia Declaration on Good-neighbourly Relations, Stability, Security and Cooperation in the Balkans, adopted at a meeting of the Ministers for Foreign Affairs of the countries of south-eastern Europe (Sofia, Bulgaria, 6-7 July).

#### GENERAL ASSEMBLY ACTION

On 5 December, the General Assembly adopted **resolution 51/30 A**.

#### **Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia**

The General Assembly,

Recalling the provisions of Articles 25, 48, 49 and 50 of the Charter of the United Nations,

Recalling also Security Council resolutions 724(1991) of 15 December 1991 and 843(1993) of 18 June 1993,

Recalling further Security Council resolution 1074(1996) of 1 October 1996 terminating the measures suspended by resolution 1022(1995) of 22 November 1995 and imposed by or reaffirmed in resolutions 757(1992) of 30 May 1992, 787(1992) of 16 November 1992, 820(1993) of 17 April 1993, 942(1994) and 943(1994) of 23 September 1994, 988(1995) of 21 April 1995, 992(1995) of 11 May 1995, 1003(1995) of 5 July 1995 and 1015(1995) of 15 September 1995,

Stressing the importance of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto initialled on 21 November 1995 in Dayton, Ohio, and signed in Paris on 14 December 1995,

Paying tribute to the neighbouring States and the other States in the region affected by the sanctions, the Mission of the International Conference on the Former Yugoslavia, the European Union/Organization for Security and Cooperation in Europe Sanctions Coordinator, the Sanctions Assistance Missions Communication Center and the Sanctions Assistance Missions, the Western European Union operation on the Danube, the North Atlantic Treaty Organization/Western European Union Sharp Guard operation in the Adriatic Sea and the Danube Commission, for their significant contribution to the achievement of a negotiated peace,

Reaffirming its resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994 and 50/58 E of 12 December 1995 on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia,

Taking note of the Sofia Declaration on Good-neighbourly Relations, Stability, Security and Cooperation in the Balkans, adopted by the meeting of the Ministers for Foreign Affairs of the Countries of South-Eastern Europe, held at Sofia on 6 and 7 July 1996,

Taking note also of the fact that some of the States in the region affected by the sanctions have expressed their views on the issue,

Commending the efforts of the international financial institutions, other international organizations and those States which responded to the appeal of the Secretary-General and the donor conferences held at Brussels in December 1995 and April 1996 by taking into consideration the special economic problems arising from the implementation of the sanctions in their support programmes and specific activities for the affected States,

Commending also the continuing attention paid by intergovernmental and regional organizations, in particular the Organization for Security and Cooperation in Europe and the European Union, as well as through the Central European Initiative, to the needs of the affected States for assistance in developing regional transport and communication infrastructures,

Taking note of the report of the Secretary-General, entitled "Supplement to An Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations", and in particular its chapter III.E on the issue of United Nations sanctions,

Taking note also of the report of the Secretary-General on the implementation of resolution 50/58 E and of the conclusions and recommendations contained therein,

1. Expresses concern at the persisting special economic problems confronting States in the period following the lifting of the sanctions, in particular the States that border the Federal Republic of Yugoslavia, the other Danube riparian States and all other States affected by the consequences of the severance of their economic relations with the Federal Republic of Yugoslavia and the disruption of traditional transport and communication links in that part of Europe during the period when the sanctions were in force and their long-term adverse impact on the economies of those States;

2. Reaffirms the need for a continuing concerted response from the international community to deal in a more effective manner with the special economic problems of the affected States in the period following the lifting of the sanctions in view of their magnitude and of the adverse impact of the sanctions on the economy of those States;

3. Renews its invitation to the international financial institutions and in particular the International Monetary Fund, the World Bank and the European Bank for Reconstruction and Development to continue to pay special attention to the economic problems of the affected States in the period following the lifting of the sanctions and to consider ways and means for mobilizing and providing resources for mitigating the continuing negative impact of the consequences of the sanctions on the efforts of the affected States for financial stabilization and for the development of regional transport and communications infrastructure;

4. Renews its request to the competent organs, programmes and United Nations specialized agencies to take into consideration the special needs of the affected States in programming their development activities and to consider the provision of assistance from their special programme resources;

5. Renews its appeal to all States, on an urgent basis, to provide technical, financial and material assistance to the affected States in the period following the lifting

of the sanctions to mitigate the continuing adverse impact of the sanctions on their economies, including, inter alia, through the consideration of measures for the promotion of exports, investments and development of private enterprises in the affected States;

6. Encourages the States of the region affected by the implementation of the Security Council sanctions against the Federal Republic of Yugoslavia to continue the process of multilateral regional cooperation outlined in the Royaumont Platform for Action of the European Union in 1995 and launched by the meeting of the Ministers for Foreign Affairs of the Countries of South-Eastern Europe, held at Sofia on 6 and 7 July 1996, in such fields as the realization of cross-border infrastructure projects and promotion of trade and investments, thus alleviating the adverse impact of the sanctions lifted under the terms of Security Council resolution 1074(1996);

7. Urges the organizations and specialized agencies of the United Nations system and other organizations involved to take appropriate steps in order to broaden access for suppliers, particularly from States which have been affected by the implementation of the sanctions, to participate actively in the post-conflict reconstruction and rehabilitation of the former Yugoslavia;

8. Requests the Secretary-General to take all appropriate measures to increase the opportunity for the affected countries to participate actively in the post-conflict reconstruction, rehabilitation and development of the former Yugoslavia;

9. Also requests the Secretary-General to continue to seek, on a regular basis, information from States, regional organizations and the concerned organs and agencies of the United Nations system on action taken to alleviate the special economic problems of these States in the period following the lifting of the sanctions, and to report thereon to the Security Council, as well as to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution.

General Assembly resolution 51/30 A

5 December 1996 Meeting 74 Adopted without vote

30-nation draft (A/51/L.22 & Add.1); agenda item 21 (b).

Meeting numbers. GA 51st session: plenary 62, 63, 74.

## Disaster relief

In 1996, the Department of Humanitarian Affairs (DHA) responded to 60 natural disasters and two technological disasters in 46 countries. It issued 27 international disaster appeals, resulting in \$84 million in cash and in-kind contributions from the international community, and provided emergency cash grants of \$680,000 to seven countries. Major disasters included: snowstorms, an earthquake and floods in China, a hurricane in Costa Rica and Nicaragua, heavy floods in the Democratic People's Republic of Korea and in Yemen, and a spill of wastes from a large copper mine in the Philippines. The Joint United Na-

tions Environment Programme/DHA Environment Unit responded to requests for assistance from the Philippines, the Russian Federation, Rwanda and Slovenia.

Natural disasters, such as storms, floods, landslides and earthquakes, killed 14,000 persons and caused \$7.9 billion in direct damage in 1996. DHA estimated total economic losses from natural disasters during the year at some \$50 billion, roughly the annual average for the past 25 years. United Nations disaster assessment and coordination teams—consisting of DHA relief coordination officers and emergency response officers seconded by Governments—conducted seven missions in response to natural disasters.

### **International Decade for Natural Disaster Reduction**

In response to General Assembly resolution 50/117 A [YUN 1995, p. 940], the Secretary-General, on 11 July, presented a report [A/51/186-E/1996/80] on the International Decade for Natural Disaster Reduction (1990-2000), containing an overview of critical needs for enhancing the programme and coordination of the 1989 International Framework of Action for the International Decade for Natural Disaster Reduction [GA res. 44/236]. The Secretary-General stressed that policy makers should recognize disaster reduction as an investment in the protection of national assets, and that the international community's commitment to the Decade had to be translated into concrete support in the form of human and financial resources.

Reviewing the implementation of disaster-reduction programmes, the Secretary-General stated that progress had not been uniform or consistent throughout the world. He noted, however, that the increasing diversity and variety of initiatives in the field of disaster reduction should be appreciated and capitalized upon. Sharing experiences and information among industrialized and developing countries provided the rationale for bringing together a wide range of professions and representatives of the Decade. Meetings sponsored jointly by regional institutions and Governments were held in South America, in the Commonwealth of Independent States and in the Pacific. A Pan-Pacific Conference on Natural Hazards (Vancouver, Canada, 29 July-2 August), organized by private groups, industry, NGOs and national and local government officials, brought together participants involved in disaster-reduction activities from North and South America, Asia and the Pacific.

In many countries, often with external support, the policy and technical requirements of disaster reduction were addressed at the national level, which resulted in national programmes such as risk assessment, the establishment of designated national authorities to address disaster reduction and the conduct of inventories of professional resources available within a country. More countries were analysing their human resource requirements for disaster mitigation and taking measures to provide education and training. In the private sector, both small, local enterprises and major international corporations were more aware of the need to reduce their vulnerability to natural disasters and to develop countermeasures that ensured their business continuity. The ultimate success of the Decade rested with the actions and commitments of international, national and local community partners. Options for future forms of organization after the Decade needed to be defined soon, possibly through the establishment of an appropriate private facility, such as an international NGO, a foundation underwritten by Governments and other concerned bodies, or an internationally recognized centre accommodated by a university or technical institution.

During 1996, the secretariat of the Decade continued to service the Framework for Action; promoted the concept of the Decade through public information, awareness-raising and training; and was actively involved in the relevant legislative and programme activities of the United Nations. Reviewing the Trust Fund for the Decade, the Secretary-General reported that the annual requirement of the secretariat of the Decade for the execution of its core functions amounted to \$4.2 million. While traditional donors had continued their support, no additional funding commitments had resulted from a special appeal made by the Under-Secretary-General for Humanitarian Affairs in January.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 26 July, the Economic and Social Council adopted **resolution 1996/45**.

#### **International Decade for Natural Disaster Reduction**

The Economic and Social Council, Recalling its resolution 1995/47 B of 27 July 1995 and General Assembly resolution 50/117 A of 20 December 1995,

Mindful of the continuing threat of natural disasters and similar emergency situations to vulnerable populations and communities worldwide,

Reaffirming the commitment to the effective implementation of the goals and overall objectives of the International Decade for Natural Disaster Reduction,

Recognizing the need for concrete measures to reduce the vulnerability of societies to natural disasters,

with their attendant loss of human life and heavy physical and economic damage, in particular in developing countries, among which least developed countries, small island States and land-locked countries are especially vulnerable,

Reaffirming its commitment to the full implementation of the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation, containing the Principles, the Strategy and the Plan of Action, especially with regard to its call for international cooperation in the field of disaster prevention, preparedness and mitigation,

1. Takes note of the report of the Secretary-General on the International Decade for Natural Disaster Reduction;

2. Reiterates the distinct character of the Decade as a framework for action that facilitates the effective integration of disaster reduction into planning at all levels, in particular at the national and community levels;

3. Reaffirms that disaster reduction forms an integral part of sustainable development strategies and national development plans of vulnerable countries and communities;

4. Calls upon States, relevant intergovernmental bodies and all others involved in the Decade to participate actively in its financial and technical activities, including the need to share the necessary technology to prevent, reduce and mitigate disasters, in order to ensure the implementation of the International Framework of Action for the Decade;

5. Underlines the need for the United Nations system to ensure the integration of the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action in the coordinated approach taken to the follow-up to all recent major United Nations conferences and summits and to the implementation of their respective plans of action;

6. Stresses the need for synergy between the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States and the Yokohama Strategy and its Plan of Action as they relate to natural disaster reduction;

7. Recommends that adequate consideration be given to the International Framework of Action for the Decade as part of the evaluation and overall review and appraisal of the implementation of Agenda 21 in 1997.

Economic and Social Council resolution 1996/45  
26 July 1996 Meeting 52 Adopted without vote

Draft by Costa Rica, for Group of 77 and China (E/1996/L.35), orally revised following informal consultations; agenda item 6 (h).  
Meeting numbers. ESC 37, 38, 45, 52.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/185**.

#### International Decade for Natural Disaster Reduction

The General Assembly,

Recalling its resolutions 44/236 of 22 December 1989, 48/188 of 21 December 1993, 49/22 A of 2 December 1994, 49/22 B of 20 December 1994 and 50/117 A and B of 20 December 1995, and Economic and Social Council resolution 1996/45 of 26 July 1996,

Expressing its solidarity with the people and countries that suffer as a result of natural disasters and expressing also the deepest sympathy to all victims of the natural disasters that have struck in various parts of the globe,

Emphasizing once again the urgent need for concrete measures to reduce the vulnerability of societies to natural hazards, the loss of human lives and the heavy physical and economic damage that occur as a result of natural disasters, in particular in developing countries, small island developing States and landlocked countries,

Commending those countries, national and local institutions, organizations and associations that have adopted policies, allocated resources and initiated action programmes, including international assistance, for disaster reduction and, in this context, welcoming the participation of private companies and individuals,

1. Takes note of the report of the Secretary-General;

2. Reaffirms that disaster reduction forms an integral part of sustainable development strategies and national development plans of vulnerable countries and communities;

3. Calls upon all States, relevant intergovernmental bodies and all others involved in the International Decade for Natural Disaster Reduction to participate actively in the financial and technical support for Decade activities, in order to ensure the implementation of the International Framework of Action for the Decade, in particular with a view to translating the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and the Plan of Action contained therein into concrete disaster reduction programmes and activities;

4. Commends all countries, in particular those developing and least developed countries, that have mobilized domestic resources for disaster reduction activities and have facilitated the effective implementation of such activities, and encourages all developing countries concerned to continue in this direction;

5. Reaffirms the need to support the implementation of the Yokohama Strategy and its Plan of Action with particular regard to improving education and training in disaster reduction, including the creation of interdisciplinary and technical networking at all levels, for the purpose of capacity-building and human resources development in developing countries, in particular those that are prone to natural disasters, as well as least developed, small island developing and landlocked countries;

6. Welcomes the initiatives aimed at defining regional frameworks for disaster mitigation, such as the regional seminars held in Africa and the Mediterranean;

7. Stresses the need for synergy between the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States and that of the Yokohama Strategy and its Plan of Action as they relate to natural disaster reduction;

8. Underlines the need for the United Nations system to ensure the integration of the Yokohama Strategy and its Plan of Action into the coordinated approach taken to the follow-up to all recent major United Nations conferences and summit meetings and to the implementation of their respective plans of action;

9. Invites the Secretary-General, in particular, to facilitate, within the existing International Framework of Action for the Decade, an internationally concerted

framework for improvements in early warning by developing a concrete proposal for an effective international mechanism on early warning, to include the transfer of technologies related to early warning to developing countries, under the auspices of the United Nations and as part of the implementation of the International Framework of Action for the Decade and the Yokohama Strategy and its Plan of Action;

10. Calls upon the secretariat of the Decade to continue to facilitate a concerted international approach to improvements in early warning capacities for natural disasters and similar disasters with adverse impact on the environment within the process leading towards the closing event of the Decade;

11. Recommends that adequate consideration be given to the International Framework of Action for the Decade as part of the evaluation and overall review and appraisal of the implementation of Agenda 21 in 1997;

12. Reaffirms that the secretariat of the Decade will continue to serve as the substantive secretariat for the preparation of the closing event of the Decade, working with the full support of relevant bodies of the United Nations Secretariat and drawing on the contributions of the organizations of the United Nations system concerned, other international organizations and Governments;

13. Requests the Secretary-General to continue to appeal for additional voluntary contributions to the Trust Fund for the Decade;

14. Also requests the Secretary-General to bring forward, as a first step in the process leading towards the closing event of the Decade and in order to begin the preparatory process in 1998, proposals arising from consultation with interested parties, and to set forth in his substantive report to the General Assembly at its fifty-second session proposals regarding the format, substance and timing of the event, also taking into account, inter alia, the need to review relationships and responsibilities relevant to natural disaster reduction with respect to the future and the performance capability of the secretariat of the Decade.

General Assembly resolution 51/185

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/605/Add.6) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.42), based on informal consultations on draft by Costa Rica (for Group of 77 and China) and Colombia (A/C.2/51/L.4); agenda item 97 (f).

Meeting numbers. GA 51st session: 2nd Committee 10-15, 19, 37; plenary 86.

### Drought-stricken areas

Reporting on 19 July to the Economic and Social Council on the question of assistance to drought-stricken areas of Djibouti, Ethiopia, Kenya, Somalia, the Sudan and Uganda, UNDP [E/1996/SR.41] described the situation in the Horn of Africa and eastern Africa with respect to food security and sustainable livelihood as very precarious. UNDP provided assistance through country offices and regional bureaux, its Office to Combat Desertification and Drought (UNSO), and trust funds such as the United Nations Capital Development Fund. An Emergency Response

Division had been established to work with other bodies to address rehabilitation needs immediately following a severe drought.

UNDP was also working to strengthen national policy frameworks, help Governments implement strategies related to drought, improve local responses to cope with the effects of recurrent drought through comprehensive area development schemes, and help resettle and integrate refugees and displaced populations. At the regional level, support was provided jointly with FAO to the Inter-Governmental Authority for Drought and Development (IGADD) with respect to its strategy on disaster prevention and preparedness, as well as to the regional early warning systems for east and southern Africa.

UNDP assisted in the preparation of national action programmes to serve as the main framework for implementing the 1994 United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa [YUN 1994, p. 944], and also supported environment information systems. It assisted IGADD in the development of a subregional action programme and promoted sustainable water management in dry land areas. UNDP appealed to the Council to recognize the importance of investing in long-term preventive development efforts in countries affected by desertification and drought.

In an addendum to his annual report for 1996 [DP/1997/167Add.1 (Part VI)], the UNDP Administrator reported that UNSO provided technical and catalytic financial assistance to 33 programme countries in various preparatory activities in implementation of the Convention. An estimated \$6.7 million was mobilized through the Trust Fund to Combat Desertification and Drought, which had been established in 1995 to facilitate support for the Convention, supplementing \$1.7 million for ongoing desertification-control projects in the most affected countries. In 1996, the total value of ongoing projects amounted to approximately \$45.3 million (see also PART THREE, Chapter VII).

On 19 July, the Economic and Social Council took note of the oral report by the UNDP representative by **decision 1996/237**.

### Hurricanes and cyclones

#### Costa Rica and Nicaragua

Between 28 and 31 July, hurricane Cesar cut a swath across Costa Rica and Nicaragua, causing extensive flooding and damage, the loss of human lives and the creation of thousands of refugees and displaced persons, mainly in the poorest



communities. In Costa Rica, the hurricane affected up to half a million people. In Nicaragua, it affected about 100,000 people, destroying thousands of houses and seriously damaging some 30,000 hectares of agricultural land, as well as food crops. In response to requests from the two countries, DHA launched appeals for assistance, which brought a total of \$4.3 million in contributions for Costa Rica and \$4.2 million for Nicaragua.

#### GENERAL ASSEMBLY ACTION

On 29 August, the General Assembly adopted **resolution 50/244**.

#### Emergency assistance to Costa Rica and Nicaragua

The General Assembly,

Recalling its resolutions 43/202 of 20 December 1988, on the International Decade for Natural Disaster Reduction, and 45/199 of 21 December 1990, the annex to which contains the International Development Strategy for the Fourth United Nations Development Decade, and Economic and Social Council resolution 1996/45 of 26 July 1996, on the International Decade for Natural Disaster Reduction,

Deeply concerned at the large number of persons killed, missing and affected by hurricane Cesar, which struck Costa Rica and Nicaragua on 26, 27 and 28 July 1996, thereby rendering more difficult the task of consolidating a region of peace, democracy, freedom and development in Central America,

Also deeply concerned at the tremendous damage caused by hurricane Cesar to the infrastructures and economies of Costa Rica and Nicaragua, which could adversely affect the economic and social development plans of both countries,

Aware of the efforts of the Governments and peoples of Costa Rica and Nicaragua to save lives and alleviate the suffering of the victims of hurricane Cesar,

Bearing in mind the enormous effort that will be required to ameliorate the serious situation caused by this natural disaster,

Recognizing the prompt response of Governments, organs and organizations of the United Nations system, particularly the Department of Humanitarian Affairs of the Secretariat, international and regional agencies and non-governmental organizations in providing relief,

Also recognizing that the magnitude of the disaster and its medium- and long-term effects will require, as a complement to the efforts already being made by the peoples and Governments of Costa Rica and Nicaragua, a demonstration of international solidarity and humanitarian concern to ensure more broad-based and adequate multilateral cooperation in order to meet the immediate emergency situation in the affected areas and initiate the process of reconstruction,

1. Expresses its solidarity and support to the Governments and peoples of Costa Rica and Nicaragua;

2. Expresses its gratitude to all the States of the international community, the international agencies and the non-governmental organizations that have provided emergency relief to the affected countries;

3. Calls upon all States of the international community as a matter of urgency to contribute generously, to the extent that they are able, to relief, rehabilitation and reconstruction operations in the affected countries;

4. Requests the Secretary-General, within existing resources and in cooperation with international financial institutions, and organs and organizations of the United Nations system, to assist the Governments of Costa Rica and Nicaragua in identifying their short-, medium- and long-term needs and also to collaborate in the reconstruction efforts undertaken by the Governments of the affected countries.

General Assembly resolution 50/244

29 August 1996 Meeting 122 Adopted without vote  
22-nation draft (A/50/L.76/Rev.1 & Rev. 1/Add.1); agenda item 20 (b).

#### Madagascar

Following the natural disasters of 1994, when four major cyclones struck Madagascar, destroying homes, public buildings, the country's only oil refinery, more than 20 major highways and the railway network [YUN 1994, p. 819], UN organizations had assisted in the country's reconstruction and helped strengthen its national emergency capacity. Within the context of the UNDP/DHA Disaster Management Training Programme, two high-level workshops—one national (3-7 June) and one regional (10-12 June)—were held in Madagascar; the workshops resulted in the definition of priority guidelines for action plans aimed at strengthening national and regional capacities to cope with the impact of disasters.

The Under-Secretary-General for Humanitarian Affairs on 19 July reported [E/1996/SR.41] on DHA assistance for Madagascar following the 1994 disasters. By **decision 1996/237** of the same date, the Economic and Social Council took note of that report.

In response to cyclone Bonita in January 1996, which inflicted major damage on central parts of Madagascar's east coast, DHA provided emergency relief. Donor contributions in response to its appeal totalled \$445,462, with an additional \$30,000 DHA grant for the financing of a nutritional rehabilitation facility for cyclone victims.

#### Chernobyl aftermath

In 1996, the tenth anniversary of the nuclear power plant accident at Chernobyl, Ukraine, a number of international conferences were held, including one sponsored by the International Atomic Energy Agency, WHO and the European Union, in cooperation with DHA, UNESCO, and UNEP, among others. Held in Vienna from 8 to 12 April, it was entitled "One Decade After Chernobyl: Summing Up the Consequences of the Acci-

dent". The conference called for intensified assistance to vast segments of the populations of affected States, as well for further research. In its continuing attempt to assist the affected populations, to understand the complex pattern of damage and to revitalize the interest of Governments in the disaster, DHA decided, on the recommendation of Belarus, the Russian Federation and Ukraine, to send in 1997 an inter-agency mission to affected regions of the three countries to assess current needs and make recommendations regarding future assistance.

By an 8 April letter [A/50/924] to the President of the General Assembly, the Secretary-General appealed to Member States to continue and intensify their assistance to Belarus, the Russian Federation and Ukraine, in support of their ongoing efforts to cope with the consequences of the Chernobyl disaster.

By a letter dated 23 April [A/50/944], the Russian Federation transmitted to the Secretary-

General a Declaration on the tenth anniversary of the Chernobyl accident, adopted in Moscow on 12 April by the Governments of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan and Ukraine. The Declaration stated that those Governments would endeavour to coordinate their actions to protect the health and ensure the social welfare of citizens affected by Chernobyl and other radiological disasters, including those who participated in the elimination of their consequences. In a 3 May letter to the Secretary-General [A/51/132], Ukraine expressed its gratitude to the States, international organizations and foreign citizens who had supported Ukraine following the catastrophe at Chernobyl and continued to do so. By a letter of 29 October [A/51/633], the President of Belarus forwarded to the Secretary-General proposals for a strategy for long-term international cooperation in the second post-Chernobyl decade.

## Chapter IV

## International trade, finance and transport

In 1996—the year of the ninth session of the United Nations Conference on Trade and Development (UNCTAD IX)—world trade grew far less rapidly than in the previous two years. The volume of world exports grew by an estimated 5.8 per cent, well down from the 9 per cent growth rate of 1995. However, world trade growth had leaped in 1994 and 1995 and appeared to be returning to more normal rates of growth in 1996. The world's financial markets were heading for a 25 per cent increase in international medium- and long-term lending, with developing countries borrowing more in the first three quarters of the year than in all of 1995. Transition economies also continued to tap those markets, albeit in smaller amounts.

UNCTAD IX, which took place in Midrand, South Africa, from 27 April to 11 May, culminated in the adoption of the Midrand Declaration and a final document entitled "A Partnership for Growth and Development", which addressed the need to promote growth and sustainable development in a globalizing and liberalizing world economy. It observed that a particular challenge for the international community was the integration of developing countries into the global economy. Many of those countries, particularly in Africa, risked being left behind and marginalized in world trade, investment, commodities and capital markets. Following a frank assessment of UNCTAD's functioning, the Conference restructured the intergovernmental machinery, establishing three commissions of the UNCTAD Trade and Development Board to perform integrated policy work in their areas of competence—trade in goods and services, and commodities; investment, technology and related financial issues; and enterprise, business facilitation and development. The Commissions on Trade in Goods and Services, and Commodities, and on Investment, Technology and Related Financial Issues held their first sessions during the year.

In December, the General Assembly endorsed the outcome of UNCTAD IX, particularly "A Partnership for Growth and Development", and recognized UNCTAD's role as the focal point within the United Nations for the integrated treatment of development and interrelated issues in the areas of trade, finance, technology, investment and sustainable development.

Having discussed questions of trade, environment and sustainable development, the Commis-

sion on Sustainable Development encouraged UNCTAD to propose positive measures to support developing countries' efforts to achieve sustainable development, focusing on capacity-building and support for national efforts to internalize environmental costs.

In the area of trade facilitation, the International Trade Centre, under the joint sponsorship of UNCTAD and the World Trade Organization (WTO), expended \$36.1 million on assisting developing countries and economies in transition to formulate and implement trade promotion programmes and to develop export opportunities.

In a report to the Assembly on global financial integration, the Secretary-General stated that technological advances had reduced the cost and increased the speed of international financial transactions. Although some developing countries had taken advantage of the globalization of finance, many had also been stung by the volatility of the flows. In December, the Assembly stressed that global financial integration presented new challenges and opportunities for the international community and that it should constitute an important element of the dialogue between the UN system and the Bretton Woods institutions (the World Bank group and the International Monetary Fund).

As to the developing country debt situation, the Assembly called on the international community and the private sector to take action to implement the commitments of the major UN conferences and summits on development, organized since the beginning of the 1990s, related to the question of external debt.

In the area of transport, the Assembly proclaimed 7 December as International Civil Aviation Day. Expert meetings were held regarding ports, maritime liens and mortgages, and the transport of dangerous goods.

### UN Conference on Trade and Development

#### UNCTAD IX

The ninth session of the United Nations Conference on Trade and Development, known

as UNCTAD IX, was held in Midrand, South Africa, from 27 April to 11 May [TD/378], in accordance with a 1995 General Assembly resolution [YUN 1995, p. 949], with the unifying theme "Promoting growth and sustainable development in a globalizing and liberalizing world economy". The UNCTAD Trade and Development Board (TDB) served as the preparatory committee for the Conference (see below), which was preceded by a one-day Meeting of Senior Officials, also in Midrand, on 26 April.

The Conference was attended by 140 member States of UNCTAD, as well as by representatives of the UN Secretariat, the regional commissions and other UN bodies, and nine specialized agencies. Also represented were 14 intergovernmental organizations and 15 non-governmental organizations. Palestine attended as an observer.

At an inaugural ceremony on 27 April, the Conference was addressed by Nelson Mandela, President of the Republic of South Africa, who welcomed participants, and by the Secretary-General of the United Nations, who stated that UNCTAD should achieve three goals: be a place of consensus; fulfil a technical assistance role; and continue to be the "conscience" and advocate of the developing and most disadvantaged countries.

The inaugural ceremony was followed by two high-level round tables—the Round Table of Head of States and the Round Table of Heads of Agencies.

At the opening meeting, also on 27 April, the Conference elected as its President Alec Erwin, Minister for Trade and Industry of South Africa.

On 30 April, acting on the recommendation of the Meeting of Senior Officials [TD/371], the Conference established three subsidiary drafting groups to work on the pre-Conference text on promoting growth and sustainable development in a globalizing and liberalizing world economy [TD/367] as follows: Drafting Group I—globalization, trade and commodities; Drafting Group II—investment, science and technology, enterprise development, trade-supporting infrastructure and trade efficiency; and Drafting Group III—institutional issues and technical cooperation.

In addition to reports of meetings held in preparation for the Conference (see below), UNCTAD IX had before it a report of the UNCTAD Secretary-General [TD/366], who discussed trade and development in a liberalized and globalizing world economy; promoting international trade as an instrument for development in the post-Uruguay Round world; and promoting enterprise development and competitiveness in developing countries and countries in transition. The report

also contained his personal reflections on the future work of UNCTAD.

### Declaration and final document

On 11 May, the Conference adopted the Midrand Declaration—which covered globalization, partnerships, UNCTAD's work, institutional reform of UNCTAD, partnership initiatives, and South Africa to Thailand (the venue for UNCTAD X)—and the final document entitled "A Partnership for Growth and Development". The final document comprised three parts: part I—promoting growth and sustainable development in a globalizing and liberalizing world economy; part II—the contribution of UNCTAD to sustainable development; and part III—the future work of UNCTAD: institutional implications.

In part I, the document addressed challenges arising from globalization and liberalization among countries facing different circumstances. It noted that a particular challenge for the international community was the integration of developing countries into the global economy. Many of those countries, particularly in Africa, risked being left behind and marginalized in world trade, investment, commodities and capital markets. Intensive efforts were needed to help developing countries, particularly least developed countries (LDCs), to benefit from the process of global trade liberalization. The challenge at the national and international levels was to create the conditions that would allow the flows of world investment and trade to help bridge the economic and social disparities among and within nations. Towards that end, the Conference reaffirmed the partnership for development that was included in the final document of UNCTAD VIII in 1992 [YUN 1992, p. 612].

Part II of the final document noted that UNCTAD's role as the focal point within the United Nations for the integrated treatment of development and interrelated issues in the areas of trade, finance, technology, investment and sustainable development necessitated adaptation to new economic and institutional modalities created by the process of globalization, the conclusion in 1994 [YUN 1994, p. 1474] of the Uruguay Round of multilateral trade negotiations and the creation of the World Trade Organization (WTO) in 1995 [YUN 1995, p. 1515]. Since UNCTAD had a clear comparative advantage in tackling trade-related development issues, it should continue to facilitate the integration of developing countries and countries in transition into the international trading system in a complementary manner with WTO and to promote development through trade and investment in cooperation with the International Trade Centre (ITC), institutions of the UN

system and other international organizations. UNCTAD's work should be geared to the special needs of developing countries, particularly LDCs, and focus on development-oriented activities. Further, it should be action-oriented and provide guidance on national policies and on an enabling environment conducive to trade and development. In its analytical and deliberative work, UNCTAD should focus on the following areas: globalization and development; international trade in goods and services, and commodity issues; investment, enterprise development and technology; and services infrastructure for development and trade efficiency. Technical cooperation was considered an important element in UNCTAD's overall effort to provide practical assistance to developing countries, and that assistance should be directed towards developing countries with the greatest need, LDCs having priority.

In considering the institutional implications of UNCTAD's future work, part III of the final document stated that the Conference had recognized the need to revitalize and remodel UNCTAD's intergovernmental machinery. It endorsed the recommendations adopted by TDB in 1995 [YUN 1995, p. 980], decided on the structure of the intergovernmental machinery and called for the establishment of three TDB commissions: on trade in goods and services, and commodities; on investment, technology and related financial issues; and on enterprise, business facilitation and development (see also below, under "Institutional matters"). As for the involvement of non-governmental actors in UNCTAD activities, the Conference said that UNCTAD should continue to take into account the views of those groups by inviting them to participate in an advisory capacity at public meetings of TDB and its commissions. The Conference requested the UNCTAD Secretary-General to pursue consultations with non-governmental actors, taking into account the experience of participation of civil society in other UN forums and international and regional organizations, and to make recommendations to TDB.

**Other action.** On 30 April, the Conference welcomed and endorsed the offer of the Government of Thailand to host UNCTAD X in the year 2000.

By an 11 May resolution [res. 172(IX)], UNCTAD IX expressed appreciation for the generous hospitality and warm friendship accorded to Conference participants and requested the Conference President to convey those sentiments to the President and the people of South Africa.

By another 11 May resolution [res. 173(IX)], the Conference approved the report of the Credentials Committee.

### **Preparatory process for UNCTAD IX**

The twelfth executive session of TDB (Geneva, 26 February-29 March) [TD/B/EX(12)/2] had as its main task the launching of substantive preparations for UNCTAD IX. An open-ended Committee of the Whole elaborated the substantive pre-conference text [TD/367], which the Board submitted as an official document of UNCTAD IX to serve as a basis for negotiations.

As part of the intergovernmental preparations for the Conference, three high-level regional meetings were held: the Eighth Ministerial Meeting of the Asian Group of the Group of 77 (Amman, Jordan, 9-11 January), which adopted the Amman Final Documents; the Latin American Coordination Meeting for UNCTAD IX (Caracas, Venezuela, 16-18 January), which adopted the Caracas Declaration; and the Meeting of African Ministers Responsible for Trade, Regional Cooperation, Integration and Tourism (Addis Ababa, Ethiopia, 14-16 February), which adopted the Addis Ababa Declaration on UNCTAD IX. Under cover of a note by the UNCTAD secretariat [TD/370], the final documents of those meetings were brought to the attention of the Conference.

The Eighth Ministerial Meeting of the Group of 77 developing countries convened in Midrand on 28 April. It adopted the Ministerial Declaration of the Group of 77 [TD/372], which it submitted to the Conference.

The Meeting of Ministers of Least Developed Countries took place on 1 May in Midrand. A Declaration was adopted [TD/373/1] and submitted to the Conference.

By an UNCTAD secretariat note [TD/369], a paper on the basic position of the European Union (EU) on UNCTAD IX was circulated to the Conference.

### **UNCTAD IX follow-up**

The thirteenth executive session of the Trade and Development Board (Geneva, 8 July) [A/51/15, vol. I] was held to follow up on the recommendations adopted by UNCTAD IX (see below). The Board established three commissions as subsidiary bodies: Commission on Trade in Goods and Services, and Commodities; Commission on Investment, Technology and Related Financial Issues; and Commission on Enterprise, Business Facilitation and Development. It also approved the provisional annotated agendas for their first sessions (see also "Institutional matters" below).

By a 27 August note [A/51/3081, the Secretary-General submitted the Midrand Declaration and "A Partnership for Growth and Development" to the General Assembly.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/167**.

#### International trade and development

The General Assembly,

Recalling its resolutions 50/95 and 50/98 of 20 December 1995, as well as relevant international agreements concerning trade, economic growth, development and interrelated issues,

Emphasizing the importance of an open, rule-based, equitable, secure, non-discriminatory, transparent and predictable multilateral trading system,

Emphasizing also that a favourable and conducive international economic and financial environment and a positive investment climate are necessary for the economic growth of the world economy, including the creation of employment, in particular for the growth and development of the developing countries, and emphasizing further that each country is responsible for its own economic policies for sustainable development,

Noting with satisfaction the highly successful outcome of the ninth session of the United Nations Conference on Trade and Development, held at Midrand, South Africa, from 27 April to 11 May 1996, and the strengthened spirit of genuine partnership and solidarity that emerged therefrom,

Expressing its deep gratitude to the Government and the people of South Africa for the hospitality extended to the participants in the ninth session of the United Nations Conference on Trade and Development,

Welcoming with appreciation the generous offer made by the Government and the people of Thailand to host the tenth session of the United Nations Conference on Trade and Development in the year 2000,

Expressing its appreciation to the Government and the people of Singapore for hosting the inaugural Ministerial Conference of the World Trade Organization,

#### I

1. Endorses the outcome of the ninth session of the United Nations Conference on Trade and Development, held at Midrand, South Africa, in April and May 1996, in particular the document entitled "A Partnership for Growth and Development", which builds upon various related agreements and conferences, and expresses its political will and responsibility with respect to implementing the agreed commitments;

2. Takes note of the report of the Trade and Development Board on its forty-third session;

3. Welcomes the fact that the United Nations Conference on Trade and Development, as part of the United Nations system and a contributor to its revitalization, has adopted far-reaching reforms, as embodied in the Midrand Declaration and the document entitled "A Partnership for Growth and Development", adopted by consensus at the ninth session of the Conference, which encompass its programme of work, its intergovernmental machinery and the reform of its secretariat, including its complementarity with the World Trade Organization, inter alia, by making its analysis of trade

and development available to the World Trade Organization, and its cooperation with the United Nations Industrial Development Organization and relevant organizations, thus adapting itself to new economic and institutional modalities created by the process of globalization, the conclusion of the Uruguay Round of multilateral trade negotiations agreements and the creation of the World Trade Organization;

4. Also welcomes the importance attached by the United Nations Conference on Trade and Development at its ninth session to building a lasting partnership for development between non-governmental actors and the Conference and the initiative taken by the Secretary-General of the United Nations Conference on Trade and Development to hold meetings with relevant actors;

5. Recognizes the role of the United Nations Conference on Trade and Development as the focal point within the United Nations for the integrated treatment of development and interrelated issues in the areas of trade, finance, technology, investment and sustainable development;

6. Also recognizes that the United Nations Conference on Trade and Development, having a comparative advantage in tackling trade-related development issues, should continue to facilitate the integration of developing countries and countries with economies in transition into the international trading system, in a complementary manner with the World Trade Organization, and to promote development through trade and investment in cooperation and coordination with the International Trade Centre, relevant institutions of the United Nations system and other international organizations;

7. Invites, in this context, the United Nations Conference on Trade and Development to continue, inter alia, to follow developments in the international trading system, in particular their implications for developing countries, and to identify new opportunities arising from the implementation of the Uruguay Round agreements;

8. Decides, in this context, that the United Nations Conference on Trade and Development should implement its programme of work with a focus on the issues of globalization and development, international trade in goods and services and commodity matters, investment, enterprise development and technology, services infrastructure for development and trade efficiency;

9. Invites the President of the United Nations Conference on Trade and Development at its ninth session to consider convening a special high-level review meeting two years prior to the tenth session of the Conference;

#### II

10. Stresses the urgent need to continue trade liberalization in developed and developing countries, including liberalization through a substantial reduction of tariff and other barriers to trade, in particular non-tariff barriers, and the elimination of discriminatory and protectionist practices in international trade relations, which will have the effect of improving access for the exports of developing countries, enhancing the competitiveness of their domestic industries and facilitating structural adjustment among developed economies;

11. Also stresses the need for the full integration of economies in transition, as well as other countries, into the world economy, in particular through improved market access for their exports in accordance with the multilateral trading agreements, and recognizes in this respect the importance of open regional economic integration of interested economies in transition among themselves, as well as with developed and developing countries, in creating new possibilities for expanding trade and investment;

12. Recognizes that the World Trade Organization provides the framework for an open, rule-based, equitable, secure, non-discriminatory, transparent and predictable multilateral trading system, and stresses that all members of the World Trade Organization should implement their commitments in respect of the Uruguay Round agreements in a full, timely, faithful and continuous manner and that all provisions of the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations should be effectively applied, so as to maximize economic growth and the developmental benefits thereof for all, taking into account specific difficulties and interests of developing countries;

13. Urges Governments and concerned organizations to implement fully and expeditiously the Ministerial Decision on Measures in Favour of the Least Developed Countries and to apply effectively the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Developing Countries, as well as the recommendations adopted at the Mid-term Global Review of the Implementation of the Programme of Action for the Least Developed Countries for the 1990s and at the ninth session of the United Nations Conference on Trade and Development, as they relate to trade and trade-related issues of the least developed countries;

14. Emphasizes the importance of the strengthening of, and the attaining of greater universality by, the international trading system, welcomes the process directed towards accession to the World Trade Organization of developing countries and countries with economies in transition, and emphasizes the necessity for World Trade Organization member Governments and relevant international organizations to assist non-World Trade Organization members so as to facilitate their efforts with respect to accession in an expeditious manner on the basis of World Trade Organization rights and obligations and for the United Nations Conference on Trade and Development to provide technical assistance, thereby contributing to their rapid and full integration into the multilateral trading system;

15. Also emphasizes the importance of the inaugural Ministerial Conference of the World Trade Organization, to be held at Singapore in December 1996, in regard to reviewing the implementation of the Uruguay Round agreements and their built-in agenda, stressing that the pursuit of that agenda, as well as the international community's handling of new issues affecting the conduct of international trade relations, should be carried out in a balanced manner which takes into account the concerns of all countries, including developing countries;

16. Further emphasizes that the dispute settlement mechanism of the World Trade Organization is a key element with regard to the integrity and credibility of the multilateral trading system and the full realization of the benefits anticipated from the conclusion of the Uruguay Round;

17. Deplores any attempt to bypass or undermine multilaterally agreed procedures on the conduct of international trading by resorting to unilateral actions over and above those agreed in the Uruguay Round, and affirms that environmental and social concerns should not be used for protectionist purposes;

18. Emphasizes the need for a balanced and integrated approach to environment, trade and development issues;

19. Reaffirms that Governments should have as their objective to ensure that trade and environmental policies are mutually supportive so as to achieve sustainable development and that, in doing so, their environmental policies and measures with a potential trade impact should not be used for protectionist purposes, and reaffirms also that positive measures such as market access, capacity-building, improved access to finance and access to transfer of technology, taking into account the relationship between trade-related agreements and technology, are effective instruments in assisting developing countries to meet multilaterally agreed targets, while noting that trade measures can, in certain cases, play a role in achieving the objectives of multilateral trade agreements, while safeguarding a non-discriminatory and equitable multilateral trading system;

### III

20. Recognizes the important progress made in understanding the relationship between trade and environment in the Committee on Trade and Environment of the World Trade Organization, as well as in the United Nations Conference on Trade and Development, and in the Commission on Sustainable Development, including the recommendations made at its fourth session, and requests the Conference to continue its work on trade, environment and development, in cooperation with relevant international organizations including the Commission on Sustainable Development, the United Nations Environment Programme, the Organisation for Economic Cooperation and Development, regional organizations and the World Trade Organization;

21. Requests the United Nations Conference on Trade and Development to continue its special role in promoting the integration of trade, environment and development, in accordance with paragraph 27 of resolution 50/95, by examining trade and environment issues from a development perspective, in close cooperation with the United Nations Environment Programme and the World Trade Organization and as task manager for the Commission on Sustainable Development;

22. Stresses the role of the United Nations Conference on Trade and Development in the context of the forthcoming special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21;

23. Requests the United Nations Conference on Trade and Development, on the basis of the outcome of its ninth session, to identify and analyse the implica-

tions for development of issues relevant to investment, taking into account the interests of developing countries and bearing in mind the work undertaken by other organizations;

24. Reaffirms the need to give priority to the problems facing the least developed countries, and reaffirms in particular that actions, as appropriate, should be taken to assist the least developed countries to maximize the potential opportunities and minimize possible difficulties arising from the Uruguay Round agreements;

25. Requests Governments, organs, organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to take concrete measures to implement fully and as a matter of urgency the United Nations New Agenda for the Development of Africa in the 1990s, including the measures and recommendations agreed upon at its mid-term review, especially those related to trade and development;

26. Invites the United Nations Conference on Trade and Development, the World Bank and the United Nations Development Programme to improve collaboration between the Conference's country-level programmes for least developed countries and the overall macroeconomic and sectoral policy dialogue in respect of those countries at the World Bank Consultative Group and United Nations Development Programme Round Tables, bearing in mind General Assembly resolution 50/120 of 20 December 1995;

27. Stresses the need to give special attention, within the context of international cooperation on trade and development issues, to the implementation of the many international development commitments geared to meeting the special development needs and problems of small island developing States and of landlocked developing States, as well as to recognize that developing countries which provide transit services need adequate support in maintaining and improving their transit infrastructure;

28. Invites preference-giving countries to continue to improve and renew their Generalized System of Preferences schemes in keeping with the post-Uruguay Round trading system and with the objective of integrating developing countries, especially least developed countries, into the international trading system, and stresses that ways and means should be found to ensure more effective utilization of Generalized System of Preferences schemes, particularly by least developed countries;

29. Notes the concern among the beneficiaries that the enlargement of the scope of the Generalized System of Preferences by linking eligibility to non-trade considerations may detract value from its original principles, namely, non-discrimination, universality, burden sharing and non-reciprocity;

30. Stresses that Governments, as well as international organizations, should extend technical assistance to developing countries to enable them to participate more effectively in the international trading system;

31. Encourages the United Nations Conference on Trade and Development to further promote South-South cooperation, including triangular cooperation, recalling the results of the Intergovernmental Meeting of Experts on South-South Cooperation, held in New

York from 31 July to 4 August 1995, and the outcome of the ninth session of the Conference;

32. Notes that the forthcoming South-South conference on finance, trade and investment, to be held at San Jose, Costa Rica, will provide an opportunity for developing countries to advance initiatives related to the document entitled "A Partnership for Growth and Development", and invites the international community to support the initiative;

33. Requests the Secretary-General of the United Nations Conference on Trade and Development, through the Secretary-General of the United Nations, to submit a proposal on savings resulting from improved overall cost-effectiveness achieved pursuant to the ninth session of the Conference, including the restructuring of the intergovernmental machinery and reform of the secretariat, and to submit a proposal on how to reallocate a part of the savings in the 1998-1999 budget cycle, with a view to strengthening the Conference's capabilities in priority areas, including, inter alia, in technical cooperation.

#### General Assembly resolution 51/167

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/602) without vote, 2 December (meeting 37); draft by Belarus, Colombia (for Non-Aligned Movement), Costa Rica (for Group of 77 and China), Japan, Mexico, Norway, Russian Federation and United States (A/C.2/51/L.16/Rev.1); agenda item 94 (c).

Meeting numbers. GA 51st session: 2nd Committee 29-33, 35-37; plenary 86.

### UNCTAD programme

In 1996, the Trade and Development Board—the executive body of UNCTAD—held three sessions: the twelfth executive session (Geneva, 26 February-29 March) [TD/B/EX(12)/2], at which preparations for UNCTAD IX were discussed; the thirteenth executive session (Geneva, 8 July) [A/51/15, vol. I], which mainly dealt with follow-up to UNCTAD IX; and the regular forty-third session (Geneva, 7-18 October) [A/51/15, vol. II]. The forty-third session included a high-level segment which discussed the question of foreign direct investment and development in a globalizing world economy. It adopted agreed conclusions on: the Programme of Action for LDCs for the 1990s [agreed conclusions 435(XLIII)] (see PART THREE, Chapter I); development in Africa [agreed conclusions 436(XLIII)] (see PART THREE, Chapter III); and interdependence and global economic issues, UNCTAD technical cooperation activities, participation of developing-country experts, and the UNCTAD publication policy (see below).

By **decision 1996/205 A** of 9 February, the Economic and Social Council authorized the Secretary-General to transmit directly to the General Assembly the report of TDB on the second part of its forty-second session. However, as UNCTAD IX had decided that TDB should hold only one regular session annually, the second part of the forty-second session did not take place.



### Technical cooperation activities

In a July report [TD/B/43/7 & Corrs. and Adds.] to TDB's forty-third session, the UNCTAD Secretary-General gave an overview of technical cooperation activities in 1995, when UNCTAD's expenditures amounted to \$22 million, a slight increase over the \$21.4 million spent in 1994. Of the \$22 million, \$7.8 million was financed by the United Nations Development Programme (UNDP), \$13.4 million from trust fund contributions and \$0.8 million from the regular programme of technical cooperation.

By region, approximately \$4.5 million went to Africa; \$3 million to Europe; \$2.9 million to Asia and the Pacific; \$2.5 million to Latin America and the Caribbean; and \$1 million to the Arab States. Some \$8.1 million went to interregional projects. The share of LDCs in total technical cooperation activities (\$6.1 million) declined from a high of 42 per cent in 1989 to 28 per cent in 1995.

By programme, expenditures broke down as follows: \$11.5 million to services development and trade efficiency; \$2.6 million to global interdependence (including development finance and debt); \$2.6 million to cross-sectoral and other activities (including training and human resources development); \$2.1 million to international trade; \$2 million to transnational corporations and investment; and the remainder spread among LDCs, landlocked and island developing countries, economic cooperation among developing countries and special programmes, commodities, and science and technology.

The report proposed that a strategy be devised to strengthen the linkages between UNCTAD's analytical work and technical cooperation.

In agreed conclusions of 18 October [agreed conclusions 437(XLIII)], TDB requested the UNCTAD Secretary-General to finalize the strategy and plan for technical cooperation before the end of 1996 and agreed to consider the plan for 1997 and the subsequent two years at its executive session in early 1997. It further agreed to invite contributions to the proposed UNCTAD trust fund for LDCs; to welcome consultations between the UNCTAD Secretary-General and the UNDP Administrator on issues relating to trade and investment; to request the UNCTAD Secretary-General to review existing cooperation arrangements, to conclude formal arrangements and to address the possible establishment of inter-agency task forces; and to welcome the integrated programme for Africa launched by UNCTAD, WTO and ITC.

### Expert meetings

In agreed conclusions of 18 October [agreed conclusions 438(XLIII)], TDB noted that the expert meet-

ings called for in "A Partnership for Growth and Development", adopted by UNCTAD IX [TD/378], needed the active participation of experts from every interested region in order to benefit from a higher level of technical expertise. It recognized that the cost involved might cause problems to developing countries, particularly to LDCs, and that measures needed to be taken to facilitate the participation of developing-country experts, including by providing a predictable and stable funding basis.

As a concrete measure on a trial basis, the Board agreed to request the UNCTAD Secretary-General to establish a trust fund to enhance the participation of developing-country experts in UNCTAD meetings. He was also requested to explore avenues to increase their participation in addition to the financing of travel and per diem costs, bearing in mind, in particular, recourse to modern methods of communication. The Board agreed that it would assess, at its 1997 regular session, the effectiveness of those measures and their impact on improving developing-country expert participation, on the basis of a report by the UNCTAD Secretary-General.

TDB annexed to the agreed conclusions a statement by the United States, which endorsed the establishment of a trust fund to enhance the participation of developing-country experts in UNCTAD's work but was unable to support the full text of the agreed conclusions.

### Publication policy

In agreed conclusions of 18 October [agreed conclusions 439(XLIII)], TDB endorsed the approach whereby the UNCTAD Secretary-General would review the report of the secretariat task force on publications, to be completed by March 1997, and subsequently report to the Board. He was requested to submit an interim report at the next executive session in 1997.

TDB requested the Secretary-General to ensure that the task force took into account the following: the need to develop a coherent communication and information policy and to improve marketing and distribution; the need to make best use of modern communication technology; the need to develop suitable criteria for measuring feedback; the ongoing need for detailed data on work months, print runs, printing costs, place of printing, and distributed copies for all recurrent publications; the feasibility of printing and translating externally; and the availability and need for timely distribution of documents in all UN official languages.

## JIU report

In May 1996, the Secretary-General submitted to the General Assembly the report [A/51/152] of the Joint Inspection Unit (JIU) on UNCTAD institutional and programme issues. JIU made a number of recommendations with regard to strengthening UNCTAD's role and reinforcing co-operation and coordination with WTO and the Bretton Woods institutions.

In October [A/51/152/Add.1], the Secretary-General transmitted his comments on the JIU report, stating that most of the recommendations coincided with actions already under way, particularly in the context of the follow-up to UNCTAD IX.

## Medium-term plan and programme budget

The UNCTAD Working Party on the Medium-term Plan and the Programme Budget held two sessions in 1996.

At its twenty-seventh session (Geneva, 17-19 June) [TD/B/43/21], the Working Party reviewed the UNCTAD programme of the UN medium-term plan 1998-2001 [A/51/6 (prog. 9)]. It approved a number of amendments and emphasized that the final text as it related to trade and development should faithfully reflect the consensus position of UNCTAD member States on the programmes of work in the period up to the convening of UNCTAD X in the year 2000. It further emphasized that the UNCTAD IX Midrand Declaration and final document, "A Partnership for Growth and Development", should represent the main reference in determining mandates and subprogrammes for that period.

The Working Party at the first part of its twenty-eighth session (Geneva, 16-19 September) [TD/B/43/8], reviewed the UNCTAD section of the UN programme budget for the biennium 1996-1997 in the light of the outcome of UNCTAD IX. It had before it a document [TD/B/WP/98] containing proposed revisions to the work programme. On 19 September, the Chairman announced that the Working Party had been unable to agree on the proposed revisions to the work programme. The Working Party decided that it would hold the second part of its twenty-eighth session in December to discuss the programme budget. That meeting was subsequently cancelled, however, and the question was deferred to the twenty-ninth session.

In **resolution 51/219** of 18 December, the General Assembly adopted the proposed medium-term plan for 1998-2001, making a number of changes to the UNCTAD programme.

## Institutional matters

### Intergovernmental structure

In the Midrand Declaration and final document adopted by UNCTAD IX [TD/378], the question of UNCTAD's intergovernmental machinery was addressed (see also "UNCTAD IX follow-up" above). With a call for its restructuring in accordance with the future work programme, it was to focus on a few priority areas: globalization and development; international trade in goods and services, and commodity issues; investment, enterprise development and technology; and services infrastructure for development and trade efficiency. In carrying out activities, cross-sectoral issues such as the problems of LDCs, poverty alleviation, economic cooperation among developing countries, sustainable development and the empowerment of women should be integrated into the work of the intergovernmental machinery.

The Conference endorsed a 1995 TDB resolution [YUN 1995, p. 980] on the intergovernmental machinery and decided on its structure. The Board would be responsible for ensuring the overall consistency of UNCTAD activities with agreed priorities, would set or adjust priorities for the period up to the Conference's next session in the year 2000, would set benchmarks and evaluate performance on that basis, and would ensure that the budget, programme of work, technical cooperation activities and publications policy were carefully scrutinized; it would be assisted in those tasks by the Working Party on the Medium-term Plan and the Programme Budget. In carrying out its mandated functions, TDB would meet in regular or executive session, with the regular session being convened in one part in autumn for approximately 10 working days. It could also meet in executive session three times throughout the year to deal with policy, management and institutional matters; such session would normally be confined to one day. TDB should set up three commissions that would meet once a year unless otherwise decided: the Commission on Trade in Goods and Services, and Commodities; the Commission on Investment, Technology and Related Financial Issues; and the Commission on Enterprise, Business Facilitation and Development. The Conference decided that the Board should meet in executive session not later than 10 July 1996 in order to establish those Commissions and identify agenda items for their first sessions.

In order to benefit from a higher level of technical expertise, each Commission could convene expert meetings of short duration, the outcome

of which did not have to be in the form of agreed conclusions.

At its thirteenth executive session (Geneva, 8 July) [A/51/15, vol. I], TDB established the three Commissions and approved their draft agendas.

## International trade

The growth of world trade slowed down somewhat in volume terms in 1995, according to the Trade and Development Report, 1996 [Sales No. E.96.II.D.6], with exports increasing by 8 per cent, compared with 8.9 per cent in 1994, and imports increasing by 8.5 per cent, compared with 10.2 per cent. The slowdown affected all regions, with the major exception of exports from Latin America, where imports, however, declined sharply. Nevertheless, the volume of world trade expanded at twice the pace experienced at the beginning of the 1990s. In value terms, the growth of exports and imports was much higher, largely because of the weakness of the United States dollar in the first half of 1995 and the continued strength of primary product prices, such as oil and non-ferrous metals.

More important, the value of world trade continued to expand faster than world output for the sixth consecutive year. That development could be explained in terms of four new aspects of world trade which were the result of greater integration of markets: the rise of intra-trade, trade in similar goods between similar countries; the ability of producers to break a production process into many geographically separated steps; the resulting emergence of countries with extremely high ratios of trade to gross domestic product (GDP); and the emergence of large exports of manufactured goods from low-wage to high-wage nations.

Developing countries continued to take on increasing importance in determining the performance and patterns of world trade, with trade among those countries growing much more rapidly than trade among developed ones. The dynamism of trade in Asian developing countries was such that they were able not only to maintain their own growth momentum, but also to exert a marked influence on other countries, including developed ones, through the growing integration of world trade. The share of 10 developing Asian economies in world trade (imports plus exports) in 1995, excluding trade among European Union (EU) countries, was more than 19 per cent. That was very close to the share of EU (19.5 per cent)

and greater than that of the United States (17.7 per cent) or Japan (10.2 per cent).

World exports of services also increased rapidly in 1995, although less so than merchandise exports, with exports of services such as insurance, banking and telecommunications rising particularly fast. While trade in services was most dynamic in Asia, it was also strong in Western Europe. Trade in primary commodities also expanded during 1995, due to favourable price developments, especially in metals and oil. Nevertheless, manufactures remained the most dynamic element of world trade, especially in the area of telecommunications and office equipment.

The World Economic and Social Survey 1996 [Sales No. E.96.II.C.1] stated that the total value of world merchandise trade was about \$5 trillion in 1995. Developed countries supplied almost two thirds of world exports, selling more than 70 per cent to other developed countries. Developing countries provided about 29 per cent of the world total, almost half of which originated in South and East Asia (excluding China). Economies in transition accounted for the remainder of world exports, about 4 per cent of the total.

The volume of imports of developed economies grew relatively slowly in the first three years of the 1990s and then quickened during the period 1994-1996. From 1994 on, all developed countries were in various stages of economic recovery and that raised the demand for imports. However, the slowdown in economic growth during 1995, continuing into 1996, especially in Europe, curtailed the growth of import demand and was a major factor behind the slower growth of import volume forecast for 1996. The exception was Japan, where recovery was particularly weak, but import volume rose 13.6 per cent in 1994 and by more than 10 per cent in 1995. A prime reason was the sharp appreciation of the yen.

Developing-country imports had grown in volume by 9 per cent or more a year since 1991 and were forecast to rise by 12.25 per cent in 1996. That was the result of a broad mix of outcomes. The growth of Latin America's import volume fell dramatically in 1995 after a financial crisis in two of its three largest economies, while the continuing adjustment programmes in the large West Asian economies again reduced their import levels. Other Asian economies thus accounted for most of the growth of imports in 1995, although Africa also participated, if in a modest way. Except in South Africa, the volume of Africa's imports rose only slightly in 1995, although a stronger growth was forecast for 1996. Imports were stimulated by trade liberalization

policies and by expanded food imports, owing to drought conditions. The rise in imports was made possible in part by higher commodity export earnings, owing to stronger prices in 1994 and 1995, abetted, for the countries of the franc zone, by the devaluation of the CFA (Communauté financière africaine) franc in early 1994. Export volumes were thus boosted by almost 5 per cent in 1995, and double that increase was forecast for 1996.

Import growth had been consistently strong in South and East Asia and in most years in China. That was paralleled and made possible by the rapid growth of exports. Economies of the region had been particularly successful in expanding into the most dynamic sectors of merchandise trade—highly sophisticated information-age goods. China was a major destination for foreign direct investment (FDI), with gross inflows reaching \$38 billion in 1995. With strong growth of the volume of exports (some 17 per cent in 1995) and substantial capital inflows, the exchange rate began to appreciate. If continued, currency appreciation could dampen the competitiveness of China's exports in 1996, it was reported.

The trade situation in Latin America reflected the dramatic events occurring there in 1994 and 1995, mainly in the three largest economies. While Latin American exports grew strongly in 1995, import growth slowed, mainly reflecting the sharp adjustments in Argentina and Mexico in late 1994 and 1995. In 1996, with moderate recovery forecast for those two nations, regional import volumes were expected to resume a stronger rate of growth. In Brazil, the largest economy in the region, import growth was encouraged by a liberalization policy, as part of the anti-inflation programme. Dramatic progress was made in reducing inflation which helped to attract large capital inflows that underwrote strong domestic demand and thus the import growth.

The foreign trade of the Central and Eastern European transition economies mirrored the buoyant economic growth in most of those countries. The volume of exports grew an estimated 9.5 per cent in 1995 and imports expanded 11 per cent. Similar, if slightly lower, rates of growth were forecast for 1996. In the Baltic States and in countries of the Commonwealth of Independent States, there also appeared to have been a considerable increase in trade flows.

### Trade policy

#### **Economic and Social Council consideration.**

During its high-level segment (24-27 June) [A/51/3/Rev.1], the Economic and Social Council held an intensive policy dialogue on major issues

in the world economy with UNCTAD Secretary-General Rubens Ricupero, a Deputy Managing Director of the International Monetary Fund, Prabhakar R. Narvekar, and a Managing Director of the World Bank, Sven Sandstrom, during which the issues of trade and structural adjustment were considered. With regard to trade, the Council President, in his summary of the segment, stated that, while all partners in the Uruguay Round of multilateral trade negotiations had undertaken trade liberalization measures, many developing countries had adopted unilateral measures as well. Liberalization efforts had to be further deepened in all countries, taking into account the relevant internationally agreed provisions to address the special situations of developing countries. Economic cooperation and integration at the regional level were also important. Intensified regional cooperation should not be pursued as an alternative to the global liberalization process, but should contribute to an open and multilateral trading system.

As to structural adjustment, he said that discussions had shown growing international consensus on the main elements of sound economic policies. The proper design and effective implementation of structural adjustment programmes, which fully took into account the social dimension, remained a key challenge. While recent improvement in growth in Africa suggested that well-designed structural adjustment programmes could restore growth, experience had vividly demonstrated that such programmes had to take into account the need to expand social investment, provide a social safety net and alleviate poverty. Policies to protect social sectors should assure that the poor had a stronger say in designing plans and setting priorities. Building Governments' capacities should be a priority as well as an appropriate role for civil society. Efforts should be intensified to implement commitment 8 of the 1995 Copenhagen Declaration on Social Development [YUN 1995, p. 1114] regarding structural adjustment programmes.

#### **Trade in goods and services, and commodities**

The Commission on Trade in Goods and Services, and Commodities, established by TDB on 8 July on the recommendation of UNCTAD IX, held the first part of its first session in Geneva from 6 to 8 November [TD/B/44/5]. The Commission had before it a report [TD/B/COM.1/2 & Add.1] by the UNCTAD secretariat on enabling countries to respond to the opportunities arising from the Uruguay Round Agreements so as to derive maximum available benefit by: analysing the impact of those Agreements on development and enhancing capacities for participation in the

multilateral trading system. The report reviewed post-Uruguay Round trading conditions facing developing countries, emphasizing improved market access opportunities for developing countries in goods and services arising from the Round, as well as the challenges they were likely to face. It also discussed the kind of study needed to understand fully the impact of the Uruguay Round Agreements on development. Since developing countries' trading opportunities in goods and services and their enhanced integration into the world economy would also be influenced by their ability to participate more fully in the multilateral trading system, the report reviewed gaps in national capacities in terms of human resources and administrative infrastructures.

In agreed conclusions, the Commission stated that the UNCTAD secretariat should undertake country-specific studies covering the impact and dynamic effects of the Uruguay Round Agreements on development and the transitional and long-term development impact of trade liberalization, the supply capacity, trade policy and capacity-building for strengthening the participation of developing countries in the international trading system. Technical cooperation by UNCTAD on capacity-building for strengthening the participation of developing countries, and particularly LDCs, in the system should be an important component of the work in that field, focusing particularly on: capacity-building to assist developing countries to prepare for negotiations in the context of the built-in agenda of the Uruguay Round Agreements and improve the understanding of the implications of new and emerging issues; accession to WTO and problems of non-WTO members, particularly those of LDCs; human, institutional and legislative capacity-building to benefit from the opportunities arising from the participation in the multilateral trading system, to exercise the rights and to comply with the obligations within the Uruguay Round Agreements; promotion of South-South cooperation in the area of capacity-building; and horizontal and vertical diversification in commodity-dependent countries.

Attention was drawn to the need to relate technical cooperation activities in the area of trade with those related to commodities, services, trade efficiency, FDI promotion and technology capacity-building.

The Commission decided to convene expert meetings to: consider opportunities for vertical diversification in the food-processing sector in developing countries, bearing in mind successful experiences, and make action-oriented recommendations; and examine opportunities/diffi-

culties which might confront developing countries in strengthening their capacity and expanding their exports, drawing on the situation in the health-service sector.

### **Interdependence and global economic issues**

Using the Trade and Development Report, 1996 [Sales No. E.96.II.D.6] as background, the Trade and Development Board, at its forty-third session (7-18 October) [A/51/15, vol. II], considered general policy, issues concerning globalization and liberalization, as well as more specific policy issues in its discussion of the agenda item "Interdependence and global economic issues from a trade and development perspective: rethinking development strategies; some lessons from East Asian development experience".

Summarizing the debate, the TDB President said that there was agreement that the role of the market as a basis of economic growth was now better appreciated by policy makers in developing countries. It was argued that a new generation of structural adjustment programmes in Africa should address the lessons emanating from East Asian experience. However, some delegations from East Asia cautioned against an uncritical assessment of their experiences, recognizing that mistakes had been made and that they needed to be included in the learning process.

How the East Asian economies had used external resources to strengthen domestic growth was a particular concern of many delegations. Access to markets, foreign capital and technologies was also cited as integral to successful development in those countries. Doubts were expressed as to the selective trade and industrial policy measures of some East Asian economies, in the context of a new trading environment. The UNCTAD secretariat was urged to determine more specific policy actions that were compatible with the Uruguay Round Agreements.

The President stated that Trade and Development Report's optimistic stance concerning the global environment for export-oriented industrialization had met with some scepticism from several delegations. While there was agreement that globalization had opened up many new opportunities for developing countries, it was also believed that there was an increased risk of marginalization. A combination of factors, including slower growth in the advanced economies, increased protectionism and much greater competition among developing-country exporters, contributed to an international economic and trade environment much less conducive to economic growth, compared with the period when East Asia's growth began to accelerate. In the light of new global obstacles facing policy makers in de-

veloping countries, many delegations expressed interest in the regional dimension of East Asian success, in which trade and investment had acted as vehicles to transfer growth impulses among countries at different levels of development. A number of them urged further work on that aspect of East Asian success and its implications for development strategies more generally.

In agreed conclusions of 18 October [agreed conclusions 434(XLIII)], TDB stated that the UNCTAD secretariat should pursue its work on development experiences of developing countries as part of its analysis of interdependence and global economic issues from a trade and development perspective, drawing as necessary on experiences of developing countries in other regions and of the more successful LDCs, deriving relevant policy lessons. It requested the UNCTAD Secretary-General to formulate lessons that might be considered by African countries, and noted the support provided by Japan in that regard. The TDB President was invited to conduct informal consultations designed to improve the way the Board addressed the item on interdependence, drawing on "lessons learned". In that connection, decisions were to be taken at an executive session of the Board in 1997.

### Trade and environment

**Commission consideration.** At its fourth session (18 April-3 May), the Commission on Sustainable Development had before it a report of the Secretary-General on trade, environment and sustainable development [E/CN.17/1996/8 & Add.1.]. The report—prepared by the UNCTAD secretariat as task manager in the implementation of Agenda 21 (adopted by the United Nations Conference on Environment and Development in 1992 [YUN 1992, p. 672] for trade, environment and sustainable development—covered trade and development aspects of multilateral environmental agreements (MEAs), including the relationship between the provisions of the multilateral trading system and trade measures pursuant to MEAs; environmental policies and competitiveness; eco-labelling; exports of domestically prohibited goods; finance and technology transfer; sustainable development of the commodity sector; and capacity-building and institutional issues.

By a 3 May decision [E/1996/28 (dec. 4/1)], the Commission, with regard to trade measures in MEAs, called on Governments to ensure coordination between trade and environment officials at the national level and to take steps at both national and international levels to ensure the mutual supportiveness of trade and environment policies in support of sustainable development, and looked to WTO to address the relationship

between WTO provisions and trade measures for environmental purposes, including those pursuant to MEAs.

The Commission recognized that the link between environmental policies and competitiveness was complex, noting that there was no available evidence to suggest that environmental policy generally had a significant detrimental impact on competitiveness. It firmly rejected the use of "green countervailing duties" or other protectionist or trade measures inconsistent with WTO to compensate for the negative competitiveness effects, whether real or perceived, of environmental policies; it stressed that it would be inappropriate to relax environmental laws, regulations and standards or their enforcement in order to encourage FDI or to promote exports. Considering that complying with the environmental requirements of importing countries could raise competitiveness concerns for developing countries and countries with economies in transition, the Commission recommended that Governments of developed countries facilitate continued market access for developing countries by ensuring greater transparency and providing them with technical and financial assistance in the area of environmental capacity-building. UNCTAD was encouraged to propose positive measures at the national and international levels for supporting developing countries in their efforts to achieve the objectives of sustainable development, focusing on capacity-building and support for national efforts to internalize environmental costs, and was invited to elaborate its analytical study of the relationship of environmental protection to international competitiveness, job creation and development.

Recognizing that eco-labelling could have an impact on trade, the Commission invited Governments to ensure adequate transparency of eco-labelling, by considering inputs from interested parties, including consumer and environmental groups, and domestic and foreign producers, at an early stage in the design of the measures, and to encourage private bodies involved in eco-labelling to do the same.

With respect to trade liberalization and the environment, the Commission invited UNCTAD, in cooperation with other organizations, such as the Organisation for Economic Cooperation and Development (OECD), taking into account work already under way at WTO, to examine how further trade liberalization, such as through reducing or eliminating tariff escalation, export taxes or restriction, trade-distortive subsidies and the elimination of tariff and non-tariff barriers, could result in environmental benefits and contribute to

sustainable development, including by examining recent analyses on such topics.

Regarding sustainable development of the commodity sector, the Commission invited UNCTAD, in cooperation with the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization and other relevant organizations, to assist developing countries in implementing pilot projects in export-oriented production and processing activities aimed at internalizing environmental costs. It encouraged international organizations, Governments and the business community to intensify the search for pragmatic methods for increasing cooperation between exporters and importers with a view to facilitating developing countries' efforts to internalize environmental costs in their development process and to assess the scope for the establishment of sectoral round tables and other arrangements for identifying efficient and cost-effective approaches.

As to biological diversity and trade issues, the Commission welcomed UNCTAD's BIOTRADE initiative in collaboration with the secretariat of the 1992 Convention on Biological Diversity [YUN 1992, p. 683], interested UN agencies and other intergovernmental and non-governmental organizations (NGOs), the private sector, local communities and academic institutions, and encouraged further consultations in that area.

The Commission noted the work of the WTO Committee on Trade and Environment and looked to the WTO ministerial meeting, to be held in Singapore in December 1996, to continue the important work of the Committee. UNCTAD and UNEP were requested to continue their work on trade and environment in accordance with their mandates. The regional commissions, in cooperation with other international organizations, were invited to organize meetings in order to enhance coordination on trade and environment.

**Ministerial Round-table Meeting.** A UNEP-UNCTAD High-level Ministerial Round-table Meeting on Environment, Trade and Sustainable Development (Geneva, 30 September-1 October) [UNCTAD/ITCD/TED/Misc.2] discussed issues of MEAs, trade and sustainable development and market access and trade liberalization. A joint session was held with selected NGOs.

In agreed conclusions, participants stressed that trade and environment should not be a divisive issue, either between North and South or between economic and environmental interests. They noted that implementing sustainable development globally involved improving the economic capacity of developing countries and that trade measures could, in certain cases, play a role in achieving MEA objectives while safeguarding a

non-discriminatory and equitable multilateral trading system. Participants stressed the need for action to increase market access opportunities for developing countries, including by further removing tariff and non-tariff barriers to trade. Governments in a position to do so should support the UNCTAD/UNEP programme for capacity-building, in cooperation with UNDP, preferably on a regional basis, with special attention for Africa and LDCs, they stated.

### **Strengthening institutional trade arrangements**

In response to a 1994 General Assembly request [YUN 1994, p. 875], the Secretary-General reported [A/51/331] on strengthening international organizations in the area of multilateral trade, highlighting relevant institutional developments, including a framework for cooperation between the secretariats of the United Nations and WTO, signed in 1995 [YUN 1995, p. 1444]; steps to establish arrangements for cooperation between UNCTAD and WTO; relevant results of UNCTAD IX (see above); and other pertinent institutional developments.

In **decision 51/442** of 16 December, the Assembly took note of the Secretary-General's report.

### **Regional economic arrangements**

The Seminar on Regional Economic Arrangements and Their Relationship with the Multilateral Trading System was held in Geneva from 15 to 17 January [TD/B/42(2)/10], as agreed by TDB in 1994 [YUN 1994, p. 861]. It had before it a report by the UNCTAD secretariat on major new developments in large economic spaces and regional integration processes and their implications [TD/B/SEM.1/2 & Add.1].

In summarizing issues discussed at the Seminar, the Chairman noted that integration groupings had rapidly expanded to new countries and policy areas, even after the successful conclusion of the Uruguay Round of multilateral trade negotiations. Reasons included the fact that regional arrangements were able to complement and go beyond what had been possible at the multilateral level. Economic spaces were no longer limited to the removal of tariffs, but had become multifaceted and multisectoral, covering a wide range of policies with a bearing on international trade, investment and development. Further driving forces included business-sector interest in gaining better market access and enhanced investment opportunities, as well as fast technological change which required vast markets to be cost-efficient.

Large economic spaces could have positive development effects for developing-country members, but fears were expressed about possible adverse effects on trade and investment of developing countries outside such groups, as preferential access was a big advantage on the world's largest consumer markets.

The Seminar considered various options for developing countries: strengthening multilateral liberalization; membership in regional or sub-regional groups among developing countries; and joining large economic spaces, provided that conditions for acceptance and competitiveness could be met. With regard to weaker trading nations, the importance of strengthening national policies to increase competitiveness and the capacity to respond to the challenges of regionalism was emphasized.

Several delegations pointed out that large economic spaces were increasingly expanding into new sectors that had substantial implications for third countries and the multilateral trading system. In cases where new areas were not covered by multilateral discipline, there was no defence for a non-member in relation to what regional groupings could do. Labour standards, movement of labour, immigration rules and social standards were cited as areas where economic integration was progressing and, indeed, were essential components for reaching socially balanced results. Regional integration placed increasing emphasis on investment and technology, and regional arrangements could comprise preferential liberalization of mutual investments. For third countries, there might be important risks of investment diversion arising from preferential liberalization or the incentives to investment in large regional markets. Such effects were considered particularly important with regard to the growth prospects of third developing countries.

It was stressed that regional arrangements must be WTO-consistent and it was proposed that article XXIV of the General Agreement on Tariffs and Trade should be further strengthened and reinterpreted.

In order to exploit the full potential of sub-regional and regional integration among developing countries, substantial further support was required with regard to strengthening the economic capacities of member States and their ongoing economic and social reform processes and providing the necessary infrastructure for successful integration.

### **Trade promotion and facilitation**

During 1996, United Nations bodies continued to assist developing countries to promote their exports and to facilitate the movement of their goods in international commerce. The International Trade Centre was the main originator of technical cooperation projects in that area.

The TDB Commission on Enterprise, Business Facilitation and Development, established by UNCTAD IX in May, was scheduled to hold its first session in January 1997.

### **International Trade Centre**

During 1996, the International Trade Centre (ITC), under the joint sponsorship of UNCTAD and WTO, continued to serve as the technical cooperation arm of those two bodies for operational and enterprise-oriented aspects of international trade development. It worked with developing countries and economies in transition in formulating and implementing trade promotion programmes and developing export opportunities.

Total expenditures of ITC in 1996 [ITC/AG(XXX)/160 & Add.1], the funds for which came from the regular budget (contributed equally by the United Nations and WTO), trust funds, UNDP and support costs (overheads reimbursed to ITC for implementing technical cooperation projects), were \$36.1 million, a decrease from \$41.8 million in 1995. Trust fund delivery dropped to \$8.5 million from \$9.8 million and delivery of UNDP funding fell to \$4.1 million, from \$5.7 million in 1995.

During the year, ITC work focused on six main programme areas or core services: product and market development; development of trade support services; trade information; human resource development; international purchasing and supply management; and needs assessment and programme design for trade promotion. Although activities were carried out for a wide variety of target groups, particular emphasis was given to LDCs. Within programme areas, ITC gave special attention to working directly with individual business enterprises in the light of the increasing role of the private sector in economic development and to specific follow-up action to the Uruguay Round Agreements of benefit to the business community.

In the product and market development sub-programme, ITC concentrated on: strengthening cooperation with international commodity bodies for commodity promotion projects; developing new tools for product promotion; and contributing to the programme on the Uruguay Round follow-up. Continuing regular activities



included direct assistance to export enterprises and participation in product-oriented international events, sharing product knowledge with other national and international bodies for the benefit of developing countries.

In trade support services, ITC's functional advisory services continued to evolve in order to implement an increasingly integrated strategy of cooperation in pursuance of sustainable development through national capacity-building. The strategy linked ITC with national multiplier organizations in close and active partnerships through a series of activities ranging from the identification of business promotion needs to the development, adaptation and delivery of trade support services at the national or regional levels. Country-based capacity-building activities included customization of ITC products to local needs, the training of trainers and business counsellors, pilot events to demonstrate the practical use of new tools and techniques, and strong networking to build synergy between the business sector and its support agencies.

In the trade information sector, ITC continued to focus on capacity-building activities to assist trade information centres in beneficiary countries to develop their services and networks. That included developing a number of Internet applications and prototypes. ITC also supplied information to facilitate marketing decisions, market access and the use of appropriate information sources. The direct supply of price and market information was provided through the Market News Service.

In early 1996, ITC embarked on a comprehensive reformulation of its approach to human resource development and training activities. The new strategy included the development of a Global Competitiveness Curriculum—a programme of applied training which concentrated on the common, priority human resource development requirements of small and medium-sized enterprises with export potential; plans for a Trade Tutor Team-building Programme, under which national capacities would be developed to adapt the modules of the Curriculum to local business circumstances, manage the Curriculum's presentation and provide trade counselling support to participating enterprises; and the establishment of the Training Materials Development and Exchange Centre to disseminate training materials designed to support and enrich the trade-related services of human resource development institutions and small and medium-sized enterprises in developing and transition economies.

ITC's long-term objective in international purchasing and supply management was to assist de-

veloping and transition countries in ways to manage their purchasing and supply operations for imported goods and services as cost-effectively as possible. The new approach, incorporated into ongoing activities during 1996, aimed at developing a set of universal tools and related services needed to build and operate national capacities for providing training, consultancy support and information to the business community.

ITC's Global Trust Fund, established in 1995 [YUN 1995, p. 960] as an additional means for donors to provide voluntary contributions, completed its first full year in 1996. The Consultative Committee of the Fund, composed of donors and beneficiaries, met four times during the year to review implementation of three programmes approved for financing under the Fund: Uruguay Round follow-up: information dissemination, needs identification and capacity-building; trade information and market intelligence support to business information services within the UNCTAD Special Programme for Trade Efficiency; and the international competitiveness programme for small and medium-sized export-oriented enterprises.

**JAG action.** The Joint Advisory Group (JAG) on ITC held its twenty-ninth session in Geneva from 15 to 19 April [ITC/AG(XXIX)/157]. Documents before it included a report on ITC activities in 1995 [YUN 1995, p. 959]; the ITC mission statement [ITC/AG(XXIX)/154]; ITC's contribution to the UN medium-term plan (1998-2001) [ITC/AG(XXIX)/153]; and the report of the Consultative Committee on the Global Trust Fund [ITC/AG(XXIX)/155].

Having reviewed ITC's 1995 technical cooperation activities, the Group stressed the importance of devoting full attention to common issues such as environmental considerations, the advancement of women, and economic and technical cooperation among developing countries. The Group welcomed the ITC mission statement and expressed its full support for the formulation of the ITC strategy, core services, values and *modus operandi*. However, it noted that the priority to be given to LDCs should be explicitly mentioned in the statement.

Pledges of contributions to ITC, some made specifically to the Global Trust Fund, were announced by Canada, China, Denmark, Finland, Germany, India, Japan, the Netherlands, Norway, Sweden and Switzerland.

### Trading opportunities

The Ad Hoc Working Group on Trading Opportunities in the New International Trading Context, established by TDB in 1994 [YUN 1994, p. 861], held its second session in Geneva from 5 to 8 February 1996, at which it adopted its final report

[TD/B/42(2)/12]. The Group had before it reports by the UNCTAD secretariat on enhancement of the understanding of the implications of the new rules deriving from the Uruguay Round Agreements and their follow-up [TD/B/WG.8/6], and on identification of areas in which technical cooperation should be strengthened [TD/B/WG.8/7].

On 8 February, the Group adopted recommendations for action at the national and international levels and on areas for future work by UNCTAD.

### Commodities

The World Economic and Social Survey 1996 [Sales No. E.96.II.C.1] stated that prices of non-fuel commodities exported by developing countries were on average 11 per cent higher in 1995 than in 1994. However, those prices peaked in the first quarter of 1995, then slowly retreated. The commodity boom had thus lasted from the second half of 1993 through the dramatic increases of 1994 to the peak, from which point they had edged back by the end of 1995. Dollar prices in 1996 were expected to remain at roughly the end-year levels, if demand kept pace with the expected steady-but-moderate growth in the global economy.

The largest price gains in 1995 were for industrial raw materials owing to strong demand. The price index for the minerals and metals group rose 20 per cent, compared with agricultural raw materials which rose by 14 per cent. Increases for individual commodities, such as lead, tin, aluminium, copper, nickel and natural rubber, ranged from 11 to 40 per cent. Food prices increased by 6 per cent as a result of increased demand and supply shortages in global markets. The strongest growth in demand came from developing countries, where incomes had been growing steadily. Lower import tariffs and lower domestic food production in countries undergoing rapid industrialization contributed to the growing worldwide demand for food commodities, such as wheat, rice, beef, poultry, vegetable oils and oilseeds, as well as feed grains such as corn and soy meal. Tropical beverage prices rose only 1 per cent in 1995 under more normal supply conditions than in 1994, when coffee prices had more than doubled following a severe frost in Brazil's coffee-growing region.

Average oil prices were about 9 per cent higher in 1995 than in 1994, and by April 1996 crude oil prices were at their highest level since 1991. There were several special circumstances, including low inventory and uncertainty over whether the United Nations would allow Iraq to export some oil to buy food and medicine, which coin-

cided with a surge in world demand for oil owing to the unexpectedly cold winter across the northern hemisphere and the rapid growth in consumption in Asia.

### Common Fund for Commodities

The 1980 Agreement Establishing the Common Fund for Commodities [YUN 1980, p. 6211], a mechanism intended to stabilize the commodities market by helping to finance buffer stock of specific commodities as well as commodity development activities such as research and marketing, entered into force in 1989, and the Fund became operational later that year.

As at 31 December 1996, the Agreement had been signed by 115 States and the European Community (EC) (European Union), and 105 States and EC had become parties to it. Cote d'Ivoire and Myanmar acceded during the year.

### Individual commodities

#### Agricultural commodities

**Natural rubber.** The United Nations Conference on Natural Rubber, 1994, met in its fourth part in Geneva on 28 March 1996 [TD/RUBBER.3/17], the first two parts having taken place in 1994 [YUN 1994, p. 887] and the third part in 1995 [YUN 1995, p. 964], when the International Natural Rubber Agreement, 1995, was adopted. As a number of countries were unable to sign the Agreement during the time it had been open for signature (3 April-28 December 1995), the fourth part of the Conference was convened for one day for the sole purpose of modifying the period of signature.

By a 28 March resolution [TD/RUBBER.3/16], the Conference decided that the Agreement could be signed until 31 July 1996.

As at 31 December 1996, 22 States and EC had signed the Agreement, 10 States had formally accepted it, and 8 States and EC had given notification of its provisional application.

**Tropical timber.** In accordance with article 41 of the International Tropical Timber Agreement, 1994 [YUN 1994, p. 887], a meeting was held in Geneva on 13 September 1996 [TD/TIMBER.2/19] to decide whether to put the Agreement into force provisionally or definitively, in whole or in part. The meeting was attended by signatories to the Agreement and States that were parties to it or had notified the depositary that they would apply it provisionally.

By a 13 September decision [TD/TIMBER.2/18], 31 States which were either parties to the Agreement or had agreed to apply it provisionally, plus EC, decided to put the Agreement into force pro-

visionally among themselves as of 1 January 1997. They further decided that five States (Bolivia, Liberia, Norway, Peru, Togo) could notify the Secretary-General that they also accepted the decision.

As at 31 December 1996, 48 States and EC had signed the Agreement, 25 States had become parties to it and 20 States and EC had given notice of its provisional application.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/169**.

#### Commodities

The General Assembly,

Recalling its resolutions 45/200 of 21 December 1990, 47/185 of 22 December 1992, 48/214 of 23 December 1993 and 49/104 of 19 December 1994, and stressing the urgent need to ensure their full implementation,

Recognizing that in many developing countries, in particular African countries and least developed countries, the commodity sector remains the principal source of export revenues and of the creation of employment, income and savings, and a driving force of investments and contributor to growth and development,

Also recognizing the need for a better functioning of commodity markets and the necessity of stable and more predictable commodity prices, including searching for long-term solutions,

Mindful of the need for developing countries, especially African countries and least developed countries, to diversify their economies, in particular the commodity sector, with a view to modernizing their production, distribution and marketing systems, enhancing productivity and stabilizing and increasing their export earnings,

Concerned about the difficulties experienced by the developing countries in financing and implementing viable diversification programmes,

1. Welcomes the outcome of the ninth session of the United Nations Conference on Trade and Development, including the Midrand Declaration and the document entitled "A Partnership for Growth and Development", related to the issues of commodities;

2. Emphasizes the need for developing countries that are heavily dependent on primary commodities of continuing to promote a domestic policy and an institutional environment that encourage diversification and enhance competitiveness;

3. Notes the need expressed by developing countries, in particular the commodity-dependent developing countries, for stable and more predictable commodity prices, in the face of instability and decline in real terms of the prices of many commodities;

4. Expresses the urgent need for supportive international policies to improve the functioning of commodity markets through efficient and transparent price formation mechanisms, including commodity exchanges, and through the use of commodity price risk management instruments;

5. Urges developed countries to continue to support the commodity diversification efforts of developing

countries, especially African countries, in a spirit of common purpose and efficiency, inter alia, by providing technical and financial assistance for the preparatory phase of their commodity diversification programmes;

6. Reiterates the importance of maximizing the contribution of the commodity sector to economic growth and sustainable development in commodity-dependent developing countries and, in this respect, stresses, inter alia, that:

(a) Trade-distorting policies and practices, including tariff and non-tariff barriers, tariff escalation and obstacles to competition, have a negative effect on the ability of developing countries to diversify their exports and to undertake the requisite restructuring of their commodity sector;

(b) Expansion of South-South trade in commodities offers opportunities for intersectoral linkages within and among exporting countries;

(c) In line with Agenda 21 and the Rio Declaration on Environment and Development, Governments should have as their objective to ensure that trade and environmental policies are mutually supportive so as to achieve sustainable development; in so doing, their environmental policies and measures with a potential trade impact should not be used for protectionist purposes;

(d) The issues related to commodities in the context of sustainable development should be fully taken into account by all overall review and appraisal machinery of the implementation of Agenda 21 adopted by the United Nations Conference on Environment and Development;

(e) There is a need to promote research and development, to provide infrastructure and support services and to encourage investment, including joint ventures in developing countries engaged in the commodity and commodity-processing sectors;

7. Emphasizes the importance for developing countries to process a significant part of their commodities, and in that regard stresses the importance of new market opportunities for their processed and semi-processed commodities;

8. Encourages the Common Fund for Commodities, in cooperation with the International Trade Centre, the United Nations Conference on Trade and Development and other relevant bodies, to direct its commodity development programmes more towards commodity sector diversification projects, as well as to promote commodity market development in the developing countries, with particular focus on the needs of least developed countries, and to explore effective ways and means of using the resources of the First Account of the Common Fund;

9. Urges producers and consumers of individual commodities to intensify their efforts to reinforce mutual cooperation and assistance;

10. Requests the Food and Agriculture Organization of the United Nations and other relevant international organizations to continue to provide technical support to the basic food sector of developing countries, in particular net food-importing countries, inter alia, in meeting their commitments under the Uruguay Round agreements;

11. Welcomes the technical cooperation activities that will be undertaken by the United Nations Conference

on Trade and Development, in collaboration with the World Trade Organization and other concerned international organizations in the field of international commodity trade;

12. Requests the United Nations Conference on Trade and Development, within the framework of its programme of cooperation with the World Trade Organization, to provide analytical information related to the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Developing Countries, and encourages it to continue to assist, in accordance with the outcome of its ninth session, in vertical and horizontal diversification in commodity-dependent countries and to promote the use of risk management in favour of producers and exporters;

13. Requests the Secretary-General of the United Nations Conference on Trade and Development to report to the General Assembly at its fifty-third session on world commodity trends and prospects, with particular emphasis on commodity-dependent developing countries in accordance with the outcome of the ninth session of the Conference;

14. Decides to include the question of commodities in the provisional agenda of its fifty-third session.

General Assembly resolution 51/169

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/602) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.49), based on informal consultations on draft by Costa Rica, for Group of 77 and China (A/C.2/51/L.14) and orally amended by Cote d'Ivoire; agenda item 94 (d).

Meeting numbers. GA 51st session: 2nd Committee 29-33, 35-37; plenary 86.

## Finance

### Financial policy

During 1995, there continued to be great disparities in the experience of developing countries and transition economies regarding the availability of external financing from the international capital markets, according to the Trade and Development Report, 1996 [Sales No. E.96.II.D.6]. A minority of countries raised significant sums in the forms of equity and various types of debt from that source, while the remainder continued to depend more heavily on official financing, including export credits.

For the major recipients of funds from the international capital markets, 1995 was marked by the sequel to the Mexican financial crisis. But, even for Latin American countries, its consequences for bank loans and issues of debt instruments were short-lived, having more lasting effects in markets for internationally issued equities of developing countries of all regions. However, internationally issued equities by developing countries were increasingly dwarfed by

institutional investors' direct purchases of domestically issued equities in emerging financial markets.

In the early months of 1996, some countries experienced surges in capital inflows which, as earlier in the 1990s, posed problems for macroeconomic policies. The countries affected were not only in Asia and Latin America but also, for the first time, in Central Europe.

Economies without access to international financial markets continued to fare less well in 1995. International bank lending to Africa again contracted. Moreover, the revival of export credits during 1994 was not sustained in 1995. For the majority of developing countries and transition economies, the official insurance cover associated with export credits continued to be available only on restrictive conditions or remained completely unavailable. Those limitations not only led to higher transaction costs in trade, but also indicated low creditworthiness for the countries concerned.

Episodes of international financial instability, such as the disruption of the European Union Exchange Rate Mechanism and the Mexican situation, led to widespread reconsideration of appropriate policies for fostering more orderly financial markets and handling crises due to volatile capital movements. One school of thought believed that convergence of macroeconomic policies, particularly with regard to inflation, interest rates and fiscal deficits, would largely suffice to produce stability. However, seeking to attain targets for such variables would generally be regarded as too deflationary by some countries and too inflationary by others. Also, the concepts underlying advocacy of policy convergence, linking the determination of exchange rates to such economic fundamentals, had only a tenuous connection to indicators widely used to guide the day-to-day decisions of traders in the currency markets.

Other ideas put forward included international lender-of-last-resort facilities and steps other than convergence for reducing international financial instability. Initiatives in the International Monetary Fund (IMF) had addressed an expansion of financing under the General Arrangements to Borrow and improvements in available information regarding countries borrowing from international financial markets. International debate had also focused on monetary union, better arrangements for handling countries' debt problems as they emerged, improved supervision of banks and securities firms, tax and tax-like measures to restrain currency speculation, and new methods of official intervention in foreign-exchange markets. Difficulties associ-

ated with various proposed measures needed to be seen in conjunction with the likely costs of failing to deal adequately with current policy lacunae. Continuing recurrences of international financial instability could be prejudicial to orderly trading relations and, more generally, to coherence in global economic policy-making.

By **decision 1996/310** of 13 November, the Economic and Social Council decided that the high-level segment of its substantive session of 1997 should be devoted to the theme "Fostering an enabling environment for development: financial flows, including capital flows; investment; trade".

### Net transfer of resources

In response to a 1994 General Assembly request [YUN 1994, p. 892], the Secretary-General reported [A/51/291] on net transfer of resources between developing and developed countries. He described recent developments in the net financial transfer to developing countries, noting that there had been a large net transfer in every year since 1991. The very large transfer out of the Latin American and Caribbean region in the 1980s had reversed direction by 1992, although the net inflow was almost eliminated in 1995. Western Asia, once a source of financial transfers to the rest of the world, had been absorbing them for over a decade, albeit in declining amounts. The rest of Asia had alternated between supplying financial resources on a net basis and absorbing them, most recently the latter. The net transfer of Africa, which had been negative and positive in different years in the 1980s, had remained positive since 1993. The LDCs had, as a group, continuously received a positive net transfer, albeit an amount that had grown rather slowly in dollar terms since the 1980s.

However, by individual country, of 93 developing countries for which detailed figures were available, 21 had negative net transfers of financial resources over the period 1991-1994, despite the switch at the aggregate level to a positive net transfer. Brazil had the largest negative transfer during the period, averaging more than \$ 10 billion a year; the next largest was China, whose negative transfer was only one third as large and reflected very different circumstances (Brazil faced major external debt and domestic adjustment problems, while China experienced the rapid build-up of savings that accompanied its economic growth).

The net transfer of financial resources of the 93-country sample was almost \$40 billion in 1995. However, when all financial flows in and out of those countries were added together, including interest and other investment income payments,

the net inflow—called the net transfer on a financial basis—was about \$94 billion. Clearly, a very considerable volume of financial resources was made available to developing countries in 1995, well over \$50 billion of which was added to official reserve holdings instead of being used to expand imports. However, as the Mexican crisis demonstrated, large reserve holdings could be expended very rapidly when a country developed a high demand for imports and foreign financial flows started to disappear. Nevertheless, the accumulation of large levels of reserves helped to boost the confidence of foreign investors, although reserves would not substitute for appropriate macroeconomic policy, at least not indefinitely.

Regarding the composition of financial flows themselves, several facts stood out, the report said. Flows of foreign direct investment (FDI) showed a steady and strong upward trend, mainly accounted for by the virtual explosion of FDI in Asia, particularly East Asia. Net FDI in Asia rose above \$50 billion and in 1995 accounted for four fifths of the net flow to the 93 countries considered. The strong direct flows to Asia seemed to reflect the overall dynamism of the region. Direct investment flows to Latin America also grew, although not nearly so strongly, reflecting the somewhat more fragile situation of several economies. At the same time, there was no notable pick-up in flows to Africa as a whole, with barely any flows to sub-Saharan Africa.

In discussing official financial cooperation, the report noted that, despite large net financial transfers to developing countries in recent years, the development process still required a strong official international presence to assist in times of stress in individual countries and to address problems of a global nature that put development progress at risk. That required, in particular, a strong IMF with the capacity to stand behind its policy advice with sufficient financial support of adjusting countries. Three important sets of IMF financing discussions were advancing towards agreement: expansion of contingency resources (the General Arrangements to Borrow), upon which the Fund would be able to draw in event of need; an increase in the Fund's own resources through the Eleventh General Review of Quotas; and future funding for the Enhanced Structural Adjustment Facility, which provided loans on highly concessional terms in support of adjustment programmes in low-income countries.

For most developing countries, the need for international official support went beyond adjustment financing measures, with most countries requiring official development assistance (ODA).

In that regard, member countries of the Development Assistance Committee (DAC) of OECD had always been the largest source of ODA, but they had become the source of almost the entire aid flow since the economic situation deteriorated in certain major oil-exporting countries and in the European countries with economies in transition. However, DAC flows peaked in 1992 and, with a 9.3 per cent drop in 1995, they fell 13.5 per cent below that peak, measured in constant prices and exchange rates.

Those developments in ODA were being reflected in the concessional channels of multilateral cooperation. The resource commitments, which were on a grant basis, of the operational agencies of the UN system dropped from \$3.5 billion in 1994 to \$3.1 billion in 1995, while the largest multilateral lending agency, the International Development Association of the World Bank, committed \$6 billion in concessional loans in 1995, down from \$7.3 billion in 1994. The African Development Fund, the concessional arm of the African Development Bank, made no new lending commitments in 1994 or 1995, and replenishment was not agreed upon until May 1996.

The report concluded that a lesson of the recent surge in net transfers was that there were dangers as well as opportunities in the international financial market place. Governments needed to be concerned not only with the overall volume of net financial inflows but also with their durability. The combination of sustainable domestic policies and strong economic growth appeared to set the stage for more desirable mixes of private financial inflows.

The relative absence of private-sector net transfers to Africa in the first half of the 1990s illustrated the point that the limited attractiveness to potential foreign investors of low-income, slow growth and often distressed economies meant that official sources of finance still had to carry much of the burden if those countries were to invest more than their limited domestic savings allowed and accelerate their economic growth. Recent improvements in the African economy suggested that the continent might be able to make better use of resource inflows and more, not less, official assistance was required for that.

Development assistance was a political question, it was stated. Governments allocated monies from their national budgets for ODA, and if ODA levels were falling it was because public spending priorities were changing. If it were only a question of one country reducing its commitment, others could successfully pressure that country to participate or replace its resources with their

own. However, data on ODA suggested that pessimism on the question was more widespread, however misplaced. Judiciously applied in the proper circumstances and targeted in appropriate ways, aid promoted development. It thus seemed to be a question of determining how to recover political momentum for development assistance.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/165**.

#### **Net flows and transfer of resources between developing and developed countries**

The General Assembly,

Reaffirming its resolutions 47/178 of 22 December 1992 and 49/93 of 19 December 1994,

Taking note of the World Economic and Social Survey, 1996, in particular chapter III thereof, entitled "The international economy", and the report of the Secretary-General on the net transfer of resources between developing and developed countries,

Recognizing that, while developing countries have primary responsibility for their own development, there is continuing need for the international community to give strong support to their efforts to solve their economic and social problems through, inter alia, the promotion of a favourable international economic environment,

Noting that for many developing countries, especially those in Africa and the least developed countries, official development assistance remains an important source of financial resources to support their development efforts,

Recognizing the increasing role of private investment and that the completion of the Uruguay Round of multilateral trade negotiations was a major step by the international community towards the expansion of the rule-based international trading system, advancing liberalization in international trade and creating a more secure trading environment,

Noting that capital flows, in particular private capital flows, to developing countries have been increasing strongly but that not all countries have benefited from such flows and that short-term capital movements can be unpredictable,

Noting also that the future course of net transfer of resources to developing countries depends on a growth-oriented and supportive international economic environment and on sound domestic economic policies,

Stressing the unpredictable character of short-term private capital movements, which are particularly subject to interest-rate variations and other possible fluctuations in the domestic and international economic environment,

Noting that in the 1990s the net transfer of resources from the Bretton Woods institutions to developing countries has been negative in real terms, although it has been positive to countries in Africa and to certain countries in Asia, and noting also that the net financial transfer from regional banks to developing countries, taken together, has been generally positive in the 1990s, although it became slightly negative in 1994 and 1995,

Expressing its concern at the recent decline in the overall level of official development assistance,

Bearing in mind that all countries, particularly the major industrialized countries, which have significant weight in influencing world economic growth and the international economic environment, should continue their efforts to promote sustained economic growth and sustainable development, to narrow imbalances, and to cooperate with the developing countries so as to enhance their ability to address and alleviate their major problems in the areas of money, finance, resource flows, trade, commodities and external indebtedness,

1. Stresses the need to increase efforts to ensure the flow of substantial resources to developing countries through, *inter alia*, an expansion of multilateral credits, the promotion of foreign direct investment and an increase in concessional and non-debt resources;

2. Also stresses that private capital flows are an important external source of financing for sustainable development and that attracting such investment requires, *inter alia*, sound fiscal and monetary policies, accountable governmental institutions and transparent legal and regulatory regimes;

3. Reaffirms the pressing need of developing countries for official development assistance, especially those in Africa and the least developed countries, and urges countries to strive to fulfil, consistent with commitments in international agreements, the agreed target of 0.7 per cent of the gross national product of developed countries for official development assistance to the developing countries, and the target, where agreed, of 0.15 per cent of the gross national product of the developed countries for official development assistance to the least developed countries as soon as possible;

4. Stresses the need to mobilize public support for development cooperation, *inter alia*, through a strategy based on partnership between developed and developing countries which incorporates, as appropriate, mutually agreed goals for development;

5. Also stresses the importance of the role of the International Development Association as a highly concessional lending arm of the World Bank for promoting development in eligible developing countries, and urges donors fully to honour their commitment thereto, in particular to the eleventh replenishment of the Association, and to secure its adequate future funding;

6. Appeals to all countries to continue to cooperate and work together on issues relating to the Enhanced Structural Adjustment Facility, with a view to arriving at a self-sustained facility, including the provision of bilateral contributions; if the need arises, the International Monetary Fund should consider optimizing its reserves management in order to facilitate financing of the Facility;

7. Urges all international financial institutions and donor countries, as appropriate, to continue their own efforts to improve the quality and effectiveness of their lending, *inter alia*, through thorough assessment of the contributions to sustainable development of projects financed, effective monitoring and evaluation, and increased concessionality, where appropriate;

8. Requests the Secretary-General to continue to monitor developments in the net flows and transfer of

resources between developing and developed countries and to utilize all relevant reports, such as those provided by the United Nations Conference on Trade and Development, the World Bank, the International Monetary Fund and the regional development banks, and to report thereon in the World Economic and Social Survey, 1997, and also requests the Secretary-General to report, in close cooperation with the United Nations Conference on Trade and Development and the Bretton Woods institutions, to the General Assembly at its fifty-third session on the implementation of the present resolution.

General Assembly resolution 51/165

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/602) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.53), based on informal consultations on draft by Costa Rica, for Group of 77 and China (A/C.2/51/L.26); agenda item 94 (b).

Meeting numbers. GA 51st session: 2nd Committee 29-33, 35-37; plenary 86.

### Global financial integration

In response to a 1995 General Assembly request [YUN 1995, p. 968], the Secretary-General in September reported [A/51/388] on the challenges and opportunities of global financial integration, in which he noted that, as technological advances reduced the cost and increased the speed of international financial transactions and as policy liberalization removed barriers to international capital flows, financial institutions had increasingly added foreign assets to their portfolios. Mainly short-term assets and borrowings of banks were traded internationally at first, but that had expanded to a broader range of financial instruments. That diversification had also stimulated a rapid pace of innovation in financial instruments, known as derivatives, which allowed financial investors to modify the types and degree of risk they faced from possible changes in exchange rates and interest rates. It had become common to refer to those trends collectively as global financial integration.

Although some developing countries had been able to take advantage of the globalization of finance and tap markets for an increasing volume and variety of financial flows, many of them had also been stung by the potential volatility of some flows. In fact, international financial markets had gone through a highly unsettled period in 1994 and 1995. Many analysts feared that a prime reason for the heavy flow of finance to Latin America in the early 1990s had been the relatively low interest rates in the United States, which would not and did not last.

Developed countries were also vulnerable. The foreign exchange markets of the major currency countries experienced a very turbulent period from 1994 through early 1995, as the United States dollar plunged against the deutsche mark

and the Japanese yen, several European currencies slumped against the deutsche mark, and the latter hit a record low against the yen. In addition, investors pulled funds out of Mexico in 1994 and other countries in early 1995. Since Governments and market participants clearly recognized the benefits of the growth of international financial flows and the need to avert the adverse effects of their turbulence, global financial integration had been accompanied by a refinement in the nature of measures taken by those parties to enhance the environment for international capital flows.

The report also described the global macroeconomic environment, discussed how to make international financial markets work better and more safely, and addressed the question of the quality and quantity of access to international finance.

In conclusion, the report suggested that the General Assembly might wish to consider whether and how global financial integration might be addressed during the policy dialogue of the high-level segment of the annual session of the Economic and Social Council.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/166**.

#### **Global financial integration and strengthening collaboration between the United Nations and the Bretton Woods institutions**

The General Assembly,

Reaffirming its resolution 50/91 of 20 December 1995, entitled "Global financial integration: challenges and opportunities", and Economic and Social Council resolution 1996/43 of 26 July 1996 on strengthening collaboration between the United Nations development system and the Bretton Woods institutions,

Expressing concern that a number of developing countries have become more vulnerable, in the course of liberalizing their external economic and financial regimes, to the volatile fluctuations of private capital flows in international financial markets, and stressing the importance at the national level in the countries concerned of a favourable climate for private financial flows, sound macroeconomic policies and appropriate functioning of markets,

Welcoming the initiative the Bretton Woods institutions have taken to address the question of the volatility of capital flows,

Recalling its resolution 50/227 of 24 May 1996, annex I, section VIII, on the relationship between the United Nations and the international finance and trade institutions, as well as other relevant resolutions,

1. Recognizes that technological advances have reduced the costs and increased the speed of international financial transactions and that, as policy liberalization has facilitated international capital flows, financial institutions have increasingly added foreign

assets to their portfolios, paving the way towards the phenomenon of global financial integration;

2. Stresses that global financial integration presents new challenges and opportunities for the international community and that it should constitute a very important element of the dialogue between the United Nations system and the Bretton Woods institutions;

3. Notes that the globalization of financial markets can generate new risks of instability, including interest rate and exchange rate fluctuations and volatile short-term capital flows, which require all countries to pursue sound economic policies and to recognize the external economic impact of their domestic policies;

4. Stresses that sound domestic macroeconomic policies of each country in regard to promoting macroeconomic stability and growth are primary elements for determining private capital flows, and that the co-ordination of macroeconomic policies, where appropriate, and a favourable international economic environment play an important role in reinforcing their effectiveness;

5. Also stresses that implementation of sound domestic monetary, fiscal and structural policies over the medium term, including ensuring sound banking systems, is required to promote financial and exchange rate stability;

6. Further stresses that Governments and international financial institutions have a contribution to make to reducing the risks of volatility of short-term capital flows and to promoting stability in domestic financial markets, within their respective competences;

7. Recognizes the progress made in improving risk management and transparency in international financial markets, such as the International Monetary Fund's improved surveillance capacities, standards for the provision of economic and financial information to markets and the creation of an emergency financing mechanism;

8. Also recognizes the progress made in establishing the new arrangements to borrow, which would effectively double the resources currently available to the International Monetary Fund under the General Arrangements to Borrow and improve the Fund's ability to assist members in circumstances that could have systemic implications;

9. Recalls that, in the context of global financial integration, further efforts have to be made, at both the national and international levels, to strengthen international economic cooperation;

10. Recognizes that a number of developing countries have been able to take advantage of the globalization of finance, and notes the need for the expansion of private capital flows and for broader access by all developing countries to those flows, and therefore the need for the international community to assist low-income countries, especially those in Africa, in their efforts to create the enabling environment necessary to attract such flows;

11. Notes that a number of developing countries, among them most of the least developed countries, especially those of Africa, have not benefited from the globalization of finance and continue to be in great need of official development assistance;

12. Recognizes, in this context, that the regular lending programmes of the multilateral institutions, recent initiatives aiming at enhancing the confidence of the



financial markets, and the operational activities of the United Nations system, inter alia, in promoting capacity-building for sound financial management, contribute to assisting recipient countries, particularly developing countries, in such adjustment and stabilization efforts as are conducive to their development process;

13. Welcomes Economic and Social Council resolution 1996/43 on strengthening collaboration between the United Nations development system and the Bretton Woods institutions, and calls for its full implementation;

14. Notes that cooperation between the United Nations and the Bretton Woods institutions continues to be strengthened at the level of operational activities for development;

15. Considers that the strengthening of collaboration between the United Nations and the Bretton Woods institutions requires an integrated approach, encompassing a closer policy dialogue at the intergovernmental level on relevant areas of international development policy issues, taking into account their respective competences;

16. Stresses the need for encouragement of private flows to all countries, in particular to developing countries, while reducing the risks of volatility;

17. Emphasizes the need to explore ways to broaden appropriate enhanced cooperation and, where appropriate, coordination of macroeconomic policy among interested countries, monetary and financial authorities and institutions, so as to enhance preventive consultation arrangements between such institutions as a means of promoting a stable international financial environment conducive to economic growth, particularly of developing countries, taking into account the needs of developing countries as well as situations that may have a significant impact upon the international financial system;

18. Reiterates the need for broadening and strengthening the participation of developing countries in the international economic decision-making process;

19. Welcomes the steps taken by the International Monetary Fund, and recognizes the need for a stronger and central role for the Fund in surveillance of all countries, in a symmetrical manner;

20. Reaffirms the objective of promoting greater transparency and openness, including increasing participation of developing countries in the work of the International Monetary Fund, this objective also involving, among other elements, the regular and timely provision of economic and financial data by all Fund members;

21. Welcomes the decision of the Economic and Social Council that the theme of its high-level segment in 1997 will be: "Fostering an enabling environment for development—financial flows, including capital flows; investment; trade";

22. Requests the Secretary-General to report to the General Assembly, at its fifty-second session, in cooperation with the Bretton Woods institutions and the United Nations Conference on Trade and Development, on the implementation of the present resolution.

General Assembly resolution 51/166

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/602) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.50), based on informal consultations on draft by Costa Rica, for Group of 77 and China (A/C.2/51/L.28); agenda item 94 (b).

Meeting numbers. GA 51st session: 2nd Committee 29-33, 35-37; plenary 86.

Also on 16 December, the Assembly, by **decision 51/442**, took note of the Secretary-General's report on the challenges and opportunities of global financial integration.

### Debt problems of developing countries

In a report on the developing country debt situation as of mid-1996 [A/51/294], prepared in response to a 1995 General Assembly request [YUN 1995, p. 970], the Secretary-General stated that the gross external debt of capital-importing developing countries had grown by an estimated \$120 billion in 1995, topping \$1.7 trillion by the end of the year. In a change from the earlier years of the 1990s, long-term lending by official creditors rose faster than private lending, largely as a result of the international rescue package for Mexico and a smaller one for Argentina. While the growth of private-credit flows dropped in Latin America and the Caribbean as a temporary fallout of the Mexican crisis, they expanded significantly in Asia, particularly in East Asia's emerging markets, reflecting investors' increased discrimination among borrowers through a closer evaluation of economic fundamentals. As a result, Asia had registered the largest rise in the debt stock among geographical regions, and its share in the debt stock of developing countries reached nearly 40 per cent of the total in 1995. Meanwhile, Africa's share gradually declined, from around 22 per cent in 1990 to about 18 per cent in 1995.

Long-term debt remained fairly equally distributed between official and private creditors, with the latter holding about 47 per cent of the total in 1995. However, the distribution varied substantially by region: close to 60 per cent of Latin America's long-term debt was owed to private creditors, while the share of private creditors in Africa was less than 26 per cent, reflecting the traditionally limited market access of that region. In Asia, private creditors' share rose from 40 to 46 per cent between 1990 and 1995.

Based on the ratios of external debt to gross national product, external debt to exports of goods and services, and debt service to exports, the overall debt situation of developing countries appeared to have improved somewhat in 1995, with the average ratio of external debt to exports for all countries falling to the lowest level since the

beginning of the debt crisis. However, indicators varied both among and within regions.

The report highlighted the debt situation of a new grouping of countries—the heavily indebted poor countries—noting that the multilateral debt of that group had reached \$62 billion in 1994, or about 26 per cent of their total external debt of \$241 billion. At the same time, multilateral debt service represented more than 46 per cent of the total debt service of those countries. Three multilateral financial institutions—the World Bank, IMF and the African Development Bank—accounted for over 80 per cent of the heavily indebted poor countries' multilateral debt. Debt owed to multilateral creditors could not be formally restructured or subjected to cancellation or reduction, owing to the preferred-creditor status enjoyed by the institutions.

Describing the outcome of the April 1996 meeting of the Development Committee (the Joint Ministerial Committee of the Boards of Governors of the World Bank and IMF), as requested by the Assembly in 1995 [YUN 1995, p. 970], the report stated that a new framework of action had been approved to resolve the debt problems of the heavily indebted poor countries. The initiative offered eligible countries a commitment by the creditor community to alleviate their debt burden in order to bring it to sustainable levels. That would be achieved by reducing the net present value of claims on the indebted country. In each case, the various bilateral and multilateral creditors would provide relief proportional to their exposure to the indebted country. The underlying idea was that assisting those countries to reduce their external debt would help increase investor confidence and remove an important impediment to growth.

In conclusion, the report stated that the new initiative to advance the resolution of the external debt problems of heavily indebted poor countries was a welcome step forward. Some flexibility, both in terms of the use of debt indicators for eligibility and the time-frame of enhanced multilateral measures, might be required to assist countries with a satisfactory policy track record to resume sustainable growth and normal external financial relations. Two additional areas of concern remained to be addressed if the debt overhang of heavily indebted poor countries was to be gradually eliminated: (1) it was essential that an adequate replenishment of the soft-loan windows of multilateral financial institutions be implemented in order to provide the necessary resources on terms that were affordable to those countries and without sacrifices being imposed on other countries; (2) and the focus over the years on commercial bank debt, Paris Club debt

and multilateral debt still left to be adequately addressed the question of debt owed to bilateral creditors that had not participated in the Paris Club of creditor countries. A coherent framework to deal with that debt was critical for a number of heavily indebted poor countries in Africa.

With the signing in July 1996 of a Paris Club agreement for Peru, the debt-restructuring process for middle-income countries had largely been completed. However, several of those countries still displayed the indicators of a fragile external financial position. They remained highly vulnerable to external shocks, and domestic policy mistakes could be extremely costly. Central to avoiding new crises seemed to be limiting exposure to the more volatile forms of finance before an economy was ready and maintaining the confidence of international financial investors. Individual countries had a central responsibility in that regard, but the international community was also undertaking to play a greater role (see above, under "Global financial integration").

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/164**.

#### **Enhancing international cooperation towards a durable solution to the external debt problem of developing countries**

The General Assembly,

Recalling its resolutions 48/165 of 21 December 1993 and 50/92 of 20 December 1995 and the relevant provisions of the report of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s, as well as the results, as agreed, of all major United Nations conferences and summit meetings held since the beginning of the 1990s,

Reaffirming the urgent need for effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries and to help them to exit from the rescheduling process,

Noting the improvement in the debt situation of a number of developing countries since the second half of the 1980s and the contribution that the evolving debt strategy has made to this improvement, noting with appreciation the debt-relief measures taken by creditor countries both within the framework of the Paris Club and through their cancellation and equivalent relief of bilateral official debt, and welcoming the even more favourable debt-relief measures taken by the Paris Club on the basis of the Naples terms of December 1994,

Stressing the need for a full and swift implementation of those initiatives, which will further assist developing countries, in particular the poorest and heavily indebted countries, especially in Africa, in their efforts to improve their debt situation in view of their continued very high level of total debt stock and servicing burdens,

Emphasizing the importance for debtor countries of continuing to pursue and intensify their efforts with respect to economic reforms, and stabilization and structural adjustment programmes, in order to raise savings and investments, reduce inflation and improve economic efficiency, taking into account the need to address the social aspects of development, including the eradication of poverty, and their individual characteristics, as well as the vulnerability of the poorer strata of their populations,

Noting with concern the continuing debt and debt-servicing problems of indebted developing countries as constituting an element adversely affecting their development efforts and economic growth, and stressing the importance of alleviating the onerous debt and debt-service burdens connected with various types of debt of many developing countries, on the basis of an effective, equitable, development-oriented and durable approach and, where appropriate, addressing the full stock of debt of the poorest and most indebted developing countries as a matter of priority,

Noting that those developing countries that have continued, at great cost to themselves, to meet their international debt and debt-service obligations in a timely fashion have done so despite serious external and domestic financial constraints,

Expressing its concern that debt-relief measures taken so far have not yet fully provided effective, equitable, development-oriented and durable solutions to the outstanding debt and debt-servicing problems of a large number of developing countries, in particular the poorest and heavily indebted countries,

Noting the situation in some creditor countries with economies in transition in addressing the external debt and debt-servicing problems of developing countries,

Stressing the need for continuing global economic growth and the necessity for a continuing supportive international economic environment with regard to, inter alia, terms of trade, commodity prices, improved market access, trade practices, access to technology, exchange rates and international interest rates, and noting the continued need for resources for sustained economic growth and sustainable development of the developing countries,

1. Takes note of the report of the Secretary-General on the developing country debt situation as at mid-1996;

2. Recognizes that effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries can contribute substantially to the strengthening of the global economy and to the efforts of developing countries to achieve sustained economic growth and sustainable development;

3. Notes that further progress, including swift implementation of innovative approaches and concrete measures, is essential for contributing to effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries, particularly the poorest and heavily indebted countries;

4. Stresses the importance for developing countries of continuing their efforts to promote a favourable environment for attracting foreign investment, thereby promoting economic growth and sustainable development so as to favour their exit from debt and debt-

servicing problems, and also stresses the need for the international community to promote a conducive external economic environment through, inter alia, improved market access, stabilization of exchange rates, effective stewardship of international interest rates, increased resource flows, access to international financial markets, flow of financial resources and improved access to technology for the developing countries;

5. Also stresses that the evolving debt strategy must be accompanied by a favourable and supportive international economic environment, including the full implementation of the results of the Uruguay Round of multilateral trade negotiations, and the Marrakesh ministerial decisions in favour of the least developed countries and the net food-importing developing countries;

6. Welcomes the Heavily Indebted Poor Countries Debt Initiative endorsed by the Interim Committee of the International Monetary Fund and the Development Committee of the World Bank and the International Monetary Fund, designed to enable eligible heavily indebted poor countries to achieve a sustainable debt situation through coordinated action by all creditors on the basis of adjustment efforts by the debtor countries;

7. Recognizes that the implementation of the Initiative requires additional financial resources from both bilateral and multilateral creditors without affecting the support required for development activities of developing countries, welcomes the commitment made to provide additional resources for the Initiative, and invites bilateral donors to contribute to the Trust Fund for the implementation of the Initiative;

8. Stresses the urgent need for the developed countries to give the Initiative the support it both needs and deserves and to implement it flexibly to ensure that the performance already achieved is taken into account in determining the duration of adjustment required to reach, with the assistance of all creditors, an exit from debt rescheduling;

9. Also stresses the importance of implementing the Initiative's eligibility criteria flexibly, in a transparent manner, and with the full involvement of the debtor country, and further stresses the importance of continuously evaluating and actively monitoring the implications of the existing terms of the eligibility criteria in the implementation of the Initiative, so as to ensure sufficient coverage of heavily indebted poor countries;

10. Underlines the importance of the transparency and involvement of debtor countries in any review and analysis that will be conducted during the adjustment period;

11. Welcomes the decision taken by the Paris Club to go beyond the Naples terms to provide debt reduction, including some debt stock forgiveness for the poorest and most heavily indebted countries, stresses the need for the swift implementation of that decision, and urges all other bilateral creditors to make comparable contributions in the context of coordinated efforts by all countries;

12. Recognizes the efforts of indebted developing countries in regard to fulfilling their commitments on debt servicing despite the incurring of a high social cost and, in this regard, encourages private creditors and, in particular, commercial banks to continue their

initiatives and efforts to address the commercial debt problems of middle-income developing countries;

13. Invites creditor countries, private banks and multilateral financial institutions, within their prerogatives, to continue the initiatives and efforts to address the commercial debt problems of the least developed countries and the requests for continued mobilization of resources through the Debt-reduction Facility of the International Development Association in order to help eligible least developed countries reduce their commercial debt;

14. Invites the International Monetary Fund to continue devising concrete measures and action to address the problems faced by indebted developing countries, including the provision of bilateral contributions and, if the need arises, to consider optimizing its reserves management in order to facilitate the financing of the Enhanced Structural Adjustment Facility;

15. Reaffirms the Mid-term Global Review of Progress towards the Implementation of the Programme of Action for the Least Developed Countries for the 1990s, in particular the appropriate actions in favour of those countries concerning their official bilateral, commercial and multilateral debt;

16. Notes with concern the continuing burden of debt and debt-service obligations of middle-income countries, including in particular those in Africa, and encourages creditors, including multilateral financial institutions and commercial banks, to continue to address their obligations effectively;

17. Stresses the importance of continued concessional Enhanced Structural Adjustment Facility lending operations for low-income developing countries;

18. Also stresses the need for, in addition to debt-relief measures that include debt and debt-service reduction, new financial flows to debtor developing countries from all sources, and urges creditor countries and multilateral financial institutions to continue to extend concessional financial assistance, particularly to the least developed countries, in order to support the implementation of economic reforms, stabilization and structural adjustment programmes and the eradication of poverty by the developing countries so as to enable them to extricate themselves from the debt overhang and attract new investment and to assist them in achieving sustained economic growth and sustainable development;

19. Further stresses the urgent need to continue to provide social safety nets to vulnerable groups most adversely affected by the implementation of economic reform programmes in the debtor countries, in particular low-income groups;

20. Calls upon the international community, including the United Nations system, and invites the Bretton Woods institutions, as well as the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on development related to the question of external debt;

21. Requests the Secretary-General, in close cooperation with the Bretton Woods institutions and other relevant bodies of the United Nations system, to closely follow the Heavily Indebted Poor Countries Debt Initiative and to report to the General Assembly at its

fifty-second session on the implementation of the Initiative and of the present resolution.

General Assembly resolution 51/164

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/602) without vote, 2 December (meeting 38); draft by Costa Rica (for Group of 77 and China) and Colombia (for Non-Aligned Movement) (A/C.2/51/L.24/Rev.1), orally revised; agenda item 94 (a).

Meeting numbers. GA 51st session: 2nd Committee 29-33, 35-38; plenary 86.

### Investment, technology and related financial issues

The Commission on Investment, Technology and Related Financial Issues, established by TDB in July on the recommendation of UNCTAD IX (see above), held the first part of its first session in Geneva from 18 to 22 November [TD/B/44/4].

Among documents before the Commission for its consideration of developments in international investment was the World Investment Report 1996: Investment, Trade and International Policy Arrangements [Sales No. E.96.II.A.14]. The document noted that world economic growth and the response of transnational corporations to technological development, international competition and liberalization had propelled global FDI flows to unprecedented levels in 1995. Inflows reached a record of \$315 billion—40 per cent more than in 1994—but investment outflows also hit new highs, reaching \$318 billion, an increase of 38 per cent over 1994. World FDI flows were expected to remain at a high level in 1996, it was stated.

Developed countries were the key force behind the record 1995 flows, with inflows rising by 53 per cent to \$203 billion and outflows rising by 42 per cent to \$271 billion. However, the spectacular flows into developed countries did not detract from flows into developing countries. At \$100 billion (a 15 per cent increase over 1994), they also set a record in 1995, although their share in global inflows declined to 32 per cent, after having increased for the previous six years. While continuing to be small, FDI inflows to the 48 LDCs (see PART THREE, Chapter I) increased as well, by 29 per cent in 1995, to \$1.1 billion. With \$47 billion in 1995 (15 per cent of outflows), developing countries scored another record in FDI outflows, accelerating their production-level integration into the world economy. After stagnation in 1994, FDI flows to Central and Eastern Europe nearly doubled, to \$12 billion.

For its discussion of issues related to competition law of particular relevance to development, the Commission had before it a note by the UNCTAD secretariat [TD/B/COM.2/2 & Add.1], providing the background of UNCTAD's work on restrictive business practices and proposed continu-

ing analytical work on restrictive business practices and assistance in formulating competition policies and legislation. It was stated that competition policy aimed at minimizing restrictions on free competition, both by controlling restrictive business practices engaged in by firms, and by promoting the reform of governmental regulations or measures when they unjustifiably distorted competition or created barriers to market entry by new competitors. The Commission also considered the agreed recommendations of the Expert Meeting on Competition Law and Policy (see below), the report of the Third (1995) United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices [YUN 1995, p. 961], and the report of the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting on its fourteenth session (see below).

### **Competition law and policy**

The Expert Meeting on Competition Law and Policy held its first session in Geneva from 13 to 15 November [TD/B/COM.2/3]. In agreed conclusions, it recommended that it meet again in 1997 to consider: consultations on competition law and policy, including the Model Law and studies related to the provisions of the Set of Principles and Rules; and UNCTAD's work programme, including technical assistance and advisory and training programmes on competition law and policy. The UNCTAD secretariat was requested to prepare a number of reports for the 1997 session.

### **Standards of accounting and reporting**

The International Working Group of Experts on International Standards of Accounting and Reporting held its fourteenth session in Geneva from 1 to 5 July [TD/B/ITNC/7]. It had before it reports by the UNCTAD secretariat on commercial bank accounting and disclosures [TD/B/ITNC/AC.1/9] and on accounting and reporting for government concessions [TD/B/ITNC/AC.1/8]. The Group agreed that UNCTAD should publish both reports and provide them to the International Accounting Standards Committee for consideration and response.

The Group strongly recommended that work on international standards of accounting and reporting be pursued in UNCTAD on an ongoing basis, since reliable, transparent and comparable financial information was necessary for growth and development in general and for a sound banking sector and stock market, as well as for the attraction of FDI and for successful privatization.

It recommended that an expert meeting be convened and focus on environmental accounting and the development of the global qualification for accountants.

### **Taxation**

By decision 1996/233 of 15 July, the Economic and Social Council took note of the report of the Secretary-General on the seventh (1995) meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters [YUN 1995, p. 973].

## **Transport**

### **Maritime transport**

#### **Ports**

The Intergovernmental Group of Experts on Ports held its second session in Geneva from 18 to 22 March 1996 [TD/B/CN.4/57], having held its first session in 1993 [YUN 1993, p. 766]. In its conclusions, entitled "Ports—an emerging partnership for development", the Group stated that, over the last decades, there had been an evolutionary process through which a port organization passed from a wholly government-controlled body to more efficient organization schemes, including the landlord organization scheme, coordinating private- and public-sector bodies, and sometimes the totally privatized organization. In all cases, there was a need for the Government to provide a regulatory framework to address issues of national and international relevance, such as safety and the environment, and to act as coordinator for port development, including hinterland connections. A pragmatic approach to port modernization would be for Governments to encourage the private sector to participate in development and expansion projects. However, it was unlikely that the private sector would be willing to invest in common infrastructure, such as breakwaters and approach channels. Thus, a partnership between the Government and public and private sectors was an emerging and necessary trend for development. The Group observed that while developed countries had succeeded in certain cases in implementing privatization, developing countries should be encouraged to do so with caution since they might not have the logistical, legal and financial framework.

The Group's general recommendations included that: Governments should review the institutional structure of their ports; port authorities should be pro-active in order to play an

important role in fostering trade; price controls should be relaxed when a port had achieved financial self-sufficiency and could demonstrate that flexible (strategic) pricing would foster additional trade; cooperation among ports was essential in the area of compliance with international regulations and Governments should acknowledge the important development role of cooperation, including forums such as Legiport; and training represented an important investment which should be promoted by Governments.

Specific recommendations included that: the UNCTAD secretariat should maintain its programme of work on the development and modernization of ports by updating the most important background studies, issuing new monographs on current topics and continuing the dissemination of information by means of the Ports Newsletter and other media to the informal network of port focal points; the Intergovernmental Group of Experts on Ports should meet every two years; priority for study should be given to quality management in port operations, development of value-added services in ports as a means of trade promotion, economic impacts on ports of potential developments in marine environment regimes and comparative analysis of legal regimes for ports; and priority should also be given to developing training packages in strategic planning, strategic pricing and quality management.

### Maritime liens and mortgages

The Joint UNCTAD/International Maritime Organization (IMO) Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects held its ninth session in Geneva from 2 to 6 December [TD/B/44/3]. It considered the review of the International Convention for the Unification of Certain Rules relating to the Arrest of Sea-going Ships, 1952, for which it had before it a note by the secretariats of UNCTAD and IMO [TD/B/IGE.1/2], as well as a note by the UNCTAD secretariat transmitting comments and proposals by Governments on the draft articles for a convention on arrest of ships [TD/B/IGE.1/3].

The Group recommended to the IMO Council and to TDB that they consider favourably, on the basis of work done so far, proposing to the General Assembly the convening of a diplomatic conference to consider and adopt a convention on certain rules relating to the arrest of sea-going ships, on the basis of the draft articles prepared by the Group.

### Air transport

On 6 December, the General Assembly adopted **resolution 51/33**.

### Proclamation of 7 December as International Civil Aviation Day

The General Assembly,

Noting that 7 December marks the anniversary of the signing of the Convention on International Civil Aviation, done at Chicago on that date in 1944,

Recalling that the preamble to the Convention states that the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world,

Welcoming resolution A29-1 adopted in 1992 by the Assembly of the International Civil Aviation Organization declaring 7 December as International Civil Aviation Day each year starting in 1994, and instructing the Secretary-General of the organization to inform the Secretary-General of the United Nations accordingly,

Noting that, at its meeting of 27 May 1996, the Council of the International Civil Aviation Organization requested the Secretary-General of the organization to take steps to urge the General Assembly of the United Nations to recognize officially 7 December each year as International Civil Aviation Day,

1. Proclaims 7 December as International Civil Aviation Day;

2. Urges Governments as well as relevant national, regional, international and intergovernmental organizations to take appropriate steps to observe International Civil Aviation Day.

General Assembly resolution 51/33

6 December 1996

Meeting 75

Adopted without vote

41-nation draft (A/51/L.42 & Add.1); agenda item 162.

### Transport of dangerous goods

By a June note [E/1996/66], the Secretary-General drew the attention of the Economic and Social Council to letters from IMO [E/1996/15] and the International Air Transport Association (IATA) [E/1996/63] regarding the periodicity of amendments to the Recommendations on the Transport of Dangerous Goods [Sales No. E.95.VIII.1]. IMO conveyed to the Council the request of its Maritime Safety Committee that the publication cycle of the Recommendations be expanded from every two to every four years to enable the smooth and timely harmonization among the different modes of transport, while IATA believed that the current two-year publication cycle was essential for maintaining flexibility and improving safety. By a 26 June letter [E/1996/84], the International Civil Aviation Organization informed the Secretary-General that its Dangerous Goods Panel strongly advised that the two-year cycle be maintained.

By **decision 1996/301** of 26 July, the Economic and Social Council indicated that the Committee of Experts on the Transport of Dangerous Goods would examine, at its forthcoming session, the question of the periodicity of amendments to the Recommendations. The Council invited the Com-

mittee to take fully into account the views expressed by delegations during their consideration of the issue, and invited Member States to submit to the Committee their views on the matter.

**Committee of Experts.** The Committee of Experts on the Transport of Dangerous Goods held its nineteenth session in Geneva from 2 to 10 December [ST/SG/AC.10/23 & Add.1-4]. It had before it the reports of its Subcommittee of Experts on the Transport of Dangerous Goods on its tenth and eleventh sessions, held in 1995 [YUN 1995, p. 976], and on its twelfth session (Geneva, 1-12 July 1996) [ST/SG/AC.10/C.3/24]. The Committee adopted a number of draft amendments to the Recommendations on the Transport of Dangerous Goods as proposed by its Subcommittee, and considered a report of the IMO Working Group on Portable Tanks.

It also considered the periodicity of amendments to the Recommendations, decided not to take a decision at the current session, and prepared a draft resolution on its programme of work for consideration by the Economic and Social Council in 1997.

#### **Committee membership**

By an August note [E/1996/94], the Secretary-General informed the Economic and Social Council that he had received applications from Australia and Spain for full membership in the Committee of Experts on the Transport of Dangerous Goods. He approved those applications and requested the Council's endorsement.

By **decision 1996/311** of 14 November, the Council endorsed the Secretary-General's approval of the applications of Australia and Spain.

## Chapter V

## Regional economic and social activities

In 1996, the five UN regional commissions continued to promote economic and social development in their respective regions. Four met for regular sessions during the year: the Economic Commission for Africa (ECA) in Addis Ababa, Ethiopia; the Economic and Social Commission for Asia and the Pacific (ESCAP), in Bangkok, Thailand; the Economic Commission for Europe (ECE) in Geneva; and the Economic Commission for Latin America and the Caribbean (ECLAC) in San Jose, Costa Rica. The Economic Commission for Western Asia (ESCWA) did not meet in 1996, having held its most recent biennial session in 1995.

In May, the General Assembly stated that the Economic and Social Council should provide for the review of the regional commissions, with a view to strengthening and enhancing their effectiveness as action- and policy-oriented bodies in the economic and development fields.

In July, the Council amended the terms of reference of ESCAP to change the name of Hong Kong to Hong Kong, China; to reflect the admission of Palau as a member of the Commission; and to include Turkey within the geographical scope of the Commission.

### Regional cooperation

In 1996, efforts continued to strengthen the role of the regional commissions as part of the restructuring and revitalization of the United Nations in the economic, social and related fields. The executive secretaries of the regional commissions, meeting in New York on 31 July and 15 November, reviewed the substance and modalities of cooperation as well as arrangements among the regional commissions and with relevant bodies and programmes, and exchanged views on the reform and restructuring of their respective organizations in the context of the reform of the United Nations. The executive secretaries noted that although regionalism might weaken multilateralism by contributing to the fragmentation of the world economy into separate blocs, it could be a powerful bulwark against

marginalization and a bridge towards a harmonious multilateral system. The challenge was to use both global and regional arrangements in a mutually supportive way.

They noted that, as providers of services to their member States, the question was whether the regional commissions should engage in both normative and operational activities as they currently did. The commissions complemented technical cooperation activities funded from the regular UN programme of technical cooperation with the operational activities funded by extrabudgetary contributions from Member countries, including developing countries, and from multilateral funding institutions, including development banks. However, although the normative and operational activities of the regional commissions were mutually reinforcing, their linkage with the country framework strategies remained weak. An absence of institutional linkages militated against optimal utilization of the capacities and full potentials of the regional commissions in providing services to their memberships, both for regional activities and for backstopping activities at the national level. In that regard, linkages should be established with existing consultative mechanisms set up by the regional commissions for improved cooperation with the regional offices of UN programmes and agencies.

The executive secretaries welcomed the call by the Economic and Social Council for institutionalizing a more structural relationship between the Council and the regional commissions. They felt that a better flow of information and improved policy dialogue were essential to improve the structural relationship between the commissions and the Council. Future regional cooperation reports could focus more on analysis of the results of research and operational activities of the commissions in selected priority areas. The commissions should also report on activities relevant to the theme topics considered by the Council's various high-level segments. That would improve the substantive interactions between the Council and the regional commissions by making the latter's inputs more relevant to the Council's agenda, and give real meaning to its task of harmonizing regional and international cooperation. An improved structural relationship could also involve more interface between the subsidi-



ary bodies of the regional commissions and the Council's functional commissions, through inputs on items of mutual concern and participation of the bureaux of regional commissions in meetings of the functional commissions. The new orientation of the Secretary-General's report should also result in a more effective review by the Council of the yearly topic for interregional cooperation. The regional commissions were also cooperating among themselves more directly, based on their experiences and capacities. The demand drive in utilizing and learning from each other's experiences could also be a criterion for the choice of a topic for interregional cooperation to be considered by the Council.

**Report of Secretary-General.** On 9 February, the Economic and Social Council, by **decision 1996/214**, decided to consider at its substantive session under the item entitled "Regional cooperation in the economic, social and related fields", the question of "Trends in regional economic and social cooperation, including trade issues and the work of the regional commissions in this regard".

In a June report [E/1996/45] to the Council on regional cooperation, the Secretary-General outlined the work of the regional commissions, with special emphasis on follow-up activities to recent global conferences, and examined trends in regional economic and social cooperation, including trade issues and the work of the commissions in that regard. The report also focused on the ongoing reform and restructuring exercises of the commissions.

In a 12 June addendum [E/1996/45/Add.1], the Secretary-General submitted a report containing resolutions and decisions adopted at recent sessions of the regional commissions calling for action by the Economic and Social Council or to be brought to its attention.

On 18 July, by **decision 1996/236**, the Council took note of the Secretary-General's report on regional cooperation and other documents considered in connection with the question of regional cooperation in the economic, social and related fields, including summaries of: the economic survey of Europe, 1995 [E/1996/46]; survey of economic and social conditions in Africa, 1995 [E/1996/47]; survey of economic and social conditions in Asia and the Pacific, 1996 [E/1996/48]; economic survey of Latin America and the Caribbean, 1995 [E/1996/49]; and survey of economic and social developments in the Western Asia region, 1995 [E/1996/50].

### Review of regional commissions

The General Assembly, in **resolution 50/227** of 24 May, on further measures for the restructuring

and revitalization of the United Nations in the economic, social and related fields, stated that the Economic and Social Council should provide for the review of the regional commissions, with a view to strengthening and enhancing their effectiveness as action- and policy-oriented bodies in the economic and development fields with better response to the conditions and environments unique to the specific regions; improving their coordination with the UN system, including the specialized agencies, the Bretton Woods institutions and the regional development banks; strengthening their active participation in implementation at the regional level of the results of major UN conferences; and encouraging them to undertake their own management and functional assessments towards those ends. The reviews should aim to eliminate unnecessary duplication or overlapping of work and ensure a better structural relationship among those bodies and with the Economic and Social Council.

In follow-up to the Assembly's resolution, the Council, in **resolution 1996/41** of 26 July, requested the regional commissions to continue undertaking their own reviews and to report to the Council at its 1997 substantive session. It reaffirmed the need for the reviews and reform processes to improve the commissions' effectiveness and efficiency by eliminating duplication or overlapping of work and by ensuring a better structural relationship among themselves and with the Council. It decided that it would take a decision at its 1997 substantive session on further action on how to achieve the objectives set out in the Assembly's resolution. (For details, see PART FIVE, Chapter I.)

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/46**.

#### Regional cooperation in the economic, social and related fields

The Economic and Social Council,

Noting with appreciation that the summaries of the economic surveys of the five regional commissions have been made available to the Council,

1. Recognizes that the regional commissions provide a useful forum and mechanism for enabling, promoting and strengthening regional cooperation and development;

2. Also recognizes that the regional commissions are the regional arm of the United Nations in the economic and social fields and facilitate the United Nations role of promoting development and international cooperation;

3. Notes with appreciation the role played by the regional commissions in the preparation of regional plans and programmes of action for United Nations conferences and in their necessary follow-up activities;

4. Recognizes that the regional commissions have important contributions to make to the deliberations of the Council, and that the regional perspectives of development should further enrich the Council's debate on economic and social development;

5. Recommends that the Council, at its resumed substantive session of 1996, consider placing the agenda item on regional cooperation at the beginning of the general segment of the substantive session of the Council;

6. Decides to incorporate in the existing format for this agenda item informal briefings and dialogue between the executive secretaries and the Council along the lines of the informative briefing held on the margins of the substantive session of 1996;

7. Reaffirms the provisions regarding the review by the Council of the regional commissions contained in General Assembly resolution 50/227 and in Council resolution 1996/41.

Economic and Social Council resolution 1996/46  
26 July 1996 Meeting 52 Adopted without vote  
Draft by Costa Rica, for Group of 77 and China (E/1996/L.41), orally revised following informal consultations; agenda item 7.  
Meeting numbers. ESC 38-40, 48, 52.

## Africa

The Economic Commission for Africa (ECA) held its thirty-first session/twenty second meeting of the Conference of Ministers in Addis Ababa, Ethiopia, from 6 to 8 May. The Conference theme was "Meeting the challenges of Africa's development in the twenty-first century". The Ministers reviewed the renewed programme of ECA; perspectives of Africa's socio-economic development; the continent's economic and social situation; the UN System-wide Special Initiative on Africa; exploiting information technology to accelerate socio-economic development; implementation of the 1991 Abuja Treaty of the Organization of African Unity (OAU) [GA res. 46/20] establishing the African Economic Community; issues relating to regional cooperation and programme administration; and organizational matters. In his message to the Conference, the UN Secretary-General pointed out that the Conference's theme reflected both the conviction that African cooperation would be critical in enabling the continent to benefit fully from the rapidly changing international economy and the major role ECA was to play in assisting Africa in that transformation. He noted that at the dawn of the new millennium, Africa showed greater promise. Average rates of economic growth had improved, political liberalization was taking hold, rehabilitation and reconstruction were gaining momentum in many previously conflict-

torn countries, and economic reforms were laying the foundation for rapid and sustained growth. He referred to the UN System-wide Special Initiative on Africa launched on 15 March (see below) as a coordinated and collaborative effort to assist Africa to achieve its vision of a better future and to add momentum to Africa's development. The UN system would mobilize external resources, and ECA had been entrusted with several specific responsibilities in the implementation of the Special Initiative, and the lead role in some specific activities. He emphasized that the renewal process under way in ECA responded to the need to meet the increasing demands of member States for greater value for money, cost-effectiveness and economy in the way the UN delivered its services.

The ECA Executive Secretary said that the Conference was the first opportunity to discuss with Ministers the Commission's plans for a major renewal. Excellence, cost-effectiveness and partnership were the cornerstones of the ECA renewal process, the centrepiece of which was the reform of its programmes. Twenty-one areas of concentration in nine subprogrammes would be consolidated into five core themes: facilitating economic and social policy analysis; ensuring food security and sustainable development; strengthening development management; harnessing information for development; and promoting regional cooperation and integration. Two cross-cutting themes were gender and capacity-building. Other components of the process consisted of a significant reorientation in Commission services to member States and the reform of ECA modalities of implementation. To that end, there would be more use of electronic means of communication; improved dissemination of Commission products; improved country targeting and closer links with African ambassadors in Addis Ababa; fewer policy reports and fewer but more global-oriented meetings; and closer work with member States to rationalize ECA-sponsored institutions to avoid superfluity and ineffectiveness.

The Conference of Ministers was preceded by the seventeenth meeting of the Technical Preparatory Committee of the Whole (Addis Ababa, 30 April-3 May), which discussed the renewal programme at ECA and the 1998-2001 medium-term plan, the economic and social situation in Africa in 1996, the UN System-wide Special Initiative on Africa, and the action plan for exploiting information technology to accelerate socio-economic development. Participants also discussed progress reports on preparation and follow-up to international and regional conferences and programmes, and the progress report on the implementation of the Abuja Treaty estab-

lishing the African Economic Community. The Committee examined programme evaluation and issues from subsidiary bodies calling for action by the Conference of Ministers. It also held a panel discussion on the Framework Agenda for Building and Utilizing Critical Capacities in Africa.

The Conference of Ministers reviewed, amended and adopted the Committee report [E/ECA/CM.22/13], including the draft resolutions and decisions annexed to it. It welcomed the proposal by the Executive Secretary to prepare a report on biennializing the meetings of the Conference of Ministers for consideration at its next meeting, taking into consideration all the implications of such a proposal. It also adopted a motion on the decoration of the new UN Conference Centre in Addis Ababa.

The Conference of Ministers held a high-level forum on "Public expenditure and the poor in Africa". The forum, stressed [E/ECA/CM.22/CRP.4] the need for Governments to increase the production capacities of the poor and to refrain from giving them handouts. It emphasized the need for institutional poverty arrangements aimed at helping the poor to help themselves, and suggested follow-up actions to help eradicate poverty in Africa.

## **Economic and social trends**

### **Economic trends**

According to a summary of the survey of economic and social conditions in Africa in 1996 [E/1997/41], the region's gross domestic product (GDP) recorded a growth rate of 3.9 per cent, compared to a revised rate of 2.7 per cent in 1995, the highest since the start of the decade, and resulting in the first turn around in per capita income in almost a decade. The high performance was attributable to the positive effects of economic reforms and the deepening of market-based, private-sector-driven policies, favourable weather conditions and a significant rise in export revenue, particularly in oil-exporting countries. Beverage-exporting countries registered the highest growth, of 4.8 per cent, down 1 per cent compared to 1995, while mineral exports rose to 3 per cent, compared to 2.8 per cent the previous year. The economies of both oil-exporting States and non-oil exporters expanded significantly, by 4.2 and 3.8 per cent, compared to 3.1 per cent and 2.4 per cent respectively in 1995. Output in the agriculture and mining sectors increased appreciably, while there was significant deceleration in the manufacturing sector. However, Africa's position in international trade and

output remained insignificant. Its share of world output was about 2 per cent, and its trade share fell from 5 per cent in 1980 to 2.2 per cent in 1996.

Value-added in the mineral sector increased from -0.2 per cent in 1995 to 6.6 per cent in 1996, due to the increase in prices on the international market for crude oil, gold, iron ore and phosphates, although production volumes remained virtually stable except for crude oil, which enjoyed substantial recovery. Gold production decreased in Ghana, Sierra Leone and South Africa owing to internal constraints in the mining industry. However, in Zaire, copper output increased by 40 per cent in 1996, despite chronic economic and social difficulties. Crude oil recovered substantially in terms of production and prices, with output increasing from 353 million tons in 1995 to 369 million tons in 1996.

Growth in manufacturing value-added declined from 4.6 per cent in 1995 to 2.5 per cent in 1996. The output of exportables such as textiles was stymied by the slowdown in the economies of Western Europe and competition from other producers. However, strong performance in manufacturing was recorded for the northern and eastern subregions, with growth rates of 4.2 per cent and 5.3 per cent respectively, due to strong domestic demand and inflows of foreign direct investment. In contrast, growth declined to 1.6 per cent in Central Africa. Although performance was unimpressive in such larger economies as Cameroon, Egypt, Nigeria and South Africa, exceptional growth was recorded for Cote d'Ivoire (6.5 per cent), Tunisia (6.1 per cent), Botswana (5.7 per cent), Senegal (4.6 per cent) and Uganda (4 per cent).

The consumer price index in Africa, with 1990 as the baseline, declined from 35.4 per cent in 1995 to 37 per cent in 1996. Inflation remained in double digits in most countries, in spite of substantial progress in lowering the upward pressure on prices in some countries through fiscal stabilization, reductions in budget deficits as a percentage of GDP, and slowdown in money growth rates.

### **External debt**

The total debt stock of African countries increased by 4 per cent in 1996, to \$340.5 billion, while total debt-service payment declined from \$25.6 billion to \$24 billion, probably due to a further accumulation of arrears. Despite reschedulings and arrangements to reduce the debt burden of the continent, the overhang was large enough to threaten and impede reform efforts aimed at restoring economic and socio-political viability in many African countries. In particular, the disproportionate increase in multilateral debt intensified the problem of the debt overhang in

the region and rendered the process of debt renegotiation more intractable.

The ECA Technical Preparatory Committee of the Whole suggested that ECA study the link between Africa's external debt and external trade, assess the impact of the devaluation of the CFA franc, and undertake a prospective analysis of the effects the single European currency (Euro) would have on economies in the franc zone.

### Agriculture

Agriculture recorded a growth rate of 5.2 per cent, the highest in the decade, and was a strong factor behind the continued recovery in the region in 1996. Among the food groups, cereal production was the major contributor to the recovery, notably in north, eastern and southern Africa, where output increased considerably. In West Africa, the results were less spectacular because of inadequate rainfall and infestations of locusts and crickets in Mali and the Niger, while in Central Africa cereal production stagnated. The production of roots and tubers, estimated at 135 million tons, remained unchanged from the 1995 level. Cocoa production increased 6 per cent over the previous year to an estimated 1.6 million tons, with a bumper crop in Cote d'Ivoire, which increased output to 0.86 million tons, from 0.81 million in 1995. Similar trends were observed in Ghana and Nigeria. Tea and tobacco production remained relatively constant.

Ongoing reforms and good weather were responsible for the vigorous rebound in the sector. There were also notable policy thrusts directed towards diversification and food self-sufficiency. An improved supply of modern inputs, such as seeds and fertilizer, and the privatization of State farms enhanced agricultural output. Those measures, however, were rather limited. Countries with structural food deficits continued to require food aid. Preliminary projections put the regional food deficit at an estimated 10.5 million tons, a significant improvement over the 20 million figure of the Food and Agriculture Organization of the United Nations (FAO), but worrisome all the same.

### Trade

Africa's terms-of-trade index, with 1990 as the baseline, was up 4.5 per cent in 1996, as against 1.5 per cent in 1995. Export earnings rose by 8.7 per cent, compared to 11 per cent the previous year. Terms of trade registered a robust 4.6 per cent improvement in 1996, with the unit value index of exports increasing by 4.7 per cent, against a 0.1 per cent increase in the unit value of imports. Export receipts increased by some 9 per

cent, spurred by a 4 per cent rise in volume and a 5 per cent increase in prices. On the other hand, imports grew more rapidly, at 10 per cent, 9 per cent of which was due to increase in volume. The terms-of-trade effect was still negative, at 11.6 per cent of real exports, while GDP, adjusted for negative terms of trade, showed a loss of 2.6 per cent. Oil-exporting countries benefited from higher export earnings, with receipts increasing by 23.3 per cent, reflecting a 19 per cent terms-of-trade improvement. Non-oil-exporting countries experienced a mere 1 per cent increase in their terms of trade, with a 5 per cent decline in export earnings. That was brought about by a 17 per cent decrease in beverage prices, 11 per cent in metals and minerals and 3 per cent in agricultural raw materials. An excessively large negative balance of \$ 15.8 billion in the service sector led to a current account deficit of \$17.4 billion. External financing of \$20.8 billion was needed to cover the overall deficit of \$ 19.7 billion and allow for an increase in the reserve of \$1.1 billion.

Exports and imports continued to influence significantly the region's economy, both in terms of magnitude and product mix. With exports alone accounting for a quarter of regional GDP, and imports providing a fifth of the domestic supply, Africa had become the most open of all the regions in the world, except for the East Asia and Pacific rim subregions. The extensive trade-liberalization and exchange-rate reforms implemented across the continent since 1990 had yet to trigger a vibrant export base and rapid economic growth, or reduce the current account deficits to a sustainable level.

### Subregional economic performance

In 1996, all subregions, except southern Africa, registered GDP growth rates in excess of the regional average. Central and North Africa registered the highest GDP growth rate—4.4 per cent. They were followed by East Africa, 4.3 per cent, and West Africa, 4.2 per cent, with southern Africa registering the lowest rate, at 3 per cent. Sub-Saharan Africa as a group, with Nigeria and South Africa excluded, registered a 2.5 per cent growth rate, compared to 4.2 per cent in 1995, while the growth rate in the Sahel zone contracted from 4.1 per cent in 1995 to 4 in 1996. At the national level, the 33 least developed countries (LDCs) registered a growth rate of 4.5 per cent; 11 countries either equalled or surpassed the growth target of 6 per cent, and only two countries showed a negative performance.

### Policy developments

In 1996, many African countries persisted in reforming and re-engineering their economic environments, by reducing the predominant role of the State in the production process, replacing policies inhibiting the private sector by more market-friendly regulations, and striving to revitalize the social sector, minimize waste of human and natural resources, promote popular participation and democratic governance, focus world attention on Africa's needs for a more supportive international economic environment, and reinforce efforts at conflict prevention and resolution. Still, there were concerns about the region's socio-economic transformation and sustained development in the medium term, given the persistence of anachronistic production structures and deep-rooted economic malaise. Growth was constrained by factors such as internal social disarticulation at almost all levels of production, a weak and undiversified production base, economic delusion and a fragmented domestic factor and product markets, a low level of endogenous human resource development and capacity utilization, and weak physical, institutional and technical capacities. Sustaining and reinforcing the current economic growth momentum in the context of poverty-alleviating strategies remained a major policy challenge to African countries. Governments were also aware that effective mobilization of domestic and external resources was crucial for long-term sustained development, and that they needed to redouble their efforts to redefine their strategies for doing so and for ensuring efficient management and judicious allocation of those resources. A compelling related policy perspective was the creation of a more enabling environment for attracting foreign direct investment. African Governments needed to place themselves in such a way that they and the private sector would be able to mobilize the resources needed to finance additional investment by reducing inefficiency and creating an environment conducive to the retention of savings, by reversing capital flight and by encouraging savings through policies and incentives.

### Economic and technical cooperation among developing countries

On 8 May, the ECA Conference of Ministers welcomed a proposal by ECA to organize a meeting bringing together UN regional commissions and relevant specialized agencies, development banks of developing countries, subregional economic communities and countries that were not yet members of such communities, business organizations, African regional and subregional institutions, centres of excellence on South-South

cooperation, research and scientific centres and other organizations and personalities concerned with economic and technical cooperation among developing countries (ECDC/TCDC), with a view to providing a framework of action and to formulating specific ECDC/TCDC projects as a significant breakthrough in the history of South-South cooperation and the best way forward out of the prevailing difficult economic situation. It called on the ECA Executive Secretary to proceed with the organization of the conference, to act as focal point and take the lead in drawing up the work programme, and to work out a programme of action to sensitize African officials to ECDC/TCDC. It invited the Administrator of the United Nations Development Programme (UNDP) and multilateral and bilateral donors to consider financing the conference and related programmes.

### Social trends

Despite attempts to reduce political instability and civil unrest, the overall social situation in Africa remained daunting in 1996. Social conditions in the region were worsened by the population growth rate, twice the world's global average (2.8 per cent against 1.5 per cent), while at the same time the efforts of Governments to reduce their budget deficits had entailed disproportionate reduction in activities that would have ameliorated the social situation. Cutbacks in expenditures on education and health reduced the capacity of countries to empower and graduate their people into productive work forces. However, some countries had started developing wide systems of social safety nets and specific pro-poor policies. The decline in governmental investment reduced employment generation in the public and private sectors, although the ongoing programme of privatization pursued by several countries might have helped generate employment to compensate for governmental lay-offs. The economic and social crisis did not help to reduce political tensions and civil unrest. Civil, religious and ethnic conflict continued to claim thousands of lives in Algeria, the Great Lakes region, the Horn of Africa, Somalia and the Sudan. The large number of refugees and huge population movements disrupted the orderly development process in the source countries, while imposing heavy costs on the recipient countries. Though a number of countries were taking measures to create a conducive political environment through improved governance, more needed to be done to overcome the increasingly adverse plight of the people.

### Activities in 1996

In 1996, ECA activities focused on promoting African economic and social development through the formulation of plans and strategies, strengthening development institutions, and providing technical assistance to member States and intergovernmental organizations. The Commission's substantive work was directed towards development issues and policies, trade, regional economic cooperation and integration, poverty alleviation through sustainable development, development administration and management, human resources and social transformation, statistical and information systems development, natural resources and energy development, infrastructural and structural transformation, and women in development.

### Development policy and regional economic cooperation

ECA activities concerning development issues and policies included advocating economic and social policies, articulating plans and strategies, strengthening development institutions and providing technical assistance to intergovernmental organizations. Its five new programme directions covered economic and social policy analysis, food security and sustainable development, development management, information for development, and regional cooperation and integration. ECA activities in research and analysis focused on policy analysis and development, particularly with regard to improving mechanisms for the appraisal of socio-economic conditions. A major effort was the support of financial sector reform by reducing financing repression; restoring bank solvency; and improving financial infrastructure, exchange and interest rate management policies, development of capital markets and the effectiveness of monetary reform policies. The UN System-wide Special Initiative on Africa was unveiled in 1996 (see PART THREE, Chapter III). The Commission discharged its responsibilities towards implementation of South-South cooperation, poverty reduction through promotion of the informal sector, employment-generating opportunities and internal resource mobilization.

The strengthening of regional economic groupings at the sectoral level went hand-in-hand with institution-building across the board, in addition to supporting African countries in debt management and taking advantage of the World Trade Organization's Plan of Action for the Least Developed Countries. Supporting policy measures and actions to foster regional cooperation and integration was a high priority for ECA, which supported the preparations for the June and No-

vember meetings of the African Economic Community (AEC). ECA was also the executing agency of a UNDP-funded project, launched in November, aimed at promoting Africa's economic cooperation and integration through the establishment of AEC. Also in cooperation with UNDP, ECA initiated a programme of assistance in rural and agricultural development in some member States, which would soon be extended to others.

### African recovery and development

At its 1996 meeting, the ECA Technical Preparatory Committee of the Whole noted that since its last meeting an evaluation [E/ECA/CM.22/10/Add.2] of the UN New Agenda for the Development of Africa in the 1990s (UN-NADAF) had been conducted by the Joint Inspection Unit (JIU), and the UN System-wide Special Initiative on Africa had been launched. The JIU evaluation stated that the New Agenda was still little known within the African region and within the UN system, and had thus far had no impact on the ground four years after it had been launched. It made recommendations on promoting the Agenda, reducing the cost of technical cooperation, supporting subregional integration, strengthening UN-NADAF implementation, and supporting conflict prevention and management.

The Committee noted that member States were experiencing very difficult economic problems which hindered the implementation of UN-NADAF. It recommended that UN Headquarters be urged to allocate more funds to the secretariat of the Inter-Agency Task Force for the implementation of UN-NADAF activities. It also recommended that the Multinational Programming and Operational Centres (MULPOCs) be strengthened to carry out activities for implementing UN-NADAF more effectively, and to that end ECA should mobilize more extrabudgetary resources. It stated that the recommendations of the JIU evaluation were in line with the ECA strategic vision (see PART THREE, Chapter III).

The Committee welcomed the UN System-wide Special Initiative on Africa, launched on 15 March, considering it timely and opportune. It called for enhanced cooperation and collaboration among UN agencies to avoid duplication of effort, including at the country level. It called for maximum networking among UN agencies at the country level in implementation of the Initiative, for intensive collaboration among members of the joint secretariat of OAU/ECA/African Development Bank (ADB), and for the involvement of the subregional groupings in the formulation, design and implementation of programmes and projects under the Initiative. It underlined the need to make use of country experts in various

elements of its implementation, and requested that due balance be struck between national and subregional concerns in the Initiative.

On 8 May, the ECA Conference of Ministers endorsed the Special Initiative and called on the international community, particularly the UN system, to support African countries to enable them to realize fully its objectives and targets. It requested the ECA Executive Secretary to harmonize the monitoring, evaluation and reporting related to the Initiative and UN-NADAF (for more details, see PART THREE, Chapter III).

#### Framework Agenda for capacity-building

In May, the ECA Technical Preparatory Committee of the Whole considered a draft [E/ECA/CM.22/12] of a Framework Agenda for Building and Utilizing Critical Capacities in Africa. The draft was divided into two parts: the first gave a brief outline of concepts and definitions and the imperative of capacity-building, articulated the objectives of the Framework, explained the process of its formulation, indicated some lessons and guiding principles in capacity-building, and discussed strategies for implementation; the second presented an analysis of the situation regarding capacity-building in 10 priority areas in Africa, each followed by an action matrix indicating policy measures required in each area, what African countries should do at the national level, complementary action at subregional and regional levels, and supplementary action by Africa's external partners in support of national actions.

#### ECA support for the African Economic Community

At its 1996 session, the ECA Technical Preparatory Committee had before it a joint ECA/OAU progress report [E/ECA/CM.22/8] on implementation of the Abuja Treaty establishing the African Economic Community, which had entered into force on 12 May 1994 [YUN 1994, p. 682]. The report dealt with the status of the draft Protocols to be annexed to the Treaty, the translation of the Treaty, draft rules of procedures, draft organizational structure of the OAU/AEC secretariat, and consultations between the secretariats of the regional economic communities and the OAU general secretariat.

The Committee deplored the slow progress on the drafting of the Protocols, as well as the preparation of the organizational chart of the AEC secretariat and of the summarized version of the Treaty. It emphasized the need to speed up those processes.

On 8 May, the ECA Conference of Ministers urged member States that had not done so to ratify the Abuja Treaty as a matter of urgency; stressed the need for every African country to become a member of a regional or a subregional community; and requested the regional and subregional communities to institute a programme for the rationalization and harmonization of community trade policies through the unification of trade liberalization instruments within each subregion.

#### Information technology

The ECA Technical Preparatory Committee of the Whole in April/May considered a document [E/ECA/CM.22/6] entitled "Exploiting information technology to accelerate socio-economic development in Africa: an action plan", which addressed the challenges and opportunities of an African information society and outlined the components of an African information society framework. In a proposed Initiative, the formulation of a national information and communications infrastructure plan was called for in every African country. That plan would be driven by national development challenges such as debt management, food security, health, education, population, unemployment, job creation, industrialization, land reclamation, water, tourism and trade, among others. The emphasis would be on supporting decision-making at all levels and providing information and communication infrastructure for government, business and society to enlighten the process of development. The Initiative also proposed cooperation, linkage and partnership between African countries to share the success of accumulated implemented experiences and stimulate development in various information and communication fields. It also called for bilateral and regional mechanisms to stimulate cooperation between African countries and for support and partnership with the friends of Africa, including bilateral and multilateral development agencies, regional economic organizations and the private sector.

The Committee noted that, in implementing the action plan, due attention should be given to the development of the information infrastructure of African countries. It observed that the plan seemed too ambitious, and that ECA should approach it on a pilot basis or in phases, as well as play a leading role in sensitizing member States regarding its implementation.

On 8 May, the ECA Conference of Ministers adopted in principle the African Information Society Initiative as an action framework for building Africa's information society, and called on member States to incorporate the Initiative into

their national development plans. It called on ECA, in consultation with member States and other relevant agencies and organizations, to use the Initiative as a guiding framework. It urged member States to utilize the capacities and experiences of national, subregional and regional African centres of excellence in the enrichment and implementation of the Initiative. It requested the Executive Secretary to take action, in particular mobilizing funding and technical assistance, to realize the goal of the Initiative; incorporate the action framework into the secretariat's work programme; set up a regional mechanism to assist in development and follow-up and coordinate the implementation of the programmes and projects of the Initiative; establish a gender-balanced African technical committee to advise on programmes and projects and to evaluate results; and ensure that the gender dimension was integrated into the policy document "African Information Society Initiative" to respond to the needs of both women and men.

The Initiative was launched at the Information Society for African Development Conference, held in Midrand, South Africa, from 13 to 15 May. It was also endorsed by the African Regional Telecommunication Development Conference (Abidjan, Cote d'Ivoire, May), and by the OAU Council of Ministers (Yaounde, Cameroon, 8-10 July). The Initiative coordination meeting, held in Addis Ababa from 21 to 23 October, drew up implementation plans for partnership activities and decided on the distribution of lead agency roles.

#### Statistical and information systems

The Conference of African Planners, Statisticians and Population and Information Specialists, at its ninth session (Addis Ababa, 11-16 March) [E/ECA/PSPI.9/24], discussed statistical needs assessment and strategy development: the African experience; building Africa's information highway; progress on the implementation of the Dakar/Ngor Declaration on Population, Family Planning and Sustainable Development and the Cairo Programme of Action; and implementation of short-term forecasting systems for policy design and economic management in individual African countries. Its Population, Planning, Statistics and Information Committees discussed and made recommendations relating to specific issues in their areas of activity.

ECA's work in statistics had been defined by the Addis Ababa Plan of Action for Statistical Development in Africa in the 1990s, adopted by ECA in 1991 [YUN 1991, p. 304]. In 1996, ECA's work in statistical and information systems development con-

tinued to include the expansion and improvement of the regional statistical database to support the analysis and monitoring of poverty; and assistance to national statistics services in the development of socio-economic and environmental data. ECA planned to establish a household data archive/data service centre which would store and disseminate data on household, community and other data sets and facilitate the exchange of data and analytical experiences. It organized a regional workshop on statistics on services in the informal sector (Addis Ababa, 17-21 June), a training workshop on international trade statistics in cooperation with the UN Statistics Division (Addis Ababa, 23-27 September), and a workshop on the 1993 System of National Accounts and its implications for North African countries (Tangiers, Morocco, June).

Advisory services were provided through missions to Algeria, the Comoros, Ethiopia, Kenya, Morocco, Uganda and Zambia. On demographic and social statistics, a regional working group on the recommendations for the 2000 round of population and housing censuses was held jointly with the United Nations Population Fund (UNFPA) country support teams.

#### Public administration and finance

ECA activities in development administration and management in 1996 concentrated on facilitating inter- and intra-regional cooperation among professional management and finance associations and institutions in the design and delivery of public-sector management development and support programmes, especially with the African Centre for Administrative Training and Research for Development and the African Association for Public Administration and Management. ECA regional training workshops, seminars and fellowships underscored the role of local government in enhancing popular participation; the relationships between tax regimes and investment in Africa; the enhancement of interface between government, research institutions and the private sector in capacity development for small and medium-scale enterprises; and public and administrative efficiency. ECA also mounted advisory missions on various aspects of national and administrative development.

#### International trade and development finance

ECA activities in international trade and development finance were geared towards revitalizing African domestic and external trade and strengthening intra-African trade.

On 8 May, the ECA Conference of Ministers, noting the low level of intra-African trade, en-



dorsed the ECA Plan of Action for the development of intra-African trade; it called on African countries fully to support and implement the eight-year Plan of Action, and on chief executives of regional business organizations to cooperate and coordinate efforts in implementing the Plan of Action. It called on UNDP and multilateral and bilateral donor agencies to support the Plan of Action and provide resources for the funding of related programmes.

ECA and the African Economic Research Consortium organized a dissemination seminar on regional integration and trade liberalization in sub-Saharan Africa (Addis Ababa, 10-11 October). The seminar's aim was to review and disseminate research undertaken by the Consortium in the area of regional integration and trade liberalization.

### **Industrial development**

Efforts continued in 1996 to diversify Africa's industrial production base through measures to consolidate the privatization of the industrial sector, through the promotion of small and cottage industries, and through support to entrepreneurship development of small and medium-scale industries. Guidelines, legal procedures and modalities for negotiation and investment promotion of multinational industrial projects were made available to member States. ECA promoted private-sector involvement in manufacturing industries for road and railway equipment, machinery, plants and components. A database and network for African industrial and technological information and performance monitoring data was established.

On 8 May, the ECA Conference of Ministers appealed to African countries and intergovernmental organizations to ensure full implementation of their national and subregional programmes for the second Industrial Development Decade for Africa (1991-2000). It called on African countries that had not done so to revise their national programmes, in cooperation with the private sector, and concretize their industrial projects for implementation, as well as to prepare action-oriented plans for their realization and implementation, including the establishment of corresponding institutions for their implementation. It called on countries to include the programme of the Decade in their national plans and to set up national follow-up committees, as well as to take policy, institutional and other measures to ensure implementation of sustainable industrial development through the Decade's programme by promoting a cleaner-production approach to industrial project investments and the application of the environmental impact assessment to

industrial project investments proposed in the second Decade's programme. It urged international development finance institutions, particularly the World Bank, the Arab Bank for the Economic Development of Africa, ADB and African subregional banks and funds, to allocate substantial resources to implementing the Decade's programme at the national and subregional levels. It dissolved the functions of the Committee of Ten and requested the joint secretariat to assist the bureau of the Conference of African Ministers of Industry and the Decade's national committees to follow up on the implementation of the Decade. It requested the ECA Executive Secretary, the Director-General of the United Nations Industrial Development Organization (UNIDO) and the OAU Secretary-General to undertake follow-up actions for promoting the Decade at the international level.

The Conference adopted as the theme for Africa Industrialization Day in 1996 the mobilization of financial resources, and for 1997 the promotion of small and medium enterprises/small and medium industries. It appealed to the General Assembly to allocate increased resources to ECA to enable it to support African countries in their efforts to implement the Decade's activities, and called on African countries to ensure the successful implementation of their national Decade programmes, particularly the establishment of an enabling environment to ensure the private sector's participation in the implementation of the programme and the attraction of investments in identified industrial projects. It requested African countries, ECA, UNIDO and OAU to undertake in 1997 a mid-term evaluation of the implementation of the Decade's programme at national, subregional and regional levels and to report to the Conference at its next meeting. It requested the Executive Secretary and the UNIDO Director-General to accord high priority to organizing subregional and national investment forums and to utilizing African consultants in Decade-related activities; to hold subregional meetings on revision, concretization, evaluation and assessment of the Decade's programmes and to elaborate action plans for their implementation; and to report on the implementation of its requests at the next meeting of the Conference of African Ministers of Industry.

Also on 8 May, the ECA Conference of Ministers called on African countries to create and maintain an enabling environment for private-sector development, the growth of private capital inflows and the mobilization of domestic resources. It invited Africa's development partners to support the improvement of investment conditions for domestic and foreign investors through increased resource

flows, debt-relief programmes and support to the efforts of African countries to improve their financial intermediation capabilities. It requested UN system agencies to continue providing to African countries technical and financial assistance to promote the private sector and private investment. It called on African States and organizations to accord priority to the development of industrial skills in national human resource development programmes, and to strengthen human resources development support institutions. It urged Governments to formulate policies geared towards increasing the participation of women in industrial development.

Noting that women accounted for 52 per cent of Africa's human resources, the ECA Conference of Ministers on 8 May called on Governments and socio-economic partners to enhance women's contribution for Africa's industrial development, among other things, by enhancing the role of women as producers, by promoting their access to education for entrepreneurship, by facilitating business creation by women, by promoting services to relieve women's dual family and professional burden, and by strengthening associations of women entrepreneurs.

### **Transport and communications**

Activities in transport and communications focused on assisting member States and intergovernmental organizations with their structural and infrastructural programmes. ECA implemented programmes on a regional transport database; a transit highway; manufacture of transport and communication equipment; and human resources and institutional development. It provided advisory services to Nigeria on a regional transport database; to the Djibouti-Ethiopian railways corporation in drawing up guidelines for restructuring; to Central African States in harmonizing navigation regulations in inland waters; and to Cameroon in a project on manufacturing transport equipment. ECA organized meetings, conferences and seminars on road safety; on restructuring parastatal organizations and governmental institutions and financing policies and practices in transport and communications; and on aspects of the Second United Nations Transport and Communications Decade in Africa, 1991-2000.

ECA in 1996 continued activities aimed at implementing the programme for the Decade. Efforts focused on facilitating inter-State institutional reforms and improving human resources and other capacities through a regional programme on human resources and industrial development, and a transport data project. ECA assisted member States to establish national

transport and communication databases, and to adopt standardized methodologies for data collection and performance data indicators.

The ECA Technical Preparatory Committee of the Whole in May noted the six primary objectives of the Decade's programme designed to establish an integral transport and communications system in Africa; outlined the national and subregional mechanisms set up for implementing the programme, emphasizing the need for strengthening such mechanisms; and advised that efforts would be made to study and adopt alternative approaches for stimulating the development of transport, communications and industry. Several delegates observed that the Decade's programme had been used as a framework for developing their national and regional infrastructure.

### **Tourism**

On 8 May, the ECA Conference of Ministers adopted a wide-ranging resolution on tourism development in Africa, with emphasis on regional integration, and socio-economic and cultural development. The Conference made specific recommendations for each of Africa's subregions, and addressed the promotion of trade, African tourism and inter-State circuits, and establishment of tourism programmes inspired by African culture and of cooperation mechanisms at the level of policies and development activities that would enhance opportunities for integration. It called for the promotion of an African tourism product and the pooling of resources available for tourism with a view to establishing professional training institutions. It called for the elaboration of a protocol on the development of the tourism sector as an annex to the Abuja Treaty; for the organization of a second African tourism fair; for the establishment of autonomous government departments concerned specifically with the tourism sector; for the strengthening of the ECA tourism unit to enhance its effectiveness in addressing the increasing need of member States for technical assistance; and for allocation by Governments of credit lines in national budgets to speed up the development of tourism. ADB was called on to include loans for tourism development in its lending portfolio. ECA was requested to convene a meeting of ministers of tourism, transport and aviation, including concerned international and national organizations and associations, to enhance the contribution of air transport to the promotion and development of tourism. ECA was to study, in cooperation with the World Trade Organization, the implications of the General Agreement on Trade in Services on tourism de-

velopment; and to work, in cooperation with the European Union, towards harmonizing the contractual relations between European tourism operators and their African partners, mainly regarding the business relationship for tourism services. ECA was requested to facilitate implementation of those arrangements and to extend technical assistance to member States and relevant organizations.

A Conference of African Ministers Responsible for Trade, Regional Cooperation and Integration and Tourism was held in Addis Ababa from 14 to 16 February.

### **Science and technology**

In promoting science and technology development and application, ECA continued to convene meetings and undertake studies and advisory services designed to formulate and execute strategies, policies and programmes to stimulate scientific progress and technological breakthrough as a tool for Africa's economic and social integration. Technical assistance for the development of national science and technology policy was provided to Botswana in April and July. ECA held a regional workshop on food irradiation to control food losses and food-borne diseases and facilitate food trade (Rabat, Morocco), and a workshop on science and technology policy dialogue in Africa (Dakar, Senegal). In accordance with a 1995 decision of the first African Regional Conference on Science and Technology [YUN 1995, p. 998], the first meeting of the West African Subregional Conference on Science and Technology was held in Yamoussoukro, Cote d'Ivoire, from 8 to 11 May.

On 8 May, the ECA Conference of Ministers noted that a more proactive approach to science and technology development was needed, especially its link to industrialization. It urged member States to participate at the highest level of decision-making in the work of the upcoming second African Regional Conference on Science and Technology and ensure its continuity; set up or review their science and technology policy and machinery and translate them into legislation for their application; put in place an incentives regime to foster scientific progress and technological innovation; strengthen their technological and financing capacity through, among other things, the use of foreign direct investment; accelerate technology acquisition, absorption and assimilation; and create a strong governmental unit to design and manage a more discriminating technology transfer, carry out technology assessment and forecasting and support entrepreneurs in their foreign technology transactions. States were urged to put into place an enabling environment

by redoubling their efforts in capacity-building to better apply international technologies by pursuing structural economic reforms, better absorb needed technologies, better exploit technological complementarities and participate more in the regional and global economy. States should implement policies to curb the brain drain and benefit from African nationals working abroad; implement the protocol on science and technology of AEC; strengthen the acquisition and application of nuclear science and technology; build and periodically update a series of science and technology indicators to provide information on the design of science and technology policies and to monitor progress; empower women through their participation in science and technology activities; and intensify the teaching of mathematics, science and technology at primary and secondary levels through reform of curricula. The Conference resolved to create five regional subconferences on science and technology and to support fully ECA activities in that area. It called on the UN system to intensify cooperation with ECA and assistance to African countries and organizations in promoting the development of science and technology on the continent. It expressed support for ECA efforts in the search for funds to execute extrabudgetary projects in the priority areas identified by the Conference.

### **Natural resources, energy and cartography**

ECA continued to promote the development and management of energy, water, mineral and marine resources, as well as cartography and remote-sensing services. An ad hoc expert group meeting was held on guidelines for natural resources and energy development in Africa, with emphasis on privatization and deregulation (Addis Ababa, 14-16 October). The ad hoc group outlined criteria that should be incorporated into national policies to allow privatization and deregulation to proceed in a manner congruent with Africa's development priorities and sectoral needs. The criteria should also guide the elaboration of general as well as sectoral specifications.

The ninth United Nations Regional Cartographic Conference for Africa (Addis Ababa, 11-15 November) urged maritime African States and those with navigable waters to support the establishment of regional hydrographic and nautical charting facilities and to cooperate in the establishment of regional data standards. In September, ECA co-organized and hosted the first meeting of the FAO AFRICOVER Working Group on geometry and cartography. The meeting agreed on main standards concerning datum and a geodetic network and developed detailed technical specifications for their implementa-

tion. The results of the Working Group were endorsed by the ninth Cartographic Conference.

The ECA Conference of Ministers on 8 May requested ECA to study selected minerals with a view to providing member States with information that could be used in establishing mineral development policies, strategies and programmes. It called on member States to adopt policies to encourage further processing of their minerals, and to put in place policies, strategies, incentives and instruments to encourage local entrepreneurs to participate more effectively in the development of mineral resources. It recommended that ECA carry out studies on privatization relating to the development of the minerals industry and African macroeconomic frameworks as they affected the performance of the industry, and that member States establish national electronic databases on mineral resources development and utilization. ECA was requested to study the standardization of formats of the electronic databases, and to commission a team of experts to study the various models and instruments for promoting small-scale mining. ECA, in collaboration with OAU, should convene a meeting of subregional economic groupings to agree on the creation of mechanisms to promote cooperation in minerals sectors and formulate an agreement in that area. The Conference of Ministers urged ECA to assist member States in the preparation of investment codes in the minerals and energy sectors, and proposed that a decade be proclaimed for the development of minerals industries in Africa. It called on the UN Secretary-General to strengthen the ECA department responsible for mineral resources development and utilization by providing adequate financial and human resources.

In another 8 May resolution, the ECA Conference of Ministers recommended that African States continue to formulate and implement coherent energy strategies, tailoring them to meet the needs and aspirations of their populations for socio-economic betterment, and to establish legal, fiscal, and financial incentives, credit mechanisms and physical infrastructure to facilitate access to energy by low-income consumers. It urged States to initiate actions, including sectoral reforms and private-sector participation, to improve energy efficiency, production and supply and to allow their energy institutions greater autonomy to make them competitive. It urged States to establish and strengthen specialized government agencies, in collaboration with non-governmental organizations (NGOs), to handle rural electrification and increase energy supply; to develop new and renewable energy and increase productive activities with a view to alleviating poverty; to initiate the local manufacture of turbines and generators for mini-hydropower, as

well as to set up manufacturing plants for equipment to utilize renewable energy resources; and to provide financial and technical assistance to small- and medium-scale energy users in the industrial and agricultural sectors in accessing energy and related equipment and appliances. It recommended that the African Energy Commission be provisionally established until the time was opportune for its creation, and called on ECA and other organizations to establish energy networks for the exchange of information.

### **Food and agriculture**

ECA activities in food and agriculture concentrated on food security and food self-sufficiency. The alleviation of rural poverty with added emphasis on its gender implications and environmental protection, in particular the conservation of land, water and forests, were of high priority for ECA. The coordination, harmonization and rationalization of food-security programmes under the theme of regional integration remained an overarching goal. Policy implementation, analysis, research and dissemination of best practices were pursued. An ad hoc group meeting on measures for increased production and utilization of non-conventional food resources as a source of food was held in Addis Ababa from 4 to 6 November.

ECA also undertook the financing and implementation of projects within the framework of the FAO Regional Convention on Fisheries Cooperation among African States Bordering the Atlantic Ocean, the modernization and harmonization of the agricultural sector in West Africa, and the coordination and harmonization of food and agricultural policies, strategies and production in North and southern Africa. It also provided advisory services in agriculture to the Economic Community of West African States technical community. ECA project delivery also included managing the consequences of post-harvest losses; coping with the effects of the 1975 Lome Convention between the European Economic Community and the African, Caribbean and Pacific States [YUN 1975, p. 330] and the Uruguay Round Agreements on the food and agricultural sector, with emphasis on food security and measures to ensure sustainable production and marketing; and strengthening cooperation in agricultural development with subregional, regional, intergovernmental, non-governmental and international organizations, and with the UN system in poverty reduction.

### **Sustainable development and the environment**

The first Conference of African Ministers Responsible for Sustainable Development and the Environment (CAMSDE) [E/ECA/CAMSDE/16] was

held in Addis Ababa on 8 and 9 March, preceded by a meeting of the Committee of Experts from 4 to 7 March. The theme of the Conference was "Facing the challenges of sustainable development and environment in Africa". The Conference adopted guidelines for monitoring the progress made in building critical management capacities for sustainable development in Africa as a framework instrument for harmonizing relevant activities in the region. It urged member States to carry out continuous monitoring and evaluation as an integral part of the activities of their national Agenda 21 programmes and establish a national database for such a purpose. It encouraged them to establish a geographic information system to enhance national data collection and environmental monitoring. The Conference called on the international community to accord special consideration to African countries whose economic and social conditions had been aggravated by the influx of refugees, and requested that additional international financial and technical assistance be given to countries of asylum for the rehabilitation of areas suffering from environmental degradation due to the influx arid presence of refugees.

The Conference requested the ECA Executive Secretary to consult with the secretariats of the African Ministerial Conference on the Environment (AMCEN), OAU and the United Nations Environment Programme to reach agreement on the issue of the scope of activity of AMCEN and CAMSDE. In response to that request, the Executive Secretary on 1 May submitted a report [E/ECA/CM.22/11/Add.2] on the results of those consultations.

On 8 May, the ECA Conference of Ministers decided that the Conference would subsume the functions of the intergovernmental Regional Committee on Human Settlements and Environment, which it abolished, and requested the ECA Executive Secretary, the Ministerial Follow-up Committee of Fifteen or the Bureau of CAMSDE to make recommendations to the regular session in 1998 of the Conference of Ministers responsible for economic and social development and planning for a final decision on the status of CAMSDE vis-a-vis AMCEN, on the basis of the outcome of the seventh session of the latter in 1997.

### **Social development**

In the area of social development, ECA continued to monitor developments in the African social sector through technical reports and collaboration with other UN agencies. Among the studies undertaken were those on: HIV/AIDS and its implications for human development in Af-

rica, which examined the impact of the pandemic on the African social situation and its implications for Africa's long-term socio-economic transformation; and trends and prospects for social security systems in Africa, which analysed the status of formal social security there. ECA continued technical cooperation with its partners in social development.

### **Population**

In 1996, ECA supported member States in implementing the integration of population and sustainable development strategies; empowerment and the status of women; socio-economic support for the family; reduction of fertility and mortality rates and population growth; primary health care and the health sector; health and child survival; women's health and safe motherhood; and population distribution and urbanization. ECA led a mission on programme review and strategy development in Nigeria and Togo, where national population programmes and implementation strategies were defined for each country and gender issues discussed. It also issued a publication on the potential of non-conventional foods as a source of food security.

The first meeting of the Committee of Experts of the First Conference of African Ministers Responsible for Sustainable Development and the Environment (Addis, Ababa, 4-7 March) considered the implementation of the Dakar/Ngor Declaration on Population, Family and Sustainable Development, adopted by the third African Population Conference in 1992 [YUN 1992, p. 476]. It requested ECA to prepare, every other year, an analytical report reviewing those factors that militated against the implementation of the Dakar/Ngor Declaration and proposing solutions to those constraints and problems. It also requested the ECA secretariat to undertake a more comprehensive evaluation of the implementation of the Declaration.

The ECA Technical Preparatory Committee of the Whole in May requested OAU, ECA and ADB to intensify their cooperation and to assist ECA member States to implement the Declaration and the 1994 International Conference on Population and Development (ICPD) Programme of Action [YUN 1994, p. 956].

### **Human settlements**

In 1996, ECA finalized the regional report on the state of human settlements in Africa, comprising a review of current regional trends and their impact on policies and programmes, and a review of contributions to the implementation of the Global Strategy for Shelter to the Year 2000,

adopted by the General Assembly in 1988 [GA res. 43/181].

In March, the Conference of African Ministers Responsible for Sustainable Development and the Environment requested ECA member States to make human settlements a development priority and to mobilize resources for the formulation and pursuit of human settlement policies, with a view to reducing the imbalance between rural and urban areas. It invited ECA to approach international institutions for assistance for member States in formulating and implementing a coherent physical planning policy in the human settlements sector. It urged African countries to reflect the African common position, adopted in Johannesburg, South Africa, in 1995 [YUN 1995, p. 1001] on the draft Habitat Agenda, in the major documentation of the 1996 United Nations Conference on Human Settlements (Habitat II) (see PART THREE, Chapter VIII).

The ECA Technical Preparatory Committee of the Whole in May noted the role played by ECA in Africa in the preparatory process for Habitat II and in preparing an African common position. It urged African countries to participate effectively in the Conference, support the regional position and ensure its incorporation in the global Habitat Agenda. With regard to the future of the United Nations Centre for Human Settlements (Habitat), the Committee requested African Governments to support its strengthening, asking the ECA Executive Secretary to use his position as coordinator of the regional commissions to mobilize political and diplomatic support for its future existence.

### Integration of women in development

In April/May, the Technical Preparatory Committee reviewed follow-up to the implementation of the Global Platform for Action of the Fourth World Conference on Women held in 1995 [YUN 1995, p. 1170]. The Executive Secretary informed the Committee that he was strengthening the African Centre for Women. Some \$1.5 million of a projected \$5 million had been mobilized to help establish an African women leadership fund. He assured the Committee that the secretariat was coordinating the region's activities in the follow-up to the World Conference. The Committee noted that ECA was in the forefront in the support of gender issues and underscored the need to give special attention to gender issues when formulating development programmes and priorities. It also noted the progress made in various African countries in the follow-up to the Fourth World Conference. It recommended that there should be at least one staff member at each Multi-

(MULPOC) to cover women's issues at the subregional level.

On 8 May [E/1996/35(res.824(XXXI))], the ECA Conference of Ministers, on the recommendation of the Africa Regional Coordinating Committee for the Integration of Women in Development (Addis Ababa, 24-26 April), urged: African Ministers to sensitize their Governments about the need to continue to promote the implementation of the Regional and Global Platforms for Action; OAU, ECA and ADB to play a strong coordinating and catalytic role in their implementation at the regional level; subregional organizations to set up machineries to facilitate their implementing role; and Governments to create, upgrade or strengthen national machineries. It requested ECA: to establish a data bank on national experiences on women, gender and development and disseminate that information for possible replication; involve eminent Africans in campaigns for the implementation of the Global and Regional Platforms for Action; and re-energize the activities of MULPOCs, particularly by allocating sufficient resources to facilitate the coordination of gender programmes in the subregions. It requested the Bureau of the fifth African Regional Conference on Women, in collaboration with ECA and OAU, to play a complementary advocacy role in implementing the Platforms for Action. It recommended to Governments that mainstreaming gender in all sectors of national programmes should be the strategy for implementing the Platforms for Action, and that all ministries should include elements of the Platforms within their sectors and allocate resources for their implementation. It recommended to Governments and development actors that, in the search for resources for implementing the Platforms, competition be avoided through consultations between Governments and NGOs, and that action be taken to reduce waste of resources. It urged ECA to set up a multidisciplinary group of experts to report on the impact of debt and structural adjustment programmes on women and the feasibility of already proposed relief measures; and to create a forum for sharing women's long-term vision and ideas on the community and development within the context of globalization. It urged Governments, NGOs, the private sector and all development actors to ensure scientific and technical literacy for all women and men, to foster equal access to advanced training in science and technology, to promote equal access to information and knowledge to improve the standard of living and quality of life, and to ensure gender equity within science and technology institutions, including policy and decision-making bodies. The Conference of Ministers also approved the modi-

fication in the composition of the membership of the Africa Regional Coordinating Committee for the Integration of Women in Development.

The ECA secretariat produced technical publications on women and peace, traditional and cultural practices harmful to the girl child, and a manual on gender and mainstreaming. It organized meetings to facilitate the renewal of the Africa Regional Coordinating Committee and the subregional bureau for the eastern and southern African subregions. Other meetings were organized to share information and provide guidance to organizations.

### **Programme, administrative and organizational questions**

The ECA Technical Preparatory Committee of the Whole considered the renewal programme at ECA as contained in the document "Serving Africa better: strategic directions for ECA" [E/ECA/CM.22/2] and the proposed medium-term plan for 1998-2001 [E/ECA/CM.22/3]. The document recognized that ECA needed to be reorganized and reformed, in response to changes in Africa, to a series of critical studies about its own operations, and as part of the broader stream of UN crisis and reform, so that it could be more cost-effective and play a more central part in the initiatives for African development. The strategic narrowing of the ECA agenda was based on clear priorities and on its comparative advantages in analysing regional issues, fostering regional cooperation, identifying role models, comparing and harmonizing policies, and compiling and networking development information. Reforms were guided by the principles of excellence, cost-effectiveness and effective partnership. The new focus promoted synergy, responded to new priorities and would strengthen monitoring and evaluation. In the range of policy priorities, reducing poverty was the overriding goal. Another priority was overcoming structural problems, such as distorted macroeconomics, inadequate capital markets, poor infrastructure, a low skills base, and regulations that discouraged investments. The five programme directions on which ECA's work would focus over the next six years were: facilitating economic and social policy analysis and implementation; ensuring food security and sustainable development; strengthening development management; harnessing information for development; and promoting regional co-operation.

The Committee expressed support for the proposals for the renewal of ECA, noting that the programme focus was consistent with member States' priorities. The new orientation should strengthen Commission structures and render it better able to assist countries to meet the challenges of devel-

opment. It would help ECA to concentrate on a few, selected areas, which would enable it to use its scarce resources to achieve greater impact.

On 8 May, the ECA Conference of Ministers endorsed the new orientations of the Commission as outlined in the strategic directions document and the proposed medium-term plan for 1998-2001. It encouraged the Executive Secretary to continue the reform and renewal process of ECA in consultation with member States, and requested him to revise the 1996-1997 work programme to reflect the new orientation of the Commission's work and to ensure a smooth transition in 1997 to the next medium-term plan. The revision should be within resources already approved for ECA by the General Assembly and should pay due regard to the efficiency measures required to implement the relevant decisions of the Assembly regarding the 1996-1997 budget. The Conference appealed to the Secretary-General to request the Assembly to consider the revised work programme in conjunction with its review of the medium-term plan for 1998-2001.

The Committee for Programme and Coordination in June recommended approval by the Assembly of programme 14 (Economic and social development in Africa) of the proposed medium-term plan, taking into account the results of the process of internal restructuring in ECA.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 18 July, the Economic and Social Council adopted **resolution 1996/4**.

#### **New directions for the Economic Commission for Africa**

The Economic and Social Council,

Recalling the terms of reference of the Economic Commission for Africa as adopted by the Economic and Social Council in its resolution 671 A(XXV) of 29 April 1958 and amended in its resolutions 974 D I(XXXVI) of 5 July 1963, 1343(XLV) of 18 July 1968 and 1978/68 of 4 August 1978,

Recalling also the various resolutions that have implications for the mandate and operations of the Commission, in particular General Assembly resolutions 32/197 of 20 December 1977 and 33/202 of 29 January 1979 on the restructuring of the economic and social sectors of the United Nations system, and Assembly resolution 44/211 of 22 December 1989,

Noting its endorsement of Economic Commission for Africa resolution 718(XXVI) of 12 May 1991 on the revitalization of the mandate and operational framework of the Economic Commission for Africa, as well as Commission resolutions 726(XXVII) of 22 April 1992 on strengthening the Economic Commission for Africa to face Africa's development challenges in the 1990s and 779(XXIX) of 4 May 1994 on strengthening the operational capacity of the Economic Commission for Africa,

Bearing in mind General Assembly resolutions 45/177 of 19 December 1990, 45/264 of 13 May 1991 and 46/235 of 13 April 1992 on the restructuring and

revitalization of the United Nations in the economic, social and related fields, in which the Assembly requested the Secretary-General to implement proposed restructuring measures whereby, inter alia, the regional commissions should be enabled fully to play their role under the authority of the Assembly and the Council and, in particular, those regional commissions located in developing countries should be strengthened in the context of the overall objectives of the ongoing restructuring and revitalization process,

Having examined in depth the document entitled "Serving Africa better: strategic directions for the Economic Commission for Africa" and the proposed medium-term plan for the period 1998-2001,

1. Expresses its appreciation for the process of reform and renewal of the Commission initiated by the Executive Secretary of the Economic Commission for Africa;

2. Endorses the new orientations of the Commission, as outlined in the document "Serving Africa better: strategic directions for the Economic Commission for Africa";

3. Also endorses the proposed medium-term plan for the period 1998-2001, bearing in mind that in its implementation due emphasis will be given to the need for greater selectivity and impact;

4. Encourages the Executive Secretary to continue to strengthen the process of renewal and reform of the Commission in consultation with member States;

5. Requests the Executive Secretary, in close collaboration with the Bureau of the Commission, to carry out a revision of the work programme for the period 1996-1997, which has become necessary to reflect the new orientation of the Commission's work and to ensure a smooth transition in 1997 to the next medium-term plan, bearing in mind that the revision must be within resources already approved for the Commission by the General Assembly and must pay due regard to the efficiency measures required to implement the relevant decisions of the Assembly regarding the budget for the period 1996-1997;

6. Appeals to the Secretary-General to request the General Assembly to consider the revised work programme of the Economic Commission for Africa in conjunction with its review of the medium-term plan for the period 1998-2001.

Economic and Social Council resolution 1996/4  
18 July 1996 Meeting 40 Adopted without vote  
Draft by ECA (E/1996/35); agenda item 7.  
Meeting numbers. ESC 38-40.

### Programme evaluation

The Technical Preparatory Committee of the Whole considered a progress report [E/ECA/CM.22/10] on programme evaluation in ECA, which presented the results of programme evaluation studies relating to subprogrammes on trade, regional economic cooperation and integration; poverty alleviation through sustainable development; human resources development and social transformation; natural resources and energy development; and women in development. It also considered two additional reports: "In-depth evaluation of ECA natural resources

and energy subprogramme" [E/ECA/CM.22/10/Add.1] and "Evaluation of UN-NADAF" [E/ECA/CM.22/10/Add.2]. The Committee observed that the findings required further study, as their recommendations needed careful consideration in line with ECA's strategic vision.

### Multinational Programming and Operational Centres

The ECA Conference of Ministers on 8 May requested the Executive Secretary to strengthen the MULPOCs by putting at their disposal sufficient and competent staff, as well as financial resources, including recourse to competent consultants, and to endow them with sufficient administrative autonomy to allow them to operate effectively. He should ensure that the Centres played their role more efficiently as centres of excellence for the exchange of information and provision of support for the implementation of regional economic integration. He should undertake consultations with a view to recommending whether or not to reinstate the subregional conferences of ministers of the Centres, to enable them to focus more on specific subregional priorities and to enhance the Commission's presence at the subregional and country levels. He should also study and make recommendations on the rationalization of the membership of the different Centres. The Conference of Ministers appealed to member States to contribute to the United Nations Trust Fund for African Development in favour of the institutional strengthening of and activities to be undertaken at the Centres, and to put national experts at the disposal of the Centres, at their own expense, for short assignments. It called on UNDP, bilateral and multilateral funding agencies to support programmes of technical cooperation at the Centres.

## Asia and the Pacific

The Economic and Social Commission for Asia and the Pacific (ESCAP), at its fifty-second session (Bangkok, Thailand, 17-24 April) [E/1996/36], had as its major theme topic "Rural poverty alleviation and sustainable development in Asia and the Pacific". The Commission reviewed the implications of recent economic and social developments, rural poverty alleviation and sustainable development, regional economic cooperation, environment and sustainable development, poverty alleviation through economic growth and social development, transport and communications, statistics, least developed, landlocked and island



developing countries, technical cooperation, strengthening inter-organizational cooperation in the promotion of economic and social development in the region, as well as programme and organizational questions.

In his message to the session, the Secretary-General noted that the United Nations had been assisting developing countries in Asia and the Pacific for the past five decades in addressing pressing economic and social problems. The region had been at the forefront of world economic growth, yet, given the diversity of its development experience, the challenges ahead were many. He expressed the hope that the work of the fifty-second session would reinforce the spirit of partnership and the traditional vitality that had become the Commission's distinguishing features.

In his policy statement, the ESCAP Executive Secretary pointed out that poverty still affected millions of people despite the region's continued economic dynamism. He identified the lack of employment opportunities and access to resources, and the inability of the poor to respond to new and emerging opportunities as the basic causes of poverty, and emphasized the need to encourage complementarity among countries so that progress could be equitably shared by all. He drew the Commission's attention to the secretariat's initiative to reassess its programmes and activities, and requested guidance and advice in achieving a leaner and more efficient organization. He emphasized the need for continued UN assistance to the developing countries in overcoming problems associated with their economic reform, liberalization and integration with the global economy, particularly to the poorest countries to avoid their further marginalization and even to the more successful developing countries, which faced the risk of externally generated instability, especially through the global financial and capital markets. The Executive Secretary noted the prospects for intraregional and interregional cooperation, emphasizing the need to enhance the Commission's role as a facilitator in sharing experience among countries at varying levels of development, as a centre for information, and as a link between action at the national level and the evolution of a global consensus, thus enhancing cooperation.

## **Economic and social trends**

### **Economic trends**

The Economic and Social Survey of Asia and the Pacific 1997 [ST/ESCAP/1727] reviewed world economic developments in 1996 and their implications for the ESCAP region. It discussed emerging

global trends and the ESCAP region, the region's socio-economic trends and prospects, foreign trade, external financial and investment inflows and transport and communications.

A summary of the survey [E/1997/44] examined the opportunities and challenges faced by the region as it approached the twenty-first century, in the light of the emerging globalization and regionalization processes driven by technology- and market-related factors, greater liberalization and deregulation, and international measures to increase the transparency of international transactions. The summary noted that data on the flows of trade, investment and finance attested to intensified globalization over the past three decades. Developing ESCAP countries had increased their share of world trade in goods and services, outperforming other developing countries. Their share of world trade in goods and services had more than doubled between 1971 and 1994, and, in the case of services, the share tripled over the same period. They also accounted for most of the increase in developing countries' share of manufactured exports. In terms of external finance, developing countries, especially those in Asia and the Pacific, had become progressively more integrated with international financial and capital markets. The share of developing countries in international equity issues rose from 14 per cent in 1990 to 35 per cent in 1995, largely due to the increase in issues originating in South and South-East Asia. In the area of foreign direct investment (FDI), ESCAP developing countries became more important, both as recipients and sources, with their share of world inflows increasing from about 9 per cent in the 1984-1989 period to 21 per cent in 1995. Their share of outflows rose from 4 per cent to 13 per cent of the world total, and from 68 per cent to 88 per cent of the developing countries' total.

At the same time, there was an intensification of intraregional linkages as reflected in enhanced intraregional trade and investment flows. The trend towards intensified participation in the globalization and regionalization processes by the developing ESCAP countries was likely to continue into the next century. Similarly, prospects for regional cooperation in trade and investment were likely to be sustained, and possibly gather momentum, because of rising income and per capita consumption, overall export growth, moderate inflation and modest current-account deficits projected for South, East and South-East Asian countries. However, the enhanced integration by ESCAP countries into the international economy and the forging of regional linkages in trade and financial flows were not equally shared by all countries, especially since the variations in

the level and speed of integration were partly influenced by variables related to macroeconomics and social development.

Striking differences were evident among countries in the region. The least developed had low levels of per capita income. Most of them, in particular all Pacific island countries, had small populations. The observed level of per capita income in many of them might not be sustainable with declining aid flows. In South and South-West Asia, rates of economic growth had accelerated, associated in most cases with the promotion of domestic savings, investments and exports, better budgetary balance and containment of inflation. On the other hand, rates of growth, with few exceptions, remained low in the least developed economies and the small island economies of the Pacific. The problems faced by the economies in transition remained daunting, despite some recent successes in containing inflation and arresting negative growth. Those countries had yet to develop effective institutional structures to suit the needs of a well-functioning market economy. During the period 1991-1995, they experienced severe contractions of total and per capita incomes amid hyper-inflationary situations. Only in the past couple of years had some economies shown signs of positive growth and moderate inflation. The challenges facing different groups of countries in the region were of different magnitude and nature. The countries lagging behind, especially the least developed countries (LDCs) and Pacific islands, and the transition economies had considerable headway to make in order to join the regional mainstream and the global economy.

The summary of the Survey noted that, in the light of a lack of uniformity in the benefits and risks of globalization and regionalization, due to differences in initial conditions, specific policy responses had to correspond to each country's condition. At the national level, policies had to focus on internal and external macroeconomic balances; the soundness of the financial sector; a greater role for the private sector; extended coverage and improved quality of health and educational services; greater flexibility in labour markets; support for technological upgrading; and appropriate speed and sequencing of liberalization measures, along with social safety nets to minimize the hardships of adjustment and restructuring. At regional and subregional levels, measures that could be taken included intensification of trade liberalization; trade facilitation; policy coordination for greater convergence in inflation, interest rates and tax levels; harmonization of investment incentives; exploration of multi-country commodity futures markets and

multi-country bonds and stock markets; and collaboration in research and development, transport and telecommunications. At the international level, measures suggested included: accelerating official financial and technical assistance to the disadvantaged groups of countries; fully implementing the Uruguay Round of multilateral trade agreements and market access for products of export interest; ensuring that issues such as labour welfare, environment and human rights were not misused as non-tariff barriers; avoiding anti-dumping practices as a protective device; and improving preferential market access schemes.

#### Subregional economic performance

By 1996, most of the 13 LDCs of the region, with the exception of some Pacific island nations, had succeeded in accelerating growth rates, reaching 6 per cent or above during the period 1995-1996, and expecting to reach the 7 per cent target rate by the turn of the century. Bangladesh and Nepal were estimated to have grown by 6 per cent in 1996. Cambodia, the Lao People's Democratic Republic and Myanmar, which had grown by 7 per cent, 7.1 per cent and 9.8 per cent respectively the previous year, expected growth rates to accelerate further; they were also becoming increasingly interlinked with their prospective Association of South-East Asian Nations (ASEAN) partners, which were providing them with investment, trade and technical support.

Rates of growth in Pacific island economies during the 1980s and 1990s were low, despite some improvement in the first half of the 1990s. Given the high population growth rates, most experienced static or declining living standards. Growth was not only slow, but erratic and uneven. Papua New Guinea, Solomon Islands and Tuvalu experienced growth rates in the first half of the 1990s of 7.6 per cent, 5 per cent and 6.7 per cent, respectively. Samoa showed positive rates of economic growth in 1995 and 1996 after years of decline largely due to devastating cyclones. The recovery was due to the revival of exports of coconut products and expansion in the tourism sector. Growth in Papua New Guinea was estimated at less than 2 per cent in 1996.

In Asia's North and Central regions, the gross domestic product (GDP) of the Central Asian republics and the Russian Federation declined during the first half of the 1990s. However, with the exception of Tajikistan, the worst of the recession appeared to have ended, and the situation in some countries had improved by 1995-1996. Armenia showed the first signs of recovery; by the first half of 1996, the recessions in Kyrgyzstan and Uzbekistan had ended, with real GDP growth

of 0.3 per cent and 1.4 per cent, respectively, compared with 1995. Positive shifts in economic performance in some other countries in the first half of 1996 were also noticeable, except for Tajikistan where output again contracted by more than 20 per cent. Recovery in output occurred mainly in the industrial sector, as gross industrial output grew strongly in Kyrgyzstan, Turkmenistan and Uzbekistan. On the other hand Azerbaijan, the Russian Federation and Tajikistan experienced further declines; in the Russian Federation, industrial production and real GDP fell by 5 and 6 per cent, respectively.

Among the countries of South and South-West Asia, India, Pakistan and Sri Lanka made modest advances during the 1980s and 1990s. The Indian economy, after a severe balance-of-payments crisis in 1991, resumed its growth momentum in 1992 and gradually accelerated to over 6 per cent in 1995-1996. Pakistan had the best record of growth in South Asia, with an average 6.1 per cent rate between 1981 and 1990, but decelerated to an average of 4.9 per cent during 1991-1995. Sri Lanka, on the other hand, succeeded in raising its growth rate from 4.3 per cent to 5.4 per cent during the same period. Fiscal deficits in the three economies were still high; however, a structural shift had taken place, especially in respect of the share of GDP produced in agriculture.

Most of the South-East Asian economies had displayed considerable dynamism in recent years. Indonesia, Malaysia, Singapore, Thailand and Viet Nam achieved an average growth rate of more than 8 per cent during 1991-1995. Indonesia, Malaysia and Thailand experienced rapid changes in the structure of their production, with a decline in the share of agriculture in GDP from 31 per cent to 16 per cent in Indonesia, from 23 per cent to 13 per cent in Malaysia, and from 20 per cent to 10 per cent in Thailand. Those nations had also experienced rapid rates of industrial growth since 1980. The economies of the Philippines and Viet Nam also showed changes in the composition of their outputs, although not as marked as in the other three countries.

In East and North-East Asia, the growth rate of China's economy was estimated to have decelerated to 9.2 per cent in 1996, compared to 10.2 per cent in 1995, due to the impact of tight monetary policies aimed at curbing inflation. Agricultural production was disrupted by severe flooding; industry and services were the main sources of growth. China's economy also underwent substantial structural changes, with the weight of production shifting towards industry and services and with the relative share of agriculture falling. Mongolia's economy continued its recovery in 1996, with a GDP growth rate of 4.5 per cent,

though below the 6.3 per cent growth rate of 1995; the industrial sector continued to lead the recovery. Growth rates in the economies of the Republic of Korea and Taiwan Province of China slackened in 1996, with the former experiencing the sharpest deceleration from 9 per cent in 1995 to 6.6 per cent in 1996.

The three developed countries in the region—Australia, Japan and New Zealand—grew at slower rates, in line with many other developed countries. Average growth rates decelerated sharply during the first half of the 1990s, largely reflecting the impact of the recession that many industrial countries, including those three, experienced, extending to 1993. Japan's economy, which had fallen into recession later than the other two countries, had yet to set on a course of recovery. Its annual growth rate remained below 1 per cent in 1995, but was estimated at 3.7 per cent in 1996. Australia maintained a strong growth of some 4 per cent in 1996, while New Zealand's growth rate slipped to 2 per cent. Apart from the recession, those countries also experienced structural problems, reflected in large budget and balance-of-payments deficits and rising wage pressures and inflation, particularly in Australia and New Zealand. However, in those two countries, problems were largely reduced by the implementation of fiscal, financial and labour market reforms.

### Activities in 1996

ESCAP activities in 1996 were carried out under six thematic subprogrammes approved by the Commission in 1994 [YUN 1994, p. 720]: regional economic cooperation; environment and sustainable development; poverty alleviation through economic growth and social development; transport and communications; statistics; and least developed, landlocked and island developing countries.

### Development policy and regional economic cooperation

At its 1996 session, the Commission had before it a study on rural poverty alleviation and sustainable development in Asia and the Pacific [ST/ESCAP/1617], as well as its summary [E/ESCAP/1016]. Those documents provided analyses of the incidence, correlates and causes of rural poverty; the relationship between development strategies and macroeconomic policies on the one hand, and rural poverty on the other; the impact of sustainable development of agriculture and of the agreements of the Uruguay Round of multilateral trade negotiations on rural poverty; natural resource degradation and rural poverty; rural in-

dustrialization, physical infrastructure and poverty alleviation; and gender dimensions of rural poverty. Policy recommendations for alleviating rural poverty were also provided.

The Commission endorsed the findings and policy recommendations contained in the study. It concluded that Governments needed to adopt multi-pronged strategies to alleviate rural poverty, including the reallocation of resources from non-productive sectors to social sectors; generation of high economic growth and equitable sharing of its benefits with the poor; promotion of access to nutrition, health, literacy, education and training; provision of basic physical infrastructure and basic social services, such as clean water and sanitation; and special anti-poverty programmes for the most disadvantaged and needy groups. Sustainable development should be pursued through environmentally friendly technological changes and improvements in the productivity of resources, so as to conserve natural resources and alleviate poverty. The Commission recommended that standards of living of rural women should be improved through access to primary health care, family planning, nutrition, education and microcredit schemes. The secretariat should formulate a regional strategy and a programme of action on rural poverty alleviation, and examine the situation and obstacles to be faced in implementing alleviation measures. It should also undertake a follow-up of the theme study so that different scenarios could be derived with internally consistent recommendations and clear policy options, taking into account social and cultural aspects. The Commission urged the secretariat to assist its members and associate members in strengthening their policies and programmes relating to rural poverty alleviation, through research studies, workshops and training programmes, the facilitation of information exchange, and the provision of technical assistance and advisory services.

The Committee for Regional Economic Cooperation, at its fifth session (Bangkok, 2-3 April) [E/ESCAP/1017], on the recommendation of its Steering Group [YUN 1995, p. 1012], approved a secretariat initiative to organize a regional dialogue among senior trade policy officials to assist in their preparations for the first ministerial meeting of the World Trade Organization (WTO), to be held in Singapore in December (see PART SIX, Chapter XVIII). It approved the revised Action Programme for Regional Economic Cooperation in Trade and Investment; endorsed proposed additions to the Seoul Plan of Action for Promoting Industrial Restructuring in Asia and the Pacific; stated its support for the establishment of the Regional Forum for Sustainable Development and

Restructuring; and approved the Plan of Action for phase II (1996-1997) of the Asian Land Transport Infrastructure Development project.

The Commission, in endorsing the Committee's report and its recommendations, reiterated its commitment and support for strengthening the regional economic cooperation process, especially in the light of the changes in the international economic situation. It recalled the importance it had accorded to subregional cooperation, and commended the Steering Group and the Committee for their initiatives to stimulate such cooperation, specifically with regard to North-East Asia. It noted the proposals to establish a North-East Asian business forum and to enhance cooperation through technical cooperation among developing countries, including tripartite cooperation. It stressed the need to strengthen economic cooperation to address the emerging issues of concern in the region. It agreed that the full and effective implementation of the Uruguay Round of multilateral agreements was fundamental to the credibility of the multilateral trading system.

#### Action Programme for Infrastructure Development

At its 1996 session, the Commission considered a note [E/ESCAP/1027] by the secretariat on the Regional Action Programme for Infrastructure Development in Asia and the Pacific. Endorsing the Regional Action Programme, the Commission agreed with the proposed phasing of its implementation, that is, phase I (1997-2001) and phase II (2002-2006), so as to allow maximum flexibility in responding to changing priorities within the region at the project level. The Commission entrusted the task of translating the Regional Action Programme into an operational set of activities to the Ministerial Conference on Infrastructure (see below). Approving the arrangements for holding the Conference, the Commission noted that the Conference would provide an opportunity for a smooth transition between Phase II (1992-1996) of the Transport and Communications Decade and the New Delhi Action Plan on Infrastructure Development in Asia and the Pacific [YUN 1995, p. 1012]. The Commission stressed the importance of inter-agency cooperation and coordination through the Inter-Agency Subcommittee on Infrastructure Development in Asia and the Pacific for the implementation of the New Delhi Action Plan. It expressed satisfaction at progress in establishing the Asia Infrastructure Development Alliance (AIDA). The Steering Committee to establish AIDA met in 1996 for its second (Bangkok, 10-11

April) and final (Bangkok, 24-25 September) meetings [TCT/SC(2) and (3)/AIDA/Rep].

The Ministerial Conference on Infrastructure [E/ESCAP/MCI/Rep] was held in New Delhi, India, on 28 and 29 October. The World Infrastructure Forum—Asia 1996 was held concurrently with the Conference. Preparations for the Conference included an expert group meeting (Kuala Lumpur, Malaysia, 16-18 July) [TCT/EGM/PMCI/Rep] and a meeting of senior government officials (New Delhi, 23-26 October) [E/ESCAP/MCI/1]. The Conference adopted the New Delhi Declaration on Infrastructure Development in Asia and the Pacific and endorsed the list of operational activities/projects for phase I of the Regional Action Programme for the implementation of the New Delhi Action Plan. It urged multilateral and bilateral donors to contribute to the implementation of the Regional Action Programme. It also recommended that the name of the Committee on Transport and Communications be changed to the Committee on Transport, Communications, Tourism and Infrastructure Development, subject to the review of the subsidiary structure of the Commission in 1997.

#### Least developed and landlocked developing countries

The Special Body on Least Developed and Landlocked Developing Countries, at its third session (Bangkok, 21-22 April), considered institutional development for macroeconomic policy management and coordination, and issues and problems of landlocked developing countries and modalities for addressing them. It noted that sustainable economic growth could not have been obtained without coordinated formulation and implementation of macroeconomic policies by key government institutions, and that institutional development was a crucial but difficult issue for many countries. It recognized that adequate attention should be given to resolving the transport problems of landlocked countries, and recommended the development of multiple corridors and the further exploration of the use of inland waterways. The Special Body urged member countries to accede to international conventions on land transport facilitation measures and to increase the use of multimodal transport and freight forwarding.

At its 1996 session, the Commission noted the lack of progress in implementation of the United Nations Programme of Action for the Least Developed Countries for the 1990s [A/CONF.147/18], adopted in 1990 by the Second United Nations Conference on the Least Developed Countries and endorsed by the General Assembly later that year [GA res. 45/206]. Noting the continuing rela-

tively poor economic performance of LDCs in the region, it urged the secretariat to continue to monitor and assist in the implementation of the Programme of Action to improve their socio-economic situation. The Commission recommended that policies and programmes to promote capacity- and institution-building within those countries should be intensified, and that high priority should be given by the international community to assisting in those efforts. It urged that aid targets and commitments set in the Programme of Action should be met, and that adequate funding of multilateral institutions, including ESCAP, should be assured to support their efforts for the benefit of LDCs. Member States should also implement measures to alleviate the debt burden, increase concessional financing in support of economic policy measures, and support LDCs in their efforts to attract foreign investment. The Commission also recommended that technical assistance should be given to LDCs to enhance the institutional and human capacities required to comply with obligations arising from WTO membership. Activities to address the transport and infrastructure concerns of those countries should be strengthened, and donors should increase assistance to reduce the damage of annual natural disasters, especially floods and droughts.

#### Landlocked States in Central Asia

In a 14 August note [A/51/288], the UN Secretary-General submitted to the General Assembly the progress report of the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) on measures to improve the transit transport environment in Central Asia, in response to General Assembly resolution 49/102 [YUN 1994, p. 704]. The report discussed the new landlocked reality, and examined the impact of economic change on trade and transit in the region, main alternative transit transport routes for Central Asia, and obstacles, opportunities and proposals for action for reducing costs and improving the efficiency of transit transport. It presented elements of a programme for improving the efficiency of the current transit environment.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/168**.

#### Transit environment in the landlocked States in Central Asia and their transit developing neighbours

The General Assembly,

Recalling its resolutions 48/169 and 48/170 of 21 December 1993 and 49/102 of 19 December 1994,

Recalling also the agreed conclusions and recommendations of the first and the second Meeting of Governmental Experts from Landlocked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions, held in New York from 17 to 19 May 1993 and from 19 to 22 June 1995, respectively, and in particular the conclusions and recommendations of those meetings pertaining to the newly independent and developing landlocked States in Central Asia and their transit developing neighbours,

Recognizing that the overall socio-economic development efforts of newly independent and developing landlocked States, seeking to enter world markets through the establishment of a multicountry transit system, are impeded by a lack of territorial access to the sea as well as by remoteness and isolation from world markets,

Supporting the current efforts being undertaken by the newly independent and developing landlocked States in Central Asia and their transit developing neighbours through relevant multilateral, bilateral and regional arrangements to address the issues regarding the development of a viable transit infrastructure in the region,

Considering that the outcome of the Symposium for Landlocked and Transit Developing Countries, held in New York from 14 to 16 June 1995, in particular the document entitled "Global framework for transit transport cooperation between landlocked and transit developing countries and the donor community", is a practical contribution to the development objectives and efforts of the United Nations,

Taking note of the progress report of the Secretary-General of the United Nations Conference on Trade and Development on measures designed to improve the transit transport environment in Central Asia, and considering that the problems of transit transport facing the Central Asian region need to be seen against the backdrop of economic changes and the accompanying challenges, including especially the impact of those changes on the international and intraregional trade of the countries concerned,

Recognizing that, to be effective, a transit transport strategy for the newly independent and developing landlocked States in Central Asia and their transit developing neighbours should incorporate actions that address both the problems inhering in the use of existing transit routes and the early development and smooth functioning of new, alternative routes,

Emphasizing the importance of strengthening international support measures to address further the problems of the newly independent and developing landlocked States in Central Asia and their transit developing neighbours,

1. Takes note of the results of the Technical Meeting on Central Asia's Transit Transport Links with World Markets, held at Ankara from 7 to 9 November 1995, under the auspices of the United Nations Development Programme and the United Nations Conference on Trade and Development;

2. Invites the Secretary-General of the United Nations Conference on Trade and Development and the Governments concerned, in cooperation with the United Nations Development Programme, the Economic and Social Commission for Asia and the Pacific,

the Economic Commission for Europe and relevant regional and international organizations and in accordance with approved programme priorities and within existing financial resources, to continue elaborating a programme for improving the efficiency of the current transit environment in the newly independent and developing landlocked States in Central Asia and their transit developing neighbours;

3. Invites donor countries and multilateral financial and development institutions, within their mandates, to provide newly independent and developing landlocked States in Central Asia and their transit developing neighbours with appropriate financial and technical assistance for the improvement of the transit environment for those countries;

4. Calls upon the United Nations system to continue studying, within the scope of the implementation of the present resolution, possible ways of promoting more effective cooperative arrangements between landlocked States in Central Asia and their transit neighbours and to encourage a more active supportive role on the part of the donor community;

5. Requests the Secretary-General of the United Nations Conference on Trade and Development to prepare a report on the implementation of the present resolution, to be submitted to the General Assembly at its fifty-third session.

General Assembly resolution 51/168

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/602) without vote, 25 November (meeting 36); 11-nation draft (A/C.2/51/L.25), orally revised; agenda item 94.

Meeting numbers. GA 51st session: 2nd Committee 29-33, 35, 36; plenary 86.

### Special problems of Pacific island countries

The Special Body on Pacific Island Developing Countries, at its fourth session (Bangkok, 18-19 April), paid special attention to problems facing small island States in their consideration of membership in WTO. Principal concerns were the burden of payment of dues in relation to the size of the domestic economy, the limited human resources available to analyse the agreements and ensuing obligations, and the substantial changes in domestic laws required to execute those obligations. It also recognized the need for the economies of Pacific island States to become more competitive as their protection through preferential agreements was eroded in efforts to expand and diversify export products and markets. It urged greater exchange of experience between States of the Pacific and Asia in development policy management, development of subregional economic arrangements, trade and investment promotion, and tourism development.

The Commission noted that the fast-changing international economic environment was having an increasing impact on the development performance of Pacific island countries, especially as a result of the conclusion of the Uruguay Round

of multilateral trade negotiations. It urged the secretariat to continue to provide technical assistance to those countries in trade and investment, including giving advice on issues related to WTO accession and obligations and assisting Pacific island countries in enhancing their trade and investment relationships with the dynamic Asian countries, as well as among themselves. The secretariat, including the ESCAP Pacific Operations Centre (ESCAP/POC), should continue to advise Pacific island countries on economic adjustment and reform measures, and assist them in strengthening national capacity in policy formulation and implementation, institution-building, and collecting and analysing statistical information. Together with other agencies and organizations, it should provide technical and advisory assistance to those countries in their efforts to attain sustainable development. The Commission requested the secretariat to provide ESCAP/POC with the necessary financial and human resources, and urged it to strengthen cooperation with subregional organizations to avoid duplication. The Commission urged Pacific island countries to take advantage of offers of technical cooperation and to make known their priority areas for such assistance. It urged donors to continue to support ESCAP activities for the benefit of Pacific island countries.

During the year, ESCAP/POC provided advisory services focusing on economic and financial management in Pacific island developing countries and promotion of sustainable development in small island developing States. The secretariat conducted studies under a project on enhancing cooperation in trade and investment between Pacific island countries and the economies of East and South-East Asia.

#### ESCAP transition economies

The ESCAP secretariat continued to provide assistance to Asian and Pacific economies in transition to a market system. Its activities during the year included a national workshop on economic reform in Viet Nam, a subregional seminar on key issues in the implementation of economic policy reform in the Central Asian countries and the Russian Federation and a seminar on the role of wage systems in economic planning.

The Commission, in a 24 April resolution [E/1996/36 (res. 52/10)] on the revised Action Programme for Regional Economic Cooperation in Trade and Investment, noted that economies in transition continued to face several major impediments to the successful implementation of their programmes of economic reform, particularly in the establishment and maintenance of macroeconomic stability within their new

market-oriented economic environments. The regional economic cooperation programme should address issues relating to trade liberalization and efficiency, expansion of trade with economies other than their traditional partners, price liberalization, the introduction of competition with the private sector, maximization of foreign direct investment flows and the management of a supportive exchange rate policy. It should provide those economies with the necessary technical assistance for policy-making and macroeconomic management. Entrepreneurship development within the economies should be promoted to facilitate their transition to market economies. Assistance to those countries should be undertaken in consultation with other international and regional institutions, to avoid duplication. With regard to their integration into the region, the Commission stated that regional cooperation programmes would continue to accord special attention to improving transport linkages through the implementation of the Asian Highway and Trans-Asian Railway projects, and improving land transport facilitation measures as integral parts of the Asian land transport infrastructure development project, with a view to identifying transport routes of regional and subregional importance for establishing rail and road linkages between those economies and the rest of the region.

#### Economic and technical cooperation

During 1996 [E/ESCAP/1069], ESCAP received \$23.3 million in contributions for technical cooperation activities, a marginal increase of some \$883,073 over 1995, including \$10 million from within the UN system and \$13.3 million from donor States, developing member countries and organizations. Australia, France, Germany, Japan, the Netherlands, New Zealand and Norway contributed 82.4 per cent of total bilateral assistance received. China, India, Indonesia and the Republic of Korea were the largest contributors among developing member countries. In addition to cash contributions, donor States and developing countries provided 507 work-months of expert services, compared with 372 in 1995. During 1996, bilateral donors approved 98 projects, totalling \$8.2 million, for execution under ESCAP's work programme, excluding special projects and regional institutions. A corps of 12 regional advisers undertook 92 missions to 32 developing countries of the region. Financial requirements for the 119 new project proposals recommended for bilateral funding in 1997 amounted to \$10.9 million.

#### Technical cooperation among developing countries

In 1996, the Commission stressed the importance of reinforcing technical cooperation among developing countries in the areas of human resources development and the exchange and sharing of experience. It welcomed the efforts of the secretariat to expand economic and technical cooperation among developing countries (ECDC/TCDC) in the context of regional economic cooperation.

During the year, the secretariat developed and implemented a total of 140 promotional TCDC and ECDC activities financed from extrabudgetary resources and complemented by resources under the UN regular programme of technical cooperation. Those activities included bilateral and multilateral exchange of experience and participation in seminars, study visits and training workshops. In addition, 41 TCDC operational activities involving 165 officials were implemented through resources provided by China, the Netherlands and the Republic of Korea to the ESCAP TCDC supplementary fund. TCDC operational activities concentrated mainly on human resources development and covered a broad range of subjects, including water resources management, flood forecasting, use of hydropower, solar energy and small-scale wind energy, energy conservation, remote sensing/geographic information systems for land-use mapping, protection from crop diseases and insect pests, meat processing, vegetable cultivation, integrated fish farming, agricultural machinery, tropical meteorology, port management and operations, information technology, environmental health, urban management, customs computer application systems, trade promotion and aid cooperation. In addition, experts from the Republic of Korea rendered advisory services to Kazakhstan and Uzbekistan on the development of national energy conservation legislation; two resource persons from Thailand advised Sri Lanka on the role of the private sector in rural development; and a volunteer statistician from Myanmar assisted and trained officials of the Marshall Islands in the development of national statistics. To strengthen the role of TCDC national focal points, the secretariat organized a workshop for focal points of selected Pacific island developing countries.

#### International trade and finance

In 1996, the Commission stressed the need to strengthen economic cooperation to address emerging issues of concern in the region. To meet new challenges, it was recommended that ESCAP continue to provide technical assistance for the implementation of the Uruguay Round agreements and for future negotiations, espe-

cially in the area of trade in services. The Commission recognized the importance of the textiles and clothing manufacturing sector for the future economic growth of LDCs, and suggested that the implications of the Uruguay Round agreements for those countries should be studied as well as the impact of the erosion of preferences. The Commission recommended that ESCAP continue to provide technical assistance to non-WTO members in their integration into the international trading system, including their accession to WTO. The secretariat was also requested to study the linkages between investment and competition policy. The Commission recommended that high priority be accorded to the problems faced by LDCs in financial reform, and suggested that technical cooperation and training activities should be organized for them involving the development of human resources, technology and management skills. The Commission, by a 24 April resolution [E/1996/36 (res. 52/10)], noted progress in the implementation of the Action Programme for Regional Economic Cooperation in Trade and Investment, which it had endorsed in 1993 [YUN1993, p.609]. It endorsed the revised Action Programme, annexed to the resolution, which outlined arrangements for the growth of intraregional trade; expansion of intraregional investment flows; development of small and medium-sized enterprises; emerging trade and investment-related concerns, including implications for trade expansion of implementing the Uruguay Round agreements; assistance to the economies in transition; and promotion of inter-subregional cooperation.

During the year, consultative meetings, seminars and workshops were held on: fostering Myanmar's trade and investment interdependency; the formation of a private-sector advisory group under the Forum for the Comprehensive Development of Indo-China; exports of fish and fishery products of selected island developing countries; export marketing for selected industries and export finance in the Lao People's Democratic Republic; market research; implications of the single European market for Asian and Pacific economies; trade and environment linkages; Uruguay Round issues; chambers of commerce and industry of the Greater Mekong subregion; trade policy issues for Papua New Guinea; Electronic Data Interchange (EDI) and the economies in transition; networking of trade-related research institutions; the ESCAP network on trade facilitation; and the development of the Asia Pacific Information Exchange.

Regional advisory services were provided to ESCAP members on issues relating to the Uruguay Round of multilateral trade negotiations, includ-



ing assistance in the preparations for the WTO Ministerial Conference; the comprehensive development of Indo-China; promoting exports of fish and fishery products; export marketing; international market research; implications of the single European market for Asian and Pacific economies; enhancing trade and environmental linkages in environmentally vulnerable export-oriented sectors of ESCAP economies; trade facilitation and efficiency; accession to the Bangkok Agreement; establishing a network of trade-related research institutions; trade promotion activities; and organization of the sixth Asia-Pacific International Trade Fair, held in Manila, Philippines, in November. Priority attention continued to be given to the development of information systems in the region, in particular the development of computerized trade information systems: the Micro Computer-based Commodity Analysis and Information System; the Regional Investment Information and Promotion Service; the Bangkok mirror site of the Trade Facilitation Information Exchange; and the Asia Pacific Information Exchange.

The secretariat published the TISNET Trade and Investment Information Bulletin, and issued publications on foreign investment guidelines, seafood exports and customs tariffs in the Pacific. Studies were completed on prospects for the textile and clothing sector of the ESCAP region in the post-Uruguay Round context, trade and investment complementarities in North-East Asia, trade and investment potential in Myanmar, promoting exports of fish and fishery products in selected ESCAP island developing countries, and Asian and Pacific developing economies and the first WTO Ministerial Conference.

### **Transport and communications**

In 1996, the Commission reviewed activities related to land, railways, urban transport, multimodal transport and facilitation of maritime traffic, inland water transport, freight forwarding, commercialization and privatization of ports, environmental concerns arising from infrastructure development and operation, and the implementation of the Regional Action Programme for Phase II (1992-1996) of the Transport and Communications Decade for Asia and the Pacific. The Commission endorsed the report of the Committee on Transport and Communications at its second session [YUN 1995, p. 1015]. It agreed that the work programme implied under the New Delhi Action Plan on Infrastructure Development in Asia and the Pacific should be considered in a single forum. It directed the secretariat to draft new terms of reference for the Committee on Transport, Communications, Tourism and Infra-

structure Development (formerly the Committee on Transport and Communications). It reiterated its support for the integrated Asian Land Transport Infrastructure Development (ALTID) project and emphasized the importance of its completion, also emphasizing that the Asian Highway and the Trans-Asian Railway networks, including Asia-Europe links, should be brought into operation as early as possible. In that regard, the Commission, in a 24 April resolution [E/1996/36 (res. 52/9)] on intra-Asia and Asia-Europe land bridges, urged members and associate members to seek ways of constructing the missing highway and railway links, and upgrading and/or extending links, as well as constructing new links as part of the Asian Highway and the Trans-Asian Railway networks. It requested donors and funding agencies, as well as international and intergovernmental organizations, to support ALTID activities and initiatives to create intra-Asia and Asia-Europe land bridges. The Commission also approved the plan of action for implementation of phase II (1996-1997) of the ALTID project, including a study on the development of the Trans-Asian Railway in the southern corridor linking South Asia with Europe. The Commission noted that a new railway line linking the railways of Iran and Turkmenistan would be inaugurated in May, completing a new "silk rail route" from China to Europe and providing landlocked Central Asian republics with rail access to seaports in the south. In view of the important benefits of implementing policies to privatize and "corporatize" elements of the transport and communications sector to improve efficiency of management and operations, the Commission considered that the proposed concepts and guidelines for the commercialization and privatization of ports would be of great assistance to countries in formulating appropriate policies. It supported the secretariat's proposal to develop a comprehensive plan of activities on transport-related environmental issues, including emphasis on environmentally friendly and sustainable transport systems. It requested the secretariat to give higher priority to urban transport issues and to the investigation of low-cost urban transport systems, and to give special attention to the specific needs of least developed, landlocked and island developing countries and disadvantaged economies in transition.

The Ministerial Conference on Infrastructure (see above) welcomed the preparation of a "Green Paper for Telecommunications" in the Asia and Pacific region. It requested the secretariat to pay priority attention to the formulation, formalization and improvement of the operational efficiency and completion of missing links in interna-

tional transport networks; transport facilitation measures at border crossings; and transport logistics. It requested the secretariat to initiate activities within ALTID to develop draft ESCAP agreements on Trans-Asian Railway and Asian Highway networks to formalize the international land transport network for coordinated development of land transport in Asia. It also endorsed priority ALTID infrastructure projects.

During the year, the secretariat organized national, subregional and regional workshops and seminars on management and financing of road maintenance; freight forwarding and multimodal transport; facilitation of maritime traffic; inland water transport, including several on financial/economic appraisal of inland water transport projects; privatization of ports; and transport of dangerous goods. Two seminars were organized on the implications of accession to land transport facilitation conventions: one for the North-East Asian countries, and another for the Greater Mekong subregion. Other highlights included the organization of a seminar on infrastructure regulation for Central Asian republics; a joint ESCAP/Asian Development Bank road safety seminar; and a Japan/ESCAP symposium on the Asian Highway network development.

The secretariat provided advisory services to the Central Asian republics on the development of the ESCAP/Economic Commission for Europe (ECE) Special Programme for the Economies of Central Asia, and to Kazakhstan on railway marketing practices. Training was provided to Micronesia on the installation of computer-assisted port management, while advisory services were rendered to Iran on shipping and port organization and to Bangladesh on fleet development. Advisory missions were also undertaken to China and the Philippines to review implementation of transport conventions and to Myanmar on transport conditions and freight forwarding. Two pilot projects began, on participatory planning of rural infrastructure in the Lao People's Democratic Republic and on integration of non-motorized transport into an urban transport system in the city of Dhaka, Bangladesh. During the year, the secretariat produced studies on the feasibility of rail networks in China, Kazakhstan, Mongolia, the Russian Federation and the Korean peninsula; on development of the Trans-Asian Railway in the southern corridor of Asia-Europe routes; and on development of the Trans-Asian Railway for the Indo-China and ASEAN subregions.

#### Transport and Communications Decade for Asia and the Pacific

The Commission expressed satisfaction at the results of the implementation of the Regional Action Programme for Phase II (1992-1996) of

the Transport and Communications Decade for Asia and the Pacific, proclaimed by the General Assembly in 1984 [GA res. 39/227] and extended in 1991 [YUN 1991, p. 312] until 1996, and which promoted infrastructural improvements in the ESCAP region. The Commission expressed concern over the 11 projects that remained unfunded, even though some issues had been addressed with the cooperation of the private sector.

The Ministerial Conference on Infrastructure (New Delhi, India, 28-29 October) recommended that data and information should be updated in 1997 for the final evaluation report on the Decade, and requested members and associate members to support the secretariat in carrying out that task through their respective focal points.

Decade-related information continued to be disseminated during the year in Decade News, published by the ESCAP secretariat.

#### Tourism

In 1996, the Commission recognized the important role of tourism in the socio-economic development of the Asian and Pacific region, stressing that it should be given high priority in the ESCAP programme of work. The Commission urged the secretariat to intensify its tourism activities and to place special emphasis on those related to integrated tourism planning and development, appraisal of the economic impact of tourism, environmental management of tourism development, human resources development in the tourism sector, tourism infrastructure development and investment, and regional and subregional cooperation in the development and promotion of tourism and facilitation of travel. It requested the secretariat to play a catalytic role in promoting TCDC in the field of tourism, and noted that ESCAP had considered initiating activities to promote tourism along the Asian Highway. It supported a project on strengthening cooperation in tourism development in the Greater Mekong subregion. The Commission requested the secretariat to pay attention to the specific needs of the LDCs, economies in transition and countries in an early stage of tourism development. It endorsed the convening in December of an intergovernmental meeting on tourism development and the formation of a regional network of tourism training institutes and organizations in the Asian and Pacific region.

The Intergovernmental Meeting on Tourism Development (Bangkok, 11-13 December) discussed tourism trends and prospects worldwide and in the Asian and Pacific region, and strengthening national capabilities in tourism planning and promotion of regional cooperation in tourism development. It recommended that

ESCAP strengthen its activities in the areas of economic impact of tourism, the environmental management of tourism development, infrastructure development and investment for the tourism sector, human resources development in the tourism sector, facilitation of travel for the expansion of intraregional tourism, and regional/subregional promotion of tourism, including tourism along the Asian Highway. It also recommended that the name of the Committee on Transport and Communications be changed to the Committee on Transport, Communications, Tourism and Infrastructure Development.

During the year, the ESCAP secretariat organized two meetings of the working group on the Greater Mekong subregion tourism sector; a seminar on tourism promotion in countries in the early stage of tourism development; and national workshops on the Japanese travel market and on tourism investment. Secretariat publications included: Guidelines on Integrated Tourism Planning; Study of the Economic Impact of Tourism in the Asian Region; and Study on Regional Cooperation in Human Resources Development in the Tourism Sector. Technical information and data on tourism and tourism development continued to be disseminated through the ESCAP Tourism Review and the ESCAP Tourism Newsletter.

### **Industrial and technological development**

The Commission endorsed additions [E/ESCAP/1017] to the Seoul Plan of Action for Promoting Industrial Restructuring in Asia and the Pacific, adopted in 1992 [YUN 1992, p. 486]. It considered the Regional Forum for Sustainable Industrial Development and Restructuring an effective means for facilitating an ongoing dialogue between policy makers, private-sector representatives and professional experts in promoting industrial restructuring in the region. It urged that activities related to industrial and technological development should be strengthened and focus on small enterprise development, investment promotion, industrial complementarities and relocation, technological capacity-building, skills development and private-sector development. It noted the proposal to hold a meeting of ministers of industry and technology in 1997, and urged the secretariat, in its preparatory work for the meeting, to keep in view the needs and priorities of least developed and other disadvantaged countries. It urged the strengthening of cooperation with the United Nations Industrial Development Organization (UNIDO) in industrial and technological development.

During 1996, ESCAP organized meetings of the En-Techmart '96 and Asia-Pacific Expert Group

on transfer of environmentally sound technologies; the Consultative Expert Group on the adoption of ISO-9000 series; the ESCAP/UNIDO Nanjing Forum '96 on Technology Cooperation for Rural Small and Medium Scale Industries; a subregional symposium on strengthening the role of the private sector and privatization for industrial and technological development in South Asian economies; national workshops on promoting foreign direct investment for Bangladesh, Fiji, India, Nepal and Viet Nam; and other seminars, symposiums and meetings on: strengthening the private sector in enhancing manufacturing competitiveness; formulating industrial policies and women's work for the future; poverty alleviation through technological capability building; engineering consultancy for the service of economic development and technology transfer; and technological options to issues related to river dam construction. A comprehensive study was prepared on industrial finance in Asia and the Pacific, industrial complementarities and relocation of industries in the fields of investment promotion, small and medium-sized enterprises development, and industrial restructuring and development.

### **Asian and Pacific Development Centre**

In 1996, the Asian and Pacific Development Centre (APDC), located in Kuala Lumpur, Malaysia, implemented 27 projects in the areas of energy, gender, poverty alleviation and public management. Publications were issued on information technology, public-sector innovations, population and environment, changing comparative advantages, economic management, and privatization in Asia and the Pacific. The Centre's institutional and development funds for 1996 totalled \$2.9 million; expenditures ran to \$2.6 million.

### **Natural resources and marine affairs**

#### **Mineral resources**

ESCAP activities in the mineral sector continued to focus on the assessment and inventory of the geological and mineral resources of its member countries, particularly economies in transition, through the preparation of the ESCAP Atlas of Mineral Resources volumes on Kyrgyzstan and Mongolia, and two subregional studies reviewing the mineral potential of the countries of North-East Asia and the Central Asian republics of the Commonwealth of Independent States. Efforts continued to promote the integration of geoscience in urban and land-use planning: two volumes of the ESCAP Atlas of Urban Geology were issued, and a meeting of the Forum on Urban

Geology in Asia and the Pacific was held on environmental and urban geology for the sustainable development of fast-growing cities. Advisory services were provided to Iran, the Lao People's Democratic Republic, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Vanuatu and Viet Nam on appropriate regulatory and institutional frameworks for foreign investment promotion in mining and mineral-based industries and for mineral exploration and development.

#### Water resources

ESCAP activities relating to water resources focused on integrated development and management, with the preparation of guidelines on sustainable development of water resources; establishment of pricing policies and structures for water supply; promotion of private-sector participation and investment in water resources projects; and promotion of women's role and participation in water supply and sanitation. During the year, expert group meetings and workshops were held on sustainable development of water resources; on establishing guidelines on water and sustainable development; on water pricing policies and structures in the region; on the establishment of pricing policies and structures for urban and rural water supply and for irrigation water supply; and on creating a guidebook on promoting investment for water supply and sanitation projects. To promote women's role and participation in water supply and sanitation, ESCAP organized three national workshops on the use of the UN training modules on women, water supply and sanitation, in collaboration with other international agencies. The inter-agency Subcommittee on Water for Asia and the Pacific met in Bangkok in June and December.

ESCAP provided advisory services on various aspects of water resources development and management, including water-related natural disaster reduction, to Cambodia, the Lao People's Democratic Republic, Mongolia, the Philippines and the Republic of Korea. Through its publications, it disseminated information on advanced technology and know-how on water resources development and management.

#### Marine affairs

ESCAP activities in the area of marine affairs included issuance of the publication *Technical Aspects and Legal Frameworks for the Removal and Disposal of Offshore Installations and Structures in Asia and the Pacific*, as part of its work programme on the implications of the 1982 United Nations Con-

vention on the Law of the Sea [YUN 1982, p. 178] on the new ocean regime. It strengthened cooperation with the Coordinating Committee for Coastal and Offshore Geoscience Programmes in East and South-East Asia. Cooperation with subregional intergovernmental organizations continued towards the implementation of the Regional Seas Action Programme.

#### Mekong River basin development

Progress was made on Mekong River basin development through the work of the Mekong River Commission (MRC), established in 1995 [YUN 1995, p. 1017]. Of some 100 projects included in the MRC work programme in 1996, 48 were implemented, for which donors committed \$27.3 million. In that connection, MRC officially established the Donor Consultative Group. MRC continued to shift from national to basin-wide/regional priorities and to carry out its work following a strategic approach, using the Mekong Basin Development Plan as a planning tool for its future work.

The Commission noted the progress on major activities in implementing the Agreement on Cooperation for the Sustainable Development of the Mekong River Basin, signed in 1995 by Cambodia, the Lao People's Democratic Republic, Thailand and Viet Nam. The Commission noted that MRC had strengthened its relationship with other international organizations and subregional development projects, and established contacts with other river basin commissions to exchange experiences. It was informed that MRC had established a formal dialogue mechanism with Myanmar and China, and that China had accorded great importance to the goals and activities of MRC. The Commission reiterated its support for the work of MRC, noting the continuing support of MRC by donor countries and agencies and expressing the hope that such assistance would increase.

#### Energy

The Commission considered a secretariat note [E/ESCAP/1022] on energy issues and development in integrated natural resources management in Asia and the Pacific, which provided an overview of energy trends and developments in the ESCAP region, energy resource constraints, rural energy environment planning and management, environmental impacts of energy systems and their mitigation, energy efficiency improvements and energy intensity and the role of pricing policies. It concluded that the promotion of clean-fuel technology use in the region was desirable. Other alternatives, such as renewable energy sources,

might become a preferred option in the longer term for commercial energy use and were well recognized in rural energy supplies. The integration of environmental considerations into energy policy and planning was an absolute necessity for attaining sustainable development objectives. As the region developed economically, it would become more feasible to internalize environmental costs of energy production and distribution. However, subsidies were unavoidable and would remain part of the energy policies of some developing countries, although Governments should avoid them as much as possible.

The Commission agreed with the conclusions regarding the integration of environmental concerns into energy policy and planning. It recognized the critical importance of energy in social and economic development, and the fact that the increasing demand for energy would lead to further deterioration of the environment; hence the need for an appropriate energy mix. Since the use of fossil fuels, particularly coal, would remain dominant in the region, clean coal technology would play a major role in minimizing environmental impacts. There was also a need to promote new and renewable sources of energy technologies, such as solar photovoltaic, hydropower, wind and geothermal energy systems. The Commission endorsed the Asia Energy Efficiency 21 project.

During 1996, the ESCAP secretariat initiated, supported and implemented several seminars, workshops and expert group meetings in energy development and management. It conducted, in collaboration with the Asian Institute of Technology, a regional workshop on energy environment planning to provide technical assistance and training to enhance the national capability of participating countries in energy/environment planning through specifically packaged computer software. With support from UNDP, several training courses were organized by the Joint Coal Board of Australia. In the area of natural gas and petroleum development, the secretariat subcontracted a group of consulting engineers to provide advisory services and promote the use of natural gas as a clean and environmentally benign fuel. Studies were undertaken, within the scope of the subprogramme on Rural Energy Environment Development, to develop a manual for rural energy environment planning. Several activities sought to benefit those Asian economies in transition to market economies, including a regional seminar and a study tour on energy efficiency promotion and institution-building for participants from those countries. An international seminar on productivity and energy efficiency in the refinery industries was also

organized, in cooperation with the Ministry of Oil and Gas in Ashgabat, Turkmenistan. Activities involving TCDC were implemented to support energy-sector authorities in countries in Central Asia. In November, a regional seminar took place on energy efficiency in commercial buildings in Asia and related regulations, which provided an opportunity for a regional exchange of experiences in the incorporation of energy issues in the respective national, provincial and local building codes. The secretariat initiated a project to support governmental and non-governmental organizations (NGOs) in the promotion of sustainable energy use. With support from Japan, the secretariat prepared national seminars in Hong Kong, Iran, Malaysia, the Philippines, the Republic of Korea, Thailand and Viet Nam.

### **Agriculture and rural development**

In 1996, the Commission noted that many developing countries were highly dependent on the agricultural sector, and that rural poverty was a major problem in the Asian and Pacific region. It noted the need to undertake innovative programmes and generate gainful employment for unemployed and underemployed persons in rural areas. The rural poor should be provided with collateral-free but non-subsidized credit through rural financing institutions. The development and upgrading of rural infrastructure should be accelerated. Special attention should be given to the introduction of science, technology and industrialization into rural areas to increase the productivity and employment of the poor. The private sector should be encouraged to participate in the industrial and technological development of rural areas. Small and medium-scale industries in the formal and informal sectors could play an effective role in poverty alleviation.

ESCAP emphasized activities aimed at alleviating rural poverty through rural developmental activities and sustainable agricultural development. National studies on strengthening rural credit institutions, focusing on poverty alleviation, were initiated in Bhutan, Indonesia, the Lao People's Democratic Republic, Nepal, the Philippines and Viet Nam. National studies were under way on capability-building to alleviate rural poverty under economic adjustments. Training seminars on success-case-replication methodology were held in Bhutan and the Lao People's Democratic Republic. A national evaluation and dissemination seminar was conducted in Viet Nam.

The Commission endorsed the report of the Governing Body of the Regional Network for Agricultural Machinery, stressing that it should continue its activities until the end of 1998; it noted

its activities on enhancing employment opportunities for rural women and on promoting and developing agro-related metalworking industries in the least developed and island developing countries of Asia and the Pacific. Regarding the Regional Coordination Centre for Research and Development of Coarse Grains, Pulses, Roots and Tuber Crops in the Humid Tropics of Asia and the Pacific, the Commission recommended strengthening the Centre's collaboration with national, regional and international agricultural research and development institutes and organizations, to enhance the effectiveness of poverty alleviation activities. The Centre should undertake activities related to agricultural diversification, the sustainability of upland agriculture, market development and the effects of trade liberalization on crop production, and should convene workshops and training courses to disseminate information and methodologies for socio-economic studies in agriculture.

Studies on sustainable agricultural development focused on Cambodia and the Lao People's Democratic Republic, as well as on a regional overview. National workshops were held in Bangladesh, Bhutan and Nepal. Major activities pertaining to the regional database on pesticides and the environment were concluded with the issue of a computerized database. The Fertilizer Advisory Development and Information Network of Asia and the Pacific programme continued its focus on environmentally friendly crop protection and promotion of balanced use of fertilizers. A regional workshop was conducted on fertilizer concepts, with special reference to organic fertilizers, in the Philippines and a national workshop on soil fertility and plant nutrition management was held in Nepal. In the area of fertilizer marketing policy and training, the following were held: a regional workshop on fertilizer policies and subsidies in developing countries in Indonesia; a national workshop on fertilizer sector development in Mongolia; and a marketing management training seminar in Sri Lanka.

### Science and technology

In 1996, the Commission stressed the need to further strengthen regional cooperation in promoting science and technology for sustainable development. It noted the progress made in the implementation of the Action Programme for Regional Economic Cooperation in Investment-related Technology Transfer, endorsed in 1994 [YUN 1994, p. 713], particularly the commencement of studies on technology flows and the associated technological capacity-building, and the review of national policies for the promotion of technology transfer. It pointed to the need for new areas

on which the Action Programme could focus, such as information technology, and recommended as a priority activities related to technological development and promotion. It emphasized the importance of the transfer and acquisition of environmentally sound technologies by developing countries for meeting the objectives of the Regional Action Programme and Agenda 21, adopted at the 1992 UN Conference on Environment and Development [YUN 1992, p. 672], and of promoting and financing access to and transfer of such technologies. It advised the secretariat to promote greater regional cooperation in the dissemination of information on the application of environmentally sound technologies through its regional institutions. By a 24 April resolution [E/1996/36 (res. 52/7)] on the transfer of environmentally sound technology, the Commission asked the Executive Secretary: to report on measures taken by members and associate members with respect to their commitments regarding chapter 34 of Agenda 21; to prepare an inventory of environmentally sound technologies appropriate to selected industrial sectors in the Asian and Pacific region, including information on the elaboration of the terms under which such transfers could take place, for submission to the Committee on Environment and Sustainable Development in 1998; to continue to advise on improving the operational modalities for the transfer of environmentally sound technology to ESCAP developing countries; and to promote the development of endogenous technological capacities and technology in those countries. The Commission invited contributions of financial and technical resources from donor countries.

The Commission recognized that space technology applications were an integral part of sustainable natural resources development and environmental management. To assist members and associate members in building up their capability to manage the environment and their natural resources, it was essential to establish an information infrastructure based on integrated uses of space technology, with ESCAP playing a critical role in that regard. The Commission recommended that the Regional Space Applications Programme (RESAP) should continue to be accorded high priority in the ESCAP work programme, and that UNDP should lend financial support to integrated uses of space applications in its sixth intercountry programme. The secretariat was requested to prepare for the mid-term review of progress in the implementation of RESAP in 1997. The Commission noted the progress at the national level in implementing the Strategy for Regional Cooperation in Space Applications for Sustainable Development and the Action

Plan on Space Applications for Sustainable Development in Asia and the Pacific, which it had endorsed in 1995 [YUN 1995, p. 1019].

During the year, the secretariat implemented a number of operational activities under the framework of RESAP, including seminars and workshops on such subjects as tropical ecosystems management, sustainable rural development using integrated geographic information systems and remote sensing, the integrated use of space technologies for poverty alleviation and rural development, and a geo-information system for coastal zone development planning. Four regional working group meetings in major space technology applications sectors were organized in China, Indonesia, Malaysia and the Republic of Korea. Three fellowship programmes were implemented and 24 fellowships granted to 20 member States. Under RESAP, a multi-year research project was initiated, involving 20 technical teams from 15 developing countries.

The Asia-Pacific Expert Group Meeting on Transfer of Environmentally Sound Technology (New Delhi, 22-24 January) studied the mechanism for environmentally sound technology transfer among small and medium-sized enterprises in Asia and the Pacific and the barriers hindering that transfer. It analysed the role of different organizations in that process and made recommendations for improving the environment for commercial transfer of environmentally sound technologies in developing countries.

#### Centre for technology transfer

The Commission considered the report of the Asian and Pacific Centre for Transfer of Technology (APCTT) [E/ESCAP/1019]. It expressed satisfaction at the proactive initiatives by APCTT to strengthen linkages among enterprises, research and development institutions, consultants and technology transfer agencies, with particular emphasis on sustainable development, through workshops, exhibitions and training programmes. It directed APCTT to organize its programmes in cooperation with national agencies and institutions, as well as international agencies, to benefit from the synergistic pooling of activities, efforts and resources. The Centre was requested to focus its programmes on meeting the needs and requirements of the least developed countries in technology development transfer, utilization and management. The Commission elected the APCTT Governing Board for 1996-1999, and urged those countries that had not contributed to the support of the Centre to do so in order to strengthen it on a long-term basis.

During the year, APCTT organized or co-sponsored 12 regional workshops, 11 national training programmes, 5 expert group meetings, 4 exhibitions, 5 seminars and more than 700 business meetings. It continued to promote environmentally sound technologies among small and medium-sized enterprises in the region under the Mechanism for Exchange of Technology Information project, to strengthen technology management, to promote technology information and exchange, and to encourage more active participation of women in the field of technology.

The Centre's work was reviewed by its Governing Board at its eleventh session (Kathmandu, Nepal, 28-29 November), which recommended the operationalization of the Regional Association of Commercialization of Research and Development Results; expansion of human resources development programmes on technology assessment, evaluation, negotiation, licensing and marketing; and development of mechanisms to provide women entrepreneurs with training in technology upgrading.

**ACC comments on JIU report.** In May [A/50/721/Add.1], the Secretary-General transmitted to the General Assembly the comments of the Administrative Committee on Coordination (ACC) on the 1995 report [YUN 1995, p. 1020] of the Joint Inspection Unit on UN system support for science and technology in Asia and the Pacific. ACC supported in principle the broad conclusions and recommendations of the Inspectors and agreed that much could and should be done to improve the activities of UN organizations and agencies in the area.

#### Social development

The Commission recommended that national efforts to implement the Agenda for Action on Social Development in the ESCAP region, endorsed in 1995 [YUN 1995, p. 1020], should be facilitated, that clear priorities should be set for the efficient utilization of existing resources, and that new and innovative sources of financing should be sought to augment resources for social development.

Concerning the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), the Commission recommended that efforts to address that crisis be facilitated and strengthened through a coordinated approach by UN agencies. By a 24 April resolution [E/1996/36 (res. 52/5)] on regional cooperation in response to the spread and consequences of HIV/AIDS in Asia and the Pacific, the Commission urged members and associate members to accord high priority to the development and implementation of effective

tive policies, programmes and strategies to prevent the spread of HIV/AIDS, with emphasis on community-based action and cross-border collaboration. It requested the Executive Secretary to undertake initiatives to promote regional co-operation to prevent the spread of HIV/AIDS, including development of area-specific information systems, community-based prevention strategies, and establishment of mechanisms for cross-border collaboration.

The secretariat continued to assist in developing national strategies for community-based drug demand reduction and HIV/AIDS prevention in Bangladesh, China, India, the Lao People's Democratic Republic and Viet Nam. It initiated a major project at the Myanmar-Thailand border to prevent drug abuse and the spread of HIV/AIDS, and developed, in cooperation with agencies concerned, a draft strategy on cross-border collaboration for consideration by the Regional Inter-Agency Committee for Asia and the Pacific.

The secretariat also assisted ESCAP members in developing comprehensive national policies on ageing. A policy framework was formulated to guide national policy and programme development for lifelong preparation for old age covering a wide spectrum of concerns, ranging from income security and employment to health maintenance, education and housing. The framework [ST/ESCAP/1684] was adopted by an ESCAP meeting of senior officials (Bangkok, 7-10 May). The secretariat updated and enlarged the "Annotated Bibliography on Policy and Programme Issues in the Field of Ageing", and provided advisory services on issues relating to ageing and older persons, including lifelong preparation for old age. Work continued on promoting and bridging efforts for older persons, including the preparation of a directory of national focal points on ageing in Asia and the Pacific, a directory of NGOs active in dealing with older persons in the region, and a compilation of international and regional mandates and relevant documents concerning ageing and older persons.

Concerning alleviation of poverty, the Commission recommended that national policies and programmes targeted at the poor should be continued and strengthened, focusing on enhancing the income-generation capacity of the poor and their access to social infrastructure facilities, health and education. The secretariat's poverty-alleviation programmes should pay attention to urban poverty as well as focus on secondary cities, small towns and rural centres; programmes and policies should be formulated to enhance the productivity and income of the informal sector. The Commission called on the secretariat to

strengthen the promotion of technology transfer and experience related to rural industrialization and the technological upgrading of small and medium-scale industries in small towns and urban centres. It recommended that cooperation among its members and associate members in the marketing of agricultural products be encouraged and supported, and that sustainable development strategies and support services be developed to encourage women to participate in economic activities in the formal and informal sectors. It noted that a three-pronged strategy might alleviate poverty: supporting economic growth sustained by a stable macroeconomic framework; enhancing the capacity of poor people by providing education and health services for them to participate in development activities; and providing support through some form of safety net for disadvantaged groups.

#### Disabled persons

In 1996, the Commission recommended courses of action to implement the Agenda for Action for the Asian and Pacific Decade of Disabled Persons, 1993-2002, adopted in 1993 [YUN 1993, p. 621], including follow-up activities in support of national implementation; development of pilot projects for non-handicapping environments for disabled and elderly persons; inclusion of more cities in pilot projects for non-handicapping environments; and organizing information exchange on measures for barrier-free environments within and outside the ESCAP region.

In pursuance of those recommendations, the secretariat assisted Malaysia in convening the first intercountry seminar on multi-sectoral collaborative action for people with disabilities in the ESCAP region, and Viet Nam in convening the first national workshop of diverse disability groups, government agencies and NGOs on self-help initiatives among people with disabilities and cross-disability cooperation. A Pacific subregional workshop was held in Fiji on improving organizational management skills to strengthen self-advocacy by people with disabilities. Pilot projects were launched in Beijing and New Delhi.

#### Human resources development

The Commission called on the secretariat, in implementing the Jakarta Plan of Action on Human Resources Development in the ESCAP region, as revised in 1994 [YUN 1994, p. 715], to focus on investment in the productive capabilities of people and the utilization of those capabilities to enhance the quality of life. It recommended four core human resources development issues for priority attention: literacy and the provision of basic education, the delivery of basic social services, support



of skills development, and the promotion of productive employment for youth. By a 24 April resolution [E/1996/36 (res. 52/4)] on promoting human resources development among youth in Asia and the Pacific, the Commission called on ESCAP members and associate members to integrate the World Programme of Action for Youth to the Year 2000 and Beyond, adopted by the General Assembly in 1995 [GA res.50/81], in their youth policies, plans and programmes. It urged donor Governments and agencies to provide technical and financial resources to support regional implementation of the Programme, and invited NGOs and private enterprises to collaborate with Governments and the Commission in promoting human resources development among youth in the region. It requested the Executive Secretary to convene in 1996 a regional meeting (see below) to consider means of promoting human resources development among youth through implementation of the World Programme; to prepare a comprehensive survey of the youth situation and human resources development policies, plans and programmes for youth in Asia and the Pacific; to provide advisory services to members and associate members in the formulation of plans and policies to enhance youth skills; to conduct training activities directed at youth work personnel to enhance youth skills for productive employment and youth participation in community development; and to assist members and associate members, beginning with Indo-China, in designing and implementing their youth policy frameworks.

ESCAP organized the Asia-Pacific Meeting on Human Resources Development for Youth (Beijing, China, 22-26 October) [SD/HRDY/Rep.]. The meeting reviewed the Jakarta Plan of Action and the World Programme of Action for Youth to the Year 2000 and Beyond. It examined programmes and policies to promote human resources development for youth, mechanisms to promote participation in decision-making for youth, and regional cooperation. It adopted the Beijing Statement on Human Resources Development for Youth in Asia and the Pacific, which contained proposals for regional cooperation to promote human resources development among youth in the region.

The secretariat continued its support for regional and national implementation of the World Programme of Action for Youth, through its newsletter and its Internet home page. Under a project on training of trainers for youth participation in development, national workshops were held in Bangladesh, the Lao People's Democratic Republic, Nepal and Viet Nam. ESCAP, in collaboration with the United Nations Educational,

Scientific and Cultural Organization (UNESCO), continued to carry out literacy projects for girls and women.

### Women in development

On 24 April, the Commission, in its resolution [E/1996/36 (res. 52/3)] on follow-up to the 1995 Fourth World Conference on Women [YUN 1995, p. 1169], urged all ESCAP members and associate members to ensure full implementation of the Beijing Declaration and Platform for Action and the 1994 Jakarta Declaration and Plan of Action for the Advancement of Women in Asia and the Pacific [YUN 1994, p. 716]. That should be done by developing implementation strategies or plans of action; strengthening national machineries to enhance women's effectiveness in promoting mainstreaming of gender concerns into policy formulations and planning for national development; alleviating and eradicating the feminization of poverty; and promoting support and community participation at all levels. The Commission urged donor countries, local and national governments, the private sector, funding agencies and regional and international financial institutions to assist developing countries in implementing the two declarations. It requested the Executive Secretary to support national efforts towards that end, and to mainstream women's issues and gender perspectives into the Commission's work programme.

ESCAP activities in 1996 included a project to promote women's participation in economic development in Indo-China; a regional meeting in Hanoi, Viet Nam, at which a regional plan of action was adopted on women workers, skills training, access to credit and financial resources, and entrepreneurship; and a number of subregional seminars. An Expert Group Meeting on Promoting Women's Rights as Human Rights was held in August in Saitama, Japan. The secretariat organized a regional meeting in Seoul, Republic of Korea, on strengthening national machineries for the advancement of women. Networking and information exchange and dissemination activities continued throughout the year. ESCAP also convened the second meeting of the Inter-Agency Subcommittee on the Advancement of Women.

### Population

ESCAP population activities in 1996 were geared towards implementing the Bali Declaration on Population and Sustainable Development [YUN 1993, p. 622], endorsed by the Commission in 1993, and the Programme of Action [YUN 1994, p. 956] adopted at the 1994 International

Conference on Population and Development. During the year, ESCAP implemented regional projects on population and environment dynamics; population data for local area development planning; strengthening monitoring and evaluation systems to measure progress in reproductive health/family planning programmes, female migration, employment, family formation and poverty; population ageing; poverty and the quality of life; building knowledge bases and advocating change through the dissemination of population data and information; use of information technology to improve the quality of population information services and products; and continuing activities of the Asia-Pacific Population Information Network. It also carried out a human resource development project for improved population information services, products and communications. Advisory services were provided to Cambodia, Kazakhstan, Kyrgyzstan, Uzbekistan and Viet Nam to assist in implementing the Bali Declaration and to build national capabilities for demographic data analysis. ESCAP organized the second session of the Inter-organizational Subcommittee on Population and Development in Asia and the Pacific. Other meetings focused on gender role in family planning management; using population data for local area development planning in ESCAP countries; and the implications of ageing for family and the elderly. Training workshops were held on selected population topics and information technology for population information professionals; using the Internet to access and disseminate population information; and population and environment dynamics, poverty and the quality of life in Asia and the Pacific. Publications included the Asia-Pacific Population Journal and the Population Headliners.

#### Human settlements

The Commission, in view of rapid urbanization in the region, recommended that urban environmental issues relating to old and emerging cities should be addressed in a timely manner. It requested the secretariat to assist countries in seeking expertise and technologies to manage urban areas. It also recommended promotion of greater interaction and exchange of information on the implementation of the Regional Action Plan on Urbanization [YUN 1994, p. 717], adopted by the Commission in 1994.

On 24 April, the Commission, in a resolution [E/1996/36 (res. 52/6)] on promotion of environmentally sound and healthy cities, urged ESCAP members and associate members to accord high priority to promoting environmentally sound and healthy cities in their overall socio-economic de-

velopment and to allocate adequate resources for that purpose. It requested UN bodies, specialized agencies and other organizations to intensify efforts towards environmentally sound and healthy cities, and donors and intergovernmental and non-governmental organizations to provide technical and financial support towards that end.

ESCAP's work in the area of human settlements focused on the implementation of the Regional Action Plan on Urbanization. The second Asia-Pacific Urban Forum (Bangkok, 11-15 March) reviewed the publication *Living in Asian Cities: The Impending Crisis-Causes, Consequences and Alternatives for the Future*, which constituted the regional contribution to the second United Nations Conference on Human Settlements (Habitat II) (see PART THREE, Chapter VIII). To support a participatory approach to and building of partnerships in urban management, the secretariat prepared case studies on local urban forums. A regional policy seminar on effective participatory urban management was held in Shanghai, China, in November. To strengthen networking of organizations and institutions in the region, ESCAP supported the Training Education and Research Committee of the International Union of Local Authorities (Asia-Pacific chapter) to develop activities for local authorities to address issues of urban poverty and environment. The Inter-organizational Committee on Urbanization held three meetings in Bangkok to discuss cooperation and coordination of projects and programmes, to make them more efficient and maximize their impact.

#### Environment

The Commission in 1996 considered a report on progress in achieving sustainable development and issues requiring further attention [E/ESCAP/1021]. It examined environmental policies in economic decision-making, natural resources development and management, food and shelter, and hazardous waste management and environmentally sound technology options.

The Commission recognized that environmental problems were linked to poverty, population and socio-economic development and that national priorities varied. It felt that the resolution of those problems was beyond current national capacities, and that international technical and financial support was required. It recognized the need to strengthen assistance to ESCAP members and associate members in integrating environmental considerations into economic decision-making.

In a 24 April resolution [E/1996/36 (res. 52/8)], the Commission endorsed the recommendations of the third Ministerial Conference on Environ-

ment and Development in Asia and the Pacific [YUN 1995, p. 1023], including the Ministerial Declaration on Environmentally Sound and Sustainable Development in Asia and the Pacific and the Regional Action Programme for Environmentally Sound and Sustainable Development, 1996-2000, and called for their early implementation. It urged UN bodies and agencies, multilateral financial institutions and donors to contribute technical and financial resources to implement Conference recommendations, and asked the Inter-Agency Committee on Environment and Sustainable Development in Asia and the Pacific to play an effective role in implementing the Regional Action Programme. The Commission requested the Executive Secretary to mobilize human and financial resources to implement Conference recommendations; to ensure coordination and joint pursuit of activities of UN bodies and agencies and NGOs in facilitating and monitoring implementation of the recommendations; and to include, in the agenda of the 1997 session of the Committee on Environment and Sustainable Development, a mid-term review and assessment of progress achieved in that regard, and to report to the Commission in 1998. The seventh meeting of the Inter-Agency Committee on Environment and Sustainable Development in Asia and the Pacific (Bangkok, 20 March) [ENR/ICESD(7)Rep.] discussed, among other matters, the implementation of the outcome of the third Ministerial Conference.

ESCAP activities under its environment subprogramme focused on implementing Agenda 21 and the Regional Action Programme for Environmentally Sound and Sustainable Development. A number of catalytic activities were initiated, including a project to integrate environmental considerations into economic decision-making, and a project, involving 36 countries of the region, relating to areas such as water quality, toxic chemicals and hazardous waste, urban environmental issues, and coastal and marine environment. Other regional activities included development of an implementation strategy for the Asian annex of the 1994 UN Convention to Combat Desertification [YUN 1994, p. 944]. Regional cooperation on climate change was enhanced with the establishment of a regional network concentrating on technical cooperation, information exchange and organization of meetings, including the fourth Asia-Pacific seminar on climate change. An expert group meeting on regional cooperation in climate change was also held. At the subregional level, cooperation was strengthened through capacity-building activities in South Asia and North-East Asia. The third Meeting of Senior Officials on Environmental Cooperation in North-

East Asia (Ulaanbaatar, Mongolia, 17-20 September) [ENR/SO/ECNA(3)Rep.] adopted the Framework for the North-East Asian Subregional Programme of Environmental Cooperation. A subregional meeting on military activities and the environment was also held. Activities were undertaken to enhance national capacities in the areas of trade and environment, sustainable development indicators, and industrial audit for waste minimization.

#### Natural disaster reduction

Having reviewed the annual report [E/ESCAP/1040] of the Typhoon Committee, the Commission in 1996 noted progress achieved by the Committee, including work in its meteorological and hydrological components, disaster prevention and preparedness, training and research. The Commission urged UNDP and other donors to support the Committee's work, and directed ESCAP to continue to provide substantive support to the Committee within its programme of work.

The secretariat continued to promote and enhance collaborative efforts concerning the mitigation of damage from typhoons/cyclones, floods and drought. It concentrated efforts on land-use planning and practices to reduce damage due to water-related disasters, and to enhance productivity of land for poverty alleviation through watershed management. In cooperation with the World Meteorological Organization, ESCAP supported the Typhoon Committee and the Panel on Tropical Cyclones in their work towards disaster reduction and better preparedness in their member countries in typhoon monitoring, forecasting and dissemination of information on typhoons, as well as hydrological and disaster prevention measures.

#### Statistics

In 1996, the Commission noted the issues raised at the ninth session of the Working Group of Statistical Experts (Bangkok, 30 January-2 February) [STAT/WGSE.9/Rep.], and suggested that the statistics subprogramme should support other subprogrammes within the medium-term plan, 1998-2001, particularly environment and sustainable development, poverty alleviation through economic growth and social development, and the least developed, landlocked and island developing countries. The Commission supported the conclusions and recommendations contained in a March secretariat note [E/ESCAP/1028] which reviewed selected issues in the area of statistics. It recommended that Governments accord high priority to generating and maintaining an adequate database to monitor national progress in achieving the targets of the

1995 World Summit for Social Development [YUN 1995, p. 1113] policy themes. It recommended that the secretariat prepare a manual on social statistics and organize training workshops in that field. It urged donors to provide financial and other support to the secretariat to enable it to collect and exchange relevant information on national capacities in social statistics and to organize related technical assistance and training activities. It endorsed the proposed subregional training workshops for assisting countries in the region to implement the 1993 System of National Accounts, and urged bilateral and multilateral donors to support the secretariat for that purpose. It also emphasized the need for training middle-level statisticians on the System. It supported the recommendation of the Working Group of Statistical Experts that the secretariat act as a clearing house to support an exchange of experience in the use of information technology in statistics. It suggested a complementary approach for training information technology personnel in statistics, and asked the secretariat to organize information technology sensitivity training among senior-level policy makers. The Commission suggested the organization of a meeting to share information and exchange experiences of countries in implementing statistical coordination. It urged member States to pay attention to and provide resources for the next round of population and housing censuses, and emphasized the need for ESCAP to play a prominent role in their preparation.

ESCAP activities during the year included seminars and workshops on environmental and resource accounting and gender statistics. Advisory services were provided to member countries on the implementation of the 1993 System of National Accounts, population and housing censuses, civil registration systems, software packages, data processing requirements, and population and development strategies. Training was provided on application software for mapping and on management information systems. Statistical information on Asia and the Pacific was released mainly through the Statistical Yearbook, the Statistical Indicators and the Foreign Trade Statistics for Asia and the Pacific. The Statistical Newsletter and the Government Computerization Newsletter were published.

The Committee on Statistics, at its tenth session (Bangkok, 25-29 November) [E/ESCAP/1061], recommended its terms of reference to the Commission for adoption. It agreed on the terms of reference, composition, nature and geographical representation of its Bureau and on financial arrangements for Bureau meetings. It reviewed the statistical activities of countries, international or-

ganizations and the secretariat over the past two years. It reaffirmed its support for the ESCAP Statistical Information System and urged that it be made operational as soon as possible. It endorsed the practice of inviting papers from national statistical offices, and recommended that the secretariat disseminate information on gender issues and continue to give priority to improving gender statistics in the region. It identified high priority areas in the 1998-1999 work programme, including implementation of the 1993 System of National Accounts, service statistics, pilot studies and other work on statistical implications of global summit conferences. It urged ESCAP to provide advisory services in the field of national accounts, and to collect and collate information from agencies for an integrated presentation of statistical work programmes.

#### Statistical Institute for Asia and the Pacific

The Governing Board of the Statistical Institute for Asia and the Pacific [E/ESCAP/1029], which became a subsidiary body of the Commission in 1995 [YUN 1995, p. 1024], held its first session in Tokyo from 11 to 13 March. It adopted its rules of procedure and agreed on guidelines for its annual report to the Commission.

Noting the report of the Governing Board, the Commission requested early implementation of the Board's decision to establish a task force to evaluate and restructure the Institute's programme in accordance with the changing needs and priorities of the region. It suggested that the Institute play a central role in training statisticians in the region on information technology. It expressed concern about the need to improve the financial stability of the Institute, and appealed to members and associate members to provide financial support, as well as experts on a non-reimbursable loan basis, to support Institute programmes.

#### Programme and organizational questions

In April, the Commission considered and endorsed the proposed medium-term plan, 1998-2001 [E/ESCAP/1031]. It reviewed the implementation of the 1994-1995 programme of work [E/ESCAP/1032 & Corr.1], observing that some outputs and activities had been deleted, modified or postponed owing to the special measures imposed in relation to the UN financial crisis. The Commission also endorsed the proposed changes in the programme of work, 1996-1997 [E/ESCAP/1033 & Add.1 & Add.1/Corr.1].

### Review of conference structure

The Commission welcomed the comprehensive review by the secretariat of the effectiveness of the thematic approach and priorities in relation to the ESCAP programme of work and resources, in preparation for the review by the Commission of its conference structure, to be undertaken in the context of the ongoing reform of the United Nations. The Commission recommended that the ESCAP work programme be prioritized and more focused, and that the secretariat's comparative advantage be more clearly defined and its efficiency increased, with inter-agency cooperation at the regional level strengthened.

The Commission, in a 24 April resolution [E/1996/36 (res. 52/1)], acknowledged the need for review of its conference structure in 1997, and requested the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission to undertake an independent review of that structure. It requested the Executive Secretary to consult the Advisory Committee and convene a regional preparatory meeting in Bangkok in 1997 to discuss the outcome of the secretariat's preparatory exercise and the Advisory Committee's recommendations, in preparation for the review, and to report to the Commission in 1997.

### Membership

On 18 July, the Economic and Social Council adopted **resolution 1996/3 B**.

#### Admission of Palau as a full member of the Commission

The Economic and Social Council,

Noting that Palau has become a member of the Economic and Social Commission for Asia and the Pacific in accordance with paragraph 3 of the terms of reference of the Commission,

Decides to amend paragraphs 3 and 4 of the terms of reference of the Economic and Social Commission for Asia and the Pacific accordingly.

Economic and Social Council resolution 1996/3 B  
18 July 1996 Meeting 40 Adopted without vote  
Draft by ESCAP (E/1996/36); agenda item 7.  
Meeting numbers. ESC 38-40.

On the same date, the Council adopted **resolution 1996/3 C**.

#### Admission of Turkey as a member of the Commission

The Economic and Social Council,

Noting that the Economic and Social Commission for Asia and the Pacific has recommended the admission of Turkey as a member within the geographical scope of the Commission,

Decides to amend paragraphs 2 and 3 of the terms of reference of the Economic and Social Commission for Asia and the Pacific accordingly.

Economic and Social Council resolution 1996/3 C  
18 July 1996 Meeting 40 Adopted without vote  
Draft by ESCAP (E/1996/36); agenda item 7.  
Meeting numbers. ESC 38-40.

### Terms of reference

On 18 July, the Economic and Social Council adopted **resolution 1996/3 A**.

#### Change of name of Hong Kong in paragraphs 2 and 4 of the terms of reference of the Commission

The Economic and Social Council,

Noting that the Economic and Social Commission for Asia and the Pacific has recommended that the name "Hong Kong" in paragraphs 2 and 4 of the terms of reference of the Commission be changed to "Hong Kong, China", effective as from 1 July 1997, with the objective of enabling Hong Kong to continue thereafter as an associate member of the Commission,

Decides to amend paragraphs 2 and 4 of the terms of reference of the Economic and Social Commission for Asia and the Pacific accordingly.

Economic and Social Council resolution 1996/3 A  
18 July 1996 Meeting 40 Adopted without vote  
Draft by ESCAP (E/1996/36); agenda item 7.  
Meeting numbers. ESC 38-40.

### Fifty-third session of ESCAP

At its fifty-second session, the Commission decided to hold its fifty-third session in Bangkok in March or April 1997, and chose as its theme for that session "Asia and the Pacific into the twenty-first century: opportunities and challenges for ESCAP".

### Fiftieth anniversary of ESCAP

On 24 April, the Commission, noting that the fiftieth anniversary of ESCAP would fall in 1997, decided to hold a symposium in Shanghai on "Development challenges and opportunities for Asia and the Pacific in the twenty-first century and the role of ESCAP" [E/1996/36 (res. 52/2)]. It urged members and associate members to cooperate in the preparations for and in the symposium and requested the Executive Secretary to work closely with China in organizing the symposium.

### Subregional activities

The Committee for Regional Economic Cooperation, at its fifth session (Bangkok, 2-3 April) [E/ESCAP/1017], recommended that the secretariat should undertake further studies on strengthening cooperation within North-East Asia and with other subregions and countries. It should also assess the possibilities for intra-subregional cooperation in other subregions in Asia and the Pacific, and include the Economic Cooperation

Organization (ECO) subregion in studies on subregional linkages.

The Commission, in a 24 April resolution [E/1996/36 (res. 52/11)] on strengthening of subregional economic cooperation among south-western member countries of ESCAP, including the member countries of ECO, welcomed the initiative of the Steering Group of the Committee for Regional Economic Cooperation to give special attention to the North-East Asian subregion. Noting that there was, among the south-western ESCAP countries, including the ECO member countries, potential for sustainable development, the Commission called on ESCAP members and associate members to support efforts to promote subregional economic cooperation and invited the Steering Group to focus, in its future meetings, on promoting economic and technical cooperation in trade, investment and transportation and communications among the south-western ESCAP member countries, including the ECO member countries.

### **Cooperation between the United Nations and the Economic Cooperation Organization**

In response to General Assembly resolution 50/1 [YUN 1995, p. 1025], the Secretary-General submitted an August report [A/51/265] on cooperation between the United Nations and ECO. The report reviewed implementation of the 1993 memorandum of understanding [YUN 1993, p. 613] signed between ECO and ESCAP. It highlighted the joint project for a survey of economic resources to identify opportunities for closer cooperation among ECO member countries, and discussions taking place between the two organizations on provision of technical assistance in the areas of privatization and private-sector development in the Central Asian republics, macro-economic reforms, access of women to formal credit and increased productivity of the informal sector. A September addendum [A/51/265/Add.1] to the report covered developments pertaining to cooperation between ECO and other UN bodies and agencies.

#### **GENERAL ASSEMBLY ACTION**

On 27 November, the General Assembly adopted **resolution 51/21**.

### **Cooperation between the United Nations and the Economic Cooperation Organization**

The General Assembly,

Recalling its resolution 48/2 of 13 October 1993, by which it granted observer status to the Economic Cooperation Organization,

Recalling also its resolution 50/1 of 12 October 1995, in which it affirmed the need to strengthen the cooperation that already exists between the entities of the

United Nations system and the Economic Cooperation Organization in the areas of economic and social development,

Recalling further that the Charter of the United Nations provides for the existence of regional arrangements or agencies for dealing with such matters as maintenance of international peace and security and economic cooperation as are appropriate for regional action, provided that their activities are consistent with the purposes and principles of the United Nations,

Bearing in mind that the Treaty of Izmir, signed at Izmir, Turkey, on 12 March 1977, later revised at Ashgabat on 11 May 1996 and signed at Izmir on 14 September 1996, created a permanent body for intraregional cooperation, consultation and coordination in order to enhance economic, social and cultural development,

Taking note of the Ashgabat Declaration issued at the Fourth Summit Meeting of the Heads of State and Government of the States members of the Economic Cooperation Organization at Ashgabat on 14 May 1996,

Taking note also of the recent measures by the Governments members of the Economic Cooperation Organization to revitalize that organization through the adoption of a new charter of the organization and related documents on its reorganization and restructuring,

Convinced that the maintenance and further strengthening of the cooperation between the United Nations system and the Economic Cooperation Organization promote the implementation of the goals and principles of the Organization,

1. Takes note of the decision of the Heads of State and Government of the States members of the Economic Cooperation Organization welcoming the adoption of General Assembly resolution 50/1 on cooperation between the two organizations and endorsing the cooperative arrangements entered into by the Economic Cooperation Organization with various entities of the United Nations system for joint efforts towards the implementation of the economic projects and programmes of the Economic Cooperation Organization;

2. Notes with satisfaction the report of the Secretary-General on the implementation of resolution 50/1, and invites the Secretary-General of the United Nations to continue his efforts, in consultation with the Secretary-General of the Economic Cooperation Organization, to promote and expand cooperation and coordination between the two secretariats in order to increase the capacity of the two organizations to attain their common objectives;

3. Welcomes the inauguration of the Tejan-Sarakhs-Mashad railway line, which illustrates the significance of the alternative road and railway links which exist or are being developed in order to provide the landlocked countries of the region of the Economic Cooperation Organization further access to the seaport facilities of the Indian Ocean, the Persian Gulf, the Gulf of Oman and the Caspian, Black, Mediterranean and Aegean Seas;

4. Urges the specialized agencies and other organizations and programmes of the United Nations system to initiate, maintain and increase consultation and programmes with the Economic Cooperation Organization and its associated institutions in the attainment of their objectives;

5. Takes note of Economic and Social Commission for Asia and the Pacific resolution 52/11 of 24 April

1996 on the strengthening of subregional economic cooperation among the south-western countries members of the Commission, including the countries members of the Economic Cooperation Organization, in which the Commission is called upon to promote economic and technical cooperation in trade, investment and transport and communications among countries members of the Economic Cooperation Organization and the request therein to the Executive Secretary of the Commission to report to the Commission at its fifty-fourth session in 1998 on the progress in the implementation of that resolution;

6. Calls upon the Economic and Social Commission for Asia and the Pacific, as the regional arm of the United Nations having all States members of the Economic Cooperation Organization as its members, to assume a specific role in promoting cooperation with the Economic Cooperation Organization;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "Cooperation between the United Nations and the Economic Cooperation Organization".

General Assembly resolution 51/21

27 November 1996 Meeting 67 Adopted without vote

9-nation draft (A/51/L.7/Rev.1); agenda item 26.

Sponsors: Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan.

## Europe

In 1996, the Economic Commission for Europe (ECE), at its fifty-first session (Geneva, 15-19 April) [E/1996/34], considered economic cooperation in the ECE region; Commission activities to assist the integration of countries in transition into the European and global economy; preparations for the 1997 ECE Jubilee (fiftieth anniversary) Session; ECE cooperation and partnership; and the work of the Commission and its subsidiary bodies for 1996-1997.

The Commission reviewed [E/ECE/1333 & Add.1] its cooperation with the Organization for Security and Cooperation in Europe (OSCE), including the Concluding Document of the OSCE Review Meeting (Geneva, 22-24 January) and the fourth session of the Economic Forum in Prague (March), as well as economic cooperation in the Mediterranean in the light of the Final Act of the 1975 Conference on Security and Cooperation in Europe (Helsinki Conference) [YUN 1975, p. 100]. Considering that cooperation between ECE and OSCE could be strengthened within existing resources, the Commission, in an 18 April decision [E/1996/34 (dec. D(51))], asked the Executive Secretary to ensure the ECE contribution to the follow-

up of the fourth session of the Economic Forum, to consult with the OSCE Secretary-General on further strengthening cooperation between the two bodies, and to report on progress in 1997. In another decision [E(51)], the Commission called on the Executive Secretary to continue an action-oriented analysis of existing cooperation between ECE Mediterranean countries, as well as between Mediterranean and other ECE member countries, and to identify means of enhancing cooperation in that area in all spheres of the ECE work programme. He was also asked to continue to cooperate with executive secretaries of other regional commissions, as well as heads of other relevant UN bodies, in order to secure interaction with Mediterranean partners, with a view to increasing interregional cooperation on subjects within ECE competence of common interest. The Commission called on ECE to cooperate with OSCE in organizing workshops and seminars on economic cooperation subjects devoted to Mediterranean questions. The Executive Secretary was invited to explore the possibility of European Union (EU) funding to develop and assist in the implementation of projects supported by Mediterranean countries in such areas as trade facilitation, environment, transport, statistics and energy, and to report in 1997.

On 18 April, the Commission approved [A(51)] its work programme for 1996-1997 and endorsed the programme for 1996-2000, subject to review at its 1997 session. The work programme included subprogrammes on policy and coordination of Commission work, environment, transport, statistics, trade facilitation, economic analysis, energy, development of international trade, industry and technology, agriculture and timber, and human settlements. The Commission decided to suspend the activities of the Committee on Agriculture, and to retain only ECE work on standardization of perishable produce, to be transferred for the time being to the Committee on the Development of Trade; and on agricultural statistics, to be transferred to the Conference of European Statisticians, pending the decision of the 1997 session of ECE on the future of the Committee on Agriculture. In the same decision, ECE, noting suggestions [E/ECE/1330] on the commemoration of its fiftieth anniversary, invited the Executive Secretary to finalize, in cooperation with the Commission Bureau and member States, preparations for the anniversary session.

## Economic trends

According to a summary of the economic survey of Europe [E/1997/42], economic growth in 1996 varied considerably throughout the ECE re-

gion, which included Europe, the Commonwealth of Independent States (CIS) and North America. In market economies, growth in Western Europe, at 1.9 per cent, was fairly modest and weaker than in 1995; the United States had a stronger rate, at 2.4 per cent. In Eastern Europe, fairly high growth rates—5 per cent—were maintained in most reform countries of Central Europe, and there was solid recovery in the Baltic States, at 3.4 per cent. In the Russian Federation, GDP declined by 6 per cent, but there were recoveries in many other CIS members.

### **Eastern Europe, Baltic States and CIS**

In many respects, 1996 was a disappointing year for transition economies of Eastern Europe, CIS and the Baltic States. Economic growth in Eastern Europe averaged 4 per cent, down from 1995; in the Russian Federation, the slump in output deepened rather than bottoming out; there were major economic setbacks in Bulgaria and Romania; and in Albania, an economic crisis developed into political and social chaos. Despite many setbacks, there was also progress for this group of countries. Growth remained relatively strong among leading reformers, especially in Poland (6 per cent) and Slovakia (7 per cent). Growth was also sustained in the Czech Republic, although it was markedly lower than in Poland. There was a return to significant growth in the Baltic States; for the first time since the break-up of the Soviet Union and despite the continued fall in Russian output, positive growth was reported in a majority of the 12 CIS members. A fall in output also ended in all Central Asian republics, except for Tajikistan.

One consequence of the Eastern European slowdown was an end to the hesitant improvement in the level of employment experienced in 1995. There were some increases in employment levels in some faster-growing economies—the Czech Republic, Poland and Slovakia, for example—but those were much smaller than 1995 gains. There was, however, an increase of 1.2 per cent in Lithuania, following three years of positive growth and the first since independence. But everywhere else, and including all CIS members, total employment continued to fall. The slowdown in growth rates also checked the decline in unemployment in Eastern Europe, which had peaked at 7.5 million in early 1994, declining slowly to 6 million by the third quarter of 1996; in the last quarter, there was an increase of nearly 120,000, about two thirds, in Bulgaria. In CIS, at year's end, the number registered as unemployed was just over 8 million. Altogether, at the end of 1996, there were at least 14 million people unemployed in all ECE transition economies.

During the year, inflation rates generally continued to fall, with particularly marked improvements in the Baltic States, the Russian Federation and all other CIS members except Kyrgyzstan. In Eastern Europe, however, progress was less striking and widespread. First, in Albania, Bulgaria and Romania, there were major reversals, especially in Bulgaria where consumer price inflation rose 311 per cent during 1996, as compared to 33 per cent in 1995. Although much lower than in Bulgaria, the inflation rate tripled in Albania and more than doubled in Romania. Second, the reduction in inflation rates elsewhere in Eastern Europe was small, often less than targets set by Governments for 1996. In Hungary and Poland, progress remained slow, with inflation at some 19 to 20 per cent. In the Baltic States, inflation ranged between 13 per cent and 15 per cent, half the 1995 rates while, in the second half of 1996, it was in single digits in Estonia and Lithuania, significantly lower than in most advanced reforming countries of Eastern Europe. Tight control of monetary and fiscal policies, together with significant real exchange-rate appreciation, were major factors influencing that situation. There was also a major reduction in the rate of inflation of the Russian Federation and most other CIS countries; typically from 3 and 4 digit rates of increase in 1994 and 1995, the annual rate fell to within a range of 18 to 40 per cent in more than half of those States. A considerable deceleration in the Russian inflation rate was also important for other CIS members, given their high degree of dependency on the Russian economy. In the Russian Federation, the inflation rate during 1996 was just under 22 per cent, compared with over 130 per cent in 1995. The maintenance of a tight monetary policy throughout the year and a large real appreciation of the rouble in the first half of 1996 were important factors behind the reduction. But there was also an element of suppressed inflation, as large arrears of payments for wages and pensions helped to dampen domestic demand, and increases in administered prices were deliberately held below the average inflation rate. The large drop in the inflation rate in Belarus, unlike most other CIS countries, was largely achieved through governmental price subsidies, cheap credit and de facto price controls.

In 1996, trade deficits deteriorated considerably in most of Eastern Europe and the Baltic States, in most cases at an accelerating rate in the second half of the year; they doubled in Poland and were up six times over in Slovakia; elsewhere, increases of 50 to 70 per cent were common. The main exceptions were with regard to a few countries such as Bulgaria and, to a lesser extent, Romania and Slovakia, where domestic adjustments



had forced a reduction in imports. Altogether, the aggregate of Eastern European and Baltic trade deficits increased from \$23.6 billion in 1995 to just over \$37 billion in 1996. Most CIS countries also moved into a deficit situation, although on a much smaller scale than Eastern Europe. Except for Ukraine, most deficits were less than \$1 billion, but all were dwarfed by another increase in the Russian surplus, from \$31 billion in 1995 to over \$37 billion, or 9 per cent of GDP, in 1996. Allowing for unrecorded trade, however, the Russian surplus was estimated at some \$29 billion in 1996. The leading reasons for the deterioration in Eastern Europe and, to a lesser extent, in the Baltic States were a sharp deceleration in the growth of export values—from 25 per cent in 1995 to just over 1 per cent on average for Eastern Europe, and from 36 to 16 per cent for the Baltic States—and a continuing strong growth of imports—11 per cent in Eastern Europe, 24 per cent in the Baltic States. The slowdown in export growth appeared to be due to external and domestic factors. Slower growth in Western Europe was an obvious factor, with the increase of import demand falling by nearly two thirds between 1995 and 1996, which referred to a decline in the volume growth of merchandise imports. However, that affected Eastern countries differently, and some—Estonia, Hungary, Latvia and Poland—were still able to achieve export volume growth of 6 to 9 per cent, more than the growth of world trade and despite their dependence on the much weaker Western European market.

### **Western Europe and North America**

Economic growth in Western Europe strengthened during the course of 1996, but, for the year as a whole, the average rate of increase of just under 2 per cent was much lower than that in 1995. According to preliminary data, the recovery in continental Europe appeared to have lost momentum in the last quarter of 1996, while in the United Kingdom there was an acceleration in the closing months of the year. The main source of Western European growth was increasing exports, mainly outside Western Europe to, for example, the United States, the transition countries of Eastern Europe and developing countries. Many countries benefited from the competitive advantages resulting from the appreciation of the dollar and the stronger growth of demand in countries such as the United States. But the impulse from net exports was not strong enough to give a significant boost to domestic demand. In general, private consumption expenditure in Western Europe rose slightly more than 2 per cent, not much more than in 1995, and was still re-

strained by modest growth in wages and salaries and in employment. In sharp contrast to Western Europe, the United States economy continued to expand for the sixth successive year. Growth strengthened throughout the year and for 1996 was about 2.5 per cent higher than in 1995. The expansion was broadly based, but rising employment, higher real incomes and increased consumer confidence meant that household expenditures, up 2.5 per cent, was the main support. Nevertheless, business investment also grew strongly, encouraged by high capacity utilization, rising profits and confident expectations of continued growth. Also, in contrast to Western Europe, American business expanded its productive capacities and spent heavily for new technology. Strong domestic demand in the United States also boosted the world economy in 1996, with imports of goods and services rising nearly 6.5 per cent and creating a slight net drag on the domestic growth rate. The performance of the Canadian economy in 1996 was closer to that of Western Europe than that of the United States. Annual growth averaged some 1.5 per cent, less than in 1995. Relatively weak labour markets and increased taxes held back the growth of personal disposable income, although consumption picked up to a large extent because of a steep fall in the savings ratio.

Despite tighter labour markets and strong consumer demand in the United States and the United Kingdom, inflation rates in both countries remained subdued, and there were only sporadic signs of incipient inflationary pressures. In continental Europe, inflation rates continued to decelerate, which led to an easing of monetary policy in a number of countries. European rates of consumer price inflation continued to fall throughout most of 1996, and the average rate for the year as a whole was just under 2.5 per cent, its lowest rate in more than 30 years.

Low rates and weak expectations of economic growth in Western Europe meant that there was virtually no increase in the average level of employment. Some new jobs were created in the United Kingdom and in some smaller economies, but, in general, increases were less than in 1995. Most new jobs were created in the service area. In Europe, employment increased by just 0.3 per cent on average, whereas in the United States, job creation was robust, rising by 1.4 per cent. Employment was also growing more strongly in Canada, with a 1.3 per cent increase, even though its GDP growth was significantly lower than in the United States. Weak output and employment growth in Western Europe meant that little progress was made in reducing persistently high rates of unemployment. The average

rate there in 1996 was 10.3 per cent, somewhat higher than in 1995 and about the same as in 1993. In the four largest economies—France, Germany, Italy, United Kingdom—it varied in 1996 from 8.2 per cent in the United Kingdom (the only one of the four where the rate fell) to 12.3 per cent in France. There were a few small reductions in some of the smaller economies, where unemployment rates ranged from 3 per cent in Luxembourg to more than 20 per cent in Spain.

### Activities in 1996

During 1996, ECE was involved in analytical and policy-oriented work; in assisting countries in implementing and monitoring major policies, conventions and norms adopted at the regional level; and in providing technical support to programme and project formulation at the country and subregional levels.

ECE activities aimed at assisting the integration of the countries in transition into the European and global economy; they included workshops and seminars, training programmes and foreign investment promotion projects [E/ECE/1348]. Technical cooperation activities focused on population, social statistics, the environment, the gas industry, investment promotion and enterprise development, timber and transport. Concerning the reconstruction of war-torn areas, ECE organized two advisory and one technical mission to Bosnia and Herzegovina, these related to statistics, transport and gas. Assistance was provided to Croatia in formulating a national strategy for sustainable environmental development. Advisory missions to Tajikistan were also conducted. As at 31 December, the net unencumbered balance of the Trust Fund on Assistance to Countries in Transition (TFACT), excluding programme support costs, mandatory operating reserve and interest, amounted to \$223,783. The funds were earmarked by donors for such priority areas as environment, transport and trade facilitation.

Activities of the ECE Regional Advisory Services Programme (RASP) were limited by its precarious financial situation. Funds were not sufficient to respond to the needs of countries in transition or subregional groupings, or for special initiatives. As in previous years, regional advisers provided assistance for implementing conventions, norms and standards; formulating policy guidelines for economic restructuring and developing market institutions and the private sector; capacity-building and human resource development in technical fields; and formulating national or multi-country projects. In 1996, there were 64 advisory missions in countries in transi-

tion; CIS countries accounted for 37 of those. Missions to developed market economies were organized for resource-raising purposes and as contributions to international conferences on development and transition issues. In CIS countries, emphasis was placed on national issues, while in countries of Central and Eastern Europe, the assistance shifted in the direction of multi-country projects. RASP continued to provide assistance to the Central European Initiative and the Black Sea Economic Cooperation. Regional advisers prepared project outlines for the Southeast European Cooperative Initiative, launched in December 1996 to enhance regional stability through the development of economic, environmental and transborder cooperation. Together with the Economic and Social Commission for Asia and the Pacific (ESCAP), a Special Programme for the Economies of Central Asia was launched, aimed at maximizing the benefits which the subregion could obtain from the expertise of the two Commissions. Other RASP activities focused on private-sector development and better integration in the regional economy; assistance to national development, and international cooperation and cooperation among neighbouring regions belonging to different countries; and pursuing close work relations on development projects and technical assistance with other UN institutions.

In an 18 April decision [C(51)] on ECE activities to assist countries of the region in transition to a market economy and their integration into the European and global economy, the Commission asked the Executive Secretary to continue consultations on data collection and data-sharing on foreign direct investment opportunities in cooperation with the World Bank, the European Bank for Reconstruction and Development and other relevant institutions, as well as with the business community, and to develop a guide to investment promotion practice, taking into account the work done by other international organizations. It also asked that adequate resources be allocated within the UN regular budget for implementing RASP. ECE member countries and relevant international organizations and institutions, as well as other potential donors, were invited to contribute to TFACT. The Commission recommended that the UN Secretary-General consider the possibility of using ECE as a focal point to facilitate arrangements within the Secretariat to promote and enhance mutual cooperation with UN global programmes, organs and specialized agencies.

Other ECE activities included cooperation with other organizations and institutions and subregional groupings active in the region, with increased cooperation with OSCE [E/ECE/1349]; and

contribution and follow-up to UN global programmes and conferences and to UN programmes assisting developing countries of other regions [E/ECE/1343]. In that regard, ECE had contributed [E/ECE/1340] to preparations for the 1996 UN Conference on Human Settlements (see PART THREE, Chapter VIII), and was involved in follow up to the 1994 International Conference on Population and Development [YUN 1994, p. 955], the 1995 World Summit for Social Development [YUN 1995, p. 1113] and the 1995 Fourth World Conference on Women [YUN 1995, p. 1169]. In addition, there was increased interaction with the NGO community.

### International trade

At its forty-fifth session (Geneva, 10-12 December), the ECE Committee on the Development of Trade reviewed its activities [ECE/TRADE/210] and endorsed the reports of its two subsidiary bodies, the Working Party on Facilitation of International Trade Procedures and the Working Party on International Contract Practices in Industry. The Working Party on Perishable Produce and Quality Development reported to the Committee for the first time. The Committee unanimously supported the establishment of a Centre for Facilitation of Procedures and Practices for Administration, Commerce and Transport.

In 1996, the Working Party on International Contract Practices in Industry, at its forty-fifth session (Geneva, 24-26 June), held an international forum on creating viable real estate markets in Central and Eastern Europe and CIS [TRADE/WP.5/59]. The forum issued guidelines for member Governments and agreed to establish a real estate advisory group to implement them in the transition economies. It also approved a guide on the adaptation of property laws in the transition economies. The Build, Operate and Transfer (BOT) Group was established in 1996, attracting leading experts from private companies and international organizations. The purpose of the BOT Group was to prepare guidelines on attracting private investment into infrastructure and to hold consultative meetings with member Governments, the first in Budapest, Hungary.

Regarding trade facilitation, training materials on electronic data interchange and the UN Electronic Data Interchange for Administration, Commerce and Trade (EDIFACT), including an electronic book, were developed in a joint project with ESCAP to be used for developing and transition economies. In the area of data elements and automatic data interchange, the development of UN/EDIFACT continued at a fast pace. Use of the World Wide Web to disseminate and exchange in-

formation increased. During the year, the Agricultural Standards Unit became fully integrated into the work of the Trade Facilitation Section.

### Industry and technology

As requested by the Commission in 1995 [YUN 1995, p. 1031], the Round-table Conference on Co-operation for Sustainable Industrial Development was held during the 1996 ECE session to identify obstacles to and weak points in the current transition process, under the headings of industrial policy development and restructuring, international trade, foreign direct investment, and local training and development of human resources. It was also to develop concrete solutions to overcome those problems and speed up that process. On 18 April [(dec. B(51))], the Commission, welcoming the discussion held at the Round-table Conference, asked the Executive Secretary: to explore, in consultations with member States and business community representatives, the feasibility of a more consistent framework of cooperation with the business community; to take steps to improve the management of extrabudgetary funds contributed by the business community by preparing relevant administrative guidelines and selecting projects which would encourage further business community involvement and cooperation; and to study possible mechanisms for enhancing NGO and business community involvement in ECE activities.

At their twenty-second session (25-27 September) [ECE/SC TECH/49], the Senior Advisers to ECE Governments on Science and Technology carried out a quadrennial review of major changes in overall national science and technology policies, for which 26 ECE member countries provided written contributions. They considered the results of data collection on main science and technology indicator statistics received from 18 economies in transition. During the session, a forum discussion was held on administrative obstacles to international scientific cooperation. The secretariat continued to maintain an inventory of existing safety guidelines in biotechnology and, acting as depository, had national submissions from 34 ECE Governments and three international organizations.

The Working Party on the Chemical Industry, at its sixth session (2-4 October) [ECE/CHEM/110], evaluated progress made and future action to be taken in the regional programme on sustainable economic and ecological development of the chemical industry. It supported further work on a pilot project demonstrating the environmental clean-up of selected sites polluted by chemicals, and the preparation of a compendium of clean-up technologies. Preparations for a workshop on

detection and analysis of polluted soils were also to be pursued. A round-table discussion on policies for strategic planning of research and development in the chemical industry was held during the Working Party session, which prompted a proposal from Poland to host a seminar on sustainable development perspectives in chemical research.

The fourteenth session of the Working Party on Engineering Industries and Automation (30 October-1 November) [ECE/ENG.AUT/59] carried out a review of its work since 1994. An open-ended meeting of experts on robotics was held in Faverges, France, in September.

The sixth session of the Working Party on Steel (23-25 October) [ECE/STEEL/100] expressed its satisfaction with the quality of the steel statistical bulletins published in 1996, the steel market review, and the study on privatization and changing ownership in the steel industry. It emphasized the importance of the collection and analysis of data on global trade and consumption of steel scrap, which was of great concern to steel producers and had consequences for trade relations between countries. Within its regional programme on metallurgy and ecology, the Working Party agreed to convene a third meeting of experts on the steel industry and the environment to make proposals regarding the harmonization of regulations on the environment. A directory of organizations dealing with the steel industry and the environment was issued during the year. The Working Party adopted the recommendations of a seminar on the processing, utilization and disposal of waste in the steel industry, held in Balatonszeplak, Hungary, in June.

In 1996, the Commission adopted a revised title and new terms of reference for the Working Party on Technical Harmonization and Standardization Policies. The sixth session of the Working Party (13-15 May) [ECE/STAND/44] adopted revised versions of the ECE recommendations on technical harmonization policies and on standardization policies. During the year, training workshops were organized on metrology in Slovakia and on quality assurance in Romania.

### Transport

The Inland Transport Committee, at its fifty-eighth session (Geneva, 15-19 January) [ECE/TRANS/116], discussed, among other things, assistance to countries in transition, road transport, the development of uniform technical prescriptions for the construction of road vehicles, rail transport, inland water transport, customs questions affecting transport, transport of dangerous goods, transport of perishable foodstuffs and transport statistics. Assistance to countries in

transition continued to receive attention from the Committee and its subsidiary bodies through the organization of workshops: one on the improvement of statistics on the transport of goods by road (Berlin, March) and another on international transit traffic facilitation (Tashkent, Uzbekistan, October).

The Preparatory Committee of the 1997 Regional Conference on Transport and the Environment continued to develop a draft declaration and joint programme of action to be issued by the Conference. Progress was also made in drawing up legal instruments to be adopted or signed at the Conference. On 18 April, ECE decided [G(51)] to hold the Conference in Vienna, if possible during the second week of November 1997.

Under the Trans-European North-South Motorway and Trans-European Railways projects, activities aimed at the coordinated development of international road and rail, as well as combined transport infrastructure in Central and Eastern Europe. Activities included updating the respective networks, developing respective databases, elaborating pre- and feasibility studies, and holding workshops and training seminars.

### Energy

Mobilization of private-sector support assisted countries in transition through such extrabudgetary activities as the Gas Centre, the Energy Efficiency 2000 Project (EE 2000) and the Clean Coal Implementation Programme. In 1996, companies, institutions and Governments continued to provide strong support to the Gas Centre through financial and in-kind contributions and secondment of experts. Four new companies joined the Centre during the year, and a fifth was in the process of doing so. Two Global Environment Facility (GEF) funding proposals, developed under the auspices of EE 2000 and totalling some \$6 million, were approved by GEF for the cities of Vladimir, Russian Federation, and Gabrvo, Bulgaria. New financing, notably from the World Bank, was secured for energy efficiency projects and initiatives in Energy Efficiency Demonstration Zones. Two new donors provided contributions to EE 2000, which entered the last year of its second three-year phase in 1996. A third three-year phase was under development and resources were being mobilized for its implementation. A number of Governments and companies pledged financial and in-kind support to the Clean Coal Implementation Programme.

As to the development of international standards and norms, a UN Framework Classification for Solid Fuels and Minerals Commodities, for worldwide application and developed under the auspices of the Working Party on Coal, was

intended to assist transition countries, as well as other countries, to reassess their solid fuels and mineral deposits, using market economy criteria. A Trilingual Glossary on Natural Gas Resources was developed and published under the auspices of the Working Party on Gas. A joint study was completed by EE 2000 and the EU's SAVE Programme on labelling and standards of refrigeration appliances in four transition countries.

By an 18 April decision [H(51)], the Commission, taking note of the Executive Secretary's report on cooperation in the field of energy [E/ECE/1339] and the report of the Committee on Energy at its fifth session [YUN 1995, p. 1033], invited the Committee: to mobilize the support of the private sector to assist countries in transition through the Gas Centre, EE 2000 and the Clean Coal Implementation Programme; to cooperate with other regional institutions, subregional groups and NGOs active in the sphere of energy; to continue its work on developing international standards and norms; and to streamline its work. The Executive Secretary was asked to report in 1997.

The Committee on Energy at its sixth session (Geneva, 6-8 November) [ECE/ENERGY/30] streamlined its programme of work, reducing the number of programme elements from 29 to 12. The Committee also suggested that ECE consolidate the intergovernmental bodies supporting ECE work in the field of energy.

Other activities included surveys initiated by the Working Party on Gas on underground gas storage in the ECE region; an international map of natural gas fields in Europe; and gas interconnections in the region.

### **Agriculture**

The Working Party on Standardization of Perishable Produce and Quality Development, during its fifty-second session (Geneva, 7-8 November) [AGRI/WP.1/66], discussed the outcome of expert meetings on coordination of standardization of fresh fruit and vegetables; standardization of dry and dried fruit produce; and standardization of potatoes (seed). It also discussed matters of interest arising from the work of other international organizations, including the Organisation for Economic Cooperation and Development (OECD) scheme for the application of international standards for fruits and vegetables; the EU; the Codex Alimentarius Commission; and the World Trade Organization.

During the year, the Timber Committee continued to develop its role as the major regional forum for information on and analysis of the sustainable development of forests and the timber sector. The Committee, at its fifty-fourth session (Geneva,

23-27 September) [ECE/TIM/87], streamlined its programme, identifying core activities and eliminating many programme elements. A study of the long-term outlook for European wood supply and demand, *European Timber Trends and Prospects: Into the Twenty-first Century*, was published. The Committee's secretariat played a leading role in the Intersecretariat Working Group on Forest Sector Statistics, which coordinated the work of all international organizations.

### **Economic analysis**

Preparation and publication of the annual Economic Survey of Europe and Economic Bulletin for Europe remained the core activity of the ECE Division for Economic Analysis and Projections.

At their thirty-second session (Geneva, 3-5 June) [ECE/EC.AD/50], the Senior Economic Advisers organized a round table on the improvement of the investment climate and the restructuring of industry in Europe and their impact on employment. The Advisers reviewed their ongoing activities on medium- and long-term projections; international trade and structural change; structural changes in the ECE region and their impact on employment, labour productivity, working patterns and income distribution; and sustainable economic development. As part of ECE reforms, the meeting of the Senior Economic Advisers was to be replaced by a one-day seminar, to take place the day before the opening of the Commission's annual meeting.

Research into population issues continued to focus on fertility, family and reproductive health, international migration and population ageing. Standard data sets were prepared for three quarters of the countries that conducted Fertility and Family Surveys (FFS), and the majority of those were archived at ECE. Arrangements for comparative research on fertility, reproductive health and family behaviour were agreed upon by countries participating in the project. The first FFS standard country report was published, and 12 more were expected in 1997. Two issues of the International Migration Bulletin were published, as was a volume on international migration in Eastern Europe and CIS. Another volume was being prepared for publication in 1997 on international migration in Lithuania, Poland and Ukraine. Work on population ageing in 1996 focused on finalizing standard data sets of elderly persons for 14 countries; a plan for preparing country monographs based on those data was agreed upon by participating countries.

### **Environment**

In 1996, the Committee on Environmental Policy held a one-day special session (Geneva, 17

January) [ECE/CEP/18] to consider an overview and evaluation of the Third Ministerial Conference "Environment for Europe" [YUN 1995, p. 1036], held in 1995. The special session focused on the Ministerial Declaration, whereby participants at the Conference reaffirmed their commitment to cooperation in the area of environmental protection in Europe. The Committee established an Ad Hoc Preparatory Working Group of Senior Officials to prepare for the Fourth Ministerial Conference in 1998, and an Executive Committee to prepare the work of the Working Group. The Working Group and the Executive Committee were serviced by the ECE secretariat. The Executive Committee met three times during the year, and the Working Group was scheduled to have its first meeting in May 1997. In addition, the Committee established an Ad Hoc Working Group for the preparation of a draft convention on access to environmental information and public participation in decision-making, which met three times in 1996. On 18 April [dec. F(51)], the Commission endorsed the establishment of the Ad Hoc Preparatory Working Group of Senior Officials, with the aim of streamlining the Environment for Europe process and preparation of the 1998 Ministerial Conference. It also endorsed the establishment of the Ad hoc Working Group to prepare a draft convention. The Executive Secretary was asked to report in 1997.

At its third session (Geneva, 20-22 May) [ECE/CEP/30], the Committee on Environmental Policy considered its strategic role in regional environmental policy-making, and consequently revised its 1996-1998 programme of work, basing it on three pillars: participation in the two major international cooperative processes—the Environment for Europe process and the regional promotion of Agenda 21, adopted by the 1992 UN Conference on Environment and Development [YUN 1992, p. 672]; the development and carrying out of environmental performance reviews; and the development of and follow-up to its decision-making, including monitoring the use of resources and coordinating work on environment with international governmental organizations and NGOs. The Committee screened further action required for implementing the Environmental Programme for Europe and agreed on sub-activities to its work programme. It extended the Environmental Performance Review programme to further non-OECD countries of the region. The Committee's Bureau followed the preparations for the Regional Conference on Transport and Environment (Vienna, November) and encouraged national environmental experts to participate in the preparatory work.

### Human settlements

Activities of the Committee on Human Settlements in 1996 concentrated on finalizing its contribution to the UN Conference on Human Settlements (see PART THREE, Chapter VIII), which included the submission of five publications and the convening of a special event at the Conference on the housing crisis in the countries in transition. The Committee, at its fifty-seventh session (Geneva, 16-18 September) [ECE/HBP/100], revised its structure and work programme. It decided to abolish the two Working Parties and to rely more on task forces and expert meetings to carry out its work programme; it gave a stronger role to its Bureau and approved the establishment of an advisory board with participation of the private and public sectors.

### Statistics

The Conference of European Statisticians, at its forty-fourth session (Paris, 11-13 June) [ECE/CES/50], devoted attention to a review of the integrated presentation of planned future international statistical work. The Conference decided to streamline further its consideration of the integrated presentation by focusing greater attention at each plenary session on four to six programme elements which member States had indicated deserved being studied in greater depth. The new approach was to be used for the first time at the Conference's 1997 session. The ECE/UNDP project launched in 1995 [YUN 1995, p. 1039] to improve the capacities of national statistical offices in countries in transition to provide social and demographic statistics was suspended by UNDP in December because it did not receive the anticipated contributions from donor countries.

## Latin America and the Caribbean

The Economic Commission for Latin America and the Caribbean (ECLAC) held its twenty-sixth session in San Jose, Costa Rica, from 15 to 20 April 1996 [E/1996/37]. The Commission focused its deliberations on assessing the achievements, failures and inadequacies of the reform process in the region since the debt crisis, and examined approaches to facilitate progress towards macro-economic stability, more dynamic growth and greater social equity. The Commission considered a basic document, "Strengthening development: the interplay of macro and micro-economics", and a complementary document, "The economic experience of the last fifteen

years: Latin America and the Caribbean, 1980-1995".

Addressing the opening session, the Executive Secretary stated that despite significant improvements in economic performance in recent years, the region had not achieved sufficiently robust growth to ensure a higher level of well-being for all, especially the most disadvantaged groups. While nearly all the countries displayed certain common features linked to the demands of globalization, they differed in the timing, scope and content of economic reforms. The restoration and maintenance of macroeconomic equilibria were requirements for an increasingly transnationalized economy, and the region should avoid striving to achieve higher growth at the price of stability. Experience had shown that rapid and sustained growth could not be achieved solely on the basis of market signals and macroeconomic discipline. The proposal submitted by the ECLAC secretariat, therefore, emphasized the need for measures at the macroeconomic, microeconomic and institutional levels to support productive modernization, the development of financial and labour markets, and the strengthening of institutions to create a favourable development environment. The proposal suggested that to increase productivity and create more and better jobs, the region had to expand its gross domestic product (GDP) by around 6 per cent per annum; and main economic policies had to be constantly adapted to ensure long-term sustainability of macroeconomic equilibria and avoid inefficiencies in the allocation of resources, so as to expand the production frontier, promote saving and investment and stimulate innovation. To achieve growth rates of that magnitude, the region had to meet certain goals for channelling national savings into investment, making better use of existing capital and stimulating capital formation. To expand linkages within productive systems and enable demand and technical progress to radiate outward from the leading sectors to the rest of the economy, action was called for at the microeconomic level to assist firms in incorporating the best international practices and technologies, together with action to promote the dissemination and large-scale assimilation of such practices, while facilitating access by all firms to a well-structured capital market and training system.

In a resolution on strengthening sustainable development in the region [E/1996/37 (res. 552(XXVI))], the Commission stressed that achieving rates of saving and investment to ensure strong, sustained growth required, in addition to a stable macroeconomic context, an effective financial development policy. It stressed further

that, to achieve steady increases in productivity, there was a need to complement macroeconomic policy with productive development and to direct human resource training policies towards facilitating the promotion, generation and dissemination of technology through a combination of measures to foster development and improve domestic systems of innovation; that could begin with measures aimed at improving the quality and coverage of mandatory basic education, followed by others directed towards supporting information networks, strengthening mechanisms of business cooperation, protecting intellectual property, promoting research centres and technology extension services, adopting international norms and standards of quality, and encouraging vocational training and education.

The secretariat was requested to deepen its analysis of the interactions between macroeconomics, institutions and microeconomics; policies that minimized macroeconomic instability while maximizing the impetus to investment, saving, technical progress and international competitiveness; the conditions of macroeconomic stability and opportunities for development in countries of different sizes or in different stages of development, and the possibilities for cooperation in the development of the smaller economies of the region; fiscal and other reforms seeking to strengthen the structural stability of public finances, increase incentives to saving and investment, and improve social equity; reforms that increased national savings and channelled them towards investment, including reforms of the social security, banking and insurance systems; intermediation of long-term financing in support of productive development; incentives and policies for promoting innovation and disseminating environmentally sustainable technical progress throughout the productive system; development potential inherent in key natural resources; the role of infrastructure investment and new modes of private participation in such investment; concerted action schemes, such as institutional mechanisms that encouraged coordination between the public and private spheres and between private agents; investment in human resources; the impact of structural reforms on the labour market; the quality of social investment and the efficacy of social policy instruments, with emphasis on their linkages with growth; the links between economic policy, environmental sustainability of growth and social equity; regional integration agreements in their various forms and the opportunities for intraregional cooperation; public policy reforms to meet institutional and public administration requirements generated by economic changes, increasingly complex

conditions of international competition and growing demand for economic and social development; and the impact of the debt burden on the formulation and implementation of sustainable development policies.

In a resolution on the implications for ECLAC of UN reform [res. 553(XXVI)], the Commission reaffirmed that the activities entrusted to it by the Economic and Social Council retained their full validity in the light of current circumstances and the foreseeable future of the ECLAC countries, and that it was essential for the United Nations, in carrying out economic and social activities, to take account of the regional dimension and the decentralization of tasks in accordance with the comparative advantages of headquarters and subsidiary organs located in the developing regions. The Commission declared that ECLAC should function as a centre of excellence, charged with collaborating with member States in a comprehensive analysis of development processes geared to the design, monitoring and evaluation of public policies and the resulting provision of operational services in the fields of specialized information, advisory services, training and support for regional and international cooperation and coordination. The Commission established an ad hoc working group to define priorities for its work programme (see below) and to recommend strategic directions for its future activities, taking into account the development priorities of Latin America and the Caribbean, as well as budgetary considerations.

In another action [res. 561(XXVI)], the Commission admitted Anguilla as an associate member and welcomed its participation in the work of the Commission. It also adopted a resolution supporting the work of the Latin American and Caribbean Institute for Economic and Social Planning [res. 554(XXVI)] and one on the Latin American Demographic Centre [res. 555(XXVI)] (see below).

In the framework of the Commission session, ECLAC and the Inter-American Development Bank (IDB) signed a cooperation agreement on 20 April to strengthen their work in the region. Under the agreement, the two institutions would search for common objectives and exchange information on strategies and plans of action in the region, and explore jointly financed studies, programmes and projects, particularly in the areas of economic integration, intraregional trade, population, statistics, social policy, citizens' security, macroeconomics, transport and the environment.

### Economic trends

According to the 1996 summary of the economic survey of Latin America and the Carib-

bean [E/1997/43], the dominant feature of the region's economic panorama in 1996 was the re-emergence of a pattern of modest growth, accompanied by price stability, that had characterized the region's economy during the 1990s, until the Mexican financial crisis erupted in 1994. An important development was the gradual recovery of the Argentine and Mexican economies. GDP for the region expanded 3.4 per cent, following a lacklustre performance the previous year. As a result, per capita GDP climbed 1.7 per cent, higher than the average annual rate since the start of the decade. Seven economies (Barbados, Chile, Cuba, Dominican Republic, Guyana, Nicaragua, Saint Lucia) expanded at a rate of more than 5 per cent. Another 13 (Argentina, Bolivia, Belize, Brazil, Colombia, El Salvador, Grenada, Guatemala, Honduras, Mexico, Saint Vincent and the Grenadines, Trinidad and Tobago, Uruguay) recorded increases of between 3 per cent and 5 per cent. Five others (Ecuador, Haiti, Panama, Paraguay, Peru) had a growth rate of 2 per cent, while GDP was flat in Costa Rica and Jamaica, and shrank in Antigua and Barbuda and in Venezuela. The region's stronger showing in 1996 was chiefly attributable to an upturn in economic activity in Argentina, Mexico and Uruguay. More robust growth in Barbados, the Dominican Republic, Guyana and Nicaragua was also a contributing factor, as was the swift pace of economic expansion in Chile, even though that was slower than the year before. Trends in Bolivia and Honduras were much the same as in 1995, with both countries posting growth rates close to the regional average. Another 11 countries saw a decline in economic growth rates. The downturn was especially marked in Peru, whose rate dropped by over five percentage points. Argentina and Mexico made comebacks, as the negative impacts of the 1994 financial crisis dissipated; in 1996, external capital began to flow into both countries once again. Uruguay's economic reactivation started to take hold as the Argentine economy recovered. In contrast, the weaker performances of a large group of countries were due to adjustment policies, as in Brazil, Chile, Colombia, El Salvador, Guatemala and Peru, or in response to major macroeconomic disequilibria, as in Brazil, Costa Rica and Venezuela and, to a lesser extent, Ecuador. The decline in Paraguay's growth rate was accounted for by its banking crisis.

Exports were the dominant factor in stimulating economic growth for the region, with volume rising nearly three times as fast as GDP. In relation to domestic demand, consumption appeared to have risen faster than investment, although the latter resumed its positive evolution after the pre-



vious year's decline. The continuing downward trend in the inflation rate continued, from 26 per cent in 1995 to 20 per cent in 1996. That outcome was fairly evenly distributed in 1996, since inflation was down in 10 of 22 economies analysed, and the consumer price index held steady or rose only slightly in another 11 economies. Only Venezuela registered triple-digit levels. The marked reduction in the region's rate of inflation and the improved performance of most countries were made possible by stabilization programmes implemented in the late 1980s and early 1990s, and in Brazil in mid-1994.

Unfortunately, the moderate upturn in the region's growth rate did not improve the labour situation. The unemployment rate soared in various countries, rising from 7.3 per cent in 1995 to 7.7 per cent in 1996. That was due to the fact that the labour supply remained stable, whereas job creation was sluggish. Only Mexico showed a substantial increase in industrial employment.

The region's merchandise exports reached \$248 billion in 1996, an increase of 11 per cent over 1995, but it represented a moderation of the extraordinary export burst during 1994-1995. Mexico led the way, with its exports growing by 20 per cent, reflecting an expansion in manufacturing exports and a substantial rise in earnings from oil exports. In Argentina and Uruguay, export earnings were up by 13 per cent and 11 per cent, respectively. Both countries more than made up for the fall in meat prices by increasing their shipments. They also benefited from sluggish domestic demand and were able to take advantage of expanding foreign markets. Bolivia and the Dominican Republic also experienced significant growth in their export volume. Brazil's exports declined in general, while in Colombia there was a surge in traditional exports and a drop in non-traditional exports, as the Colombian peso appreciated in real terms. Costa Rica's exports were adversely affected by the fall in coffee prices, a leaner banana harvest and the contraction of the maquila industry, while in Peru, variations between products were mainly a reflection of price differences. Five countries recorded lower export earnings than during the year before, due to smaller volumes and lower prices. In Haiti, the fall was particularly marked, at 19 per cent, in view of the preceding year's upsurge of 84 per cent, while Chile suffered from a downturn in the high prices of its commodities. The same could be said for Guatemala and Panama. In Paraguay, however, the drop in earnings was due chiefly to a decline in cotton production for export.

The region's real terms of trade deteriorated overall. Terms of trade improved only in the oil-exporting countries of Ecuador and Venezuela, and in Argentina.

The region's merchandise imports approached \$245.5 billion, increasing almost 11 per cent. Particularly marked upturns were registered in Argentina and Mexico, while the import boom in Brazil came to an end. Generally, imports expanded faster in countries experiencing a reactivation of their economies. However, since economic activity slackened in most countries, in many cases imports stagnated, fell or rose slowly.

The region's trade deficit narrowed by some \$800 million, to \$8 billion, largely as a result of favourable trends in the oil market. However, in a majority of countries, the trade balance actually worsened, with the exceptions of Colombia, Ecuador, El Salvador, Panama, Paraguay, Peru and Venezuela. The most significant changes in quantitative terms, other than in Venezuela, occurred in Brazil, where the trade deficit widened; Argentina, whose former hefty deficit reappeared; and Ecuador, whose trade surplus grew considerably.

The region's current account deficit grew relatively little, widening from \$32 billion in 1995 to \$32.5 billion in 1996. During the year, the region consolidated its progress towards full participation in international financial markets. Changing trends in the composition of capital flows, first observed in 1995, gathered momentum. Foreign direct investment grew from \$22 billion in 1995 to a record high of \$30.8 billion. Flows of that type were significant for Argentina, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Mexico and Peru, and reached unprecedented levels in some countries. By contrast, direct investment in Mexico remained unchanged from the previous year's level of \$7 billion. Bond issues continued the upward trend begun in mid-1995, totalling \$41 billion in the first 10 months of 1996. Those flows were directed primarily to Argentina, Brazil and Mexico, and, to a lesser extent, to Chile, Colombia and Venezuela.

### External debt

In 1996, the region's external debt amounted to \$607 billion, an increase of 3.4 per cent over 1995, the lowest increase since 1991. That was attributable to the depreciation of European currencies and the yen vis-a-vis the dollar in 1996, which was reflected in a reduction in the external debt denominated in those currencies, as well as to a decrease in the nominal debt in several countries, particularly Nicaragua and Venezuela. The region's external debt indicators continued to improve, returning to pre-1980s levels. Total interest

payments, measured as a percentage of exports of goods and services, declined to 14.5 per cent. During the year, important advances were made in the renegotiation of the external debt in several heavily indebted Latin American countries. Peru made substantial progress in concluding debt rescheduling agreements with the Paris Club, commercial banks and the Russian Federation, and a final agreement for restructuring its commercial debt under the Brady Plan. Nicaragua reduced its external debt by over \$4 billion by renegotiating its debt with the Russian Federation and obtaining forgiveness of its debts with Mexico and Germany. Honduras and Guyana also signed agreements to restructure their bilateral debt with the Paris Club, and Panama rescheduled its debt arrears with commercial banks.

### Activities in 1996

ECLAC continued to implement its mandate to collaborate with member States in a comprehensive analysis of development processes, such as public policy-making, monitoring and evaluation, and the provision of resulting operational services of specialized information, technical assistance, training, and support for regional and international cooperation.

### Development policy and regional economic cooperation

As part of its systematic monitoring of macroeconomic trends in the countries of the region, ECLAC's Economic Development Division produced the Economic Survey 1995-1996, the Economic Panorama 1996, and the Preliminary Overview of the Economy of Latin America and the Caribbean 1996. The analytical work carried out by the Division focused on the study of employment difficulties in the region, with special emphasis on analysing the effects of adjustment processes; and government policies aimed at changing production patterns and promoting sustainable development and social equity, with emphasis on assessing their effectiveness in those different spheres.

Operational activities continued in the area of fiscal policy and decentralization. The Division continued the project on privatization processes in Bolivia and Nicaragua, and conducted the eighth regional seminar on fiscal policy, stabilization and adjustment.

The Latin American Centre for Economic and Social Documentation, which focused on strengthening the management of information and documentation for development, continued to provide technical assistance to Governments and to publish its periodical publications—PLANINDEX, INFOPLAN and Informativo terminológico. Courses

were organized in Argentina, Cuba, Chile, Guatemala, Nicaragua and Venezuela to raise awareness among information systems managers and decision makers on the role of information in the new context of globalized economies, and the potential for public- and private-sector cooperation.

The Latin American and Caribbean Institute for Economic and Social Planning (ILPES) conducted four international courses on economic reform and strategic public management; preparation, evaluation and management of local development projects; regional development; and decentralization and local management. International seminars were conducted on financial management of the State and political parties and strategic management of the State. The Institute carried out some 20 technical assistance missions in support of central Governments and decentralized institutions, as well as academic institutions. With the sponsorship of the Andean Development Corporation, the Institute was carrying out a project to offer Andean Governments a set of strategic criteria and a methodological framework to analyse and develop regulatory frameworks for the electrical, telecommunications and sanitary works sectors. The Institute also set up REDILPES, a network of former participants in ILPES training activities, universities, research centres and NGOs, to promote the exchange of experiences and update information on those areas related to the strategic management of the State. The Institute's activities were reviewed in 1996 at the eighteenth meeting of the Presiding Officers of the Regional Council of Planning (Brasilia, Brazil, 25-26 November).

The Commission, in a resolution on support for the work of the Institute [res. 554(XXVI)], supported the establishment of REDILPES.

Activities in the area of regional integration and cooperation included participation in and preparation of discussion papers for working groups of the Free Trade Area of the Americas. Publications were issued on the economic relations between the European Union and Latin America, and on the evolution and perspectives of intraregional trade and investments. Chapters on open regionalism, the state of regional and subregional economic integration, the panorama of intraregional investment, and the social dimension of regional integration were included in the new publication *Panorama de la Inserción Internacional*.

### Industrial, scientific and technological development

The Joint ECLAC/United Nations Industrial Development Organization (UNIDO) Industrial

and Technological Development Unit focused on the industrial restructuring process and policy formulation to enhance the competitiveness of Latin American and Caribbean countries. It provided technical assistance on policies for export promotion, human resources development and technological innovation and dissemination, as well as on the design of industrial policies and modernization of business associations. Studies were produced on industrial performance, innovation and specialization, industrial policy and competitiveness in open economies, and linkages and industrial development process. The two computer programs devised by the Division to evaluate the export competitiveness of individual countries and industrial performance in the region were further developed; 11 training workshops were conducted on the use of the programs. International seminars were held on the industrial dimension of national sustainable development strategies and on decentralized industrial policies. Six training courses were offered on stabilization and adjustment, innovation theory and industrial development, technological and industrial development and the challenge of competitiveness.

A seminar was held to design a new project aimed at identifying strategies for developing resource-based production linkages around clusters arising from the region's rich base of natural resources. Other activities included a national seminar on the analysis of productivity in Chile, and contributions to two UNIDO 1997 global reports, *The Key Role of Industrial Investment in Economic Development* and *Industrial Policy Outlook*. Agreements were reached with the Latin American Confederation of Pulp and Paper Industries, on an evaluation of pulp and paper imports from outside the region; the Technical Cooperation Service of Chile, on upgrading efficiency on the use of funds in support of micro, small and medium firms; and the National Planning Department of Colombia and the Colombian Institute for Science and Technology, on technical assistance on sectoral development negotiations. Publications included the *Desarrollo Productivo* series, as well as other works on industrial restructuring and the design of policies to enhance the competitiveness of the countries of the region.

#### **International trade and development finance**

During 1996, ECLAC activities focused on research aimed at contributing to policy formulation in the region to foster expansion and improvement of its commercial links with the changing world economy, and taking into account the globalization of production processes

and increasing commercial and financial apertures. That included publications dealing with foodstuff exports, trade policies between Latin America and the United States, evolution and perspectives of economic relations between Japan and Latin America, trade policies and World Trade Organization commitments, and open regionalism. In addition, the first edition of a new publication, *Panorama de la Inserción Internacional*, was published, describing the evolution of trade and trade policy of countries of the region, paying special attention to structural changes in the world economy affecting trade and investment opportunities, regional and subregional integration, and the implementation of multilateral trade agreements.

In the area of development finance, and within the framework of the joint ECLAC/United Nations Development Programme (UNDP) project on financial policies for changing production patterns with social equity, case studies were completed of Chile and Mexico, on regulation and supervision of financial conglomerates; of Chile, Colombia and Costa Rica, on access of low- and medium-income strata to housing finance; and on financial institutions and capital formation in Latin America. Regarding the project on reforms of health systems financing, case studies of Argentina, Chile and Colombia, as well as Canada, the United States and other developed countries, were completed, and a regional seminar was held in November. Work continued on a project on income distribution and recent stabilization and adjustment policies, with a comparative study of the cases of Argentina, Brazil and Colombia, and preparation of a report with comparative data resulting from the processing of household surveys of Argentina, Brazil, Colombia, Chile and Mexico. Two international seminars were held, one in May and another in November.

A regional seminar discussed the current situation and prospects for reform regarding pension systems in Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Ecuador, Honduras, Paraguay and Peru. Four issues of the *Financiamiento del desarrollo* series were published, dealing with savings, financial clusters, macroeconomic shocks and income distribution, as were the documents *Flujos de capitales a América Latina y el Caribe en los Noventa: Experiencias y Políticas* and *Entorno macroeconómico para el desarrollo productivo en el contexto de entrada de capitales externos*.

#### **Natural resources and energy**

Activities of the ECLAC Natural Resources and Energy Unit in the areas of marine and mineral resources, hazardous wastes and energy continued to focus on institutional management issues;

defining the role of the State, particularly with regard to privatization and regulation; the design and application of public policies for integrated natural resources management; and regional implementation of international environmental agreements, such as Agenda 21 [YUN 1992, p. 672]. National seminars were held on reform, regulation and privatization in Brazil, Costa Rica, Peru and Venezuela; regional seminars on conservation and sustainable use of coastal and marine biodiversity, and reform and strategic alliances for the efficient use of energy were held in Brazil and in Chile. Advisory services were provided on the analysis of complex areas of different international agreements and the use of different strategies included in Agenda 21; and on mining, energy, water and marine resources legislation. In the area of water resources, activities focused on privatization of water utilities, particularly the regulation of monopolies and the use of the concept of watershed management. Technical assistance was provided regarding management for the multiple use of water, and training courses were offered on integrated watershed management. Work also continued on the joint ECLAC/Latin American Energy Organization project on energy and sustainable development, on issues ranging from equity to regulatory frameworks.

### Transport

The work of ECLAC in the field of transport concentrated on research, technical cooperation and institutional support in railways operation, road maintenance, port management, urban transport and multimodal transport. Research focused on the study of transport services resulting from integration processes, ports modernization and privatization, and infrastructure for urban transport. In addition to the technical assistance provided to countries in the region, ECLAC collaborated with the World Bank and IDB on projects dealing with land bridges and railway networks in South America. Technical assistance was provided to the Economic and Social Commission for Asia and the Pacific and the Economic Commission for Africa, and through joint programme training courses in several African and Asian cities. Assistance was also provided to meetings of the South American Ministers of Transport, Communications and Public Works, and to other regional organizations. ECLAC continued to publish its *Boletín FAL* on the facilitation of trade and transport in the region.

### Social development

In 1996, the work of the ECLAC Social Development Division focused on the production of the 1996 edition of the *Social Panorama of Latin Amer-*

*ica*, which provided statistical information and social indicators for an adequate assessment of the social situation in the region. Work continued on an assessment of recent socio-economic progress and the impact of social policies. Technical assistance was provided to Costa Rica on the elaboration of a national plan against poverty, and to Paraguay on the formulation of its national plan for social development and on the elaboration of the social panorama of Paraguay. Methodologies were developed to improve the design and implementation of social policies methodologies, paying special attention to institutional and organizational aspects. The analysis of experiences in the management of social policies, programmes and projects continued; technical assistance was provided through the PROPOSAL project, seven national training courses and one regional course. Research was conducted to facilitate efforts to reduce drug abuse. Twenty-five working papers were published, including eight issues of the *Políticas sociales* series on social policies. Eight workshops were held on education, the informal sector, popular participation, reform of the State, and public policies and income distribution.

In addition, preparations were conducted for the first Regional Conference in Follow-up to the World Summit for Social Development, to be held in April 1997, including a contribution to the study *The Equity Gap: Latin America and the Caribbean and the Social Summit*.

### Integration of women

In April, the Commission adopted a resolution [res. 558(XXVI)] on the Regional Programme of Action for the Women of Latin America and the Caribbean, 1995-2001, which had been approved in 1994 by the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean [YUN 1994, p. 739]. The Commission requested the Executive Secretary to support regional activities in implementation of the Programme of Action, and urged its implementation in close coordination with the UN system, as a complement to the 1995 Beijing Platform for Action [YUN 1995, p. 1170] and the medium-term plan for 1996-2001. The Commission requested the Regional Conference and its Presiding Officers to carry out a periodic review and evaluation of the implementation of the 1977 Regional Plan of Action [YUN 1977, p. 596] and of the Regional Programme of Action for 1995-2001.

The activities of the ECLAC Women and Development Unit concentrated on contributing to the implementation and monitoring of the Regional Programme of Action and the Beijing Platform

for Action. That was done primarily through reinforcing the activities of the Presiding Officers of the Regional Conference, which met in November 1996. The Unit continued its activities aimed at mainstreaming gender issues into the Commission work programme. A preliminary Directory of National Organizations in charge of policies and programmes dealing with women's issues and several studies on indicators in the labour market, human settlements and female human resources training were completed.

### Environment and human settlements

ECLAC's work on environment and human settlements continued within the general framework of the implementation of Agenda 21 and the Regional Plan of Action on Human Settlements. As part of the follow-up to Agenda 21, the ECLAC/German Agency for Technical Cooperation project, entitled "Guidelines and consultancy services on controlled environmentally sound waste management", continued to assist in the formulation of integrated waste management policies, with emphasis on the institutional and legal framework, technological policy and urban planning. The Fourth Regional Seminar on Progress and Prospects for Environmentally Sound Management of Urban and Industrial Waste was held in December. In addition, a document was prepared on the progress achieved by Latin American and Caribbean countries in the implementation of recommendations regarding integrated resources management. Studies were carried out on the environmental aspects of economic integration, particularly in the case of the Southern Cone Common Market (MERCOSUR).

In the area of human settlements, a project on changing production patterns in the region's housing sector concluded with the publication of the study *Producción de vivienda en América Latina y el Caribe: áreas de interés para una política habitacional innovativa*. Activities continued within the project on urban management in selected medium-sized cities of Latin America, with national seminars held in Brazil, Colombia, Chile, Peru and Trinidad and Tobago.

### Population

ECLAC's sessional Ad Hoc Committee on Population met for the first time during the Commission's twenty-sixth session (17-18 April). The Committee evaluated progress achieved in the implementation of the Regional Plan of Action on Population and Development, adopted by the Commission in 1994 [YUN 1994, p. 740].

The Commission [res. 556(XXVI)] agreed that each country should designate an institution to serve as liaison for the follow-up of the Regional Action Plan to facilitate communication between member countries and with the ECLAC secretariat. It decided that, at its next meeting, the Ad Hoc Committee would consider the issue of reproductive health and poverty. It requested the secretariat to procure extrabudgetary financing for activities envisaged in the Plan of Action, to update those activities periodically, and to disseminate the information in a special bulletin. The secretariat should also prepare a biennial report on activities undertaken for presentation to the Ad Hoc Committee. The Commission urged the international community and ECLAC member States to increase their financing of activities related to population and development in Latin America and the Caribbean, particularly those envisaged in the Action Plan.

In a resolution [res. 555(XXVI)] on the Latin American Demographic Centre (CELADE), the Commission reiterated the need for continued support for its activities in the field of population, and asked ECLAC member countries to increase their contributions to financing the activities of the population work programme, bearing in mind the successive reductions in extrabudgetary contributions that CELADE had experienced in recent years. It also asked international agencies to increase their support for those activities.

ECLAC provided technical assistance on population policy formulation to, among others, Mexico and Paraguay; and in social investment projects, in collaboration with IDB, to Guatemala, Nicaragua, Paraguay and Peru. Assistance on the use of census data through the application of the REDATAM-Plus and Geographical Information Systems was provided to several countries of the region. Research focused on collaboration with the Population Division of the United Nations on population projections and on the development of the final stage of the Windows version of REDATAM-plus and three related applications: ACESS-Plan, EduPlan and ZonPlan.

Training activities included the nineteenth intensive regional course on demographic analysis for development; and collaboration with the sixth postgraduate course on population and development, held by the University of Chile with the sponsorship of the United Nations Population Fund (UNFPA). Assistance was provided to universities, public institutions and NGOs in Argentina, Chile, Colombia, Cuba, Guatemala, the Netherlands Antilles, Paraguay and Uruguay for the training of national officials and exchange of teachers and research fellows. Besides CELADE periodicals, such as DOCPAL: Latin American

Population Abstracts, the *Notas de Población* and the Demographic Bulletin series, publications included *Impacto de las tendencias demográficas sobre los sectores sociales en América Latina*, issued jointly with IDB, and *Pensamiento Iberoamericano*, covering population and development issues.

### **Food and agriculture**

The ECLAC Agricultural Development Unit continued its work on linkages between small- and medium-scale farmers and agro-industry; long-term agricultural scenarios, including the impact of regional integration; technological innovation; and the study of land markets.

The project on promoting social and economic integration of small- and medium-scale farmers into agro-industry concluded with the preparation of policy recommendations based on eight national case studies (Colombia, Ecuador, El Salvador, Guyana, Jamaica, Mexico, Peru, Trinidad and Tobago) and five sectoral studies. The document *Escenarios de la agricultura y el comercio mundial hacia el año 2020* was published. A study was carried out on technological demands and cooperation possibilities among countries in the Southern Cone. A new project commenced on policies to promote the development of the agricultural land market, with emphasis on providing access to small producers. As a contribution to a larger project on the development of resources-based clusters, research began on the feasibility of forestry and agricultural clusters. Research was also carried out on the impact of the MERCOSUR-Chile agreement on the Chilean agricultural sector.

### **Statistics and economic projections**

The ECLAC Statistics and Economic Projections Division continued to carry out activities aimed at expanding the regional network of statistical information and regional cooperation in statistics to foster dissemination of statistical information in the region; analysing the region's position in the global economy; and undertaking studies on regional development.

The regional framework of statistical information was considerably enlarged and strengthened by the consolidation of the Short-term Indicators Database, the final incorporation of the latest international statistical classifications based on the Harmonized Commodity Description and Coding System for external trade data, the creation of the External Debt Database for the countries of the region, and the incorporation of new surveys into the Household Survey Data Bank. Improvements were made to the methodology for estimating income distribution and poverty

situations, as well as for calculating new indexes of unitary values for foreign trade.

Regarding the development and dissemination of statistical information, special emphasis was placed on supporting the implementation of the revised System of National Accounts (SNA 1993) [YUN 1993, p. 112], and promoting the translation of its handbook into Spanish. Progress was achieved in disseminating information in electronic formats (diskettes and CD-ROMs) and on-line access via the Internet and Intranet, allowing direct access to ECLAC databases. In the area of technical cooperation, activities continued to focus on the creation of statistical databases, household surveys, improving national accounts, production of basic statistics, and social policies and programmes. Progress was achieved in the sub-programmes on adaptation and production of basic statistics in the framework of a regional strategy for the implementation of SNA 1993; environmental statistics and indicators; poverty statistics indicators; and statistics on services.

Studies were undertaken on outside factors affecting the evolution of the region, and on potential economic growth trends for individual countries and the region as a whole. National macroeconomic projections were updated and the regional economy monitored in the context of Project Link, which coordinated world economic projections.

### **Transnational corporations**

During 1996, the ECLAC/UNCTAD Joint Unit on Transnational Corporations carried out activities involving information dissemination and research. Activities in the field of information continued, with the collaboration of the national competent bodies and correspondents' network that regularly interacted with the Unit, to update the electronic database *Directorio sobre inversión extranjera directa en América Latina y el Caribe: marco legal e información estadística*.

Research activities of the Joint Unit focused on the role of transnational corporations with respect to industrial restructuring and international competitiveness; economic and institutional reforms and real investments processes in ECLAC countries by leading enterprises (national and transnational); and sectoral studies, including research on specific sectoral activities. A comparative study was prepared on the legal framework of the hydrocarbon sector and its contracting modalities, in order to identify the sectoral reforms introduced in Argentina, Bolivia, Brazil, Colombia, Ecuador, Mexico, Peru and Venezuela.

### Technical cooperation and assistance

During the year, the ECLAC Programme Planning and Operations Division completed 11 regional, 3 subregional and 8 country projects financed from extrabudgetary funds. It launched 32 new projects, 8 of which were regional and 3 subregional. New regional and subregional projects focused on institutional strengthening of the integration process, development of geothermal energy, improving quality in human resources training, international trade and financial policy-making.

Country projects dealt with: in Argentina, support for small and medium-sized enterprises, industrial policy-making, local development, strengthening statistical systems and assessing social programme impact; in Brazil, technical assistance in the social policy and pension fund system, incorporating environmental variables into public-sector lending and promoting human resources development; in Cuba, economic information gathering; in Chile, institution-building in the national investment system and the national plan for the prevention and control of drug abuse, and productive use of natural resources; in Colombia, sectoral technological development and academic curricula development; in El Salvador, institutional strengthening of its Vice-Presidency; in Suriname, support in poverty alleviation policy-making; and in Uruguay, social policy-making.

In April, the Commission reviewed ECLAC activities to promote and support technical cooperation among developing countries (TCDC). In its resolution on the subject [res. 560(XXVI)], the Commission reaffirmed the importance of technical cooperation among countries in the region. It requested the Executive Secretary to: intensify activities to support and promote TCDC; strengthen links between ECLAC and national focal points for TCDC, through the creation of a data bank on national supply and demand for technical cooperation and information dissemination; support regional cooperation networks and systems and create and strengthen systems for data collection and analysis, especially in economic and social sectors of developmental priority to Governments; cooperate with the UNDP Special Unit for TCDC and support its activities to promote small and medium-sized enterprises; intensify activities to incorporate forms of TCDC into various areas of the secretariat's work programme and broaden the dissemination of such activities among national focal points; support mechanisms for coordination among bodies and organizations engaged in TCDC projects; cooperate with the Permanent Secretariat of the Latin American Economic System (SELA) in organizing

joint activities with national focal points; and intensify activities with other regional commission secretariats to promote TCDC among countries in the various developing regions.

The ECLAC Sessional Committee on Cooperation among Developing Countries and Regions, in charge of reviewing ECLAC system activities in that area, met on 19 April to consider new guidelines for TCDC adopted by the UN system, aimed at achieving a closer link between TCDC activities and social and economic development priorities of member countries.

ECLAC continued working on the incorporation of TCDC components in the execution of technical cooperation projects supported by extrabudgetary contributions, through activities and outputs related to the promotion of exchange of experiences and practical results at the country level. It provided technical support to the annual meetings of the National Directors of International Cooperation of the countries of the region, organized with UNDP, within the institutional framework of the Permanent Secretariat of SELA, the regional focal point for TCDC. At SELA's twelfth annual meeting (Mexico City, May), ECLAC was requested to prepare and promote a project to strengthen the modernization of the national focal points for TCDC in the area of computerized information networks. To that end, ECLAC obtained financial support from UNDP's Special Unit for TCDC to implement a project to support the national agencies concerned to access the Internet network, develop their institutional home pages, and maintain adequately information provided on technical cooperation. ECLAC published, in English and Spanish, the bulletin *Cooperation and Development*.

### Subregional activities

#### Caribbean

The ECLAC subregional headquarters for the Caribbean, located in Port of Spain, Trinidad and Tobago, continued to analyse socio-economic development in the subregion and to support activities of subregional bodies.

Special emphasis was placed on the promotion of cooperation in functional and sectoral areas, both among Caribbean Development and Cooperation Committee (CDCC) members and associate members, and between them and the countries of Latin America. The secretariat continued its work with the Special Subcommittee on the Free Trade Area of the Americas to consider issues affecting the smaller economies of the Caribbean, as well as with the secretariat of the Association of Caribbean States.

High priority was given to the social aspects of development, especially monitoring the implementation of the 1995 World Summit for Social Development Programme of Action [YUN 1995, p. 1115]. To that end, the Caribbean Ministerial Meeting on Poverty Eradication was held, with support from eleven regional, international and UN agencies. The meeting developed a Directional Plan of Action for Poverty Eradication in the Caribbean, which identified issues and actions for combating poverty in the region. The subregional headquarters also carried out follow-up activities with regard to global conferences organized in 1994 and 1995 under UN auspices.

In 1996, ECLAC activities in the Caribbean were reviewed at the eighth meeting of the Caribbean Council for Science and Technology (CCST) Monitoring Committee (21-22 March), at the sixteenth session of CDCC at the technical level (31 October) and at the fourteenth plenary session of CCST (16-18 December). With respect to data gathering, the secretariat convened a subregional meeting on improving the data supply modality in the Caribbean.

Various reports were produced reviewing the economic, trade and financial performance of CDCC member countries. Newsletters were published, providing current information on trade, finance and development strategies. Studies were prepared on issues relating to economic and social development, sustainable economic development, public-sector reform, structural adjustment and privatization policies in the subregion. Technical support was offered to member Governments and regional and subregional institutions for carrying out research on issues related to environmentally sustainable development programmes.

A major aspect of the population programme was the convening of a subregional workshop to improve techniques used in census data analysis. The secretariat continued to provide technical assistance to member countries for the formulation of national population policies and the analysis of census data and population projections.

The ECLAC secretariat continued to update its in-house capacity to respond to the increased demand for information from member countries in its move to the information super-highway. As a result, it was putting into place mechanisms to ensure that new information technology was made available to users through the secretariat's Electronic Information Exchange System and various in-house databases. The coverage of the Office's database continued to be amplified in terms of countries and subject matter, particularly with the establishment of new databases on

intra-CDCC trade, social statistics and environmental data.

### Mexico and Central America

The activities of the ECLAC subregional headquarters in Mexico City concentrated on an analysis of regional and hemispheric integration; social security and development systems reform; non-traditional agricultural exports promotion and competitiveness; food security and agricultural trade liberalization; industry transformation; and electric integration and hydrocarbons. In 1996, besides regular publications, such as the economic surveys of the subregion's 10 countries, the Historical Macroeconomic Statistical Series was published.

Special attention was given to technical cooperation activities in a wide-ranging number of areas, including for the Guatemalan peace process. Important activities were carried out with extrabudgetary resources, such as the Programme in Support of the Strengthening and Rationalization of the Institutions for the Central American Integration and the Detailed Study of the Recent Evolution of the Cuban Economy. In the area of economic development, special attention was given to evaluating the economic impact of natural disasters, and to the impact of fiscal reform in different countries.

Training activities included the second course on Central American integration, jointly organized with SELA, and workshops on the use of the software Competitiveness Analysis of Nations, the Module for United States Import Consultations, and Modules for the Analysis of Growth of International Commerce.

### Programme and organizational questions

The Commission [res. 559(XXVI)] approved the draft programme of work of the ECLAC system, including ILPES and CELADE, for 1998-1999 [LC/G.1901(SES.26/6)]. Activities were proposed under seven subprogrammes. It decided that the ad hoc open-ended working group, to be established by virtue of its resolution on the impact of UN reform on ECLAC (see below) should set priorities for the draft programme of work for 1998-1999. The Commission also approved the calendar of ECLAC conferences for 1996-1998 [res. 557(XXVI)].

### Venue of the twenty-seventh session of ECLAC

On 18 July, the Economic and Social Council, acting on ECLAC's recommendation [res. 562(XXVI)], decided that the Commission's twenty-seventh session would be held in 1998 in Oranjestad, Aruba (**decision 1996/235**).



### Impact of UN reform

The Commission considered a 26 January note by the ECLAC secretariat [LC/G.1899(SES.26/4)] on the reform of the United Nations and its impact on ECLAC. The note discussed the process of reforming the United Nations, central issues in the debate and their impact on the regional commissions, and reform of the United Nations and ECLAC and issues which it raised for ECLAC. Among its conclusions were that ECLAC, as a regional UN organ, should, as its mission, contribute to the development of Latin America and the Caribbean, collaborating interactively with member Governments in the comprehensive analysis of development processes and in the resulting provision of operational services. It should focus its analytical work on the design of public policies and facilitate the implementation of such policies, concentrating operational services in specialized information, advisory assistance, and training and support for regional and international cooperation. It should avoid duplicating the work of other multilateral and non-governmental organizations and take advantage of alliances with other institutions and NGOs through joint activities and cooperative agreements with the Organization of American States, IDB and SELA, and through partnerships with counterparts within and outside the region. Special efforts should be made to strengthen links with the regional activities of other UN units, agencies and programmes. There was no reason to change the intergovernmental structure of ECLAC, given its simplicity and effectiveness. The ECLAC secretariat should expand its institutional development and management efforts in strategic planning, improve the organizational climate, establish a system of responsibility and accountability, undertake staff training and development, and expand the electronic data network.

The Commission [res. 553(XXVI)] declared that ECLAC should function as a centre of excellence, charged with collaborating with member States in a comprehensive analysis of development processes geared to the design, monitoring and evaluation of public policies and the resulting provision of operational services in specialized information, advisory services, training and support for regional and international cooperation and coordination. It would need to adapt to the evolving development priorities of Latin America and the Caribbean, within the framework of the restructuring and revitalization of the United Nations. The Commission recommended that the institutional structure and pattern of conferences of the ECLAC system, including the practice of holding biennial sessions of the main forum, should continue to serve as the foundation for

maintaining the simplicity, effectiveness and flexibility of the Commission. ECLAC should improve its performance, productivity, impact, efficiency and effectiveness, taking into account ongoing processes pertaining to the United Nations as a whole. It instructed the Executive Secretary to strengthen institutional development and management upgrading activities; improve indicators for evaluating the Commission's activities in terms of performance, productivity and impact; intensify consultations and strengthen cooperation with other UN organs, agencies and programmes, particularly UNDP and UNFPA; and strengthen cooperation and coordination with other multilateral organizations and other Latin American and Caribbean institutions pursuing similar objectives in the region.

The Commission established an ad hoc working group to define priorities for the work programme and recommend to the Commission strategic directions for its future activities, taking into account the development priorities of the region and budgetary considerations. The first meeting of the working group was to be held within 90 days, at ECLAC headquarters. The working group would provide a report through the Executive Secretary to the resumed substantive session of the Economic and Social Council, for consideration by the 1996 session of the General Assembly; proposals on priorities for the 1998-1999 work programme were to be made to the Assembly in 1997. The group would submit a final report on the review of priorities for the programme of work of ECLAC to the 1998 session of the Commission.

Pursuant to that resolution, the ad hoc working group met at ECLAC headquarters in Santiago, Chile, from 29 to 31 July, and approved a number of adjustments in the priorities for the execution of the 1998-1999 work programme of the ECLAC system. The discussions highlighted the difficulty of structuring a work programme which fully reflected the desires and objectives of each member country. A number of dilemmas surfaced, including: finding the dividing line between a concentration on high-impact activities and the necessity of forming an institutional view regarding the wide spectrum of major development issues confronting the region; maintaining a certain balance between the allocation of resources to each subprogramme and the possibility of concentrating on a smaller number of subprogrammes; striking an adequate balance between analytical and operational activities; distributing activities between Commission headquarters in Santiago and its subregional headquarters; and linking budgetary with extrabudgetary funding.

On 25 October, a meeting of delegates from the Permanent Missions of ECLAC member States to the United Nations in New York took place to examine the final report of the Santiago meeting.

## Western Asia

The Economic and Social Commission for Western Asia (ESCWA) did not meet in 1996, nor did its Technical Committee. In 1994, the Economic and Social Council [ESC res. 1994/26] had instructed the Commission, beginning in 1995, to hold its sessions in odd years, to coincide with the General Assembly's consideration of the programme budget and with the monitoring of progress achieved in the Secretariat's work programmes. In addition, the Council decided that meetings of the ESCWA Technical Committee would be linked with the Commission's sessions and would meet shortly before each Commission session.

### Economic and social trends

#### Economic trends

The overall economic performance in Western Asia improved significantly in 1996, as stated in a summary of economic and social developments in the ESCWA region for the year [E/1997/45]. The region's GDP, excluding that of Iraq, was estimated to have registered a 4.8 per cent growth rate in 1996, compared to 2.2 per cent in 1995. Major factors contributing to the acceleration of economic growth and development included the significant rise in oil revenues and a widening of economic reforms. At the same time, growth was hindered by the unstable political situation resulting from the impasse in the Middle East peace process (see PART ONE, Chapter VI), Israeli attacks on Lebanon, the closure of the borders of the West Bank and the Gaza Strip, and continued UN economic sanctions against Iraq (see PART ONE, Chapter IV).

The GDP of Gulf Cooperation Council (GCC) countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) registered an estimated 4.9 per cent growth rate in 1996, compared with 1.1 per cent in 1995, mainly due to growth in the oil sector. The Council's per capita GDP was estimated to have increased by 1.8 per cent in real terms, after declining by 2.1 per cent in 1995. Estimates indicated that Bahrain's GDP

increased by 3.8 per cent in 1996, compared to 2.2 per cent in 1995; Kuwait's by 5.2 per cent, compared to 3.9 per cent; Oman's by 5.2 per cent, compared to 4.5 per cent; and Qatar's by 3.2 per cent compared to 1.4 per cent in 1995. Saudi Arabia's economy, which accounted for more than 40 per cent of the ESCWA region's GDP and some 58 per cent of combined GDP in GCC countries, after being basically stagnant in 1995, grew by an estimated 5 per cent during the year. Also performing well was the United Arab Emirates, with ESCWA estimates putting the GDP growth rate at 5 per cent for 1996, compared with 2.2 per cent for 1995.

The region's more diversified economies—Egypt, Iraq, Jordan, Lebanon, the Syrian Arab Republic, Yemen and the West Bank and Gaza Strip—performed well in 1996, with the exception of Iraq, with an estimated combined GDP growth rate of 4.7 per cent. Egypt's growth rate reached 4.9 per cent in 1996, up from 4.6 per cent in the previous year, and GDP in the Syrian Arab Republic was estimated to have registered a growth rate of 5.9 per cent, compared with 3.6 per cent in 1995. Other countries saw declines. In Iraq, economic conditions continued to deteriorate to the extent that the country was ranked in the lowest group of least developed countries in the world. Lebanon's GDP, which grew by 7 per cent in 1995, was estimated to have registered a growth rate of 3 per cent in 1996. In Yemen—the region's least developed country—the economy was estimated to have grown by 3 per cent, after having registered a GDP growth rate of 8.5 per cent in 1995. The combined GDP of the West Bank and the Gaza Strip grew in 1995 by 3.5 per cent, but was estimated to have declined by 5 per cent in 1996.

Inflation rates in most ESCWA countries were at internationally acceptable levels during the year. In the GCC countries, inflation rates continued to be restrained, ranging from 4 per cent in the United Arab Emirates to only 1.2 per cent in Saudi Arabia. All GCC currencies, with the exception of Kuwait, were pegged to the United States dollar, the appreciation of which helped to further dampen inflation rates in those countries. Among the more diversified economies, however, inflation rates tended to be considerably higher. That of Yemen, estimated at 30 per cent for the year, was however considerably below previous rates of 120 per cent and 55 per cent, registered in 1994 and 1995, respectively. In the Syrian Arab Republic, estimates indicated that the inflation rate had increased in 1996, compared with 1995, from 18.5 per cent to 20 per cent, due to the high liquidity in the banking system and the devaluation of the Syrian pound for several imported items. In the West

Bank and Gaza Strip, the inflation rate declined from 25 per cent to 12 per cent between 1995 and 1996, a result of the sharp decline in the purchasing power of the Palestinian people due to high unemployment rates and a general decline in the level of economic activities. In Lebanon, the inflation rate during the year declined to an estimated 8.9 per cent, from 14 per cent in 1995, reflecting more conservative money policies and a decline in the growth of economic activities. Estimates showed that the lower inflation rate in Egypt, 7.2 per cent in 1996 compared with 15.7 per cent in the preceding year, was attributable to a decline in the budget deficit as a percentage of GDP, and government use of treasury bills to finance its budget deficits instead of increasing the money supply. Jordan saw an estimated inflation rate in 1996 of 6 per cent, an increase compared with 2.3 per cent in 1995, mostly due to a reduction in the level of governmental subsidies of wheat, fodder, water and electricity.

Economic reforms continued in most countries in the region, but the process tended to lose momentum in some GCC countries, mainly because of the unexpectedly large oil revenue windfall. Reforms continued to be implemented in most of the region's more diversified economies, particularly Egypt and Jordan, with privatization accelerating notably in the former.

Despite reported growth in real GDP, high unemployment rates remained a major problem facing ESCWA members, especially the more diversified economies. The highest unemployment rate in the region was recorded in the West Bank and Gaza Strip, affecting 28 per cent of the labour force. In Yemen, the rate of unemployment in 1996 was estimated at 25 per cent, compared with 30 per cent in 1995. In Egypt and Jordan, estimates showed a relatively high unemployment rate of some 13 per cent. Some GCC countries suffered from unemployment among their indigenous populations.

The tight banking conditions that characterized the banking markets eased significantly in 1996 as a result of the upturn in economic activity and reforms in the financial sector. In addition, most stock markets in the region performed better in 1996 than many emerging markets in other developing regions.

Total external debt of ESCWA countries, excluding Iraq, was estimated to have declined by some 4 per cent, from \$182 billion in 1995 to \$175 billion in 1996. That drop was caused partly by re-scheduling and forgiveness of parts of the debt of a number of countries, including Egypt, Jordan and Yemen, and partly by repayment of debt by others, such as Kuwait, which late in the year paid a final instalment of \$786 million. On the other

hand, the external debt of some countries increased, notably that of Qatar which reached \$8.1 billion in 1996, up by 42 per cent over 1995, when it was \$5.7 billion. Lebanon's external debt increased by 38 per cent, from \$1.28 billion to \$1.77 billion.

### Oil

The region's oil revenues in 1996 were the highest recorded in more than a decade, estimated at \$96.5 billion, an increase of 20.4 per cent over the previous year, despite the fact that oil production remained unchanged at the 1995 level of 16 million barrels per day. The average price per barrel of oil increased by 20.3 per cent, from \$16.86 per barrel in 1995 to \$20.29 in 1996.

More than 93 per cent of the increase in oil revenues accrued to GCC countries, which included some of the world's major oil-exporting countries, namely, Kuwait, Saudi Arabia, and the United Arab Emirates. Excluding Jordan, Lebanon, and the West Bank and Gaza Strip, which exported no oil, all ESCWA members exported oil in varying degrees.

In GCC countries, despite diversification efforts, the oil sector represented some 35 to 40 per cent of combined GDP. Oil revenues accounted for as much as 80 per cent of government revenues, and for more than 85 per cent of exports in those countries. Bahrain's economy was stimulated by an estimated 44.7 per cent increase in its oil revenues. The United Arab Emirates' oil revenues increased from \$12.8 billion in 1995 to some \$15.3 billion in 1996. A 13.5 per cent rise in Qatar's oil production resulted in a 34.3 per cent increase in its 1996 oil revenues. Saudi Arabia's economy benefited from a 19.3 per cent increase in oil revenues, with Kuwait following closely, with an estimated 19.1 per cent rise. The Syrian Arab Republic, one of the more diversified economies, benefited from a 21 per cent increase in its oil revenues.

### Trade

Regional exports and imports benefited from the significant rise in oil prices, from the overall economic growth and from the increase in non-oil exports. Exports expanded by 15 per cent, while imports increased by 9 per cent. The region's export/import ratio, a measure of its ability to finance imports from export proceeds, rose from 1.23 in 1995 to 1.3 in 1996; it grew from 1.6 to 1.74 in the GCC countries, but decreased from 0.47 to 0.44 in the more diversified economies.

The GCC countries' exports, estimated at \$117.4 billion and accounting for 89 per cent of the region's total exports, increased by 16 per

cent, mainly because of higher oil prices. The largest percentage increases in exports were recorded by Kuwait (19 per cent), Saudi Arabia (18.8 per cent) and the United Arab Emirates (14.9 per cent); both Oman and Qatar noted 10 per cent increases. Kuwait's oil exports increased from \$10.2 billion in 1995 to some \$12.1 billion in 1996. Saudi Arabia also benefited from greater exports of petrochemicals and non-oil exports. The United Arab Emirates saw continued export growth in the non-oil sector, particularly in re-exports and in exports to South-East Asia. Bahrain's 5 per cent export increase was due to growth in aluminium exports and to Saudi Arabia's decision to transfer to Bahrain all the revenues of an oilfield which had been shared by both countries. The more diversified economies recorded an export increase of some 5.6 per cent; their exports were mainly oil and raw materials. Some benefited somewhat from higher oil prices, but others saw declines in non-oil exports. Their total exports grew from \$14.2 billion in 1995 to \$15 billion in 1996. The largest percentage increase was recorded by Lebanon (20 per cent), followed by the Syrian Arab Republic (16.9 per cent). Yemen's exports grew by 8.5 per cent and Jordan's by 7.4 per cent. However, Egypt saw a 6 per cent decrease, as non-oil exports, particularly textiles, declined. Severe restrictions placed by the Israelis on the West Bank and Gaza Strip led to a 20 per cent export drop there.

The region's imports grew from \$93.3 billion in 1995 to \$101.8 billion in 1996. Imports by the GCC countries totalled \$67.5 billion, or 66 per cent of the region's total imports. Imports increased in all GCC countries, ranging from Qatar's 3 per cent to Oman's 11 per cent. More diversified economies increased their exports by 14 per cent, from \$30.2 billion to some \$34.3 billion. Imports increased from Jordan's 8 per cent to Lebanon's 28 per cent. Egypt's imports increased by 10.1 per cent, the Syrian Arab Republic's by 14.7 per cent and Yemen's by 15.5 per cent.

The region's balance of trade recorded a \$30.5 billion surplus, significantly higher than the \$21.7 billion in 1995, mainly due to higher oil prices. The GCC countries saw their balance-of-trade surplus grow to \$49.9 billion, but the more diversified economies saw deficits in their overall trade balance grow to \$19.3 billion, significantly higher than the previous total of \$16 billion.

The current-account deficit (excluding Iraq, the Syrian Arab Republic, the West Bank and Gaza Strip, and Yemen, where data were not available) decreased significantly, from \$8.7 billion in 1995 to \$1.4 billion in 1996, mainly due to higher oil exports. The GCC countries recorded a total current-account surplus of \$5.8 billion—a notable

improvement over the \$2.5 billion deficit in 1995. Saudi Arabia saw the most significant improvement, with a \$900 million surplus following an \$8.1 billion deficit in 1995. In the more diversified economies, the current-account deficit rose from \$6.2 billion in 1995 to \$7.2 billion in 1996, largely due to the increase in Egypt's deficit from \$254 million to \$1 billion, mainly because of lower exports in 1996. Lebanon saw its deficit increase from \$5.4 billion to \$5.9 billion, while Jordan saw a decrease, from \$460 million to \$270 million, mainly owing to the rise in workers' remittances.

The region's international reserves (excluding Iraq, the West Bank and Gaza Strip, and the Syrian Arab Republic owing to lack of data) increased by 6.3 per cent over 1995, from \$51.2 billion to \$54.4 billion. That was mainly the result of higher reserves in the more diversified economies. The reserves of the GCC countries remained unchanged at \$23.4 billion, with Saudi Arabia (\$8.5 billion) and the United Arab Emirates (\$8 billion) as the largest holders. Reserves of the more diversified economies reached \$30.9 billion in 1996, of which Egypt held \$19 billion.

### Social trends

The size of the population of Western Asia was relatively large, estimated at 147.7 million in 1995, comprising some 2.6 per cent of the total world population. Annual increase averaged 2.7 per cent, a rate considered quite high in comparison with other world regions. Although annual growth rates were expected to begin to decline to 2.1 per cent per year by 2010-2015, it was still a high rate by global standards. The region's population was projected to reach some 350 million by the year 2050.

The total fertility rate of the region was declining, with the average number of children per woman of childbearing age dropping from 6.8 to 5.2 between 1975 and 1995. However, fertility rates varied among member countries, ranging from a low of 3.1 children in Lebanon and Kuwait to a high of 7.6 children per woman in Yemen. Family planning was being increasingly pursued, through awareness campaigns and with the assistance of non-governmental organizations and specialized agencies.

Rural to urban migration continued at extremely high rates. UN estimates for mid-1990 placed the urban population of the region at 55 per cent of the total population. Urbanization was projected to rise to 59 per cent and 66 per cent by the years 2000 and 2015, respectively. Variations in rates of urbanization existed, with some GCC countries more than 90 per cent urbanized; Oman and Yemen were less than 35 per cent urbanized, and the rest fell between 44 and 88 per cent.

Educational progress in the region, despite significant strides, continued to lag behind that experienced in other social areas. Drop-out rates for both sexes were high. Female education and literacy, in particular, had been slow to improve. According to available data, in 1995 some 34 per cent of the female population in the region, aged 15 and above, were still illiterate. Female illiteracy rates ranged from some 76 per cent in Yemen to between 20 and 23 per cent in Jordan, Bahrain and the United Arab Emirates, and from 9 to 13 per cent in Lebanon, Kuwait and Qatar.

As to the status of women, their participation in public life, power-sharing, decision-making and politics fell below expectations. Except in GCC countries, women had gained the right to vote and run for public office. However, fewer than 3 per cent of the seats in the parliaments of 7 of the 13 ESCWA member States were occupied by women. The highest representation of women in those legislatures occurred in Iraq and in the West Bank and Gaza Strip, with more than 10 per cent, followed by the Syrian Arab Republic, with over 8 per cent. The lowest representation was in the parliament of Yemen, with fewer than 1 per cent of its seats occupied by women.

The ESCWA region was beset by a number of environmental problems ranging from the increasing salinity of agricultural land to a deterioration of air and water quality in its major cities. Those problems were the result of economic development, increasing urbanization, development of coastal areas, the relative scarcity of water and arable land, an increased use of pesticides and fertilizers, persistent poverty and generally high population growth. Industrial pollution was caused by emissions from electric power generation facilities, cement factories and other industries, including steelworks, ironworks, refineries, and textile, brick and chemical factories. Problems arose in urban areas from traffic congestion and over-reliance on the automobile to meet urban transportation needs. The ESCWA members began to address environmental problems by establishing specific ministries and agencies, notably in Bahrain, Egypt, Jordan, Oman, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. Other ESCWA countries addressed their environmental concerns through existing mechanisms and agencies.

### **Activities in 1996**

During 1996, ESCWA activities, under the programme of work for the 1996-1997 biennium, focused on the management of natural resources and environment; improvement of the quality of

life; economic development and cooperation; regional development and global changes; and special programmes and issues.

### **Economic development and cooperation**

In 1996, the annual Survey of Economic and Social Developments in the ESCWA Region 1995 was issued. The Survey analysed the socio-economic developments in 1995 at country and regional levels and provided a forecast for 1996. In conjunction with the Survey, the Preliminary Overview of Economic Developments in the ESCWA Region in 1996 was produced for the first time. The issue of privatization was a major area of concern, as reflected in a series of studies, including the Survey of Economic and Social Developments in the ESCWA Region, Part Two: Privatization in the ESCWA Region. A review of the role of financial markets in privatization in the region was under way, and the subject was also addressed in the Assessment of Privatization of the Electric Power Sector in Selected ESCWA Member Countries, which included an overview and case studies of Egypt, Jordan and Yemen. As a culmination of its work in the development of micro-enterprises, ESCWA organized, in Beirut, a regional seminar on assessment of the role of business incubators in economic development.

In the area of industry, the Commission initiated efforts to enhance the upgrading of the industrial sector of the region—particularly small and medium-scale enterprises—and to further promote cooperation among institutions providing support services to the sector.

Regarding transport, ESCWA organized, in Cairo, an expert group meeting on standardization of border-crossing formalities and agreements for the transport of goods and passengers, with the aim of facilitating border crossing and transit traffic. A set of regional guidelines for transport agreements and conventions was prepared for publication. ESCWA cooperated with the Arab Security Studies and Training Centre, an affiliate of the League of Arab States, in conducting a training workshop on traffic regulations in major cities.

In the area of agriculture, the Commission continued to analyse policy issues, completing a study on the Evaluation of Agricultural Policies in the Hashemite Kingdom of Jordan (Policy Analysis Matrix Approach). ESCWA held a national training workshop on food and agricultural policy analysis to enhance the capability of Jordan's Ministry of Agriculture to employ various techniques in agricultural policy analysis. In addition, the Commission cooperated with the Arab Organization for Agricultural Development in conducting the Workshop on the Implications of the GATT Agreement for the Region.

As to statistics and information, ESCWA initiated a feasibility study for establishing an integrated statistical information system in the region. It continued to publish the Statistical Abstract of the ESCWA Region, the National Account Studies of the ESCWA Region, the External Trade Bulletin of the ESCWA Region and the Statistical Newsletter. In order to propagate international standards and norms in statistics, the Commission conducted a regional training workshop on PopMap and the Internet. A newly implemented project on the International Comparison Programme (ICP) in ESCWA member countries was undertaken jointly with the World Bank. A seminar on ICP discussed the results of ICP field surveys carried out in nine ESCWA member countries, and outlined steps for future implementation of ICP.

### **Quality of life**

In the area of population, ESCWA joined the Population Information Network (POPIN) (see PART THREE, Chapter VIII), and, supported by the United Nations Population Fund (UNFPA), extended assistance to population councils and committees in the Arab countries. In that context, training was provided to Arab population councils and committees at the first training workshop on computer software packages for population policies and sustainable development, and at a training workshop on population policies and sustainable development, health care, education and housing. In addition, the first meeting of the heads of national population councils and committees in the Arab world was held to discuss a draft final report prepared for an expert group meeting on population dynamics and sustainable development in the Arab world.

The issue of poverty was pivotal in the area of social development, with activities focusing on case studies that could provide inputs into a regional perspective on poverty eradication. ESCWA was also carrying out a project on developing and strengthening the Ministry of Social Affairs in Lebanon. Profiles of Iraq, the West Bank and the Gaza Strip had been prepared for publication. Regarding human development, with UNDP support and as executing agency for a regional project for strengthening national capabilities in sustainable human development in member States, ESCWA established national networks for sustainable human development in Bahrain, Iraq and Lebanon.

As to women and development, ESCWA updated its "Review and assessment of the progress achieved for the advancement of Arab women in the light of the Nairobi Forward-looking Strategies", including all information available in country reports and national plans of action prepared for the 1995 World Conference on Women

[YUN 1995, p. 1169], held in Beijing. In line with Conference recommendations, ESCWA compiled gender-specific data to facilitate the monitoring of the implementation of the Beijing Platform for Action [YUN 1995, p. 1170] at the regional level. In addition, a database on policies related to advancement of Arab women was set up, covering Jordan and Lebanon. ESCWA, in cooperation with the Centre of Arab Women for Training and Research, completed the first phase of a gender statistics database that was used to prepare the publication Arab Women: Statistical Database.

In the area of human settlements, a database on human settlements policies was established, emphasizing housing and urbanization policies. Attention was given to Bedouin communities, a population group with special needs. In cooperation with the United Arab Emirates University in Al-Ain, ESCWA held a symposium on environmentally sustainable human settlements development in desert regions.

### **Natural resources and environment**

The water resources situation was considered critical and constituted a priority issue for ESCWA members in 1996. Efforts aimed at assisting members in establishing mechanisms for cooperation in developing and managing water resources. An expert group meeting on water legislation in the ESCWA region represented an effort to harmonize water legislation among ESCWA member States and to identify possible mechanisms for the effective enforcement of such legislation. ESCWA carried out a study on Water Resources Assessments in the ESCWA Region Using Remote Sensing and GIS Techniques, and published jointly with the Governments of Jordan and the Syrian Arab Republic a study on the basalt aquifer system shared by those countries.

In the area of environment, ESCWA monitored regional developments in the implementation of Agenda 21, and contributed studies and reports to various environmental bodies, including UNEP and the Commission on Sustainable Development. ESCWA presented papers to such meetings as a regional workshop on water conservation and reuse, and the workshop on the role of industry in the development and rational use of water resources in the Arab region.

### **Regional development and global changes**

ESCWA in 1996 was advising member States on negotiations for their accession to the World Trade Organization (WTO) (see PART SIX, Chapter XVIII), and researching the implications of WTO for their economies. The workshop on total quality management and standards of industrial

products (ISO 9000), with special reference to the cement industry, provided industrialists with information regarding international standards for quality management. A study on trade policy aspects of environmental measures addressed the challenges that environmental concerns posed to trade expansion and stressed the need to observe environmental standards.

### **Special programmes and issues**

ESCWA gave attention during the year to countries with special needs in the region, as well as to special issues, notably the implications of the Middle East peace process for various sectors. In that context, a profile of poverty in Gaza and the West Bank was prepared for publication. In addition, a study was made of the situation of Palestinian cities and villages and requirements for development, which attempted to determine the magnitude of the housing problem, to estimate housing needs until the year 2005, and to propose a strategy for housing.

## **Programme and organizational questions**

### **Coordination**

The Regional Inter-Agency Coordination Group in Amman represented a mechanism for coordinating system-wide activities at the regional level through the ESCWA secretariat. All regional commissions had such mechanisms.

The second meeting of the Coordination Group, held in January 1996, discussed events and meetings which had had or were expected to have an impact on UN activities in the region, follow-up of UN global conferences, the UN financial crisis, operational activities for development, and information-sharing and cost-efficiency within the UN system. An agreement was reached to strengthen regional inter-agency coordination. Participants discussed the possibility of forming task forces parallel to those of the Administrative Committee on Coordination on social services, employment and sustainable livelihood, and the creation of an enabling environment for social and economic development. Those task forces

would report to regional coordination meetings, to be held at least twice yearly.

At the third meeting of the Coordination Group, held in June, the UNFPA Executive Director and the Director-General of the United Nations Educational, Scientific and Cultural Organization addressed the gathering, emphasizing the importance of UN inter-agency coordination.

The fourth meeting of the Coordination Group, held in September, stressed follow-up of UN global conferences and recent activities of ESCWA and UN specialized agencies in the region. The ESCWA Executive Secretary stated that the Commission intended to prepare a project proposal for a regional integrated programme of action for the follow-up of UN conferences; inputs from other UN agencies were invited. The project proposal was to be submitted to Coordination Group members for discussion. Once adopted, it was to be submitted to UNDP as a flagship project.

### **Permanent headquarters**

In August, the ESCWA secretariat established two committees, entrusting them with technical and administrative responsibilities related to the permanent headquarters of the Commission in Beirut [E/ESCWA/19/7]. Efforts were being made by the Government of Lebanon to complete the building by 1 September 1997.

Earlier in the year, ESCWA and the Government of Iraq signed an agreement concerning the handover of the premises occupied by ESCWA in Baghdad.

Over the past 20 years, the ESCWA secretariat had been located, at different times, in three capitals—Beirut, Baghdad and Amman. It began its operations in 1974 in Beirut, which was to have been a temporary site for a five-year period. In 1976, because of the intensification of war there, ESCWA was forced to move its offices, temporarily, to Amman, where it remained for over a year. ESCWA returned to Beirut in 1977, remaining there until late 1981 when it began its move to Baghdad, where it remained until August 1990. It had been operating out of Amman since August 1991, in the wake of the Gulf war, again as a temporary measure. In May 1994 [YUN 1994, p. 753], ESCWA members voted to relocate Commission headquarters in Beirut.

## Chapter VI

## Natural resources and energy

The use and conservation of natural resources, particularly water and minerals, and the efficiency and development of energy were the focus of attention of a number of United Nations bodies in 1996. Concerns set out in "Agenda 21", adopted at the 1992 United Nations Conference on Environment and Development, were taken into consideration. The Economic and Social Council at its mid-year session took action on a number of issues related to water resources, minerals and energy, based on the work of two of its subsidiary bodies.

Water and mineral resources were dealt with by the Committee on Natural Resources at its third session in May. The Committee was informed that the world was facing a severe water crisis and, within three decades, more than 3 billion people could be plagued by water stress or scarcity. Preparations for a comprehensive assessment of the world's freshwater resources continued, and the need for an international code of water ethics was emphasized. The Committee recommended the establishment of a commission on mining and materials to consider how best to use new technology and methodologies to achieve sustainable use of resources, and the creation of a global geochemical database and of a global knowledge base on mineral resource potential. Appropriate arrangements to formalize small-scale mining were also called for.

The Committee on New and Renewable Sources of Energy and on Energy for Development, at its second session in February, emphasized energy management, stressing the promotion of energy efficiency and conservation. Among its recommendations were those urging the launching of a global initiative to expand decentralized rural electrification programmes in developing countries and accelerated research into all promising approaches to energy and materials efficiency. The energy potential of biomass resources—plant materials and animal wastes used as fuel sources—was reviewed.

The report of the International Atomic Energy Agency (IAEA) was presented in October by its Director General to the General Assembly, which took note of it and affirmed its confidence in the role of the Agency in the application of nuclear energy for peaceful purposes.

### Natural resources

The Committee on Natural Resources held its third session in New York from 6 to 16 May [E/1996/31]. The Economic and Social Council established the dates of the session by **decision 1996/207** of 9 February.

The Committee had two working groups, one on water resources and the other on mineral resources, which discussed activities of the UN system in their respective areas, as well as inter-agency coordination with an emphasis on progress made towards achieving sustainable development. Progress on water-related issues, averting the freshwater crisis and future water resources management issues were discussed by one working group. The other dealt with inflow of funds and new technologies in the mineral sector of developing countries and economies in transition, mineral resource assessment and the role of the UN system, small-scale mining, environmental issues arising from mineral industry activities, and integrating the issue of the sustainable supply of minerals into the UN processes for addressing Agenda 21, adopted by the UN Conference on Environment and Development in 1992 [YUN 1992, p. 672].

The Committee forwarded four draft texts for action by the Council on: the integration of key minerals issues into the implementation of Agenda 21; integrated water resources development and management; the report of the Committee's current session and the provisional agenda and documentation for its fourth (1998) session; and the duration of the Committee's future sessions.

The Committee also adopted seven resolutions on: activities of the UN system in the field of water and mineral resources, and inter-agency cooperation; environmental protection and restoration issues arising from mineral industry activities; issues related to the social and economic impacts of the mining sector, especially in developing countries and economies in transition; authoritative technological assessment of progress towards sustainable extraction and utilization of minerals; a global land-monitoring programme; a global knowledge base on mineral



resource potential; and reports in the field of water resources.

### Organizational matters

By **decision 1996/306** of 25 July, the Council, taking note of the Committee's report on its third session, approved the provisional agenda and documentation for the Committee's 1998 session.

On the same date, the Council, by **decision 1996/307**, decided that the duration of the Committee's future sessions should be eight working days, beginning in 1998.

On 13 November, the Council, by **decision 1996/310**, decided that the coordination segment of its 1997 substantive session should be devoted to, among other things, consideration of freshwater, including clean and safe water supply and sanitation.

**ACC action.** The Administrative Committee on Coordination (ACC) Subcommittee on Water Resources (Paris, 9-11 October) [ACC/1996/19] discussed matters arising from the 1996 session of the Committee on Natural Resources, namely three documents on water-related issues which were to be prepared for the Committee's 1998 session.

## Water resources

### Development and management

In a May inter-session strategy paper [E/C.7/1996/6 & Corr.1] on future water resources management issues and appropriate strategies and policies, the Committee on Natural Resources stated that the world was facing a severe water crisis and that by the year 2025 some 52 countries with a total population of more than 3 billion would be plagued by water stress or chronic water scarcity. If not averted, the crisis would have severe repercussions on human health, global food supply and nutrition, the eradication of poverty, human dignity and quality of life, and environmental security and peace, as well as ecosystem health and biodiversity. The crisis was viewed as fourfold: the water quantity crisis; the water quality crisis; the urban scale and water-supply crisis; and the land fertility degradation crisis. The strategy paper reviewed the impact of the water crisis on key societal issues such as the drinking-water supply and health of future generations, the food security of the world population, the health of aquatic ecosystems, biodiversity, societal production and the eradication of poverty.

Strategies for sustainable land/water management included avoiding the over-exploitation of

groundwater; protecting passing water from quality deterioration from waste-producing land use; minimizing land fertility degradation; paying proper attention to land/water linkages; balancing between conflicting objectives; and ensuring an integrated approach at the level of river basin or drainage basin.

The paper suggested actions to create an enabling environment to initiate the necessary cooperation and preparedness of all sectors and actors. Management tools to avoid the current undermining of human life-support systems included legislation consistent with the laws of nature; hierarchical administrative systems that allowed an intersectoral approach and dialogue; and education at all levels of society. Governments were urged to: develop legislation and regulations that made regional planning possible; define national objectives and targets to secure development within the constraints of prevailing environmental conditions and vulnerability; and secure legislation for waste minimization, together with enforcing rules and regulations. Concerning a river basin-oriented action plan, the paper proposed one that covered: a clear set of objectives to be developed within a well-defined time period; the physical, socio-economic, environmental and institutional systems influencing objectives; the disciplines involved in formulating the action required, its implementation and its progress monitoring; an inventory of relevant factors in the existing situation as starting and reference points; indicators to monitor progress; and a description of actions and appointment of those responsible for implementation.

The paper outlined the roles of Governments and the United Nations to implement the above strategies and stressed the need for an international code of water ethics.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, the Economic and Social Council adopted **resolution 1996/50**.

#### Integrated water resources development and management

The Economic and Social Council, Recalling General Assembly resolution 32/158 of 19 December 1977, in which the Assembly approved the Mar del Plata Action Plan,

Recalling also the recommendations related to water resources contained in Agenda 21, which was adopted by the United Nations Conference on Environment and Development, and the decisions concerning water resources taken by the Commission on Sustainable Development at its second session, in 1994,

Recalling further General Assembly resolution 50/126 of 20 December 1995 concerning water supply and sanitation,

Bearing in mind the outcome of the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, which was held in Washington from 23 October to 3 November 1995,

1. Notes the work being undertaken on the comprehensive assessment of the freshwater resources of the world;

2. Takes note with appreciation of the inter-sessional strategy paper of the Committee on Natural Resources entitled "Averting the multi-cause water crises ahead: key coping strategies", which contains an analysis of pressing issues with worldwide implications in the field of water resources;

3. Reaffirms the concept of water as a scarce and vulnerable resource needed for the integrated development and management of land and water resources in the framework of the national planning process, including its linkages to economic and social objectives, land and ocean resources;

4. Recommends that Governments consider adopting measures designed to improve the efficient use of water resources in the context of sustainable production and consumption patterns and the growing importance of world trade;

5. Also recommends that Governments take urgent action, as appropriate, according to their national policies and priorities, on the formulation and implementation of policies for the management of water resources in large cities and towns; the water resources requirements for food production relative to other needs; accelerating significantly the rate of progress in the provision of water supply and sanitation, particularly for the urban and rural poor; the control of pollution from land-based sources, sewage and effluents; and the protection of groundwater from overutilization and pollution;

6. Further recommends that Governments, in accordance with their national policies and priorities and with the aid of the international community, take appropriate measures for enhancing national and regional self-sufficiency and capacities for, inter alia, the operation, maintenance and financing of water resources projects, and take measures to enhance their institutional, legal and technical capabilities in the area of water resources, including the strengthening and, where necessary, the establishment of regional organizations;

7. Recommends that Governments consider, with the support of the organizations of the United Nations system, other multilateral and bilateral organizations and non-governmental organizations, the possibility of establishing pilot projects on water resources development and management, inter alia, on river basins and in areas that are deemed to be suffering from serious water-related stresses with a view to developing and implementing policies designed to avert water crises;

8. Urges the organizations of the United Nations system, international financing organizations, other multilateral and bilateral organizations and non-governmental organizations and the international community at large to give priority attention, as appropriate, to providing Governments with technical and financial support in their efforts to deal with such problems;

9. Invites the organizations of the United Nations system to consider the findings and recommendations contained in the Committee on Natural Resources strategy paper mentioned in paragraph 2 above, in particular with regard to the ongoing preparation of a comprehensive assessment of the freshwater resources of the world, and invites them to give wide dissemination to that paper.

Economic and Social Council resolution 1996/50

25 July 1996

Meeting 50

Adopted without vote

Draft by Vice-President (E/1996/L.29), based on informal consultations on draft by Committee on Natural Resources (E/1996/31); agenda item 6 (d).

Meeting numbers. ESC 30-32, 50.

### Freshwater resources

In an April report [E/C.7/1996/4] on the state of the world's freshwater resources, the Secretary-General assessed the scope and spatial distribution of water scarcities worldwide and their possible consequences for economic development. He also elucidated some possible global consequences of such scarcities.

In the report, countries were classified as either water-surplus, water-vulnerable, water-stressed or water-scarce, based on annual per capita availability of freshwater resources in cubic metres and annual withdrawals as a percentage of that availability. Based on data from the UN Department for Policy Coordination and Sustainable Development, an available sample included 98.83 per cent of the total world population. Globally, 1.93 billion people (34.2 per cent of the world population sampled) lived in water-surplus countries; 1.91 billion (33.7 per cent) in water-vulnerable countries; 1.5 billion (26 per cent) in water-stressed countries; and 362.4 million (6 per cent) in water-scarce countries. The people living in water-scarce, water-stressed and water-vulnerable countries amounted to 65.8 per cent of the world population.

As to the economic implications of the situation, some 60 per cent of the world population belonged to the low-income category, and about 76 per cent to the low and low-medium income categories combined. The data also showed that 80 per cent of the population of water-stressed and water-scarce countries belonged to the low or low-medium income group, along with 70 per cent of the population of water-vulnerable countries. One third of the world population with low or low-medium incomes lived in water-stressed or water-scarce countries.

The situation had serious implications for patterns of economic growth and food security, and managing the problem of the increasing scarcity of water needed to combine concern for economic efficiency with concern for social equity. One approach might be to establish regimes to al-

low the gradual adjustment of prices that water users paid so as to more closely reflect the scarcity value, at least for withdrawals above the minimum needed by households for health. That would permit markets to reallocate water from agricultural and industrial uses with low value added per input of water to uses with high value added, such as those for speciality crops and industrial processes using relatively little water. In some cases, it might lead to countries approaching nearly complete economic specialization in non-agricultural production.

The Committee on Natural Resources also considered a report [E/C.7/1996/5] reviewing plans to avert the freshwater crisis. The report recalled that the Committee in 1994 had noted with concern the slow pace of progress with regard to the implementation of the recommendations of the 1977 Mardel Plata Action Plan [YUN 1977, p. 555] and Agenda 21, and expressed alarm that some 80 countries, comprising 40 per cent of the world's population, were already suffering from serious water shortages, with scarcity of water resources in many cases being the limiting factor to economic and social development. Ever-increasing water pollution, it was also noted, had become a major problem throughout the world, including coastal zones.

In view of those considerations, the Committee had affirmed the importance of establishing a global implementation plan to avert the impending water crisis [YUN 1994, p. 919] incorporating principles for the effective management of land and water resources and guidelines and schedules based on Agenda 21. The Commission on Sustainable Development, meeting later in 1994, did not act on that recommendation, deciding instead to urge UN bodies, specialized agencies and non-governmental organizations (NGOs) to strengthen efforts towards a comprehensive assessment of freshwater resources, with the aim of identifying the availability of such resources, projecting future needs, and identifying problems to be considered by the General Assembly at a special session to be held in 1997. Governments were invited to cooperate by providing technical inputs to the process.

Implementation of the assessment was being undertaken through a Steering Committee composed of UN organizations and the Stockholm Environment Institute, which was commissioned by the Government of Sweden to collaborate on its behalf in preparing the assessment. The UN system was represented by the Department for Policy Coordination and Sustainable Development, the Department for Development Support and Management Services (DDSMS), the United Nations Environment Programme (UNEP), the

United Nations Development Programme (UNDP), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the World Bank, the World Meteorological Organization (WMO) and the United Nations Industrial Development Organization (UNIDO). In addition to Sweden, financial and technical support was being provided by Canada, Denmark, the Netherlands and Norway.

The Steering Committee, which had held five meetings, was preparing a report for submission in 1997 to the Commission on Sustainable Development (see PART THREE, Chapter I) and to the General Assembly. The introductory section to the report would provide a rationale for the assessment; the second section would provide an assessment of the current situation concerning water availability and use; the third section would present scenarios to the year 2025 in order to investigate the likely effect of trends and policies in search of a sustainability path; and the final section would put forth a set of policy options for the long-term sustainable development and utilization of water resources.

The report would be supplemented by commissioned studies on the economic aspects of sustainable water resources development and use and gender issues, as well as studies on the relationship between water resources and growing urbanization and on cooperative approaches to the development of shared river basins.

In May, the Committee on Natural Resources asked [res. 3/7] the Secretary-General to prepare a report for its next session on follow-up to the comprehensive assessment of the world's freshwater resources, including methodological questions and problem areas.

### **Institutional and legal issues**

The Committee on Natural Resources considered a March report [E/C.7/1996/3] of the Secretary-General on institutional and legal issues in water resources management.

The report reviewed the legal systems that allowed water marketing, and provided examples of regulations that were intended to cope with externalities and other concerns of a number of countries. The United States was considered in detail because it had the longest and best recorded experience in water marketing; its developments, findings, search for balance between public and private interests, and regulations were worth taking into account for the purpose of drafting legislation on the subject, the report stated. Chile and Peru were discussed in some detail because they embodied a laissez-faire philoso-

phy on water management and their experience was also worth considering.

The following conclusions were provided to the Committee for its consideration: that water markets were a valid means of increasing the efficiency of water use and reallocation; that systems in which water markets did not exist provided evidence of structural rigidities that negatively affected the efficiency of water allocation, as well as the allocation of other resources; that areas with a strong tradition and experience in water marketing had established conditionalities to prevent monopolies and protect public and private interest; that such areas had relatively strong systems of water administration; that in areas in which public interest was lacking, there was no requirement of effective and beneficial use, and regulations and planning were disregarded and discouraged; that such areas were experiencing problems due to monopolies on water rights and related public services; and that water legislation should include water marketing principles, established within a balanced structure in which protected water rights were accommodated to the public interest.

## **Mineral resources**

### **Sustainable supply of minerals**

An April inter-sessional strategy paper [E/C.7/1996/11] of the Committee on Natural Resources discussed the sustainable supply of minerals in the context of Agenda 21.

The Committee had expressed concern that minerals issues, notably those connected with maintaining a sustainable supply of mineral resources, had received little attention in Agenda 21. It stressed that current emphasis should be on improving global management strategies for the optimal and most efficient supply and use of resources with minimum environmental impact.

The strategy paper examined population growth and increasing demand for materials and energy; the environmental impacts of minerals extraction and use and response strategies; monitoring of the mineral cycle; and monitoring the terrestrial ecosystem.

Concerning monitoring of the mineral cycle, the Committee recommended the establishment of a commission on mining and materials to assess and report on technological progress towards the sustainable use of resources through improved efficiency, new technologies, substitution and recycling. It proposed that the commission's mandate include the compilation of information on the total impacts of the use of various commodities as a basis for determining optimum

consumption patterns, and a study of the technology of resource discovery and extraction, trends in the efficiency and cost of new mineral resources, and trends in recycling. The new body could also assist the United Nations in identifying opportunities in its capacity-building programmes for technology transfer to countries not members of the Organisation for Economic Cooperation and Development (OECD). The Committee suggested that the commission be placed within DDSMS or, alternatively, within the United Nations Conference on Trade and Development (UNCTAD).

As to monitoring the terrestrial environment, the Committee recommended the implementation of a programme to produce a global geochemical database to contribute to objective and effective environmental and resource management. Estimates regarding full data acquisition were, at the minimum, about a decade old. Given the immediate relevance of such data to intensifying land-use problems, the Committee stated that the programme should be initiated without delay. The capacity to coordinate the activities for terrestrial monitoring appeared to lie principally in DDSMS and with the regional commissions.

In accordance with the above recommendations, it was recommended that a global knowledge base on mineral resource potential be developed and integrated with other land information, so that the horizon of sustainability could be extended and land-use planning could take into account national and global needs for mineral exploration and development.

In May, the Committee adopted a resolution [res. 3/4] recommending that various organizations, including UNEP, UNIDO and UNCTAD, which were developing independent initiatives regarding authoritative technological assessment of progress towards sustainable extraction and utilization of minerals, consult together and with governmental organizations and NGOs with a view to establishing a partnership to fulfil the proposed technological functions.

Also in May, the Committee adopted a resolution [res. 3/5] by which it endorsed the need to establish a global geochemical database, and recommended that FAO, WHO and UNEP consult together with a view to formulating a plan for co-operation with national agencies to develop the database.

Similarly, by a further resolution [res. 3/6], the Committee endorsed the need for a global knowledge base on mineral resource potential for integration with other land-use information as an essential part of an integrated approach to planning and managing natural resources. It recommended that the Secretariat, in consultation

with FAO, the regional commissions and the international mining industry, consider the requirements of such a knowledge base and ways in which it might be achieved, including initiation through a regional pilot project.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, the Economic and Social Council adopted **resolution 1996/49**.

##### **Integration of key minerals issues into the implementation of Agenda 21**

The Economic and Social Council,

Recalling that Agenda 21 called for, *inter alia*, the identification of balanced patterns of consumption worldwide that the Earth could support in the long term,

Recalling also that, in Agenda 21 and the Copenhagen Declaration on Social Development, it is stated that the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances,

Noting that the policy implications of trends and projections in consumption and production patterns were evaluated in a report of the Secretary-General submitted to the Commission on Sustainable Development at its fourth session in 1996, and that the Commission endorsed the eco-efficiency approach and stressed the need for an appropriate balance between supply-side and demand-side approaches,

Noting also that in its inter-sessional strategy paper entitled "Towards the sustainable supply of minerals in the context of Agenda 21", the Committee on Natural Resources analysed the implications of those policy approaches for the minerals sector in terms of the capacity of the environment to absorb the physical and chemical impacts of minerals resource use, the sustainability of the supply of essentially non-renewable mineral resources, and the possibilities for modifying production and consumption patterns throughout the mineral cycle by introducing greater efficiency of minerals use, new technologies, recycling and substitution,

Recalling that those minerals issues impinge heavily on developing countries and economies in transition that seek to capture greater benefits from mineral development, and consequently recalling also the need to avoid undesirable impacts on those economies,

1. Brings to the attention of the Commission on Sustainable Development, the relevant United Nations bodies and the regional commissions the inter-sessional strategy paper of the Committee on Natural Resources entitled "Towards the sustainable supply of minerals in the context of Agenda 21";

2. Takes note, in principle, of the recommendations for concrete action contained in relevant resolutions of the Committee on Natural Resources, and recommends consideration of the means of their implementation, within existing resources, through the relevant priority programmes and by maximizing the opportunities for collaboration among interested parties.

Economic and Social Council resolution 1996/49

25 July 1996

Meeting 50

Adopted without vote

Draft by Vice-President (E/1996/L.32), based on informal consultations on draft by Committee on Natural Resources (E/1996/31); agenda item 6(d).

Meeting numbers. ESC 30-32, 50.

#### **Environmental degradation**

In an April report [E/C.7/1996/10], the Secretary-General described major advances in the development and application of state-of-the-art technologies for minimizing environmental degradation caused by mining and processing mineral resources.

The Secretary-General concluded that the two key considerations guiding national policies to promote the development, transfer and diffusion of state-of-the-art technologies regarding mining were: striking a balance between economic growth and environmental protection and a shift from end-of-pipe pollution-abatement technologies to cleaner production processes. The shift to a preventive rather than reactive approach needed to be encouraged everywhere, but especially in countries with developing and transitional economies, he stated.

The report outlined current and future activities for UN technical assistance agencies, multi-lateral and bilateral development assistance agencies, Governments and the private sector.

In May, the Committee on Natural Resources, noting the Secretary-General's report, asked him to submit in 1998 a report on the development and application of state-of-the-art technologies for the utilization/reprocessing of mineral industry wastes, with the aim of reducing the ecological burden on the environment [res. 3/2].

#### **Social and economic impacts of mining sector**

The Committee on Natural Resources considered a March report [E/C.7/1996/8] of the Secretary-General providing an assessment of host country benefits accrued to date from the inflow of funds and technology for mineral development. He noted that in the past decade many developing countries and economies in transition had recognized that private-sector investment in mineral resources could contribute significantly to a country's economic base, and had shifted development strategies towards relying on the private sector to lead economic growth. Reforms were taking hold slowly. Perceptible improvements in business environments were noticeable, and the private sector was responding through increased direct investment in the minerals sector with a corresponding multiplier effect into the economy, with job creation, the development of local small and medium-sized enterprises, and capacity-building in physical,

social and economic infrastructure. Noting that mineral resources were finite resources, the Secretary-General stated that policies and supportive frameworks being instituted must consider the long-term country goal of sustained economic growth and sustainable development. He stressed that devising and implementing mechanisms that supported the complementarity of roles between host Governments and investors were therefore paramount.

### Small-scale mining

In an April report [E/C.7/1996/9], the Secretary-General reviewed employment estimates in small-scale mining and, using examples from Africa, Asia and Latin America, described the economic impact of small-scale mining on selected countries.

The number of people active worldwide in small-scale mining (small mechanized mining and artisanal mining) exceeded 6 million, which represented more than 20 per cent of those active in the industry as a whole.

The Secretary-General observed that small-scale and artisanal mining had seen a worldwide resurgence over the past 25 years. Serious efforts were needed in small-scale mining regulation and promotion, particularly to mitigate environmental damage, minimize social upheavals and curb smuggling. He stated that artisanal mining should be legalized and formalized to promote its growth. Confronting mining issues (technical, legal, financial, environmental) was necessary but not sufficient for solving the problems inherent in artisanal mining, since that type of mining might create immediate income but often did not create improved living conditions or social development. He recommended adopting an approach that expanded the way artisanal mining was viewed, from a sectoral mining issue to a multisectoral issue of socio-economic development. The multisectoral approach would include the involvement of community development sociologists, economists, legal experts and public health experts to generate multisectoral development initiatives. The Secretary-General concluded that small-scale mining should be viewed and approached from the broader view of socio-economic development and poverty eradication.

The Committee on Natural Resources, in May [res. 3/3], having considered the Secretary-General's report, urged Member States, with respect to small-scale mining, to put in place appropriate, people-centred, institutional and regulatory arrangements that would formalize those economic activities, and would allow interaction with and assistance from international financial institutions and multinational mining compa-

nies. It noted the negative social impacts on local communities that were sometimes associated with the privatization of State-owned mineral assets, and concluded that, as far as possible, Governments should devise innovative privatization plans. The Committee decided that the basic problem of improving the capacity of developing countries and economies in transition to capture the maximum sustainable economic and social benefits of their potential for mineral production should be the principal focus of its inter-sessional activities and of the agenda of its 1998 session, and asked the Secretary-General to prepare a discussion paper on the topic.

### Technical cooperation

In a March report [E/C.7/1996/7], the Secretary-General assessed the technical cooperation activities of the UN system in the area of mineral resources since the submission of his previous report in 1994 [YUN 1994, p. 918]. He presented an overview of those activities and discussed organizational changes in the Secretariat pertaining to mineral resources. He noted changes made by the UN system concerning mineral resources in response to Agenda 21, as well as progress made towards sustainable development. The Secretary-General discussed activities in other areas of mineral resources development, including mining legislation, investment promotion and privatization, and progress made towards achieving sustainable development in small-scale mining.

In his conclusions, the Secretary-General stated that, since the adoption of Agenda 21 in 1992, the UN system had increased its emphasis on environmentally sound mineral development policies and had adopted a cross-sectoral, multidisciplinary approach in coordinating and integrating technical cooperation activities.

The ability of the UN system to provide technical cooperation assistance and advisory services had been severely diminished owing to evolutions in the funding of technical cooperation activities, and current budgetary reductions and the financial situation of the Secretariat. At the same time, in addition to areas of mineral resources development such as investment promotion and mining legislation, there were new areas and issues that were opening up—including those related to mining and the community, mineral resources and social development, as well as small-scale mining and artisanal mining—providing areas to refocus on cross-sectoral, multidisciplinary activities and alternative approaches to mineral resources development. The Secretary-General noted that the Committee on Natural

Resources might wish to consider those approaches.

## Energy

### New and renewable sources of energy

The Committee on New and Renewable Sources of Energy and on Energy for Development, established by the Economic and Social Council in 1992 [YUN 1992, p. 658], at its second session (New York, 12-23 February) [E/1996/24] considered energy and sustainable development, including the development of energy resources in developing countries; renewable sources of energy, with special emphasis on progress made and the development of policies in biomass; progress and policies concerning the use of energy and materials; and energy and the protection of the atmosphere. It also reviewed medium-term planning and coordination in energy, and discussed follow-up to the results of its previous sessions.

On the recommendation of the Committee, the Economic and Social Council adopted **resolution** 1996/44, on coordination of activities of UN organizations in the area of energy, and two decisions (see below). A draft resolution proposing a UN conference on energy for the twenty-first century was forwarded to the Council, but not acted upon.

The Committee considered a January report [E/C.13/1996/2] of the Secretary-General on the follow-up to its first (1994) [YUN 1994, p. 922] and special (1995) [YUN 1995, p. 1060] sessions. The special session had focused on rural energy.

On 26 July, the Council, by **decision** 1996/303, took note of recommendations made by the Committee, and invited States, UN entities and other international organizations and NGOs to consider them. The recommendations dealt with: the need to accelerate research into and development of all promising approaches to energy and materials efficiency and renewable energy development; the need to adopt a proactive approach towards removing the barriers that hampered renewable energy development; the launching of a global initiative to fund an expansion and acceleration of decentralized rural electrification programmes in developing countries; regional initiatives to resolve issues related to the use and development of energy resources; a systematic database on UN programmes and activities in the area of energy; and the availability of Committee reports to the Commission on Sustainable Development, the UN Centre for Hu-

man Settlements and the Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change.

On the same date, the Council, by **decision** 1996/304, took note of the Committee's report and approved the provisional agenda and documentation for its third (1998) session.

### Energy trends in developing countries

The Committee had before it a January report [E/C.13/1996/3] of the Secretary-General updating the 1994 review [YUN 1994, p. 922] of energy exploration and development trends in developing countries.

The Secretary-General noted that world energy demand had risen in 1994, up by almost 1 per cent over the previous year, after three years of static energy consumption, once demand in non-OECD Europe had started to decline. The total global primary energy demand in 1994 was about 7,923.8 million tons of oil equivalent (about 158 million barrels of oil equivalent per day). Oil remained the world's most important commercial fuel, accounting for almost 40 per cent of the energy market. Global oil demand in 1994 increased by 1.7 per cent, and if non-OECD Europe was excluded it was up by 3.2 per cent. Growth continued strongly in most regions of the developing world, up 1.5 per cent in Africa, more than 4 per cent in Latin America and the Middle East, and 6 per cent in Asia and the Pacific.

As for other major commercial fuels, world consumption of natural gas declined marginally in 1994. World coal demand gained modestly, about 0.5 per cent. Nuclear energy consumption continued to grow at a historically high level in 1994, accounting for 7.2 per cent of all primary energy, while the share of hydroelectricity generation remained steady at 2.5 per cent. Regionally, coal remained the dominant source of energy in Asia and the Pacific, mainly owing to its heavy use in China and India, while oil and natural gas accounted for most demand in all other regions.

In most developing countries, oil accounted for the predominant share of commercial primary energy consumed. Among the energy-deficient developing countries, only 17 had produced some of their oil requirements from indigenous resources. The remaining countries, more than 100, had no domestic oil production. Moreover, 85 per cent of the total oil produced in those developing countries came from two producers (Brazil, India) and the remainder of the output was largely from a few smaller producers (Chile, Cuba, Pakistan, Philippines, Thailand).

The outlook was for fossil fuels to continue to be pre-eminent in the global energy mix, ac-

counting for more than 85 per cent of world energy consumption by the year 2010. Also, natural gas demand was expected to increase significantly. International trade in coal was expected to double by 2010, and thus would require expansion of infrastructure for its transportation and export. Electricity was accounting for an increasing share of energy demand worldwide and the trend was set to continue, especially in developing countries. Globally, fossil fuels continued to be the dominant primary energy source for electricity generation, with coal accounting for the major share and likely to remain so into the next century. Hydroelectric power had reached a mature state of development in OECD countries, while in developing countries there remained a huge potential for further development.

Regarding energy resources development, the Secretary-General reviewed the worldwide production and consumption of crude oil, natural gas, coal, electric power and renewable sources of energy, including solar electricity and thermal systems, wind power, mini-hydropower, recycling of waste biomass and biomass digesters for making gas and liquid fuels.

As to energy and the environment in developing countries, the Secretary-General observed that the only affordable and effective way to reduce the impacts of energy production and use on the environment was to change products and processes, policies and pressures that generated waste and gave rise to pollution.

The Secretary-General concluded that a major problem facing most developing countries was that of mobilizing the capital necessary to meet their growing energy requirements, against a background of stagnant multilateral loans and grants and falling official development assistance.

Significant progress was made in some OECD countries in the commercial application of renewable energy technologies that contributed electricity to the utility distribution-line grid, while in developing countries, the limited application of those technologies was mostly occurring in a dispersed setting, likely due to the economics of the technologies concerned.

### **Efficient use of energy and materials**

The Secretary-General submitted to the Committee in April a report [E/C.13/1996/5] on the efficient use of energy and materials, which focused on the potentials for improving energy and material efficiency and subsequent policy implications.

Large potentials existed for energy savings through the improvement of energy and material efficiency in all sectors of society; those savings

could change current unsustainable consumption patterns. The factors that played a major role in energy efficiency improvements included increasing energy prices (except for the past 5 to 10 years); energy policies aimed at bringing energy efficiency into the market; and technological development. Efficiency improvement was a cheap energy source, but there were barriers to it, including an unwillingness to invest; lack of available and accessible information; economic disincentives; and organizational barriers. Material efficiency improvement had not received as much attention in policy-making and analyses as energy efficiency. As a result, detailed data on the qualities and quantities of final consumption were not available, making it difficult to formulate effective policies.

The Secretary-General recommended increasing cooperation in energy efficiency between the industrialized countries and the countries in the developing world and Central and Eastern Europe; training in all aspects of energy and material efficiency; improving the quality and availability of information on energy and material efficiency provided through Governments, energy agencies, vendors, trade and consumer associations or other bodies; removing tariffs and other barriers for importing and exporting energy-efficient technologies to enhance technology transfer; establishing policy plans with clearly defined energy and material efficiency goals; developing and designing new regulatory, legal and market frameworks; better understanding the technical, socio-economic and behavioural barriers limiting the market diffusion and correct application of new energy-efficient technologies; formulating an integrated policy accounting for the characteristics of technologies and target groups; removing existing energy subsidies which provided disincentives for energy efficiency improvement or efficient use of materials; providing a legal basis for product standards such as energy standards for appliances in national legislation; investigating the viability of voluntary agreements relating to energy efficiency and technology development goals in international policy-making; reallocating budgets to reflect better the importance of efficiency improvement in energy policy; and drawing up well-established and accepted analysis and monitoring instruments to evaluate and redirect policies and instruments to changing conditions and situations. Specific recommendations were made for the building, agriculture and transportation sectors.

The Secretary-General stated that the role of the United Nations could be strengthened in the transition to more sustainable development by



emphasizing the importance of energy and material efficiency and by improving programme co-ordination, the exchange of information and capacity-building within the UN system.

### **Biomass energy (bioenergy)**

The Committee examined an April report [E/C.13/1996/4] of the Secretary-General on renewable sources of energy, with special emphasis on biomass—plant materials or animal waste used as sources of fuel.

Biomass energy, or bioenergy, was experiencing a surge in interest stemming from greater recognition of its current role and the future potential contribution of biomass as a modern fuel; its availability, versatility and sustainability; its global and local environmental benefits; and development and entrepreneurial opportunities. However, bioenergy still faced barriers due to economic, institutional and some technical factors. In many countries where bioenergy was important, in both socio-economic and energy terms, few resources were allocated to biomass.

Much more useful energy could be economically derived from biomass. There was considerable potential for the modernization of biomass fuels to produce convenient and less polluting energy carriers, such as electricity, gases and transportation fuels, to provide for traditional uses of biomass. In addition, biomass energy had environmental and social benefits such as job creation, use of surplus agricultural land in industrialized countries, improved land management and a reduction of carbon dioxide and sulphur levels in the atmosphere.

Technological advances were opening up many new opportunities for bioenergy, among them advanced steam-cycle technology with co-generation; cofiring with fossil fuels; integrated gasification/advanced technology; biocrude-fired combustion-turbine technology; production of methanol and hydrogen from biomass; and fuel cell vehicle technology.

A major problem with bioenergy was that until recently it had had a low priority in the allocation of resources for research and development, planning and implementation.

The Secretary-General recommended broad guidelines on bioenergy dealing with formulating policies to promote bioenergy on an equal footing with conventional energy sources, through rational energy pricing; providing financial incentives to bioenergy, and allowing the sale of bioelectricity, heat and gases by private generators; directing research and development to the most promising areas of biomass; examining past successes and failures to assist policy makers; internalizing external costs and benefits

of bioenergy; developing bioenergy distribution systems that facilitated consumption and use; considering interrelated socio-economic aspects of bioenergy; paying more attention to sustainable production and use of biomass energy feedstocks, methodologies of conversion and efficient energy flows; allocating more research and development to pollution abatement, energy efficiency and development of newer conversion systems; improving capacity-building in bioenergy management skills; promoting sustainable development of large-scale biomass plantations to reduce costs and achieve environmental acceptability; and improving market opportunities and conditions for potential suppliers and improving supplies for potential markets.

### **Protection of the atmosphere**

An April report [E/C.13/1996/6] of the Secretary-General focused on protection of the atmosphere from energy-related sources of human interference. He analysed the relationship between energy and development, prevailing trends in energy use worldwide and possible future developments, possible impacts on the atmosphere, and strategies for mitigating and adapting to the adverse impact of possible climate change.

Protection of the atmosphere was an important precondition for ensuring sustainable economic development. Energy needs were driven by population growth, economic and industrial development, and technological change. The type and the extent of the environmental impacts of energy production and use were closely related to the degree of economic development and industrialization. Three different classes of economic problems had been analysed in relation to the environment: those relating to poverty, industrialization and affluence. The Secretary-General noted that each placed a different burden on the environment, and all called for different environmental policy approaches and solutions.

As to trends in energy use, global primary energy use had increased by a factor of 20 since the middle of the nineteenth century, with much of the increased consumption occurring in the developed countries.

Regarding the atmospheric impact of greenhouse gases, the developed countries accounted for most of the carbon dioxide, aerosol and chlorofluorocarbon emissions. Currently, it was not possible to determine reliably the combined effects of the concentration of greenhouse gases and of human activities on the climate system. The options available to mitigate undesirable impacts on the atmosphere included efficiency improvements, fuel switching, structural change,

control of large point sources, enhancement of greenhouse gas sinks and adaptation measures. Various policy options were also available.

### UN activities

In a February report [E/C.13/1996/7], the Secretary-General described the energy activities carried out within the UN system.

Many entities within the system were involved in a wide range of projects and programmes in energy, covering energy development and use, energy efficiency, management, analysis and projections, financial resources and investment, institutions and capacity-building, cooperation and coordination of energy activities, and information flows. The mode of action varied, involving technical and financial assistance, advisory services, expert group meetings, workshops and seminars, studies, and establishment and maintenance of computer tools and database or publications.

In the area of energy development and use, projects related to exploration, assessment and planning, electricity development and use, renewable energy resources, new energy technologies, fuel substitution, development of national and regional energy policies, and integration of energy, environment and development policies. Activities were also reported in identifying energy trends and perspectives, weather and climate implications, environmental impact assessment and mitigation of adverse environmental effects.

The Secretary-General observed that the trend towards cooperation among UN entities was encouraging. Directly related to cooperation was the issue of coordination, which, except for very few submissions, seemed minimal. The Secretary-General stated that the Committee might wish to suggest specific ways to improve coordination, such as through the Inter-Agency Committee on Sustainable Development, which could devote part of its agenda to energy issues.

The transportation area did not seem to be receiving the attention that it deserved by UN entities, the report stated. Some effort, however, had been reported regarding the integration of energy, environment and development. More activities were needed in the development and application of environmentally sound technologies.

The Secretary-General noted that more effort was required to expand substantially the supply of energy to rural areas of developing countries, including rural electrification, to stimulate economic growth or at least to help arrest, reverse and eventually eradicate poverty. In addition, further attention was needed to ensure more participation of women at all levels, and to increase

women's capacity to participate in decision-making.

It was apparent that UN entities tended to concentrate on conventional energy systems, with inadequate attention given to sustainable energy developments involving the development and application of renewable sources of energy.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/44**.

#### **Coordination of the activities of the organizations of the United Nations system in the field of energy**

The Economic and Social Council,

Considering the crucial role of energy in sustainable development,

Noting the continuing need for enhancing energy supplies and improving the living conditions in developing countries,

Recognizing the need to evolve strategies and programmes to ensure a cost-effective and sustainable regime of energy supply and consumption in the twenty-first century,

Bearing in mind the views and recommendations of the Committee on New and Renewable Sources of Energy and on Energy for Development on the issues of medium-term planning and coordination in energy,

Recalling decision 4/15 of the Commission on Sustainable Development of 3 May 1996, in which the Commission requested the Secretary-General to prepare a report for consideration by the Commission at its fifth session, covering an inventory of ongoing energy-oriented programmes and activities within the United Nations system, as well as proposals for arrangements as appropriate, that might be needed to foster the linkage between energy and sustainable development within the United Nations system,

1. Requests the Secretary-General to take into account the report and views of the Committee on New and Renewable Sources of Energy and on Energy for Development when preparing the report requested in decision 4/15 of the Commission on Sustainable Development;

2. Also requests the Secretary-General to prepare a report, taking into account, as appropriate, the views of the Committee, on the possibilities of strengthening the coordination of the organizations and bodies of the United Nations system in the field of energy within the framework of the Administrative Committee on Coordination, and to submit this report, through the Council, to the General Assembly for consideration at its fifty-second session;

3. Further requests the Secretary-General, in consultation with the regional commissions and other entities within the United Nations system, to address in the same report the need to enhance the capability of the system in the field of energy for sustainable development, and to explore all possible options for a high-level discussion in this context, taking into account the results of the fifth session of the Commission on Sustainable Development and of the special session of the General Assembly scheduled for June 1997, as well as the guidance provided by the relevant environmental

conventions and their respective conferences of the parties, in particular the United Nations Framework Convention on Climate Change.

Economic and Social Council resolution 1996/44  
26 July 1996 Meeting 52 Adopted without vote  
Draft by Vice-President (E/1996/L.40), based on informal consultations on two drafts by Committee on New and Renewable Sources of Energy and on Energy for Development (E/1996/24); agenda item 6 (e).  
Meeting numbers. ESC 30-32, 52.

### Nuclear energy

By a note of 26 August [A/51/307], the Secretary-General transmitted the 1995 report of the International Atomic Energy Agency (IAEA) to the General Assembly.

The IAEA Director General on 28 October presented an updated report to the Assembly. He addressed issues of nuclear safety, including the entry into force on 24 October of the Convention on Nuclear Safety, adopted in 1994 [YUN 1994, p. 925]; the use of radiation; nuclear weapons and the verification of nuclear-arms control and disarmament agreements; treaties establishing nuclear-weapon-free zones; compliance; and safeguards agreements. (See also PART ONE, Chapter VII.)

#### GENERAL ASSEMBLY ACTION

On 29 October, the General Assembly adopted **resolution 51/10**.

#### Report of the International Atomic Energy Agency

The General Assembly,

Having received the report of the International Atomic Energy Agency to the General Assembly for the year 1995,

Noting the statement of the Director General of the International Atomic Energy Agency of 28 October 1996, in which he provided additional information on the main developments in the activities of the Agency during 1996,

Recognizing the importance of the work of the Agency in promoting the further application of nuclear energy for peaceful purposes as envisaged in the statute of the Agency and in accordance with the inalienable right of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant internationally legally binding agreements that have concluded relevant safeguards agreements with the Agency to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty, with other relevant articles and with the objectives and purposes of the Treaty,

Conscious of the importance of the work of the Agency in the implementation of the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and other international treaties, conventions and agreements designed to achieve similar objectives, as well as in ensuring, as far as it is able, that the assistance provided by the Agency or at its request or under its supervision or control is not used in such a way as to

further any military purpose, as stated in article II of its statute,

Reaffirming that the Agency is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, and also reaffirming that nothing should be done to undermine the authority of the Agency in this regard and that States parties that have concerns regarding non-compliance with the safeguards agreement of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate,

Noting the statement by the President of the fortieth regular session of the General Conference of the Agency, issued under item 23 concerning the application of Agency safeguards in the Middle East, that:

"The General Conference requests the Director General to invite experts from the Middle East and other areas to a technical workshop on safeguards, verification technologies, and related experience. It calls on the Director General to commence with preparations, in consultation with the parties concerned, with a view to developing an agenda and modalities that would help ensure a successful workshop",

Again stressing the need for the highest standards of safety in the design and operation of nuclear installations and in peaceful nuclear activities so as to minimize risks to life, health and the environment,

Considering that an expansion of technical cooperation activities relating to the peaceful uses of nuclear energy will contribute to the well-being of the peoples of the world, recognizing the special needs of the developing countries for technical assistance from the Agency and the importance of funding in order to benefit effectively from the transfer and application of nuclear technology for peaceful purposes as well as from the contribution of nuclear energy to their economic development, and desiring that the Agency's resources for technical cooperation activities be assured and sufficient,

Recognizing the importance of the work of the Agency on nuclear energy, applications of nuclear methods and techniques, nuclear safety, radiological protection and radioactive waste management, including its work directed towards assisting developing countries in all these fields,

Taking note of the report of the Director General to the General Conference on the developments related to the nuclear-weapons programme of Iraq, of his reports on the Agency's twenty-eighth and twenty-ninth on-site inspections in Iraq and of resolution GC(40)/RES/21 of 20 September 1996 of the General Conference,

Taking note also of resolutions GOV/2711 of 21 March 1994 and GOV/2742 of 10 June 1994 of the Board of Governors and GC(40)/RES/4 of the General Conference of the International Atomic Energy Agency in

connection with the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, the statements of the President of the Security Council of 31 March, 30 May and 4 November 1994 and the Board of Governors' authorization, on 11 November 1994, to the Director General, to carry out all the tasks requested of the Agency in the statement by the President of the Security Council of 4 November 1994.

Bearing in mind resolutions GC(40)/RES/2 on a nuclear-weapon-free zone in Africa, GC(40)/RES/10 on the Convention on Nuclear Safety, GC(40)/RES/11 on a convention on the safety of radioactive waste management, GC(40)/RES/12 on measures to resolve international radioactive waste management issues: establishing predisposal waste demonstration centres, GC(40)/RES/13 on the strengthening of the Agency's technical cooperation activities, GC(40)/RES/14 on a plan for producing potable water economically, GC(40)/RES/15 on extensive use of isotope hydrology for water resources management, GC(40)/RES/16 on strengthening the effectiveness and improving the efficiency of the safeguards system, GC(40)/RES/17 on measures against the illicit trafficking in nuclear material and other radiation sources, GC(40)/RES/18 on the staffing of the Agency's secretariat, GC(40)/RES/20 on the amendment of article VI of the statute relating to the membership of the Board of Governors, GC(40)/RES/21 on the implementation of relevant Security Council resolutions relating to Iraq, and GC(40)/RES/22 on application of Agency safeguards in the Middle East, adopted on 20 September 1996 by the General Conference of the Agency at its fortieth regular session,

Noting the statement by the President of the fortieth regular session of the General Conference of the Agency, issued under item 19 (b) concerning the composition of regional groups, that:

"The General Conference takes note of the report of the Director General on the composition of regional groups under the agenda item entitled 'Amendment of article VI of the Statute', as contained in the attachment to GC(40)/11. It reiterates the principle of the sovereign equality of all member States of the Agency, as provided for in article IV.C of the Statute. It affirms that this principle requires that each member State of the Agency be within one of the areas listed in article VI.A.1 of the Statute. Recalling draft resolution GC(39)/COM.5/10 (19 September 1995) and resolution GC(39)/RES/22 (22 September 1995), the Conference requests that the Chairman of the Board of Governors consult with member States not yet listed in a regional area, as well as with other member States, including representatives of the regional areas, and that he report for consideration at the forty-first session of the General Conference specific proposals to include each member State within the appropriate area at the time of the Conference in September 1997",

Bearing in mind resolution GC(40)/RES/17 on measures against illicit trafficking in nuclear materials and other radioactive sources, recognizing the importance of measures against illicit trafficking of nuclear mate-

rial and, in this regard, further recognizing the importance of the programme for preventing and combating illicit trafficking in nuclear material, agreed upon by the participants in the Moscow Nuclear Safety and Security Summit of April 1996,

Also bearing in mind resolution GC(40)/RES/19 on women in the secretariat adopted on 20 September 1996 by the General Conference of the Agency, calling on the Director General to further integrate the Platform for Action developed at the Fourth World Conference on Women into the Agency's relevant policies and programmes,

1. Takes note of the report of the International Atomic Energy Agency;

2. Affirms its confidence in the role of the Agency in the application of nuclear energy for peaceful purposes;

3. Welcomes the measures and decisions taken by the Agency to maintain and strengthen the effectiveness and cost efficiency of the safeguards system in conformity with the Agency's statute, in particular, welcomes the establishment by the Board of Governors of a committee which began its work in July 1996 and is tasked with the drafting of a model protocol in order to strengthen the effectiveness and to improve the efficiency of the nuclear safeguards system and thereby reinforce and improve the Agency's capacity to detect any undeclared nuclear activities, and calls upon this committee to make every effort to bring its work to a successful conclusion at the earliest possible date;

4. Urges all States to strive for effective and harmonious international cooperation in carrying out the work of the Agency, pursuant to its statute, in promoting the use of nuclear energy and the application of the necessary measures to strengthen further the safety of nuclear installations and to minimize risks to life, health and the environment, in strengthening technical assistance and cooperation for developing countries, and in ensuring the effectiveness and efficiency of the safeguards systems of the Agency;

5. Welcomes the measures and decisions taken by the Agency to strengthen and fund its technical cooperation activities which should contribute to achieving sustainable development in developing countries, and calls upon States to cooperate in implementing the measures and decisions pursuant thereto;

6. Commends the Director General and the secretariat of the Agency for their continuing, impartial efforts to implement the safeguards agreement still in force between the Agency and the Democratic People's Republic of Korea, including their efforts to monitor the freeze of specified facilities in the Democratic People's Republic of Korea as requested by the Security Council, expresses concern over the continuing non-compliance of the Democratic People's Republic of Korea with the safeguards agreement, and urges the Democratic People's Republic of Korea to cooperate fully with the Agency in the implementation of the safeguards agreement and take all steps the Agency may deem necessary to preserve all information relevant to verifying the accuracy and completeness of the initial report of the Democratic People's Republic of Korea on the inventory of nuclear material subject to safeguards until the Democratic People's Republic of Korea comes into full compliance with its safeguards agreement;

7. Also commends the Director General of the Agency and his staff for their strenuous efforts in the implementation of Security Council resolutions 687(1991) of 3 April, 707(1991) of 15 August and 715(1991) of 11 October 1991, and while noting that Iraq has adopted over the last twelve months a more constructive approach, expresses concern that Iraq failed to provide immediate access on 7 July 1996 to the Agency's Action Team and that it has previously withheld from the Agency information about its nuclear-weapons programme in violation of its obligations under relevant Council resolutions, and in this context stresses the need for Iraq to cooperate fully with the Agency to resolve the remaining inconsistency concerning the full, final and complete declaration in achieving the implementation of the relevant Council resolutions, and stresses that the Agency's Action Team will continue to exercise its right to investigate further any aspects of the past nuclear-weapons capability of Iraq, in particular as regards any further relevant information necessary to complete the record of the nuclear-weapons programme of Iraq that it may still be withholding from the Agency;

8. Welcomes the entry into force on 24 October 1996 of the Convention on Nuclear Safety and appeals to all States to become parties to it so that it obtains the widest possible adherence, and expresses its satisfaction that a preparatory meeting of the contracting parties will be convened at a date to be agreed upon, but not later than April 1997;

9. Also welcomes the measures taken by the Agency in support of efforts to prevent illicit trafficking in nuclear materials and other radioactive sources and, in this context, calls upon other States to join the programme for preventing and combating illicit trafficking in nuclear material agreed upon by the participants at the Moscow Nuclear Safety and Security Summit of April 1996;

10. Takes note with appreciation of the work of the open-ended Group of Technical and Legal Experts on a Convention on the Safety of Radioactive Waste Management established by the Board of Governors of the Agency and expresses the hope that the outstanding issues will be resolved in a spirit of compromise so as to allow timely completion of the preparatory work and adoption of a convention in the near future;

11. Notes with satisfaction the substantial progress achieved in the negotiations to strengthen the international regime of liability and compensation for damage

arising from a nuclear incident, in particular, by amending the 1963 Vienna Convention on Civil Liability for Nuclear Damage as well as by adopting a convention on supplementary compensation, and expresses the hope that the diplomatic conference for that purpose will soon be convened;

12. Requests the Secretary-General to transmit to the Director General of the Agency the records of the fifty-first session of the General Assembly relating to the activities of the Agency.

General Assembly resolution 51/10

29 October 1996 Meeting 43 141-2-8 (recorded vote)

45-nation draft (A/51/L.9/Rev.1 & Rev.1/Add.1); agenda item 14.  
Meeting numbers. GA 51st session: plenary 42, 43.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Against: Democratic People's Republic of Korea, Lebanon.

Abstaining: China, Cuba, Micronesia, Lao People's Democratic Republic, Sudan, Syrian Arab Republic, Vanuatu, Viet Nam.

Before adopting the text, Iraq introduced an amendment to paragraph 7 [A/51/L.11] by which the Assembly would have called on Iraq to continue its cooperation with IAEA in achieving the complete implementation of the relevant Security Council resolutions. The amendment was rejected by a recorded vote of 71 to 11, with 41 abstentions.

The third preambular paragraph was retained by a recorded vote of 123 to 3, with 11 abstentions.

## Chapter VII

## Environment

During the year, the United Nations was involved in efforts to solve environmental problems threatening the Earth's land masses, forests, fauna and flora, oceans and atmosphere. A variety of activities took place in follow-up to "Agenda 21," the wide-ranging action document adopted at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, in June 1992.

On 26 December 1996, the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, adopted and opened for signature in 1994, entered into force. During the year, preparations were under way for the first Conference of the Parties, scheduled to be held in 1997.

In December 1996, the General Assembly endorsed the 1995 Washington Declaration on Protection of the Marine Environment from Land-based Activities and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and stressed the need for States to implement the Programme. The Programme was designed to serve as a guide to devising and implementing sustained action to prevent, reduce, control and/or eliminate marine degradation from land-based activities. In another action, the Assembly urged States, international organizations and regional and subregional fisheries management organizations to take action to reduce by-catches, fish discards and post-harvest losses.

The Ad Hoc Intergovernmental Panel on Forests, established under the aegis of the Commission on Sustainable Development, focused on various aspects of deforestation and forest degradation, while the Ad Hoc Working Group on Sectoral Issues addressed the problems of adverse impacts of human activity on the atmosphere and oceans.

The third meeting of the Conference of the Parties to the 1992 Convention on Biological Diversity considered a report of the Open-ended Ad Hoc Working Group on Biosafety, which discussed the elaboration of a protocol setting out procedures, including advanced information agreement, in the safe transfer, handling and use of any living modified organism resulting from

biotechnology that might have an adverse effect on the conservation and sustainable use of biological diversity.

On 10 December, the 1994 Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora entered into force, 60 days following the receipt of the fourth instrument of ratification or accession.

During the year, the second session of the Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change reviewed the implementation of the Convention and the progress made in the negotiation of a protocol or another legal instrument to strengthen commitments on controlling emissions after the year 2000 of parties included in annex I to the Convention (developed and transition countries).

The United Nations Environment Programme (UNEP) convened with the Food and Agriculture Organization of the United Nations (FAO) the first two sessions of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The meetings made progress in elaborating a number of draft articles essential for the mandatory application of the PIC procedure.

## General aspects

### UNCED follow-up

During the year, preparations were under way for the special session of the General Assembly, to be held in 1997, to review and appraise the implementation of Agenda 21, adopted in 1992 by the United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672] (see PART THREE, Chapter I).

**Commission action.** The high-level segment of the fourth session of the Commission on Sustainable Development (New York, 3 May) discussed matters related to the special session, pursuant to a 1995 Assembly request [YUN 1995, p. 840], and con-

sidered a February report [E/CN.17/1996/16] of the Secretary-General presenting an overview of the progress made since UNCED in the institutional arrangements within the UN system, by bilateral organizations, regional organizations and financial institutions. Post-UNCED institutional changes taken by major groups, relating to the role of nine non-governmental sectors recognized in Agenda 21, were reflected in another February report [E/CN.17/1996/12] on the role of those groups during 1995-1996. The Secretary-General stated that major groups continued to open new avenues for dialogue, collaboration and cooperation through participation in monitoring and implementation activities of Agenda 21. However, further work needed to be done to encourage, enhance and enable participation, including information collection and dissemination, enhanced participatory arrangements and programming support.

The Commission recommended [E/1996/28 (dec. 4/7)] that the 1997 review give special attention to post-UNCED institutional arrangements to ensure their continued relevance and increased effectiveness. It also recommended that the preparatory work for the 1997 special session examine the institutional implications for forging new alliances for sustainable development between the United Nations and other major organizations relevant for sustainable development.

#### GENERAL ASSEMBLY ACTION

The General Assembly, by **resolution 51/181** of 16 December, requested that other contributions to the special session, in addition to those identified in Assembly resolution 50/113, include submissions from relevant UN bodies and organizations; information on the outcomes of UN conferences held since UNCED, regional and subregional conferences, summits and other inter-sessional meetings on sustainable development organized by countries; and information on the activities of relevant UN conventions on the environment and development and the global freshwater assessment. It requested that the activities organized by major groups, including business and industry and non-governmental organizations (NGOs), be taken into account.

### Environment and sustainable development

**Commission action.** The Commission on Sustainable Development (fourth session, New York, 18 April-3 May) examined a March report [E/CN.17/1996/11 & Add.1] of the Secretary-General

on integrating environment and development in decision-making. Regarding policies, planning and management, he stated that at the national level there appeared to be a trend towards a more integrative approach to decision-making. More attention was being given at national, bilateral and international levels to coordinating sectoral and special interest plans, strategies and targets in a manner aimed at achieving consistency, efficiency, effectiveness and movement towards an integrated goal of sustainable development. He stated that laws and regulations suited to country-specific conditions were among the most important instruments for transforming environment and development policies into action. He noted that whereas most countries had some process in place to develop integrated strategies on a regular basis, fewer had comparable routine processes in the area of law. As to integrated environmental and economic accounting, the Secretary-General stated that it was likely to increase in use, at least on pilot and experimental bases.

On 3 May [dec. 4/4], the Commission asked organizations of the UN system and other relevant organizations to support efforts taken by Governments to integrate environment and development in decision-making, by strengthening coordination and exchanging information on "best practices" relating to sustainable development strategies.

**Second Committee action.** In October [A/51/605], the Assembly's Second (Economic and Financial) Committee discussed the item "Environment and sustainable development". Action on questions not related to specific sub-items was taken on 5 November and 2 December [A/51/605/Add.7].

On 5 November, Belarus, Georgia, Latvia, the Russian Federation, Tajikistan and Ukraine introduced a draft resolution [A/C.2/51/L.11] entitled "Application of the principles of the Rio Declaration on Environment and Development in international cooperation on the environment". (The Rio Declaration, adopted in 1992 [YUN 1992, p. 670], aimed to establish a new and equitable global partnership on environment and development through cooperation among States, key sectors and individuals.)

On 2 December, the Committee was informed that the draft resolution was withdrawn by its sponsors, in the light of the adoption of another draft, which was subsequently adopted by the Assembly as **resolution 51/181** concerning the special session to review and appraise the implementation of Agenda 21 (see PART THREE, Chapter I).

By **decision 51/446** of 16 December, the Assembly took note of parts one and eight of the Second Committee's report [A/51/605 & Add.7].

## International conventions and mechanisms

### Climate Change Convention

In 1996, 13 States ratified, acceded to or accepted the United Nations Framework Convention on Climate Change, which was opened for signature in 1992 [YUN 1992, p. 681] and entered into force in 1994 [YUN 1994, p. 938], bringing the total number of States parties to 164 at year's end. The Convention aimed to stabilize atmospheric concentrations of greenhouse gases at levels that would prevent human activities from interfering dangerously with the global climate system.

### Conference of Parties

#### Financing

In an April report [A/C.5/50/58], the Secretary-General presented revised budgetary appropriations for the conference servicing of the Conference of the Parties to the Convention and its subsidiary bodies. He estimated the full costs for the 1996-1997 biennium at \$7,751,300 (\$3,580,600 for 1996 and \$4,170,000 for 1997). The additional requirements for the biennium were estimated at \$5,517,000.

After considering the Secretary-General's report, the Advisory Committee on Administrative and Budgetary Questions, in April [A/50/7/Add.15], observed that, in accordance with a 1986 General Assembly resolution [YUN 1986, p. 1024], the additional appropriation would be subject to the provisions of a contingency fund established for each biennium to accommodate additional expenditure derived from legislative mandates not provided for in the programme budget.

#### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/232**.

#### Conference servicing of the Conference of the Parties to the United Nations Framework Convention on Climate Change

The General Assembly,

Having considered the report of the Secretary-General on the conference servicing of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the recommendations of the Advisory Committee on Administrative and Budgetary Questions thereon,

Recalling that, in its resolution 50/115 of 20 December 1995, it decided to include in the calendar of conferences and meetings for the biennium 1996-1997 the sessions of the Conference of the Parties and its sub-

sidary bodies envisaged for that biennium, entailing twelve weeks of conference-servicing facilities,

Recalling also that the Fifth Committee informed the General Assembly in that connection that the actual amount required under section 26E (Conference services) of the proposed programme budget for the biennium 1996-1997, including the need for additional appropriation, would be considered by the Assembly at its resumed session in 1996,

Recalling further that, in its resolution 50/214 of 23 December 1995, it had already requested the Secretary-General to make economies in an amount of 103,991,200 United States dollars and also requested him to implement fully all mandated programmes and activities,

Reaffirming the budgetary process adopted in its resolution 41/213 of 19 December 1986 and subsequent relevant resolutions,

1. Authorizes the Secretary-General to enter into commitments up to an amount of 5,517,000 dollars from section 26 (Administration and management) of the programme budget for the biennium 1996-1997 for the provision of conference servicing to the Conference of the Parties to the United Nations Framework Convention on Climate Change and its subsidiary bodies;

2. Requests the Secretary-General, subject to the full implementation of all mandated programmes and activities as required by its resolution 50/214, to submit a report to the General Assembly no later than 1 September 1996 containing proposals on possible means of absorption in the programme budget for the biennium 1996-1997;

3. Decides to revert to the issue of appropriations in the context of the first performance report.

General Assembly resolution 50/232

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/842/Add.3) without vote, 31 May (meeting 64); draft by Chairman (A/C.5/50/L.71); agenda item 116. Meeting numbers. GA 50th session: 5th Committee 56-58, 60-64; plenary 120.

### Conference and subsidiary bodies

At its second session (Geneva, 8-19 July) [FCCC/CP/1996/15 & Add.1], the Conference of the Parties to the Convention reviewed the implementation of the Convention and the progress made in the negotiation process initiated in 1995 [YUN 1995, p. 1070] with the adoption of the Berlin Mandate. Pursuant to the Mandate, the parties were called on, among other things, to negotiate a protocol or another legal instrument to strengthen the commitments of parties included in annex I to the Convention (developed and transition countries) after the year 2000. The Conference took note of the Geneva Ministerial Declaration that had emerged from consultations with a representative group of "Friends of the President". The Declaration was presented in the name of the ministers and other heads of delegation present at the session. It emphasized the need to accelerate the Berlin Mandate talks on strengthening the Convention and, in particular, called for making commitments on controlling emissions in the post-



2000 period "legally binding". On 18 July, on the President's proposal, the Conference took note of the Declaration and agreed that it should be annexed to the Conference's report.

Decisions adopted by the Conference to promote the implementation of the Convention dealt with guidelines, schedule and process for consideration of communications received from annex I parties (communications were to address a party's actions to implement all its Convention obligations), as well as all anthropogenic emissions and removals of all greenhouse gases not controlled by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 686]; guidelines, facilitation and process for consideration of communications from parties not included in annex I; and a Memorandum of Understanding between the Conference and the Council of the Global Environment Facility (GEF), the interim operating entity of the financial mechanism of the Convention. Other decisions dealt with the development and transfer of technologies and know-how conducive to mitigating and adapting to climate change; the 1996-1997 work programme of the Subsidiary Body for Implementation (SBI); the work of the Conference's Ad Hoc Groups, including the Ad Hoc Group on the Berlin Mandate; secretariat activities relating to technical and financial support to parties; the establishment and functioning of the permanent Convention secretariat; the Agreement signed with Germany in Bonn on 20 June 1996 concerning its headquarters; the 1997 budget; documentation; and the date and venue of the Conference's third session, which was scheduled to take place in Kyoto, Japan, from 1 to 12 December 1997.

The Conference's subsidiary bodies met in Geneva during the year. The Subsidiary Body for Scientific and Technological Advice held its second (27 February-4 March) [FCCC/SBSTA/1996/8], third (9-16 July) [FCCC/SBSTA/1996/13] and fourth (16-18 December) [FCCC/SBSTA/1996/20] sessions. The sessions dealt with organizational issues, a pilot phase for activities implemented jointly, scientific assessments, cooperation with the Intergovernmental Panel on Climate Change (see below), communications from parties, the development and transfer of technologies, and mechanisms for consultations with NGOs. Another subsidiary body, SBI, similarly held three sessions, its second (27 February-8 March) [FCCC/SBI/1996/9], third (9-16 July) [FCCC/SBI/1996/12] and fourth (10-11 December) [FCCC/SBI/1996/L.5], which dealt with national communications, the development and transfer of technology, financial and technical cooperation, including the Memorandum of Understanding between the Conference and the GEF Council, and institutional and budgetary matters.

The Ad Hoc Group on the Berlin Mandate continued its debate on quantified emission limitation and reduction objectives in three sessions: its third (5-8 March) [FCCC/AGBM/1996/5], fourth (11-16 July) [FCCC/AGBM/1996/8] and fifth (9-12 December) [FCCC/AGBM/1996/11].

The Ad Hoc Group on article 13 held its second (10 July) [FCCC/AG13/1996/2] and third (16-18 December) [FCCC/AG13/1996/4] sessions to consider the establishment of a multilateral consultative process for the resolution of questions regarding implementation (article 13).

**Report of Secretary-General.** The Secretary-General in October reviewed [A/51/484] developments regarding the provision of conference-servicing facilities for sessions of the Conference of the Parties and its subsidiary bodies; arrangements for administrative support to the Convention secretariat; transfer of end-1995 balances in funds established under a 1990 Assembly resolution [GA res. 45/212]; and institutional linkage of the Convention secretariat to the United Nations.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/184**.

#### **Protection of global climate for present and future generations of mankind**

The General Assembly,

Recalling its resolutions 45/212 of 21 December 1990, 46/169 of 19 December 1991, 47/195 of 22 December 1992, 48/189 of 21 December 1993, 49/120 of 19 December 1994 and 50/115 of 20 December 1995,

Noting with satisfaction that most States and one regional economic integration organization have ratified or acceded to the United Nations Framework Convention on Climate Change, and inviting States that are not parties to take appropriate action to that end,

Welcoming the achievements of the second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held at Geneva from 8 to 19 July 1996, and noting that the Conference of the Parties at its second session adopted by consensus a series of substantive decisions,

Recalling that at its second session the Conference of the Parties took note, without formal adoption, of the Geneva Ministerial Declaration which received majority support among ministers and other heads of delegations attending the Conference, which, inter alia, called for acceleration of negotiations on the text of a legally binding protocol or another legal instrument to be completed in due time for adoption at the third session of the Conference of the Parties,

Taking note with appreciation of the scientific contribution to the convention process of the Intergovernmental Panel on Climate Change of the World Meteorological Organization/United Nations Environment Programme, and also taking note of its second assessment report as the most comprehensive assessment available to date of the issues related to global climate change,

Concerned that changes in climate may result in significant and often adverse impacts on many ecological

systems and socio-economic sectors, including food supply and water resources, and on human health, and noting that in some cases the impacts are potentially irreversible, and that developing countries and small island developing States are typically more vulnerable to climate change,

Looking forward to the continued efforts of the Conference of the Parties and its subsidiary bodies in addressing climate change and, in particular, to the successful conclusion of the Berlin Mandate process at the third session of the Conference of the Parties,

Reiterating that a comprehensive approach should be adopted by the Conference of the Parties and its subsidiary bodies in the implementation of the Convention, including the full consideration of the particular situation of the developing countries as recognized by the Convention,

Taking note with appreciation of the generous offer of the Government of Japan to host the third session of the Conference of the Parties at Kyoto from 1 to 12 December 1997,

Noting that the relocation of the Convention secretariat to Bonn, Germany, is well under way, and expressing its appreciation to the Government of Germany and the city of Bonn for the facilities and support they are providing to the secretariat,

Recalling its request to the Secretary-General, as put forth in paragraph 9 of resolution 50/115, to make the necessary arrangements to include in the calendar of conferences and meetings for the biennium 1998-1999 those sessions of the Conference of the Parties and its subsidiary bodies that the Conference may need to convene in that period, and noting that those arrangements should be made without prejudice to the outcome of the review referred to in paragraph 3 below,

Having considered the report of the Secretary-General on the implementation of resolution 50/115,

1. Notes the administrative arrangements regarding personnel and financial matters that have been established in the context of the transitional arrangement for administrative support to the secretariat of the United Nations Framework Convention on Climate Change for the biennium 1996-1997;

2. Also notes the arrangements made for the provision of conference services to the Conference of the Parties to the Convention and its subsidiary bodies for the biennium 1996-1997;

3. Reiterates its request to the Secretary-General, as set forth in paragraph 10 of resolution 50/115, to review the arrangements mentioned in paragraphs 1 and 2 above towards the end of the biennium 1996-1997 and to report on the results of that review to the Assembly at its fifty-second session, taking into account evolving needs arising from the relocation to Bonn of the Convention secretariat;

4. Notes with appreciation contributions made to the extrabudgetary funds established under paragraphs 10 and 20 of resolution 45/212 and maintained in accordance with resolution 47/195, and calls upon Member States that are parties to the Convention to also contribute generously to the trust fund for participation in the Convention process, envisaged in paragraph 15 of its financial procedures, and to the trust funds envisaged for supplementary activities under the Convention;

5. Calls upon Member States that are parties to the Convention to pay in full and in a timely manner for each of the years 1996 and 1997, in accordance with the indicative scale adopted by consensus by the Conference of the Parties, the contributions required for the trust fund for the core budget of the Convention, envisaged in paragraph 13 of its financial procedures, so as to ensure continuity in the cash flow required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

6. Invites the Executive Secretary of the United Nations Framework Convention on Climate Change to report to the General Assembly at its fifty-second session and, pending the outcome of the special session of the General Assembly in 1997, to report on the results of future meetings of the Conference of the Parties to the Convention;

7. Decides to include in the provisional agenda of its fifty-second session the item entitled "Protection of global climate for present and future generations of mankind" and to consider at that session the reviews requested in paragraph 10 of resolution 50/115.

General Assembly resolution 51/184

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/605/Add.5) without vote, 2 December (meeting 38); draft by Vice-Chairman (A/C.2/51/L.33), based on informal consultations on draft by Colombia (for Non-Aligned Movement) and Costa Rica (for Group of 77 and China) (A/C.2/51/L.6); agenda item 97 (e).

Meeting numbers. GA 51st session: 2nd Committee 10-15, 19, 38; plenary 86.

## Montreal Protocol and Ozone Convention

As at 31 December 1996, 160 States and the European Community (EC) were parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 686], 112 States and the EC were parties to the 1990 Amendment to the Protocol, and 65 States and the EC were parties to the 1992 Amendment [YUN 1992, p. 684]. During the year, 10 States became parties to the Protocol, 9 to the 1990 Amendment and 15 to the 1992 Amendment.

At the eighth meeting (San Jose, Costa Rica, 25-27 November) [UNEP/OzL.Pro.8/12] of the Parties to the Montreal Protocol, the Scientific Assessment Panel stated that tropospheric levels of chlorine were decreasing as a result of the Protocol and that, within a few years, the level of chlorine in the stratosphere would also start decreasing, assuming that all countries abided by agreed control measures. Once stratospheric levels of chlorine and bromine started to decrease, the ozone layer would begin recovering, but complete recovery would not occur until the middle of the next century, even with full compliance with the Protocol. The Panel on Environmental Effects of Ozone Depletion had made an executive summary on new findings that addressed changes in ultraviolet (UV) radiation and the effects of increasing UV radiation on health, terrestrial and aquatic ecosystems, bio-geochemical cycles, air quality and

materials. The Technology and Economic Assessment Panel presented specific issues related to the Panel's operation. The Implementation Committee reported on various issues related to non-compliance with the Protocol.

Among the decisions adopted at the meeting were those relating to the uses and possible applications of hydrochlorofluorocarbons; further clarification of the definition of "bulk substances"; control of trade in methyl bromide with non-parties; critical agricultural uses of methyl bromide; the availability of halons for critical uses; and the Multilateral Fund for the Implementation of the Protocol. The parties decided to hold their ninth meeting in Montreal in September 1997.

The Administrator of the United Nations Development Programme (UNDP), in his annual report for 1996 [DP/1997/16/Add.1 (Part VI)], stated that by the end of 1996 UNDP was helping 49 countries eliminate ozone-depleting substances (ODS) through programme formulation, technical cooperation and training, demonstration projects, national institutional strengthening and technology transfer investment projects. During the year, funding amounted to \$30.3 million, resulting in a rise in the UNDP 1991-1996 cumulative project portfolio to \$139 million. The portfolio comprised 490 projects, including 287 technology transfer investment projects, which would eliminate an estimated 18,137 tonnes of ODS annually.

At year's end, with 11 States becoming parties in 1996, 162 States and the EC were parties to the 1985 Vienna Convention for the Protection of the Ozone Layer [YUN 1985, p. 804], which entered into force in 1988 [YUN 1988, p. 810].

The fourth meeting of the Conference of the Parties to the Vienna Convention (San Jose, 25 and 27 November) [UNEP/OzL.Conv.4/6] adopted decisions which dealt with adjustments and amendments to the Montreal Protocol; recommendations made at the third meeting of the Ozone Research Managers (Geneva, 19-21 March); budgetary and financial matters; and its fifth meeting, which was scheduled to take place in 1999.

### **Convention on Biological Diversity**

As at 31 December 1996, the Convention on Biological Diversity, which was opened for signature in 1992 [YUN 1992, p. 683] and entered into force in 1993 [YUN 1993, p. 810], had been ratified, acceded to, accepted or approved by 165 States. During the year, 28 States became parties to the Convention.

The aims of the Convention were conservation of biological diversity, sustainable use of its com-

ponents and fair and equitable sharing of benefits arising from the use of genetic resources. The term biological diversity refers to the number and variety of living organisms on the planet. It was estimated in 1996 that the Earth was host to some 13 to 14 million species, of which only 1.75 million had been scientifically described.

Pursuant to a 1995 Assembly request [YUN 1995, p. 1073], the Secretary-General transmitted in September [A/51/312] the report of the second (1995) meeting of the Conference of the Parties to the Convention.

The third meeting of the Conference (Buenos Aires, Argentina, 4-15 November) [UNEP/CBD/COP/3/38] adopted decisions related to identifying indicators, monitoring and assessment of biological diversity; the conservation and sustainable use of agricultural biological diversity; the programme of work for forest biological diversity, and for dryland, mountain and inland water ecosystems; biological diversity for indigenous and local communities; access to genetic resources; ways to promote and facilitate access to and transfer and development of technology; the impact of intellectual property rights systems on the conservation and sustainable use of biological diversity and on the equitable sharing of benefits from its use; incentive measures for the conservation and sustainable use of components of biological diversity; and the General Assembly's 1997 special session. It also adopted decisions on the Convention's relationship with the Commission on Sustainable Development and biodiversity-related conventions, other international agreements, institutions and processes; the operation of the clearing-house mechanism; financial resources and the adoption of a revised Memorandum of Understanding between the Conference and the Council of GEF; the 1996-1997 medium-term programme of work; and the 1997-1998 budget of the Trust Fund for the Convention. The Conference noted the signing, on 25 October, of a headquarters agreement between the United Nations Environment Programme (UNEP) and the Government of Canada, establishing Montreal as the permanent secretariat of the Convention. The secretariat formerly was located in Geneva.

The Conference held a ministerial segment on 13 and 14 November. No ministerial declaration was adopted, but the views expressed were to be conveyed as a contribution of the Conference to the Assembly's 1997 special session.

The meeting accepted the offer of Slovakia to host the Conference's fourth meeting in Bratislava and decided that it should be held from 4 to 15 May 1998.

The Conference considered the report of the Subsidiary Body on Scientific, Technical and Technological Advice on its second meeting (Montreal, 2-6 October) [UNEP/CBD/COP/3/3]. Recommendations emerging from the meeting dealt with capacity-building for taxonomy and for biosafety; terrestrial biological diversity; knowledge, innovations and practices of indigenous and local communities; programme issues; the development and transfer of technology; identification, monitoring and assessment of components of biological diversity; and the pilot phase (1996-1997) of the clearing-house mechanism and its operations, namely, information linking and organization, visualization and the decision support function. The Conference decided to extend the pilot phase to December 1998.

The Conference also considered the report of the first meeting of the Open-ended Ad Hoc Working Group on Biosafety (Aarhus, Denmark, 22-26 July) [UNEP/CBD/COP/3/26], which discussed the elaboration of a protocol setting out procedures, including advanced information agreement, in the safe transfer, handling and use of any living modified organism resulting from biotechnology that might have an adverse effect on the conservation and sustainable use of biological diversity. The Group requested that the secretariat compile: a background document on existing international agreements relevant to the subject; a bibliography of literature on the positive and negative potential socio-economic effects of biotechnology; and definitions already contained in binding international agreements of the terms proposed for definition in the protocol [UNEP/CBD/COP/3/27]. The Conference decided that two meetings of the Group would be held in 1997, and a sufficient number of meetings held in 1998 to allow the Group to complete its work.

During the year, memoranda of cooperation were signed between the secretariats of the Convention and the 1971 Convention on Wetlands of International Importance, especially as Waterfowl Habitat, and the secretariats of the Convention and the 1979 Convention on the Conservation of Migratory Species of Wild Animals.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/182**.

#### Convention on Biological Diversity

The General Assembly,

Reaffirming its resolutions 49/117 of 19 December 1994 and 50/111 of 20 December 1995 on the Convention on Biological Diversity and 49/119 of 19 December 1994 on the International Day for Biological Diversity,

Recalling the provisions of the Convention on Biological Diversity,

Recalling also Agenda 21, particularly its chapter 15 on the conservation of biological diversity, and related chapters,

Recalling further the recommendations made at the third session of the Commission on Sustainable Development on the review of chapter 15 of Agenda 21 on the conservation of biological diversity,

Deeply concerned by the continued loss of the world's biological diversity and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources,

Emphasizing that the Convention is an important instrument for achieving sustainable development, taking into account its three objectives,

Noting with satisfaction that most States and one regional economic integration organization have ratified or acceded to the Convention,

Taking note with appreciation of the generous offer of the Government of Argentina to host the third meeting of the Conference of the Parties to the Convention at Buenos Aires from 4 to 15 November 1996,

Encouraged by the work carried out to date under the Convention,

1. Welcomes the results of the second meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Jakarta from 6 to 17 November 1995, as reflected in the report of the meeting, submitted in accordance with resolution 50/111, and in that context reaffirms the need to take concrete action to fulfil the three objectives of the Convention, and takes note of the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity, which proposes a framework for global action;

2. Takes note of the results of the second meeting of the Convention's Subsidiary Body on Scientific, Technical and Technological Advice, held at the seat of the secretariat of the Convention at Montreal, Canada, from 2 to 6 September 1996, and of the work carried out at the first meeting of the Open-ended Ad Hoc Working Group on Biosafety, held at Aarhus, Denmark, from 22 to 26 July 1996;

3. Encourages those States that have not yet ratified the Convention to do so;

4. Recognizes that States Parties have agreed to provide financial resources for the implementation of the Convention in accordance with article 20, paragraphs 1 and 2, of the Convention;

5. Invites the Executive Secretary of the Convention to provide to the General Assembly at its special session in 1997, inter alia, information on experience gained under the Convention to date and on effective arrangements for the coordination of activities related to the objectives of the Convention;

6. Welcomes the work being carried out under the Convention to enhance cooperation with the Commission on Sustainable Development and biodiversity-related conventions, and invites the Conference of the Parties to the Convention to take into account the outcome of the 1997 special session at its fourth meeting, when considering ways of promoting greater cooperation with the United Nations system and the interna-

tional community in relation to activities relevant to the objectives of the Convention;

7. Invites the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly at its fifty-second session and, pending the outcome of the 1997 special session, to report to the Assembly on the results of future meetings of the Conference of the Parties to the Convention;

8. Decides to include in the provisional agenda of its fifty-second session a sub-item entitled "Convention on Biological Diversity".

General Assembly resolution 51/182

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Meeting numbers. GA 51st session: 2nd Committee 10-15, 22, 37; plenary 86.

### Convention to combat desertification

As at 31 December, the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, adopted in 1994 [YUN 1994, p. 944] and opened for signature in October of that year, had been signed by 114 countries and the EC; 57 States had ratified, acceded to or accepted the Convention, 38 of them in 1996. The Convention entered into force on 26 December, 90 days following the deposit of the fiftieth instrument of ratification.

The eighth (Geneva, 5-15 February) [A/51/76] and ninth (New York, 3-13 September) [A/51/76/Add.1] sessions of the Intergovernmental Negotiating Committee for the Elaboration of the Convention (INCD) focused on preparations for the first Conference of the Parties, scheduled for 1997. Some of the issues before INCD related to the interim arrangements to support the Convention beyond the first Conference of the Parties; procedures for communication of information and review of the Convention's implementation; terms of reference and work programme of the Committee on Science and Technology, a subsidiary body of the Conference; a global mechanism to promote the mobilization of financial resources; and the financial rules of the Conference, its subsidiary bodies and the permanent secretariat. Following offers by Canada, Germany and Spain to host the permanent secretariat of the Convention in Montreal, Bonn or Murcia, respectively, INCD asked its Chairman to establish a contact group to clarify the offers and decided to consider the item in 1997 based on the group's deliberations. Under the Convention, INCD was obliged to meet once during the year following the Convention's entry into force.

INCD accepted an invitation by the Government of Italy to host the first Conference of the Parties in Rome and an offer by the Food and Agriculture Organization of the United Nations (FAO) of services and facilities. The exact dates of the Conference were to be determined at a later stage.

**Report of Secretary-General.** In response to a 1995 Assembly resolution [YUN 1995, p. 1075], the Secretary-General submitted, in October, a report [A/51/510] reviewing developments concerning the Convention. He discussed the status of the Convention, INCD sessions held in 1996, participation by States in INCD, the activities of the interim secretariat to observe the 1996 World Day to Combat Desertification and Drought (17 June), and the future work of INCD.

**UNDP action.** The UNDP Administrator stated that UNDP supported efforts to implement the Convention through its regular core programmes and through its Office to Combat Desertification and Drought (UNSO). In 1996, UNSO provided technical and financial support to 33 countries in various preparatory activities in implementation of the Convention. (See PART THREE, Chapter III.)

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/180**.

#### **Elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa**

The General Assembly,

Recalling its resolutions 47/188 of 22 December 1992, 48/191 of 21 December 1993, 49/234 of 23 December 1994 and 50/112 of 20 December 1995 related to the elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa,

Recalling also the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,

Recalling further its resolution 50/114 of 20 December 1995, in which it recalled the decisions of the United Nations Conference on Environment and Development set forth in chapter 12 of Agenda 21, entitled "Managing fragile ecosystems: combating desertification and drought",

Noting the ongoing work in preparation for the first session of the Conference of the Parties to the Convention undertaken by the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,

Noting with satisfaction that to date more than fifty countries have already ratified the Convention,

Recalling that, in accordance with article 22, paragraph 4, of the Convention, the first session of the Conference of the Parties shall be convened by the interim secretariat of the Convention and shall take place not later than one year after the date of entry into force of the Convention,

Having considered the recommendations and decisions made by the Intergovernmental Negotiating Committee at its eighth and ninth sessions regarding the Conference of the Parties to the Convention,

Having also considered the report of the Secretary-General on the implementation of resolution 50/112 and on possible requirements for intergovernmental and secretariat work on the implementation of the Convention and its regional implementation annexes to respond effectively to the needs in the African, Asian and Latin American and the Caribbean regions,

Considering that the Convention is one of the most important achievements in the implementation of and follow-up to the recommendations and decisions of the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992,

Taking into account the basic provisions of its resolution 40/243 of 18 December 1985,

1. Welcomes the fact that, in conformity with article 36, paragraph 1, of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, the Convention will enter into force on 26 December 1996, and calls upon more countries to take appropriate action for the ratification, acceptance or approval of or accession to the Convention;

2. Urges the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, at its tenth session, to be held in New York from 6 to 17 January 1997, to aim at finalizing all the outstanding negotiating issues, including the negotiations of the two working groups and the plan for the preparatory work for the first session of the Conference of the Parties to the Convention;

3. Recalls the decision contained in paragraph 4 of its resolution 50/112 and, in this context, takes note of paragraph 3 of Intergovernmental Negotiating Committee decision 9/5 of 13 September 1996;

4. Decides that the first session of the Conference of the Parties to the Convention shall be held from 29 September to 10 October 1997;

5. Accepts with deep appreciation the generous offer of the Government of Italy to host in Rome, at the headquarters of the Food and Agriculture Organization of the United Nations, the first session of the Conference of the Parties to the Convention;

6. Decides to include the first session of the Conference of the Parties to the Convention and the meetings of its subsidiary bodies in the calendar of conferences and meetings for 1997-1998;

7. Requests the head of the interim secretariat to continue to promote cooperation and coordination with other relevant organizations and entities, particularly those of the United Nations system, in support of the regional implementation annexes, aimed, *inter alia*, at facilitating the efforts of affected developing country parties, particularly those in Africa, to fulfil their commitments under the Convention;

8. Urges all States, the United Nations system, including international financial institutions, and all other relevant organizations and actors, to take concrete actions and measures for the full and effective implementation of the provisions of Intergovernmental Negotiating Committee resolution 5/1 of 17 June 1994 on urgent action for Africa, as well as to promote actions for other affected developing countries and regions;

9. Notes the arrangements and contributions made by the Secretary-General and relevant organizations, funds and programmes active in the fields of desertification and drought;

10. Notes with appreciation the contributions made thus far to the Trust Fund established pursuant to resolution 47/188, and invites Governments, regional economic integration organizations and other interested organizations to continue to make voluntary contributions to the Trust Fund to support the interim secretariat of the Intergovernmental Negotiating Committee and the work of the Committee, and also for the transition period following the first session of the Conference of the Parties to support the secretariat of the Convention and the work of the Conference of the Parties;

11. Also notes with appreciation the contributions made to the Special Voluntary Fund established pursuant to resolution 47/188 to assist developing countries affected by desertification and drought, in particular the least developed countries, to participate fully and effectively in the negotiating process, and invites Governments, regional economic integration organizations and other organizations to continue to contribute generously to the Fund also for the transition period following the first session of the Conference of the Parties;

12. Renews its appeal to Governments, regional economic integration organizations and other interested organizations, as well as to non-governmental organizations and the private sector, to continue to make contributions to relevant United Nations bodies, in order to strengthen their capacity to support activities to combat desertification and mitigate the effects of drought in all affected developing countries and regions, particularly in Africa;

13. Requests the Secretary-General, subject to the decision of the Conference of the Parties at its first session, to consider:

(a) Authorizing the secretariat established pursuant to resolution 47/188 to act as secretariat for the transition period following the first session of the Conference of the Parties until the permanent secretariat designated by the Conference of the Parties begins operating, which should not be later than 31 December 1998;

(b) Maintaining the arrangements within the current programme budget for the interim secretariat to support the Convention beyond the first session of the Conference of the Parties until the permanent secretariat designated by the Conference of the Parties begins operating, which should not be later than 31 December 1998, and maintaining the arrangements relating to extrabudgetary funds;

14. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the relevant specialized agencies, funds and programmes

of the United Nations system, international financial institutions, other intergovernmental organizations, non-governmental organizations and relevant institutions;

15. Also requests the Secretary-General to report to it, at its fifty-second session, on the implementation of the present resolution and on any possible implications arising from the report of the Conference of the Parties to the Convention on its first session;

16. Decides to include in the provisional agenda of its fifty-second session an item entitled "Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Af-

General Assembly resolution 51/180

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Financial implications: S-G, A/C.2/51/L.48, A/C.5/51/39; 5th Committee A/51/722.

Meeting numbers. GA 51st session: 2nd Committee 10-15, 23, 37; 5th Committee 40; plenary 86.

## Environmental activities

### The atmosphere

#### Atmosphere and climate protection

**Reports of Secretary-General.** In a February report [E/CN.17/1996/22] to the Commission on Sustainable Development, prepared by the United Nations Environment Programme (UNEP) and the World Meteorological Organization as task managers for chapter 9 of Agenda 21 (protection of the atmosphere), the Secretary-General stated that there had been steady progress towards an improved scientific basis for policy decisions, particularly in the areas of ozone depletion and global climate change. National research programmes and global environmental observing systems under the inter-agency Climate Agenda [YUN 1995, p. 1077] provided an understanding of the impacts of an altered atmosphere on people and their environment. The Climate Agenda dealt with new frontiers in climate science and production; climate services for sustainable development; studies of climate impact assessments and response strategies to reduce vulnerability; and dedicated observations of the climate system.

The Secretary-General noted that global atmospheric concentrations and emissions of the major greenhouse gases continued to increase. Developed market economies had achieved a sig-

nificant reduction in energy intensity due to improvements in the generation of energy and end-use efficiency in many socio-economic sectors. Experiences in developing countries varied considerably because of the significant differences in their resources base, energy demand structures, economic situation, technological capacity, population and development strategy. Pollution of the atmosphere from industrial activity in the developed market economies appeared to have moderated over the past two decades with improved energy efficiency, conservation and the decarbonization of fuels. In developing countries, end-use efficiency could be improved, he stated, by using available technologies. Global production and consumption of the major ozone-depleting substances (ODS) had decreased markedly. However, an illegal trade in chlorofluorocarbons (CFCs), the largest contributors to ozone depletion, had developed. Moreover, in a number of countries, the consumption of CFCs continued to increase. As to transboundary atmospheric pollution, actions to address national issues in developed countries and agreements among developed countries had led to a reduction.

The Secretary-General concluded that there were good prospects for involving developing countries in protection of stratospheric ozone and in negotiations to address global climate change. However, to promote faster progress towards sustainability, three areas required attention: developing countries needed further assistance and encouragement to ensure protection of the atmosphere; there should be a recognition of the link between individual issues and an increased focus on an integrated approach to address the problems; and increased attention should be given to sustainable resource management in addition to avoidance or correction of specific adverse environmental impacts.

As to policies to address major atmospheric issues, the Secretary-General pointed out that implementation in developed countries was in some cases inadequate, and developing countries were only beginning to institute policies and actions to address the issues.

The Secretary-General's recommendations for action by States to protect the atmosphere and climate included: ratifying and implementing relevant conventions, protocols and regional agreements; ensuring adequate funding to regional and international bodies supporting the conventions, protocols and agreements; implementing international and regional agreements in a way that avoided creating or enhancing other environmental issues; developing national environmental programmes to protect the atmosphere; enhanc-

ing research programmes, improving the basis for decision-making, and cooperating with experts in developed and developing countries; encouraging broader participation by environmental NGOs, industries, communities and academic institutions in developing and implementing atmospheric protection strategies; and reviewing financial contributions to relevant mechanisms to ensure sufficient resources to assist developing countries in implementing their commitments.

At the international level, the Secretary-General proposed intensified efforts to enhance coordination between various conventions, protocols and regional agreements to protect the atmosphere; a better coordinated institutional approach to provide scientific, technical and economic assessments of major human activities contributing to atmospheric modification; and political support for the inter-agency climate agenda to facilitate the provision of resources needed to implement international climate-related activities, including research programmes and systematic observations, and to promote national climate-related activities.

In an addendum to his report [E/CN.17/1996/22/Add.1], the Secretary-General summarized information on progress made and experiences reported by organizations, which had formed the basis of his report.

The Commission had before it a March report [E/CN.17/1996/19] of the Secretary-General concerning the protection of the atmosphere, based on reports received from 24 States. He explained that the safe use of technologies within industry, transport and energy, as well as environmental impact assessment and research and development within the same areas, was being given high priority by all developed countries. Legislation had been revised or was in the process of being revised, and all developed countries had agreed to the Montreal Protocol on Substances that Deplete the Ozone Layer and its amendments and had ratified the UN Framework Convention on Climate Change. They had agreements on transboundary pollution control and had provided information about emissions of carbon dioxide, sulphur dioxide, oxides of nitrogen and methane. Reductions in CFC consumption as agreed under the Montreal Protocol and its amendments were considerable.

Developing countries placed equally high emphasis on the use of safe technologies, environmental impact assessment and research and development, but their limited resources constrained them and resulted in less attention paid to research and development, life-cycle analysis and the transport sector. Few developing countries provided information about emissions

of pollutants into the air and several did not have the capacity to monitor transboundary pollution, nor had they signed agreements covering that issue.

Annexed to the report was data provided by Governments on actions taken to protect the atmosphere since the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672].

**Working Group on Sectoral Issues.** The Ad Hoc Inter-sessional Working Group on Sectoral Issues (atmosphere and oceans) (New York, 26 February-1 March) [E/CN.17/1996/6] noted the proposals made by the Secretary-General to States (see above) and suggested additional recommendations for consideration by the Commission. It recommended that States consider the broad spectrum of policy instruments available to them for improving energy efficiency and efficiency standards in all sectors; encouraged Governments and organizations to cooperate in implementing policy and economic instruments for minimizing the adverse effects of international competitiveness and optimizing the allocation of resources; and urged countries to sign, ratify and implement the Climate Convention, the Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol and its amendments, and the Convention on Biological Diversity.

The Group presented recommendations to the Commission concerning establishing a sound scientific base upon which to develop appropriate responses to atmospheric degradation; promoting sustainable development; stratospheric ozone depletion; and transboundary air pollution.

**Commission action.** On 3 May [E/1996/28 (dec. 4/15)], the Commission, stressing the close inter-relationship between protection of oceans and all kinds of seas and protection of the atmosphere, in view of the exchange of matter and energy that took place between the atmosphere and oceans and their influence on marine and terrestrial ecosystems, called for the integration of protective measures to address the problems of adverse impacts of human activity on the atmosphere and the oceans. It stressed the need to further strengthen coordination mechanisms between regions and subregions for better exchange of information and experience.

The Commission, among other things, urged Governments to consider the broad spectrum of cost-effective policy instruments to improve energy efficiency and efficiency standards and to promote the use of sustainable and environmen-



tally sound renewable energy sources, as well as the use of energy sources with low greenhouse gas emissions. It urged them and organizations, in considering transboundary air pollution issues, to take measures to reduce emissions of acidifying substances, and urged developed countries to enhance programmes that shared management expertise, scientific expertise and information on technical mitigation options with developing countries and countries with economies in transition. Governments and relevant institutions and organizations were urged to utilize education and training, information dissemination, enhancement of knowledge and voluntary agreements to improve efficiency in the production, distribution and use of energy and other natural resources.

The Commission asked the Secretary-General to report in 1997 on an inventory of ongoing energy-oriented programmes and activities within the UN system, as well as on proposals for arrangements that might be needed to foster the link between energy and sustainable development within the United Nations.

**UNEP activities.** UNEP co-sponsored a Regional Conference on Activities Implemented Jointly in Countries with Economies in Transition under the Framework Convention on Climate Change (Prague, Czech Republic, 17-19 April). Some 30 projects were presented which offered various options for mitigating carbon dioxide emissions, ranging from fuel substitution to afforestation programmes.

In May, UNEP held a workshop with the National Environmental Protection Agency of China on safety issues relating to CFC substitution in refrigeration, aerosol and foam plants. The workshop contributed to building the capacities of local governments and industries in handling safety concerns and to the development of safety standards.

In collaboration with the Hydrometeorological Service and the Ministry of Science, Technology and Environment of Viet Nam, UNEP convened two workshops (Hanoi and Ho Chi Minh, 4-9 July). The workshops aimed at increasing policy makers' and industry leaders' understanding of the negative effects of ODS.

In observance of the International Day for Preservation of the Ozone Layer (16 September), UNEP, in collaboration with the Government of Kenya, held a seminar on the ozone layer in Nairobi. It discussed the environmental effects of ozone depletion, capacity-building for the phasing out of ODS, and available alternatives and technologies.

UNEP's Industry and Environment Ozone Action Programme organized an intergovernmental consultative meeting of high-ranking officials of countries with economies in transition on the Montreal Protocol (Riga, Latvia, 4-5 November). The meeting, hosted by the Ministry of Environment and Regional Development of Latvia, supported by UNDP and funded by the Global Environment Facility, explored ways to accelerate ratification of the Montreal Protocol and its amendments to protect the stratospheric ozone layer.

The Ozone Action Programme of UNEP released the fourth diskette version of the database Ozone Action Information Clearinghouse. The information exchange service was designed to assist national ozone units and industry associations from developing countries in phasing out ODS.

### **Intergovernmental Panel on Climate Change**

At its twelfth session (Mexico City, 11-13 September), the Intergovernmental Panel on Climate Change (IPCC) agreed on a schedule of technical papers, special reports and workshops for the next two years.

In addition to its major assessment reports, IPCC responded to the needs of the parties to the Climate Convention by producing technical papers. It agreed to produce four papers in 1996-1997, as requested by the Subsidiary Body for Scientific and Technological Advice and the Ad Hoc Group on the Berlin Mandate, dealing with technologies, policies and measures for mitigating climate change; the stabilization of greenhouse gas concentrations in the atmosphere; climate system models used by IPCC for the projection of future climate; and the temperature and sea-level implications of proposed carbon dioxide emission limitations.

## **Terrestrial ecosystems**

### **Biodiversity and biosafety**

In response to public concerns about the potential risks to the environment and human health posed by living modified organisms produced by modern biotechnology, UNEP promoted biosafety in cooperation with the secretariat of the Convention on Biological Diversity (see above) and other institutions.

UNEP's Environmental Natural Resource Information Network Programme hosted a regional workshop (Nairobi, 27-28 June) on the use of databases to support decision-making in biodiversity conservation in East Africa. The workshop reviewed progress made by the region's col-

laborating institutions in developing biodiversity databases.

The UNEP/Biotechnology Industry Meeting (Geneva, 8 July) involved industries in the implementation of the 1995 UNEP International Technical Guidelines for Safety in Biotechnology [YUN 1995, p. 1078], a tool to facilitate the development of biosafety expertise and regulatory frameworks worldwide. At the meeting, the industrial sector expressed its commitment to ensure safety in biotechnology. Key stakeholders, including Governments, NGOs and industries, were encouraged to provide information on biosafety mechanisms to the newly established UNEP International Register on Biosafety. A complement to the Guidelines, the Register was set up in response to the growing need of countries for information concerning living modified organisms and invasive species.

Under its Outreach Programme on Indigenous People, UNEP participated in the fifth International Congress of Ethnobiology (Nairobi, 2-6 September), with a presentation on the promotion of women's indigenous knowledge as a tool towards sustainable environmental management. It focused on the importance of indigenous knowledge in the management of biodiversity and the environment.

### **Desertification and drought control**

#### **World Day to Combat Drought and Desertification**

In Kenya, on 17 and 18 June, UNEP commemorated the World Day to Combat Desertification and Drought, proclaimed by the General Assembly in 1994 [GA res. 49/115], by attempting to bridge the gaps that existed between people, businesses and Governments in understanding the global dryland crisis. The "Saving the Drylands" awards were granted to two community projects: the Jhanwar watershed project in India and the SOS Sahel community forestry project in Ed Debba, Sudan.

### **Deforestation and forest degradation**

The Ad Hoc Intergovernmental Panel on Forests (IPF), established in 1995 [YUN 1995, p. 1080] under the aegis of the Commission on Sustainable Development to conduct studies and report in 1997 with recommendations, held its second session in 1996 (Geneva, 11-22 March) [E/CN.17/1996/24]. The report on the session contained the Co-Chairmen's summary of the Panel's discussion on programme elements included in its terms of reference. Programme elements that were discussed, following consideration of reports of the Secretary-General thereon, focused

on the underlying causes of deforestation and forest degradation; fragile ecosystems affected by desertification and the impact of airborne pollution on forests; the needs and requirements of countries with low forest cover; international cooperation in financial assistance and technology transfer for sustainable forest management; assessment of the multiple benefits of all types of forests; and methodologies for the proper valuation of the multiple benefits for forests.

In connection with preparations for a substantive discussion during its third session (see below), IPF held initial discussions on the balance of programme elements. They were discussed following consideration of reports submitted by the Secretary-General on progress in national forest and land-use plans; traditional forest-related knowledge; criteria and indicators for sustainable forest management; trade and environment in relation to forest products and services; and international organizations and multilateral institutions and instruments, including appropriate legal mechanisms.

IPF recommended to the Economic and Social Council, through the Commission, a draft decision. The Council, by **decision** 1996/230 of 11 July, approved the IPF request to hold its third session in Geneva from 9 to 20 September and its fourth in New York for a two-week period in 1997. The Council also approved the IPF request for provision to be made so that the two sessional working groups it intended to establish during those sessions could meet simultaneously.

The Panel also adopted a decision concerning additional voluntary contributions to support its work, which it brought to the Commission's attention.

The object of the third session of IPF was to produce a document containing elements to be used by the Panel at its fourth session in preparing its final (1997) report to the Commission. The text of the document, presented in the report on the third session, contained conclusions and proposals for action on all of the programme elements. The elements were open to further discussion and negotiation, with a view to arriving at a general agreement on the conclusions and proposals.

IPF had before it reports of the Secretary-General on the programme elements, as follows: progress in national forest and land-use plans; underlying causes of deforestation and forest degradation; traditional forest-related knowledge; fragile ecosystems affected by desertification, and the impact of airborne pollution on forests; needs and requirements of countries with low forest cover; international cooperation in financial assistance and technology transfer; assessment of the multiple benefits of all types of

forests; criteria and indicators for sustainable forest management; trade and environment relating to forest goods and services; international organizations and multilateral institutions and instruments; contribution to consensus-building towards the further implementation of the forest principles; the issues, policies and challenges of measuring and capturing forest values.

Various inter-sessional meetings and activities contributed to the preparation of the reports for the Panel and to the deliberations at its third session, among them: Independent Group of Experts established under the Swiss-Peruvian Initiative on Forests (first and second sessions, Geneva, 5-7 March and 24-28 June); International Conference on Certification and Labelling of Products from Sustainably Managed Forests (Brisbane, Australia, 26-31 May); Workshop on Financial Mechanisms and Sources of Finance for Sustainable Forestry (Pretoria, South Africa, 4-7 June); Expert Consultation on Implementing the Forest Principles: Promotion of National Forest and Land-use Programmes (Feldafing, Germany, 16-21 June); International Experts' Working Group Meeting on Trade, Labelling of Forest Products and Certification of Sustainable Forest Management (Bonn, Germany, 12-16 August); and Intergovernmental Seminar on Criteria and Indicators for Sustainable Forest Management (Helsinki, Finland, 19-22 August). The Government of Norway initiated a study on the long-term trends and prospects in world supply and demand for wood and implications for sustainable forest management, and forwarded a report thereon to the Panel. In September, the Ministers Responsible for Forest Matters of the Nordic States of Denmark, Finland, Iceland, Norway and Sweden transmitted a statement to the Panel.

## Marine ecosystems

### Protection of the marine and coastal environment

**Reports of Secretary-General.** In February, the Secretary-General submitted a report to the Commission on Sustainable Development [E/CN.17/1996/3], prepared by the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination (ACC) as task manager for chapter 17 of Agenda 21 (protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources).

The Secretary-General noted that coastal areas were home to 60 per cent of the world's population. Oceans, which covered 71 per cent of the

Earth's surface, contained a vast proportion of the world's biodiversity. They were a major sink for atmospheric carbon and for the toxins and chemical substances carried by continental effluents and through the atmosphere, as well as a powerful regulator of the world's climate. He observed that the most important traditional ocean resources, including coastal environments and conventional fishery resources, were overused and required improved management. In many cases, the unrestricted use of technology, the growing demand for goods and services from the ocean, uncontrolled population growth and continuous migration to coastal areas had led to the depletion of living resources and the degradation of the coastal and marine environment as well as of the economic conditions of some of the major sectors exploiting the ocean.

Constraints to progress were found in the fact that oceans and coastal areas were a finite economic asset yet to be fully understood by Governments; Member States' concerns were voiced by different governmental representatives in different intergovernmental forums and in different ways, depending on the constituencies, which resulted in a lack of coherent policy within the United Nations; most countries had not established national coordination mechanisms to enhance implementation of chapter 17; concerns of the private sector and many poor communities were driven by short-term economic priorities that tended to give low priority to resource conservation and the needs of future generations; resource constraints often limited the amount of attention and financial support Governments could devote to scientific research and its application to national policy options; and UN efforts regarding chapter 17 needed to be based on a co-ordinated approach embracing scientific, technological and socio-economic factors.

Despite those difficulties, progress had been made in relation to chapter 17 programme areas (integrated management of coastal areas, marine environmental protection, sustainable use and conservation of living marine resources of the high seas and of such resources under national jurisdiction, critical uncertainties for the management of the marine environment and climate change, strengthening international and regional cooperation and coordination). Areas where progress was not as satisfactory included the continuing decline in the abundance of fishery resources and in the economic health of fisheries; the gap between total financial resource needs estimated at UNCED and those being mobilized; insufficient development of national capacity to implement sustainable development strategies; the insufficient level of implementa-

tion by Governments of existing rules, regulations, international standards and conventions; the different implementation rates between developed and developing countries; and the insufficient gender perspective in all policies and programmes.

The Secretary-General suggested a series of actions for the Commission.

In an April addendum to his report [E/CN.17/1996/3/Add.1], the Secretary-General provided additional information on implementation of chapter 17. He presented a general overview of the main policy issues concerning the programme areas of chapter 17, and reviewed the experiences of countries and NGOs in those areas. Based on experiences within the UN system, the Secretary-General reviewed issues related to finance, technology transfer and capacity-building, which, he stated, affected significantly the capacity of countries to implement Agenda 21.

The Secretary-General concluded that the UN system had contributed to raising awareness of sustainable development issues in the oceans and coastal areas. Institutional set-ups and management processes had been reviewed, including the establishment of the Commission and the ACC Subcommittee and replenishment of the Global Environment Facility, and coordination of UN agencies had been further improved. Legal frameworks and conventions had been developed and strengthened. NGO participation in the international debate had been promoted and enhanced. However, concern might arise from the lack of additional support for the burden that various post-UNCED activities represented for countries and for UN agencies; the insufficient flow of financial resources in support of national implementation; and the relatively slow pace in the development of national capacity, particularly in the areas of information systems, research and institutions. Modifications of consumption patterns had not yet been made, such as on overused coastal and fishery resources, but were being addressed by the Commission as well as by other bodies and organizations and in negotiations.

The Secretary-General proposed plans for future action within the programme areas of chapter 17.

In a March report to the Commission [E/CN.17/1996/19], the Secretary-General provided information on chapter 17, based on reports of 18 countries, the EC and the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Asian Development Bank. He stated that none of the developed countries reported any se-

rious problem areas, although there were indications that control of sewage and other land-based pollution could be improved. The developing countries' reports reflected the lack of capacity or funding that plagued their ability to address the issues; thus, regular assessment of the coastal and marine environment was severely restricted. The EC report identified eutrophication as a problem in the Baltic and the North Seas, and coastal zone pollution in the Baltic and the Mediterranean Seas. The ESCAP/Asian Development Bank report addressed coastal and marine resources, environmental threats, and policies and programmes for managing coastal areas.

Annexed to the report was a country-by-country matrix of key activities under review.

**Working group activities.** Participants in the Ad Hoc Inter-sessional Working Group on Sectoral Issues (New York, 26 February-1 March) [E/CN.17/1996/6] agreed that activities relating to oceans, seas and coastal areas required greater priority in decision-making. It was also noted that special characteristics and needs of individual countries needed to be recognized and addressed when suggesting intergovernmental actions.

The Group had before it a report on the London Workshop on Environmental Science, Comprehensiveness and Consistency in Global Decisions on Ocean Issues (30 November-2 December 1995) [E/CN.17/1996/23], which was jointly hosted by the Governments of Brazil and the United Kingdom.

The Group made a series of recommendations on chapter 17 programme areas.

**Commission action.** On 3 May [E/1996/28 (dec. 4/15)], the Commission recommended that the Economic and Social Council, subject to the outcome of the General Assembly's special session in 1997, approve: a periodic review by the Commission of all aspects of the marine environment and its related issues, as described in chapter 17; an invitation to the Secretary-General to review the working of the ACC Subcommittee on Oceans and Coastal Areas, with a view to improving its status and effectiveness; and an invitation to the Secretary-General and the executive heads of UN agencies and organizations sponsoring the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection to review the Group's terms of reference, composition and methods of work, with a view to improving its effectiveness and comprehensiveness while maintaining its status as a source of agreed, independent scientific advice.

The Commission took note that with regard to offshore oil and gas activities, the International Maritime Organization (IMO) had and was developing conclusions on harmonized environ-

mental regulations in specific regional programmes. It called on States to adopt measures to ensure that the management of their water-courses, inland waters and the related catchments were consistent with the aims of their integrated coastal area management. States and the UN system were asked to promote programmes to guide management and corrective actions to control pollution in the larger coastal urban settlements, and the World Bank and regional development banks were asked to continue developing effective means for their implementation.

**ACC Subcommittee.** The ACC Subcommittee on Oceans and Coastal Areas (fourth session, London, 28-30 May) [ACC/1996/8] drew the attention of the Inter-Agency Committee on Sustainable Development to issues relating to institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; international cooperation and coordination; its future work plan, particularly its newly agreed upon functions concerning the inter-agency review of the Programme of Action; and administrative matters.

Regarding international cooperation and coordination, the Subcommittee expressed its willingness to undertake the coordination of a periodic review of the marine environment and related issues, as described in chapter 17. The Subcommittee felt strongly that it should focus on chapter 17 and should address a selected number of issues that needed to be brought to the attention of Governments at the General Assembly for appropriate action. It recommended that the proposed periodic review be considered by the Assembly every three to five years.

#### Global Programme of Action

In March [A/51/116], the United States asked the Secretary-General to circulate the report of the 1995 Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Global Programme of Action [YUN 1995, p. 1081]. The Conference was hosted by the United States and held in Washington, D.C.

**Working Group activities.** The Ad Hoc Inter-session Working Group on Sectoral Issues (New York, 26 February-1 March) [E/CN.17/1996/6] agreed to transmit to the Commission elements for further negotiation that could be included in a draft resolution on institutional arrangements for the implementation of the Global Programme of Action, to be considered for approval by the General Assembly (see below).

**Commission action.** On 3 May [E/1996/2.8 (dec. 4/15)], the Commission on Sustainable Develop-

ment welcomed the successful outcome of the Conference and decided to submit to the Economic and Social Council, for adoption, a draft resolution on the institutional arrangements for the implementation of the Global Programme of Action (see below). It endorsed a request contained in the Washington Declaration on the Protection of the Marine Environment from Land-based Activities [YUN 1995, p. 1082], adopted by the Conference, for the UNEP Executive Director, in close partnership with the World Health Organization (WHO), the UN Centre for Human Settlements, UNDP and other relevant organizations, to prepare proposals for a plan to address the global nature of the problem of inadequate management and treatment of waste water and its consequences for human health and the environment, and to promote the transfer of appropriate and affordable technology drawn from the best available techniques, and referred to in the Global Programme of Action.

The Commission recognized the intention of the Conference's participating Governments to develop, in accordance with the Programme of Action, a global, legally binding instrument to reduce and/or eliminate emissions, discharges and, where appropriate, eliminate the manufacture of persistent organic pollutants.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 11 July, the Economic and Social Council adopted **resolution 1996/1**.

##### **Institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities**

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 51/189 below.]

Economic and Social Council resolution 1996/1

11 July 1996 Meeting 31 Adopted without vote

Draft by Commission on Sustainable Development (E/1996/28); agenda item 6 (a).

Meeting numbers. ESC 30, 31.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/189**.

##### **Institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities**

The General Assembly,

Recalling the relevant provisions of Agenda 21, in particular chapters 17, 33, 34, 38 and other related chapters, and the Rio Declaration on Environment and Development,

Recalling also its resolution 50/110 of 20 December 1995 on the report of the Governing Council of the United Nations Environment Programme, in which it endorsed, *inter alia*, Governing Council decision 18/31 on the protection of the marine environment from land-based activities,

Noting the successful conclusion of the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, which was held in Washington, D.C., from 23 October to 3 November 1995,

Having considered the Washington Declaration on Protection of the Marine Environment from Land-based Activities and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, as well as the proposal of the United Nations Environment Programme on institutional arrangements and implementation of the Global Programme of Action and relevant recommendations of the Commission on Sustainable Development,

1. Endorses the Washington Declaration on Protection of the Marine Environment from Land-based Activities and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;

2. Stresses the need for States to take the necessary measures for the implementation of the Global Programme of Action at the national and, as appropriate, the regional and international levels;

3. Also stresses the need for States to take action for the formal endorsement by each competent international organization of those parts of the Global Programme of Action that are relevant to their mandates and to accord appropriate priority to the implementation of the Global Programme of Action in the work programme of each organization;

4. Further stresses the need for States to take such action at the next meetings of the governing bodies of the United Nations Environment Programme, the United Nations Development Programme, the United Nations Centre for Human Settlements (Habitat), the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Maritime Organization, the International Atomic Energy Agency, the International Labour Organization and the United Nations Industrial Development Organization and in the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and the relevant bodies of the International Monetary Fund and the World Bank, as well as in other competent international and regional organizations within and outside the United Nations system;

5. Further stresses the need for international cooperation, as outlined in sections IV.A and B of the Global Programme of Action, in capacity-building, technology transfer and cooperation, and the mobilization of financial resources, including support, in particular for developing countries, especially the least developed countries, countries with economies in transition and small island developing States, and to this end calls upon bilateral donors and international, regional and subregional financial institutions and mechanisms, including the Global Environment Facility, and other competent development and financial institutions:

(a) To ensure that their programmes give appropriate priority for country-driven projects aimed at the implementation of the Global Programme of Action;

(b) To assist with capacity-building in the preparation and implementation of national programmes and in identifying ways and means of funding them;

(c) To improve their coordination so as to enhance the delivery of financial and other support;

6. Invites non-governmental organizations and major groups to initiate and strengthen their actions to facilitate and support the effective implementation of the Global Programme of Action;

7. Requests the Executive Director of the United Nations Environment Programme to prepare, for the consideration of the Governing Council at its nineteenth session, specific proposals on:

(a) The role of the United Nations Environment Programme in the implementation of the Global Programme of Action, including the relevant role of its Regional Seas Programme and Freshwater Unit;

(b) Arrangements for secretariat support to the Global Programme of Action;

(c) Modalities for periodic intergovernmental review of progress in implementing the Global Programme of Action;

8. Calls upon the United Nations Environment Programme, within its available resources, and with the aid of voluntary contributions from States for this purpose, to take expeditious action to provide for the establishment and implementation of the clearing-house mechanism referred to in the Global Programme of Action, and requests the Executive Director of the United Nations Environment Programme to prepare and submit to the Governing Council at its nineteenth session specific proposals on, *inter alia*:

(a) The establishment of an inter-organizational group to develop the basic design and structure of the clearing-house data directory and its linkages to information delivery mechanisms;

(b) The means of linking the inter-organizational group to ongoing work within the United Nations system on the identification of and access to relevant databases and the comparability of data;

(c) The outline of a pilot project on the development of the clearing-house's source category component on sewage, to be implemented in partnership with the World Health Organization;

9. Calls upon States, in relation to the clearing-house mechanism, to take action in the governing bodies of relevant intergovernmental organizations and programmes so as to ensure that those organizations and programmes take the lead in coordinating the development of the clearing-house mechanism with respect to the following source categories, which are listed in conjunction with the relevant organization(s) or programme(s) but not in order of priority:

(a) Sewage—World Health Organization;

(b) Persistent organic pollutants—Inter-organization Programme for the Sound Management of Chemicals, the International Programme on Chemical Safety and the Intergovernmental Forum on Chemical Safety;

(c) Heavy metals—United Nations Environment Programme in cooperation with the Inter-organization Programme for the Sound Management of Chemicals;

(d) Radioactive substances—International Atomic Energy Agency;

(e) Nutrients and sediment mobilization—Food and Agriculture Organization of the United Nations;

(f) Oils (hydrocarbons) and litter—International Maritime Organization;

(g) Physical alterations, including habitat modification and destruction of areas of concern—United Nations Environment Programme;

10. Decides to determine, at its special session to be held in June 1997 in accordance with its resolution 50/113 of 20 December 1995, specific arrangements for integrating the outcomes of periodic intergovernmental reviews, as envisaged in paragraph 7 (c) above, in the future work of the Commission on Sustainable Development related to the monitoring of the implementation of and follow-up to Agenda 21, in particular chapter 17.

General Assembly resolution 51/189

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/601) without vote, 25 November (meeting 36); draft recommended by ESC in res. 1996/1 (A/C.2/51/L.2); agenda item 12.

Meeting numbers. GA 51st session: 2nd Committee 27, 28, 35, 36; plenary 86.

## Living marine resources

### Drift-net fishing, unauthorized fishing and fisheries by-catch and discards

In September, the Secretary-General submitted a report [A/51/404] providing information received from States, UN bodies and specialized agencies, NGOs and regional and subregional fisheries organizations regarding the impact on the living marine resources of the world's oceans and seas of large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction, and fisheries by-catch and discards.

On 18 November, the Republic of Korea drew to the attention of the Secretary-General what it called an unfounded allegation in his report made by Greenpeace that Korean vessels were engaged in drift-net fishing in the Mediterranean Sea [A/51/694].

#### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly adopted **resolution 51/36**.

### **Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards**

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994 as well as other relevant resolutions,

Reaffirming also its resolution 50/25 of 5 December 1995 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's oceans and seas, consistent with the present resolution,

Mindful that the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks provides in its general principles that States shall minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques, and further provides that States shall take measures, including the establishment of regulations, to ensure that vessels flying their flags do not conduct unauthorized fishing within areas under the national jurisdiction of other States,

Noting that the Code of Conduct for Responsible Fisheries sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Expressing deep concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction, where the overwhelming proportion of the global fish catch is harvested, on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States,

Reaffirming once again the rights and duties of coastal States to ensure proper conservation and management measures with respect to the living resources in areas under their national jurisdiction, in accordance with international law as reflected in the United Nations Convention on the Law of the Sea,

Taking note of the report of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Acknowledging with appreciation the measures taken and the progress made by members of the international community, international organizations and regional economic integration organizations to implement and support the objectives of resolution 46/215,

Recognizing the efforts that international organizations and members of the international community have made to reduce by-catch and discards in fishing operations,

Once again expressing deep concern that there are continuing reports of activities inconsistent with the terms of resolution 46/215 and unauthorized fishing inconsistent with the terms of resolution 49/116,

1. Reaffirms the importance it attaches to compliance with its resolution 46/215, in particular to those provisions of the resolution calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas;

2. Notes that a growing number of States and other entities as well as relevant regional and subregional fisheries management organizations and arrangements have adopted legislation, established regulations or applied other measures to ensure compliance with resolutions 46/215 and 49/116, and urges them to enforce fully such measures;

3. Urges all authorities of members of the international community that have not done so to take greater enforcement responsibility to ensure full compliance with resolution 46/215 and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution;

4. Calls upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea and resolution 49/116, to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under the national jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned; such authorized fishing operations should be carried out in accordance with the conditions set out in the authorization;

5. Urges States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, including through assistance to developing countries, collect and exchange data and develop techniques to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

6. Reiterates its call on development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for this purpose;

7. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations, and invites them to provide the Secretary-General with information relevant to the implementation of the present resolution;

8. Also requests the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized and that relevant scientific and technical studies are disseminated to the

international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements, to cooperate with the Secretary-General to that end;

9. Further requests the Secretary-General to submit to the General Assembly at its fifty-second session and biennially thereafter a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements and other relevant intergovernmental and non-governmental organizations;

10. Decides to include in the provisional agenda of its fifty-second session, under an item entitled "Oceans and law of the sea", a sub-item entitled "Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards".

General Assembly resolution 51/36

9 December 1996

Meeting 77

Adopted without vote

23-nation draft (A/51/L.29 & Add.1); agenda item 24 (c).

Meeting numbers. GA 51st session: plenary 76, 77.

### International fishery instruments

The Commission on Sustainable Development, on 3 May [E/1996/28 (dec. 4/15)], noting with concern that significant fish stocks were depleted or overexploited, considered that urgent action was needed to rebuild depleted fish stocks and to ensure the sustainable use of all fish stocks. It stated that adequate financial, scientific and technological cooperation should be provided to support the actions of developing countries to implement the objectives concerning the programme area of chapter 17 dealing with marine living resources under national jurisdiction, as well as the provisions of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks [YUN 1995, p. 1334] and the 1995 FAO Code of Conduct for Responsible Fisheries [YUN 1995, p. 1471].

The Commission stressed the importance of effective conservation and management of fish stocks and recommended implementing the international instruments to: prevent or eliminate overfishing and excess fishing capacity; apply the precautionary approach as referred to in the 1995 Agreement and FAO Code of Conduct; rebuild fish stocks throughout their entire range of distribution and protect vital habitats; strengthen or create regional and subregional fisheries man-



agement organizations and arrangements in accordance with the Agreement and FAO Code; strengthen fishery research; promote environmentally sound fisheries technologies, prohibiting dynamiting, poisoning and other destructive fishing practices; minimize waste, discards, catch by lost or abandoned gear and catch of non-target species in accordance with the Agreement and FAO Code; protect fisheries from harmful sea- and land-based activities; deter the activities of vessels flying the flag of non-members or non-participants engaging in activities which undermined the effectiveness of subregional or regional conservation and management measures; increase efforts to ensure full compliance with applicable conservation and management measures; increase consultations among all local parties affected by fishery management decisions; and avoid adverse impacts on small-scale and artisanal fisheries consistent with the sustainable management of fish stocks, while protecting the rights of fishers, including subsistence, small-scale and artisanal fishers.

The Commission recommended that FAO be invited to prepare a report, based on information provided by its member States, on the actions listed above and, more generally, on progress made in improving the sustainability of fisheries, for consideration by the FAO Committee on Fisheries and for submission to the Secretary-General.

#### **Coral reef initiative**

On 3 May [E/1996/28 (dec. 4/15)], the Commission on Sustainable Development, recognizing the importance of coral reefs and other related ecosystems as a life-support system of many countries and as a rich source of biodiversity, welcomed the 1995 Call to Action of the International Coral Reef Initiative (ICRI) [YUN 1995, p. 1084] as a means to address threats to coral reefs and related ecosystems and the inauguration of the 1997 International Year of the Reefs.

An international coral reef symposium (Panama, 24-29 June) addressed several key issues, including the enhancement of scientists' involvement in reef conservation and management, the use of coral skeletons to assess past climates and predict consequences of global climate change, the management of marine protected areas in the Tropics, and the links between fisheries and the health of coral reefs.

Through its Regional Seas Programme, UNEP was facilitating the convening of regional ICRI workshops and was providing technical assistance to regions. A workshop on coral reefs (Mahe, Seychelles, 29 March-2 April) resulted in an action plan for coral reef management in the

region of the western Indian Ocean and East Africa. In addition, UNEP co-sponsored a workshop with the United States Agency for International Development (25 June) on the participation of managers and scientists in the management of coral reefs and related resources.

#### **Conservation of wildlife**

Concluded in 1995 under the auspices of the 1979 Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Agreement on the Conservation of African-Eurasian Migratory Waterbirds was opened for signature on 15 August in The Hague by the depositary, the Ministry of Foreign Affairs of the Netherlands. Covering nearly 120 countries, the Agreement, the product of collaboration among the Government of the Netherlands, the UNEP/CMS secretariat, Wetlands International and many countries and NGOs in the regions concerned, was scheduled to enter into force following the signature of at least 14 Range States from Africa and Eurasia.

On 10 December, the 1994 Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora [YUN 1994, p. 951] entered into force, 60 days following the receipt of the fourth instrument of ratification or accession. Uganda and the United Republic of Tanzania ratified it in 1996, Lesotho had acceded to it and Zambia had ratified it in 1995. The Agreement, concluded under the auspices of UNEP, aimed to reduce and ultimately eliminate illegal international trafficking in African wildlife.

#### **Protection against harmful products and wastes**

##### **Chemical safety**

##### **Prior informed consent procedure**

As requested by the UNEP Governing Council in 1995 [YUN 1995, p. 1085], UNEP convened with FAO the first session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Brussels, Belgium, 11-15 March). At the meeting, the potential elements to be included in the PIC convention were identified and a working group progressed in identifying chemicals that could be covered by the convention. In that context, a Government-designated group of experts on further measures to reduce the risks from a limited number of chemicals, ei-

ther within or beyond the scope of the existing PIC procedure, was convened (Copenhagen, Denmark, 16-19 April) [UNEP/GC.19/INF.7]. The expert group focused on the inadequate capacity of developing countries to handle issues of hazardous chemicals and pesticides; the disposal of unwanted stocks of pesticides and other chemicals; insufficient information for chemicals management decision-making and action; and the possible need to ban and phase out certain chemicals. The experts recommended that UNEP constitute an expert group which would provide advice to Governments on the definition of problems associated with obsolete pesticides and other chemicals in developing countries and countries with economies in transition, and the prevention, management, reuse and safe disposal of other chemicals.

The experts stressed that the Governing Council should take into consideration the global significance of the health and environmental problems caused by chemicals. They proposed specific tasks to be addressed by the Council with regard to capacity-building in chemicals management, information exchange and risk reduction from hazardous chemicals. It was suggested, among other things, that the Council call on member organizations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) and other agencies to strengthen the coordination of their capacity-building activities. Additionally, the experts recommended that the Council ask the Intergovernmental Forum on Chemical Safety (IFCS) to propose to IOMC a series of actions improving information delivery. They also recommended that IFCS be invited to develop criteria identifying chemicals which posed risks of international concern. Furthermore, it was recommended that the Council call on donors to mobilize financing for the safe management of chemicals. In addition, the Council should request the Council of the Global Environment Facility to explore ways of incorporating in its operational strategy the need of countries to develop their capacities in chemicals management. The outcome of the Copenhagen meeting was to be submitted for consideration at the Governing Council session in 1997.

UNEP and FAO convened the second session of the Intergovernmental Negotiating Committee (Nairobi, Kenya, 16-20 September). On the basis of the initial draft key articles presented by the Chairman, the Committee made progress in elaborating a number of draft articles essential for the mandatory application of the PIC procedure, such as the scope of the instrument, a procedure to include chemicals in the PIC procedure and obligations of exporting and importing par-

ties. The Committee established two sessional groups—a technical working group and a legal drafting group. While the Committee had made progress, many facets of the instrument needed further detailed consideration. A need for at least one further negotiating session, before its final session and a diplomatic conference for the adoption of the instrument, was envisaged. The final negotiating session was expected to adopt the convention in 1997.

FAO and UNEP efforts to promote chemical safety were based on the 1985 FAO International Code of Conduct on the Distribution and Use of Pesticides [YUN 1985, p. 774] and the 1987 London Guidelines for the Exchange of Information on Chemicals in International Trade [YUN 1987, p. 697].

UNEP, the United Nations Institute for Training and Research and FAO convened a regional workshop (Accra, Ghana, 22-26 July) for Western and Central Africa on the sound management of chemicals. Government experts on chemicals management from 23 countries made recommendations to strengthen subregional and regional collaboration structures as well as cooperation among national chemicals focal points; enhance the capacities of Western and Central African countries in the field of chemicals management; and ensure the active participation of African countries in the negotiation and implementation of a legally binding PIC instrument. The workshop was funded by the Directorate General for Development of the European Commission as part of a series of regional workshops on the subject.

### **Persistent organic pollutants**

UNEP convened a meeting of the Ad Hoc Working Group on Persistent Organic Pollutants (POPs) of IFCS on behalf of IOMC (Canberra, Australia, 9 March). UNEP presented the results relevant to POPs from a trade survey it carried out under the framework of the PIC procedure, which demonstrated that the chemicals were still used in many countries, although they had been banned for many years. UNEP was asked to ensure coordination between the ongoing POPs assessment and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. The Working Group discussed the key issues to be addressed by the assessment for the elaboration of international actions. Issues identified as major concerns, particularly for developing countries, included information exchange, capacity-building, trade impacts, technology transfer, food production, public health considerations and financing.

Another meeting of the Ad Hoc Working Group (Manila, Philippines, 21-22 June) [UNEP/

GC.19/INF.8] recommended measures and strategies to be considered by the UNEP Governing Council in 1997. The Group recommended that the Governing Council and the WHO World Health Assembly decide that immediate international action be initiated to reduce and/or eliminate the emissions of the 12 POPs identified by the Governing Council: PCBs, dioxans, furans, aldrin, dieldrin, DDT, endrin, chlordane, hexachlorobenzene, mirex, toxaphene and heptachlor. In addition, the meeting suggested that the expeditious development of a global, legally binding instrument on POPs be undertaken. It was recommended that the Governing Council invite UNEP to convene an intergovernmental negotiating committee on the issue. The instrument would be prepared in collaboration with relevant international organizations. The Working Group recommended that the negotiating committee establish an expert group to develop science-based criteria to be considered in the negotiation of a binding instrument.

### **Regional concerns**

#### **Africa**

One of the most promising projects under way in 1996 was the joint work of UNEP and the UN Centre for Human Settlements in the Great Lakes region of Africa (Burundi, Rwanda, Uganda, the United Republic of Tanzania, Zaire) to help bring about political, social and environmental stability, as well as sustainable economic development.

UNEP was organizing major awareness-building activities on the issues of water, land and waste management. The Regional Office for Africa (ROA) was working with communities all over the continent to find solutions to the critical problem of waste disposal. ROA, with the assistance of the Environment and Industry Programme, was investing in training and information exchange through the Cleaner Production Centres established in the United Republic of Tanzania and Zimbabwe.

A regional youth forum (Zanzibar, United Republic of Tanzania, 26 February-2 March) held by UNEP reviewed the African plan of action which sought the development of sustainable projects at the community level and the improvement of youth environmental networks within the region. The plan was to be implemented by youth groups in collaboration with ROA.

#### **Asia**

A programme of cleaner production mill assessments was under way in six countries which were part of the Network for Industrial Environmental Management (NIEM). By the end of 1996,

close to 40 pulp and paper mills of various types would have conducted such assessments as part of the NIEM effort. NIEM was formed to promote improved environmental management in the pulp and paper industry in seven Asian countries. UNEP's Regional Office for Asia and the Pacific served as the secretariat to NIEM. A NIEM guidance manual on cleaner production assessment at pulp and paper mills, a joint effort between UNEP and the National Productivity Council of India, was being finalized. UNEP was preparing a training resource package that would make it easier to conduct training workshops on cleaner production.

On 30 October, the Agreement between the Mekong Regional Law Centre (MRLC) and UNEP for Cooperation in the Field of Environmental Law in the Mekong Region was signed. Planned activities that were to be carried out jointly by UNEP's Regional Office and its Environmental Law Programme in partnership with MRLC included assistance in strengthening national environmental legislation, legal training and dissemination of information on environmental law and policy. The Government of Denmark provided funding to begin implementing the activities.

#### **Latin America and the Caribbean**

The activities and financial situation of UNEP in Latin America and the Caribbean were among the points addressed by the Second Meeting of the Inter-sessional Committee of the Environment Ministers of the region (Mexico, 23-24 May). The meeting decided that a report on the activities to be taken by UNEP's Regional Office for Latin America and the Caribbean (ROLAC) should be distributed for comments to all Governments of the region. The inputs from Governments would assist in adjusting the regional environmental priorities in the light of UNEP's financial situation. In addition, UNEP and the Committee discussed the development of a joint financial strategy. The meeting asked the UNEP Executive Director to report to the Governing Council in 1997 on the impact that UNEP's 1996 budget reduction had had on the activities of ROLAC. UNEP's Global Environment Citizenship Programme, which was designed to empower citizens with the capacity to improve the environment, was presented to the meeting.

In 1996, ROLAC's publication *Tierramerica* was launched.

#### **The Mediterranean**

Increased cooperation to protect the environment of the Mediterranean was at the centre of a governmental meeting (Cairo, Egypt, 1-2 April),

held under the auspices of the Mediterranean Action Plan, part of UNEP's Regional Seas Programme.

## Other matters

### Global Environment Facility

The Global Environment Facility (GEF) was established as a joint international effort to help solve global environmental problems. The GEF Trust Fund was established by the World Bank in March 1991 while the Facility was formally established in October of that year as a joint programme of UNDP, UNEP and the World Bank [YUN 1991, p. 505].

GEF was initially established for a three-year period known as the pilot phase ending in June 1994 and later extended for three years in what was termed the operational phase or GEF I [YUN 1994, p. 941]. GEF provided new and additional grant and concessional funding to meet the incremental costs of measures to achieve global environmental benefits in four focal areas, namely, the protection of biological diversity, the reduction of greenhouse gases, the protection of international waters and the protection of the ozone layer. The incremental costs of activities concerning land degradation, primarily desertification and deforestation, as they related to the four focal areas were also eligible for funding. Currently, more than 150 countries were participating in GEF.

UNEP provided guidance on relating GEF-financed activities to global, regional and national environmental assessments, policy frameworks and plans, and to international environmental agreements.

The Scientific and Technical Advisory Panel (STAP) of GEF was composed of 12 members appointed by the UNEP Executive Director. UNEP provided the secretariat to STAP, which acted as an independent, advisory body to GEF, providing objective, strategic scientific and technical advice on GEF policies, operational strategies and programmes. STAP had established five working groups dealing with international waters, energy mitigation strategies/climate change, adaptation/climate change, biodiversity and land degradation.

### Environmental emergencies

In November [UNEP/GC.19/14], the UNEP Executive Director reviewed activities and services provided by the Joint UNEP/UN Department of Humanitarian Affairs Environment Unit set up in 1994 [YUN 1994, p. 944]. She stated that in 1995-1996, the Joint Unit responded to requests for assist-

ance from, among other countries, Guyana (mining-waste dam failure), the Philippines (spill of copper mine tailings), the Russian Federation (oil-waste fire), Rwanda (fungicide storage fire), the Seychelles (main sewerage system breakdown), Slovenia (chemical-waste dumping-site fire) and Ukraine (major sewerage system breakdown).

The second meeting of the Advisory Group on Environmental Emergencies (Geneva, 3-4 October) reviewed the implementation of the Joint Unit's activities, which was operating with extremely limited financial resources and with minimal staff. The Advisory Group asked the Executive Director to allocate resources for the 1998-1999 biennium for the administration and operation of the Joint Unit and recommended to Governments in a position to do so to provide additional resources. The Group asked the Joint Unit to develop further its activities and services, especially brokerage, clearing-house and assessment.

### The environment and the military

The third meeting of the UNEP Expert Group on Liability and Compensation for Environmental Damage Arising from Military Activities (London, 12-18 May) arrived at substantive conclusions regarding key areas of liability and compensation for environmental damage, which included definitions and valuation of environmental damage and depletion of natural resources, applicable laws and the rights of States and international organizations to bring claims.

A subregional meeting on military activities and the environment (Bangkok, Thailand, 26-28 June), convened by UNEP in cooperation with ESCAP, identified the environmental problems caused by the military sector in Asia and the Pacific, as well as possible solutions. UNEP and ESCAP convened a similar meeting for South Asian countries (Bangkok, 29-31 October). Participants discussed military-related environmental problems and the military's contribution towards achieving national environmental goals. The two meetings were financed through the Swedish Trust Fund to Assist Developing Countries to Take Action in accordance with Agenda 21.

### Insurance and the environment

The UNEP Conference on the Insurance Industry and the Environment (London, 20-21 May) sought new solutions for managing the growing environmental risks that insurers faced. Insurers explored issues related to claims handling, environmental reporting, asset management, loss prevention, mobilization of companies, lobbying and product design.

## Chapter VIII

## Population and human settlements

In 1996, the United Nations Conference on Human Settlements (Habitat II) adopted the Istanbul Declaration on Human Settlements and the Habitat Agenda, containing goals and principles, commitments and a global plan of action with strategies for implementation. Habitat II was the latest in a series of development-linked United Nations conferences and summits that began with the United Nations Conference on Environment and Development in 1992 and included the 1994 Conference on Population and Development, the follow-up to which was pursued during the year.

By mid-1996, world population stood at 5.8 billion, an increase of 81 million persons, or 1.4 per cent over the previous year. The rate of increase continued to decline in 1996, from 1.72 per cent per annum between 1975 and 1990, and 1.48 per cent per annum between 1990 and 1995.

UN activities in the field of population during 1996 were guided by the Programme of Action adopted at the 1994 International Conference on Population and Development (ICPD). At its February/March session, the Commission on Population and Development reviewed progress towards ICPD implementation, considered UN population programmes, particularly the work of the Population Division of the Department for Economic and Social Information and Policy Analysis, and discussed the flow of financial resources in international assistance for population activities. The Commission, which marked its fiftieth anniversary in 1996, followed a topic-oriented programme of work adopted by the Economic and Social Council, concentrating its session on the issue of reproductive rights and reproductive health.

During the year, the United Nations Population Fund (UNFPA) continued efforts to implement the ICPD Programme of Action. Total contributions to the Fund reached \$302.5 million in 1996. The Fund adopted a new approach for resource allocation for population activities that paid special attention to countries in greatest need.

As in previous years, the work of the Population Division included analysis of demographic variables (fertility and family planning, mortality rates, and migration), world population projec-

tions, population policies and population information.

Habitat II, held 20 years after the first United Nations Conference on Human Settlements, was conceived as a conference of partnerships, in which representatives of local authorities and other groups of civil society participated fully. It was preceded by two years of intensive preparations designed to encourage the involvement of major groups such as local authorities, non-governmental organizations, women, youth, the private sector, labour unions, professionals' organizations, foundations, media, parliamentarians and academies of sciences. Those partner groups committed themselves to the Habitat Agenda, which was a global call to action at all levels. It offered, within a framework of goals, principles and commitments, a vision of sustainable human settlements—where all had adequate shelter, a healthy and safe environment, basic services, and productive and freely chosen employment. The Istanbul Declaration—a high-level political statement that committed Governments to the Habitat Agenda's recommendations—and the Agenda itself were endorsed by the General Assembly in December. The Assembly also reaffirmed that the United Nations Centre for Human Settlements should be designated as a focal point for the Agenda's implementation. The Centre began its implementation activities following the Conference.

The Commission on Human Settlements—the intergovernmental body with a central role in monitoring the Agenda's implementation—did not meet in 1996.

### Follow-up to the 1994 Conference on Population and Development

The United Nations continued in 1996 to focus on implementing the Programme of Action adopted by the International Conference on Population and Development in 1994 [YUN 1994, p. 956] and endorsed by the General Assembly that year [YUN 1994, p. 963, res. 49/128].

**Commission on Population and Development consideration.** The Commission on Population and Development, which had primary responsibility for reviewing the follow-up to and implementation of the ICPD Programme of Action, had as the central theme of its February/March 1996 session "Reproductive rights and reproductive health", which, in accordance with chapter VII of the Programme of Action [YUN 1994, p. 958], included such issues as family planning, maternal health, abortion and information on sexuality.

The Commission had before it a report by the Secretary-General on reproductive rights and reproductive health [E/CN.9/1996/2], which covered such aspects as entry into reproductive life; reproductive behaviour; contraception; abortion; maternal mortality and morbidity; sexually transmitted diseases, including HIV/AIDS; and population information, education and communication with respect to reproductive rights and reproductive health. The Secretary-General noted that the reproductive rights and reproductive health of both men and women were reviewed in the report, although data collection and research had until recently focused primarily on the reproductive and contraceptive behaviour of women. The need to collect data and to conduct research on the reproductive attitudes and behaviour of both men and women had become more imperative, he said, given the renewed emphasis on the shared responsibility of partners in reproductive matters. Information was also lacking on the reproductive health of adolescents and of older men and women.

The Secretary-General's report on monitoring of population programmes [E/CN.9/1996/3] reflected responses received from UNFPA representatives/country directors in 78 countries. It assessed the strategies and approaches that countries had adopted to implement the recommendations of the ICPD Programme of Action concerning reproductive health and population information, education and communication, and analysed difficulties and constraints encountered. To obtain data, a questionnaire had been sent to all UNFPA representatives and country directors in the field, covering more than 130 developing countries and countries with economies in transition.

The information received revealed that many Governments of developing countries and countries with economies in transition had taken significant steps in responding to the Programme of Action. In almost two thirds of the countries responding, initiatives were under way to broaden family planning information and services to include other reproductive health elements. ICPD had helped to crystallize issues and acted as a

catalyst, so that subjects previously ignored or overlooked had come to the fore. For example, the needs and perspectives of adolescents and the role of men in matters related to sexuality, family planning, parenting, family life and gender equality were receiving increased attention.

As for quality of care in reproductive health/family planning programmes, countries had begun taking steps to improve or measure the quality of care and had been paying increased attention to the physical state of health-care facilities. Governments were also more responsive to expanding the availability of a variety of contraceptives.

The Secretary-General noted that despite signs of commitment to reproductive health programmes, the socio-economic and cultural environment was not always conducive to change. Widespread poverty severely hampered Governments' abilities fully to implement reproductive health programmes and limited people's access to basic social services, including reproductive health care. Countries needed assistance from the international community, in terms of both financial and human resources. A number of countries also faced internal problems, such as massive bureaucracies that hampered the implementation of ICPD recommendations.

Another area needing improvement was accountability. The implementation of reproductive health programmes required sectoral coordination at the central governmental level. There was a strong need for the development of indicators in such areas as gender equality, reproductive health, women's participation, male involvement and resource mobilization, in order to monitor population programmes and measure progress in their implementation. Political commitment to achieving the Programme of Action's goals and objectives should be extended to include not only the central Government but also government officials at various levels, as well as local and community leaders, unions and the media.

In a report on activities of intergovernmental and non-governmental organizations (NGOs) in the area of reproductive rights and reproductive health [E/CN.9/1996/5], the Secretary-General summarized information gathered through a questionnaire sent to international, regional and national NGOs to assess their progress towards achieving goals and objectives of the ICPD Programme of Action. Responses were received from 38 organizations, representing about 40 per cent of the total number of intergovernmental and non-governmental organizations contacted. As shown by the low number of intergovernmental organizations that responded to the question-

naire (4 out of 22, of which only 2 were involved in ICPD-related activities), it was clear that NGOs played a more significant role in reproductive rights and reproductive health than intergovernmental organizations.

Most NGOs responded that they were already developing family planning activities before ICPD, and many were already in the process of implementing new reproductive health components as well. The most frequently mentioned new programmatic component was the provision of information and health services to prevent and treat reproductive tract infections and sexually transmitted diseases. Other ICPD programmatic components that had been incorporated into the agendas of many NGOs included: education in human sexuality, reproductive health and responsible parenthood (60 per cent of the NGOs); prenatal, delivery and postnatal care, including breastfeeding (37 per cent); prevention of abortion and the consequences of abortion (29 per cent); and infertility (15 per cent). Collaboration between Governments and NGOs varied enormously from country to country.

The Secretary-General reported that NGOs were learning not only how to translate the Programme of Action into practice but how to improve their advocacy activities and their existing services and initiatives in order to serve their clients better. They had demonstrated their viability as a major means of meeting the reproductive health needs of women and men. Overall, the main strength of NGOs lay in their capacity to create innovative programme models that could be replicated on a larger scale by Governments; their main weaknesses were related to their long-term sustainability and lack of self-sufficiency.

In a report to the Commission on international assistance for population [E/CN.9/1996/6], the Secretary-General stated that, since ICPD in 1994, the international donor community had shown its commitment to achieving the goals and objectives of the Programme of Action, and significant progress had been made in implementing it. There was some evidence of an increasing flow of resources in the form of external assistance and many Governments were recasting and updating population and development policies in line with the goals and objectives of the Programme of Action. Several developing countries, despite unfavourable economic circumstances, had increased domestic resources or had manifested a desire to mobilize resources for population activities. However, until more systematic data on the flow of domestic resources was collected, the question of resource mobilization within the developing countries would remain incomplete.

Despite the fact that progress in implementing the Programme of Action was evident on several fronts, successful implementation was dependent upon resource mobilization. Additional resources were required to better identify and satisfy unmet needs in such areas as reproductive health care, including family planning and sexual health information and services, and to keep pace with growing demands and improve the scope and quality of programmes. Sub-Saharan Africa, parts of Asia and all least developed countries would need a much larger share of resources from the international community. Official development assistance (ODA) had tended to stagnate in recent years, said the Secretary-General, and there had been little movement towards the target of 4 per cent of ODA for population and development from the level of 1.4 per cent in 1993.

**UNFPA programme implementation.** The Executive Board of the United Nations Development Programme (UNDP) and UNFPA took decisions in 1996 that had an impact on UNFPA's implementation of the ICPD Programme of Action, including a new approach for resource allocation based on the Programme of Action's goals and objectives (see below).

**Coordination in UN system.** The Inter-Agency Task Force on the Implementation of the ICPD Programme of Action was expanded and reconstituted as the Administrative Committee on Coordination (ACC) Task Force on Basic Social Services for All, chaired by UNFPA. Its mandate encompassed population, with an emphasis on reproductive health and family planning services; basic education; primary health care; drinking water and sanitation; shelter; and social services in post-crisis situations. At its first meeting on 23 February 1996, the ACC Task Force agreed to establish two working groups, one on basic education and the other on primary health care, and to continue other working groups, including those on reproductive health and the tracking of child and maternal mortality.

The Secretary-General, in his September report [A/51/350] on ICPD implementation (see below), noted the need to develop indicators in such areas as gender equality, reproductive health, women's participation, male involvement in reproductive health and family planning, and resource mobilization in order to monitor population and development programmes.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 17 July, the Economic and Social Council adopted **resolution 1996/2**.

### **Follow-up to the International Conference on Population and Development**

The Economic and Social Council,

Bearing in mind the results of the International Conference on Population and Development and the adoption of the Programme of Action of the Conference, and taking into account General Assembly resolution 49/128 of 19 December 1994 on the report of the Conference, as well as Assembly resolution 50/124 of 20 December 1995 and Economic and Social Council resolution 1995/55 of 28 July 1995 on the implementation of the Programme of Action of the Conference,

Having reviewed the report of the Commission on Population and Development on its twenty-ninth session,

Recalling the terms of reference and multi-year work programme of the Commission, endorsed by the Council in its resolution 1995/55,

1. Stresses the need for all the reports prepared as part of the multi-year work programme of the Commission on Population and Development to be based on comprehensive and reliable information, for the final version of the reports to take fully into account the observations of the Commission and for the reports to be widely disseminated in accordance with the terms of reference of the Commission;

2. Also stresses the need to ensure that the deliberations of the Commission fully reflect its updated and enhanced mandate, taking into account the integrated, multidisciplinary and comprehensive approach of the Programme of Action of the International Conference on Population and Development;

3. Welcomes the newly constituted Task Force on Basic Social Services for All of the Administrative Committee on Coordination, under the current chairmanship of the United Nations Population Fund, and requests the Task Force to make appropriate arrangements to ensure coordination, collaboration and harmonization in the implementation of all aspects of the Programme of Action of the Conference, as decided by the Commission at its twenty-eighth session, and to continue to report thereon to the Commission;

4. Requests that a revised version of the report of the Secretary-General relating to the activities of the non-governmental sector in the area of reproductive rights and reproductive health be submitted to the Commission at its thirty-first session, in 1998, based on a more comprehensive survey of the sector and a clearer explanation of the selection criteria and categorization of the organizations consulted, and incorporating examples of cooperation between Governments and non-governmental organizations, in both developing and developed countries;

5. Decides to invite non-governmental organizations to participate, on an exceptional basis, in the thirtieth session of the Commission, in 1997, along the lines specified in Economic and Social Council decision 1996/208 of 9 February 1996;

6. Requests the Secretary-General to make appropriate arrangements for liaison between non-governmental organizations and the Commission and to ensure that existing channels of communication with non-governmental organizations are fully utilized in order to facilitate broad-based participation and dissemination of information;

7. Requests improved annual reporting on financial flows, including allocations/expenditures, based on consistent criteria and related to the costed elements of the Programme of Action of the Conference, including a clear account of levels and trends of funding by source (bilateral sources, multilateral sources (both core and non-core) and private funds, domestic allocations and the like);

8. Encourages the widest possible dissemination of reports on progress in implementing the Programme of Action of the Conference prepared by the organizations and bodies of the United Nations system, including, wherever possible, their dissemination through electronic channels of communication, and welcomes the intention of the United Nations Population Fund to report on implementation in its annual publication *The State of World Population* report;

9. Proposes that, in addition to their special coverage in the *World Population Monitoring* reports, main demographic trends be covered biennially, starting in 1997, in a complementary concise report prepared by the Population Division of the Department for Economic and Social Information and Policy Analysis of the Secretariat, to be discussed under the agenda item concerning the work programme of the Division;

10. Emphasizes the importance of information, education and communication as a strategy for furthering follow-up action on the International Conference on Population and Development, particularly in the areas of reproductive rights and reproductive health, and urges the Population Division to highlight the efforts of Governments in this regard in relevant reports prepared for the Commission;

11. Welcomes the encouraging evidence of actions being undertaken by Governments, international organizations and the non-governmental sector in response to the challenges of the Programme of Action of the Conference related to reproductive rights and reproductive health, and stresses the need for such action to be accelerated and widened, in particular the need to mobilize additional financial resources, as called for in the Programme of Action;

12. Requests the Task Force on Basic Social Services for All to coordinate the development of appropriate indicators, taking into account relevant research, so that progress in addressing reproductive health needs by individual countries can be assessed on a reliable basis;

13. Requests that evidence of further progress in achieving the goals of the Programme of Action of the Conference be communicated to the Commission on an annual basis through selected publications and documentation prepared by the Secretariat, including the Population Division, as well as publications and documentation prepared by other United Nations bodies, including the United Nations Population Fund, the regional commissions and the specialized agencies.

### **Economic and Social Council resolution 1996/2**

17 July 1996

Meeting 37 Adopted without vote

Draft by Commission on Population and Development (E/1996/25); agenda item 6 (f).

Meeting numbers. ESC 36, 37.



**Report of Secretary-General.** In September, the Secretary-General submitted a report on implementation of the ICPD Programme of Action [A/51/350], as requested by the General Assembly in 1995 by resolution 50/124 [YUN 1995, p. 1094]. The report examined coordination and collaboration by the UN system in implementing the Programme of Action through the Inter-Agency Task Force established for that purpose and through its successor, the ACC Task Force on Basic Social Services for All. It gave a brief overview of national progress towards implementation, including the role of NGOs, and examined the flow of resources for population assistance to recipient countries (see above). The report also reviewed the work of the Commission on Population and Development (see above) and actions taken by the UNDP/UNFPA Executive Board towards implementation (see below).

In the area of South-South cooperation, UNFPA provided assistance to Partners in Population and Development—an intergovernmental organization established to promote South-South cooperation in the field of reproductive health—and supported selected centres of excellence. UNFPA also supported a global programme of training in population and development, which provided postgraduate training at five institutions in developing countries. During 1995, the programme trained 101 middle-level professionals, 34 of them women, from 71 developing countries.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/176**.

#### **Implementation of the Programme of Action of the International Conference on Population and Development**

The General Assembly,

Recalling its resolutions 49/128 of 19 December 1994 and 50/124 of 20 December 1995,

Recalling also Economic and Social Council resolution 1996/2 of 17 July 1996 on the follow-up to the International Conference on Population and Development,

Acknowledging fully the integrated approach taken during the International Conference on Population and Development, which recognizes the interrelationship between population, sustained economic growth and sustainable development,

Having considered the report of the Secretary-General on the implementation of resolution 50/124,

1. Takes note of the report of the Secretary-General on the implementation of resolution 50/124;

2. Notes the action taken so far by Governments and the international community to implement the Programme of Action of the International Conference on Population and Development, and encourages them to strengthen their efforts in that regard;

3. Reiterates that Governments should continue to commit themselves at the highest political level to achieving goals and objectives and to take a lead role in coordinating the implementation, monitoring and evaluation of the follow-up actions at the national level;

4. Urges all countries to consider, among other things, their current spending priorities, with a view to making additional contributions in line with national priorities for the implementation of the Programme of Action, taking into account the provisions of chapters XIII and XIV thereof and the economic constraints faced by developing countries, in particular the least developed among them;

5. Emphasizes that international cooperation in the field of population and development is essential for the implementation of the recommendations adopted at the Conference and, in this context, calls upon the international community to continue to provide, both bilaterally and multilaterally, adequate and substantial support and assistance for population and development activities, including through the United Nations Population Fund, other organs and organizations of the United Nations system and the specialized agencies that will be involved in the implementation, at all levels, of the Programme of Action;

6. Reiterates the importance of South-South cooperation for the successful implementation of the Programme of Action and invites all Governments, relevant organizations of the United Nations system, as well as the private sector and non-governmental organizations, to continue to support those activities in South-South cooperation being undertaken by the developing countries;

7. Recognizes the efforts of Partners in Population and Development in strengthening the capacities of developing countries in South-South cooperation;

8. Emphasizes the importance of the identification and allocation of financial resources by all members of the international community, including regional financial institutions, to enable them to fulfil their commitments with regard to the implementation of the Programme of Action;

9. Requests the Economic and Social Council to continue to give guidance on matters concerning harmonization, cooperation and coordination within the United Nations system regarding the implementation of the Programme of Action;

10. Reiterates that the Commission on Population and Development, as a functional commission assisting the Economic and Social Council, has the primary responsibility for monitoring, reviewing and assessing the implementation of the Programme of Action, and emphasizes the need for the Commission to continue its work in broadening its focus so as to fully reflect the Programme of Action;

11. Invites the Secretary-General to ensure that the Task Force on Basic Social Services for All of the Administrative Committee on Coordination informs the Commission and the Economic and Social Council on the progress of its work, with an emphasis on the improvement of the impact of programme delivery for the purpose of system-wide coordination, and stresses the need for close cooperation and timely reporting by all the working groups of the Task Force;

12. Emphasizes the importance of the ongoing efforts of the Task Force to develop, on an urgent basis,

appropriate indicators as reliable means for monitoring the progress of the implementation of the Programme of Action, with special attention to the reproductive health needs of individual countries, taking into account relevant research and development work as well as existing data collection systems in developing countries, and to make this information available as it is developed to the Commission on Population and Development, the Economic and Social Council and the General Assembly at its fifty-second session;

13. Endorses the continuation of coordination and collaboration between the Task Force and the appropriate United Nations entities responsible for the development of statistics;

14. Reaffirms that the follow-up to the Conference, at all levels, should take fully into account that population, health, education, poverty, patterns of production and consumption, empowerment of women and the environment are closely interconnected and should be considered through an integrated approach;

15. Recommends that the special session for the overall review and appraisal of the implementation of Agenda 21, which will be convened from 23 to 27 June 1997, should give due attention to the issue of population in the context of sustainable development;

16. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

17. Decides to include in the agenda of its fifty-second session the sub-item entitled "Population and development".

General Assembly resolution 51/176

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/604/Add.4) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.43), based on informal consultations on draft by Costa Rica (for Group of 77 and China) and Colombia (for Non-Aligned Movement) (A/C.2/51/L.19); agenda item 96 (d).

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 34, 37; plenary 86.

## UN Population Fund

### 1996 activities

In her report for 1996 [DP/FPA/1997/10 (Part I)] to the UNDP/UNFPA Executive Board, the Executive Director said that UNFPA had focused on translating its three core programme areas (reproductive health, including family planning and sexual health; population and development strategies; and advocacy) into concrete activities at the country level. That process was aided by a new resource allocation approach, which recognized differing needs among countries for external assistance, and it encompassed an array of activities, including a series of expert consultations and thematic workshops.

The country programming process undertaken during the year combined substantive programming with the new resource allocation approach. Forty-seven new country programmes were formulated during 1996 and were reviewed

in terms of programming needs and resource allocation category, which determined the amount and type of resources allocated to each programme as well as its strategy and focus. In the first round of programming under the new approach, reproductive health activities accounted for 71 per cent of total allocations; population and development strategies, 18 per cent; and advocacy, 11 per cent. In terms of country category, the breakdown was as follows: 27 Group A countries (those with the greatest need for external assistance) accounted for 73.7 per cent of total allocations; 15 Group B countries (those having higher levels of development), 22.3 per cent; and the remaining 5 country programmes (3 from Group C (those meeting the thresholds for all seven ICPD-goal indicators), 1 country with an economy in transition and 1 "other" country), 4 per cent of allocations.

The country programming process was accompanied by initiatives to improve programme effectiveness and enhance accountability, such as management reviews to help streamline operations and strengthen the delivery of programmes; improvement of the coordination of activities under the Fund's decentralized programming approach; updating and compiling a comprehensive set of guidelines, policies and procedures covering such areas as programming, administration, procurement, personnel and staff development; and financial issues. Internal oversight was also strengthened during the year.

Operationalizing reproductive health was a key UNFPA activity in 1996. To help countries reorient their population programmes to a reproductive health approach, the aim was to institutionalize the concept of reproductive health in the design and implementation of national reproductive health programmes and to fully integrate such programmes into primary health care systems. As part of that process, UNFPA organized an expert consultation of policy makers and national programme managers (16-19 April) to review such issues as: assessing and prioritizing reproductive health needs; involving women in the design and implementation of reproductive health programmes; repositioning family planning within a reproductive health approach; enhancing maternal health care programmes; ensuring the quality of, and access to, reproductive health; preventing and managing the complications of abortion; and integrating the prevention and management of reproductive tract infections (RTIs), including sexually transmitted diseases (STDs), and the prevention of HIV/AIDS, into primary health care systems. The consultation group recommended a combined approach involving public health (to assess the magnitude of

the problems), a pragmatic view (to build upon what was already in place and what was feasible), and a participatory approach (to include all stakeholders in the process).

Operationalizing of the reproductive health approach was incorporated in the development of the new country programmes and in UNFPA's response to refugee and emergency situations. A broader reproductive health approach was apparent in strategies adopted to reduce maternal mortality and morbidity, prevent abortion, and reduce the transmission of RTIs and STDs, including HIV/AIDS. The reproductive health needs of adolescents and men, in addition to those of women, also received greater attention than in the past.

The urgent reproductive health needs of individuals, especially women, in refugee and emergency situations were the focus of an agreement concluded between UNFPA and the Office of the United Nations High Commissioner for Refugees (UNHCR). Joint activities provided emergency reproductive health care to displaced persons and refugees in Burundi, Rwanda and Zaire, in collaboration with the International Federation of the Red Cross and Red Crescent Societies.

In April, UNFPA began to develop a set of reproductive health performance indicators. After a meeting in July with UN agencies with an interest in the subject and NGOs, a draft discussion paper was prepared for consideration by an inter-agency group in 1997.

To redress the frequently neglected problem of reproductive health needs of adolescents, UNFPA included that element in almost every country programme prepared in 1996, usually as a priority activity. In Angola, for example, reducing the high level of unprotected sexual relations among adolescents was part of the main strategy to reduce maternal mortality and abortion; in Eritrea, adolescent-friendly services were to be provided in the programme's two target provinces; and in the Gambia, 10 pilot reproductive health centres for youth were planned to provide counselling, outreach activities, referral and other services. Several countries initiated projects involving counselling on the prevention of STDs, including HIV.

UNFPA estimated that 2 million girls a year were at risk of female genital mutilation (FGM). As part of the movement to eradicate it, UNFPA organized a technical consultation on the subject (Addis Ababa, Ethiopia, 27-29 March), following which UNFPA prepared a programming framework for the eradication of FGM. A programme supported by UNFPA in Uganda showed the potential impact of advocacy for the eradication of FGM: following workshops involving community

leaders and people from all sectors of society, there was a 36 per cent drop in female circumcision in less than one year.

UNFPA provided support for HIV/AIDS prevention within the global strategy of the Joint United Nations Programme on HIV/AIDS (UNAIDS) (see PART THREE, Chapter XIII). In 1996, UNFPA supported HIV/AIDS prevention activities in 124 countries, compared to 114 countries in 1995 and 103 in 1994, and collaborated with more than 78 NGOs. Activities supported by UNFPA included education and communication components in training programmes for service providers in 71 countries and counselling and distribution of condoms in 54 countries. Although women were the major beneficiaries of prevention activities, men were also targeted in a number of countries in such settings as the armed forces and the workplace, through trade unions and at long-distance truck stops.

The primary aim of activities in the area of population and development strategies was to assist Governments in integrating the population dimension into national policies, plans and programmes. In 1996, UNFPA issued new guidelines for UNFPA support, addressing such areas as policy formulation and the data systems needed for programming, processing and related research. The guidelines reflected changes in the content and approach to population and development strategies, including a more integrated approach to the development and use of data and information systems, as well as of research, policy and training. It called for integration of population policies into development strategies that would reflect the centrality of the individual and the interrelatedness of demographic, social, economic and environmental factors.

As an advocate for the ICPD goals, UNFPA's strategy was to remind Governments and partner organizations of their part in achieving the goals and to secure their commitment to meeting those objectives. At the country level, advocacy activities were designed to secure commitment of national resources to meet ICPD goals and to promote coordination among the various sectors of government and between government and civil society. UNFPA advocacy activities were designed to build support for revising programmes addressing adolescent reproductive and sexual health needs; sustaining commitment to quality reproductive health services; promoting responsible reproductive health behaviour among men; respecting reproductive rights and human-centred population and development strategies; advancing gender equity and empowerment of women; and making girls' education a priority. UNFPA implemented its strategy through na-

tional news media, the local donor community, decision makers and programme implementers, elected officials, NGOs, opinion leaders, labour union leaders and academic institutions, as well as the general public.

UNFPA's *The State of World Population 1996* contained chapters on conditions of life in urban areas, urban population dynamics, sources of city growth, urban-rural links, and policies, strategies and issues for improving cities.

In June, UNFPA issued its annual report [E/1996/68] on implementation and follow-up of certain General Assembly and Economic and Social Council resolutions. The Council, by **decision** 1996/228 of 10 July, took note of that report.

### **Contraceptive requirements and logistics management**

In response to a 1995 request of the Executive Board of UNDP/UNFPA [YUN 1995, p. 1099], the UNFPA Executive Director submitted a report [DP/FPA/1996/2] in which she reappraised the future role of UNFPA in assessing and meeting unmet needs for contraceptives and the requirements for logistics management. She stated that the UNFPA Global Initiative on Contraceptive Requirements and Logistics Management Needs in Developing Countries, since its inception in 1990, had completed in-depth studies on long-term requirements and costs in 11 developing countries (Bangladesh, Brazil, Egypt, India, Mexico, Nepal, Pakistan, Philippines, Turkey, Viet Nam, Zimbabwe) by the end of 1995. The studies, in addition to estimating the status of the countries' contraceptive requirements and logistics, projected requirements over the following 10 years. They also assessed the role of NGOs and the private sector in contraceptive delivery, reviewed local production options, estimated condom requirements for HIV/AIDS prevention, and conducted a financial analysis of the sources and uses of funds for acquiring contraceptive commodities.

In the coming years, the Executive Director stated, the Global Initiative had an important role to play, including: monitoring follow-up action plans as suggested by the in-depth studies; providing technical assistance in countries for more efficient logistics systems; organizing training in logistics management and contraceptive forecasting; publishing technical reports; assisting countries in conducting in-depth studies; and disseminating information on contraceptive needs and supply throughout the world.

In her annual report for 1996 [DP/FPA/1997/10 (Part I)], the Executive Director said that the rationale for the Global Initiative was that continued population growth in most developing coun-

tries would result in increases in the demand for good-quality, low-cost contraceptives and other reproductive health commodities. Good logistics management, such as forecasting, storage and distribution, as well as donor-government coordination, were vital.

One of the main goals of the Global Initiative was to help countries strengthen their capacity to manage logistics independently of external assistance. The Global Initiative had developed and pilot-tested a Logistics Management Training Strategy Development Workshop in Bangkok, Thailand, in December, with participants from Indonesia, Mongolia, the Philippines, Thailand and Viet Nam. The main outcome of the workshop was the development of national strategies and work plans designed to facilitate the initiation of training-related logistics management activities in those countries.

By a 26 March decision [E/1996/33 (dec. 96/14)], the Executive Board of UNDP/UNFPA endorsed the proposed future activities of the Global Initiative. It requested the Executive Director to submit a progress report on the activities of the Global Initiative as part of her annual report.

The Board also considered the establishment of a global contraceptive commodity programme, to which it had agreed in principle in 1995 [YUN 1995, p. 1099]. It had before it the UNFPA Executive Director's report [DP/FPA/1996/3] on the envisaged programme, covering the objectives and scope, administrative and financial aspects, and UNFPA's efforts to promote national capacity-building. In the view of many donors and UNFPA, the programme was a means of meeting urgent country requests for contraceptives, including condoms for HIV/AIDS prevention, in a more effective and efficient manner, and was consistent with the broad reproductive health approach, including family planning and sexual health, endorsed by the Board. As the number and timing of requests for UNFPA procurement assistance were often unpredictable, the existence of a buffer stock of contraceptives would allow the Fund to meet urgent requests more efficiently. UNFPA would also maintain a close link between the activities of the programme and the work of the Global Initiative, thus ensuring that national capacity-building, particularly in contraceptive forecasting and logistics management, was strengthened through such means as technical training and technical advisory services and by improved warehousing, stock-keeping, transport and management information systems.

Under the proposed programme, a trust fund would be used to purchase a buffer stock of commonly requested contraceptives, to be stored at a UN facility or held at the manufacturer's prem-

ises. The Executive Director proposed that UNFPA create an in-house global procurement management team comprising the staff of the Global Initiative and the Procurement Unit, which would work with geographical and technical UNFPA divisions and with outside partners to strengthen logistics management and procurement services.

The Executive Board, by a 19 January decision [E/1996/33 (dec. 96/3)], endorsed the establishment of a global contraceptive commodity programme, to be managed by UNFPA. As set out in the Executive Director's report, the programme would be funded with an initial capitalization of \$5 million. The Board emphasized that the programme's activities should be monitored carefully to ensure adherence to technical standards of safety and quality. The Executive Director was requested to report annually on the programme's activities and management, paying particular attention to progress in strengthening national capacities to deal with the logistical aspects of contraceptive procurement. She was also requested to coordinate with other UN entities active in procurement and reproductive health, particularly the Inter-Agency Procurement Services Office and the World Health Organization (WHO). The Board further requested the Executive Director to arrange an overall independent and external evaluation of the global contraceptive commodity programme at a time to be decided by the Board, particularly with regard to its impact on national capacity-building, in order to provide the Board with the information required to make a decision on whether the programme should be continued.

### Country and intercountry programmes

During discussion by the UNDP/UNFPA Executive Board of UNFPA country programmes, attention was drawn to the fact that the programming processes of UNDP and the United Nations Children's Fund (UNICEF) had recently been changed. In view of the desire to harmonize the work of the three programmes, it was suggested that UNFPA should monitor the new developments and report back to the Board on recommendations for a new country programming process.

By a 26 March decision [E/1996/33 (dec. 96/13)], the Board invited the UNFPA Executive Director to consider ways of harmonizing the Fund's country programming process with those of UNDP and UNICEF. In that context, the Executive Director should review the format for, content and timing of as well as the mode of discussion of the documentation submitted to the Board on country activities. The Executive Director was

asked to submit to Member States, after consultations with UNDP and UNICEF, recommendations on the future country programming process of UNFPA based on the requested reviews, no later than the Board's 1997 annual session.

UNFPA's provisional expenditures for country and intercountry (regional and interregional) programmes in 1996 totalled approximately \$216.5 million, compared to \$230.9 million in 1995 [DP/FPA/1997/10 (Part I/Add.1)]. Some \$36.4 million were allocated to new country projects approved in 1996.

The number of country projects directly executed by Governments during the year numbered 940, compared to 806 in 1995, and totalled \$77.3 million or 33.3 per cent of total 1996 country programme allocations, compared to \$50.2 million or 27.3 per cent of country programme expenditures in 1995.

In accordance with criteria defined by the UNDP/UNFPA Executive Board in 1996 [E/1996/33 (dec. 96/15)], 60 countries had priority status for resource allocation (37 in Africa, 16 in Asia and the Pacific, 5 Arab States, and 2 in Latin America and the Caribbean).

**Sub-Saharan Africa.** UNFPA allocations to programmes for sub-Saharan Africa totalled \$97 million in 1996, with the largest share of programme resources (39.2 per cent) being spent on reproductive health/family planning, followed by information, education and communication (23.6 per cent). Despite numerous obstacles, population programmes continued to advance in most African countries during 1996 [DP/FPA/1997/10 (Part II)]. Political commitment to ICPD goals remained relatively strong, at least at the highest levels of government, in almost all of the 45 countries covered by the Africa Division, and progress continued towards gaining the support of NGOs and civil society for population programmes, especially in the area of reproductive health. Indications of increasing contraceptive prevalence and decreasing fertility appeared in a growing number of countries. Obstacles to expanding and improving population programmes included budgetary limitations, other crises that competed for funding, an inadequate number of trained personnel, and civil unrest in several countries. In May, Benin became the eighteenth sub-Saharan African country to adopt a national population policy. Operationally, advances were made in bringing national population efforts into line with the ICPD objectives and Programme of Action. For example, most countries were attempting to integrate maternal and child health and/or family planning interventions into reproductive health programmes. UNFPA assisted in those efforts through support for training of

health personnel and related information, education and communication, as well as through advocacy with governmental bodies and other groups in favour of the reproductive health approach. UNFPA's assistance for reproductive health-service costs requiring hard currency outlays, especially for contraceptives, medical equipment and supervision and logistics vehicles, was critical in a number of countries, particularly where major donors had withdrawn assistance. UNFPA support was directed in most countries to making reproductive health services available within the governmental health infrastructure, since that infrastructure provided a greater potential coverage than other alternatives. Assistance was also provided to NGOs and for the creation of community-based outreach services in such countries as Ethiopia, Ghana, Malawi and Zimbabwe. Information, education and communication were emphasized in the region, as were services for adolescents, and UNFPA remained the principal donor in the region for population and family life education in schools. Occasionally, as in the case of Kenya, such efforts had produced a backlash against what was viewed as premature education on matters that should be learned within the family. UNFPA continued to support the incorporation of prevention of STDs, particularly HIV/AIDS, into basic reproductive health information and services. Capacity-building continued to be a priority in the African region. During 1996, 20 programme review and strategy development (PRSD) exercises were completed in the region, a process which emphasized bringing national population efforts into greater conformity with ICPD and the inculcation of a programme approach as opposed to an isolated project orientation. UNFPA sought to diversify the range of national partners during the year. Projects directly executed by NGOs grew from 31 in 1993 to 68 by the end of 1996, and that figure did not fully reflect NGO involvement because it did not include the many projects in which NGOs participated but were not the primary executing agency. The trend continued towards greater support for research directly related to programme implementation, especially investigations of sociocultural obstacles to improving reproductive health, including traditional attitudes and practices, but also for censuses of Eritrea and Mozambique as well as migration surveys in several countries.

UNFPA also funded several regional conferences and meetings. At the Second Regional Conference of African Women Ministers and Parliamentarians (Dar es Salaam, United Republic of Tanzania, October), representatives from 34 countries participated in a programme designed to equip them with practical knowledge of

population matters and advocacy skills. UNFPA and Senegal, under the auspices of the Economic Community of West African States (ECOWAS), co-sponsored a regional seminar that resulted in a statement linking urban management and population growth. UNFPA also contributed to a conference on "Crisis, poverty, and demographic changes in sub-Saharan countries" (Burkina Faso, November). In an attempt to assure basic reproductive health services for refugees, a project was approved in 1996 to empower the International Federation of Red Cross and Red Crescent Societies to provide services to Rwandan refugees in Zaire. However, the dispersion of that group and the return to Rwanda of many of them impeded service delivery. A similar project in the United Republic of Tanzania continued to function throughout the year.

**Arab States and Europe.** UNFPA allocations for the Arab States and Europe amounted to \$36.2 million in 1996, of which 49.2 per cent went towards reproductive health/family planning, followed by 15.1 per cent for information, education and communication, and 10.4 per cent for population dynamics.

Common challenges facing Arab countries were continued high levels of maternal mortality as a consequence of lack of basic maternal care and referral services. The quality and accessibility of reproductive health information and services was a critical issue, often compounded by the large gap between urban and rural development. Despite the improved status of women in some countries in the region, women in other countries still faced considerable social, legal and economic barriers. Harmful traditional practices, such as female genital mutilation, continued to be prevalent and there were large gaps between male and female literacy rates throughout the region. Notwithstanding those challenges, Governments were committed to population and development issues.

Implementation of ICPD goals varied significantly from country to country. In 1996, those countries where the concept of reproductive health had not been operationalized made efforts to adjust their development policies to incorporate new ICPD concepts and to make explicit policy statements. Those countries included Algeria, where an in-depth study was made of the current national population policy in the light of the ICPD recommendations. A holistic approach to maternal health and reproductive health was endorsed by Lebanon, the Palestinian Authority and the Sudan, following PRSD missions undertaken with the technical assistance of UNFPA. A national conference on reproductive health was held in Baghdad, Iraq, in October, at which the

Minister of Health reaffirmed the Government's support for family planning. In Yemen, an update of the population strategy was conducted to allow the Government to review the achievements made and to revise quantifiable national population objectives and adjust strategies aimed at achieving them. National institutions were adapted to new policy orientations. For example, in Algeria and the Sudan, new bodies were created to deal with population issues. UNFPA worked closely with national counterparts to strengthen implementation of guidelines for reproductive health, including family planning and sexual health, and in setting programme priorities. Training and logistical support was provided to national family planning programmes, such as those of Jordan and the Syrian Arab Republic, where reproductive health services were integrated into maternal and child health/family planning facilities. National NGOs, particularly those affiliated with the International Planned Parenthood Federation, continued to play a lead role in implementing reproductive health services and in providing related educational information in Iraq, Jordan, Lebanon, the Sudan, Syria and Yemen. More emphasis was placed on incorporating adolescent reproductive health in a number of programmes, in spite of sociocultural barriers in some countries. With the support of UNFPA and other donors, a number of countries launched new programmes on sexual and reproductive health for youth. New activities were undertaken in Djibouti, Egypt, Jordan and Yemen to provide education and/or training to reach adolescents. UNFPA supported workshops to strengthen national capacity to implement, monitor and evaluate population programmes. As a result of such workshops, health personnel in Iraq, Jordan, Lebanon, Somalia, the Sudan, Syria and Yemen were trained in the provision of reproductive health services. During 1996, the regional demographic maternal and health survey (PAPCHILD) and the Gulf Family Health Survey provided a number of demographic and reproductive health indicators in Bahrain, Lebanon, Oman, the Sudan and the United Arab Emirates. One aim of those exercises was to provide benchmarks for countries to assess the achievements made towards achieving ICPD goals. UNFPA supported final evaluations of 33 country projects and five regional ones in 1996, and the input provided by the evaluations was incorporated in the subsequent phases of the programme.

**Central and Eastern Europe.** Demographic indicators in the countries of Central and Eastern Europe and the former Soviet Union showed that population growth rates remained negative or low (ranging from -0.7 to 1 per cent a year). In

most countries, the trend was caused by declining total fertility rates, rising overall mortality rates and emigration, which were attributable to the collapse of the public health-care system and declining standards of living. In an effort to assist countries with economies in transition to bridge technical gaps in the areas of population and reproductive health, UNFPA established two new offices which became operational in 1996: in Romania (covering Belarus, Estonia, Latvia, Lithuania, Poland, the Republic of Moldova, Romania, the Russian Federation, Slovakia and Ukraine) and Albania (covering Albania, Armenia, Bulgaria and Georgia). The field presence was to ensure better coordination of activities initiated with UNFPA assistance and better liaison with other agencies and programmes, including UNAIDS.

In most countries of the region, induced abortion was common as a means to regulate fertility, partly because of limited access to modern contraceptives. Also, medical professionals were reluctant to promote modern contraceptives, as the performance of abortions provided additional income to their generally low salaries. To reverse the trend, UNFPA supported an approach to fertility control through reproductive health. This strategy implied provision of technical assistance to build national capabilities of health providers to meet the needs of the population, through country-based and regional workshops on contraceptive technologies, prevention and management of reproductive tract infections, including STDs, which were on the rise, and management of other reproductive health conditions, including cervical and breast cancer. To address the lack of access to reproductive health information and services, UNFPA continued to assist Governments to expand such services, particularly at the primary health-care level, through such measures as training service providers at the national or regional level and providing support for the procurement of contraceptives, educational materials and medical equipment. UNFPA provided contraceptive supplies in Armenia, Georgia, Poland and the Republic of Moldova. In Bosnia and Herzegovina, UNFPA provided, in cooperation with WHO, reproductive health kits to Government-run health care facilities. In Romania, a UNFPA-supported project was designed to strengthen the capacity of family planning reference centres and local health posts throughout the country. In Albania, 1996 was the last year of UNFPA's first programme of assistance, and an assessment mission made recommendations for a new country programme (1997-2000). Through two regional projects, implemented by educational institutions in Hungary and the Nether-

lands, UNFPA helped organize three courses for high-level health professionals from Central and Eastern Europe and the former Soviet Union.

Assistance for data collection and research on reproductive health was also provided in the region. For example, UNFPA contributed to a study on maternal mortality and abortion in Romania and to research on sociocultural determinants of reproductive behaviour and sexual attitudes of Armenian adolescents. Four regional projects were approved for execution by the Economic Commission for Europe (ECE) to provide a database on international migration and on older people and new data on sexual behaviour and fertility in those countries.

**Asia and the Pacific.** In Asia and the Pacific, UNFPA assistance amounted to approximately \$87.7 million in 1996. Most of that assistance (63 per cent) was for reproductive health/family planning, with 15.7 per cent allocated for information, education and communication. The region had been quick to commence advocacy and other activities in support of ICPD goals, and concrete results could be seen in 1996 in both policy and programme areas. In Mongolia, Parliament approved a policy aimed at reducing infant and child mortality by one third and maternal mortality by 50 per cent, to promote birth spacing as a means of improving the health of women and children and to maintain annual population growth at not less than 1.8 per cent. India continued to move from a target-based approach to a needs-based approach in reproductive health, with emphasis on quality of care and the development of new indicators for measuring client satisfaction and needs. In the Philippines, a population bill, formulated with UNFPA assistance, would establish a population policy to promote equity and empowerment, especially for women, youth, elderly and indigenous populations. The country programme in Mongolia, for which 1996 was the last year, included support for reproductive health training for 125 senior health workers and 54 doctors from 9 provinces. The programme's activities were completed with a near 100 per cent implementation rate. In the area of reproductive health of adolescents, UNFPA supported the National Youth Services Council of Sri Lanka in a pilot project to provide reproductive health education to out-of-school young people and assisted the National Adolescent Health Committee in the production of a book on adolescent health. UNFPA assistance was used to provide training to service providers, policy makers, programme managers and other government officials in Bhutan, Nepal, the Philippines, Sri Lanka and Thailand, through fellowships, study tours and in-country training courses. There re-

mained a few countries where UNFPA assistance was needed for national capacity-building, including Central Asian countries, Myanmar and Papua New Guinea. In some countries, there was more acceptance of NGOs as executing agents of UNFPA activities, including in India, where NGOs would receive about 10 per cent of funds allocated under the new country programme. Monitoring of ongoing programmes was undertaken in a number of countries through tripartite reviews, final project reviews, mid-term reviews and project evaluations. All three Country Support Teams in the Asia and Pacific region provided technical services for those activities. Progress was made in Pakistan in the monitoring of service-delivery outlets through joint UNFPA/government monitoring teams. Regional activities included conferences on reproductive health, one in Islamabad, Pakistan, and another in Almaty, Kazakhstan, each of which brought together participants from 10 regional States. UNFPA also collaborated with the World Bank in organizing an international work-study tour in Iran on reproductive health for francophone West African and Central Asian countries to exchange ideas on implementation of reproductive health programmes and the integration of reproductive health into the primary health-care system.

**Latin America and the Caribbean.** In 1996, UNFPA allocated \$32.8 million to the Latin America and Caribbean region. Of the total, 43.6 per cent was for reproductive health/family planning, 18.9 per cent for information, education and communication, and 9 per cent for formulation and evaluation of population policies. As several country programmes came to an end in 1996, assessments for renewal focused on ensuring that financial resources were used to reach the populations most in need (the poor, adolescents and indigenous groups) and to achieve ICPD goals. Quality issues, including sensitivity to gender and ethnic considerations, received special attention. Sex education and services for adolescents were prominent in all 1996 programmes. Mexico, the first country of the region to incorporate a reproductive health approach within the public health system, began to integrate gender concerns in its programmes with the support of UNFPA and other organizations. In Haiti, UNFPA developed a three-year programme, with the main priority being to reduce the levels of maternal mortality and STDs, including HIV/AIDS. In the Dominican Republic, the new programme focused resources on parts of the country in most need and on better integrating gender issues and sociocultural aspects in the programme. The reduction of maternal mortality, unwanted teenage pregnancies and assistance for the formulation



of a national population policy were other objectives. In Cuba, assistance was focused on sex education and the provision of contraceptives. Socio-cultural and statistical research activities in Paraguay contributed to identifying barriers to the exercise of reproductive and sexual rights among rural and indigenous women and adolescents. Training institutions in Brazil, Costa Rica and Venezuela trained managers in the public health sector from the Dominican Republic, Honduras and Paraguay, emphasizing reproductive health. Population education in schools continued to be supported by UNFPA, and efforts were made to reach youngsters outside the school system as well, particularly through NGOs. In the Dominican Republic, UNFPA contributed to the opening of three new centres to provide integrated health services for adolescents and to update national reproductive health norms. An innovative project incorporated non-traditional agents such as taxi drivers, traditional healers and barbers for orientation activities in reproductive health, including prevention of STDs, responsible parenthood and family planning.

Building national capacity was the ultimate aim of UNFPA assistance to all countries. UNFPA's work in Guatemala focused on national capacity-building in understanding population matters in the context of the peace process. In the Dominican Republic, UNFPA supported the strengthening and decentralization of the country's population information system. UNFPA provided technical assistance to Cuba to reinforce national institutions, including assistance for data collection and sexual education programmes, and provided support for the construction of a contraceptives plant. A regional project carried out with the Pan-American Health Organization (PAHO) developed a management training programme for health managers focused on reproductive health.

**Interregional programmes.** Allocations for interregional programmes totalled some \$31.8 million in 1996, of which reproductive health/family planning activities accounted for 33.8 per cent; information, education and communication for 25.2 per cent; and formulation and evaluation of population policies for 18.5 per cent. The year was the beginning of a new cycle for UNFPA's intercountry programme, which would extend from 1996 to 1999. As the new cycle was implemented, UNFPA would monitor programme activities and incorporate lessons learned in the programming process. Much of the focus was on operationalizing strategies in the three UNFPA core programme areas of reproductive health, including family planning and sexual health; population and development strategies; and ad-

vocacy. In reproductive health, UNFPA collaborated with several organizations in such activities as research and development of improved methods of fertility regulation; development of guidelines, methodologies and operational approaches to strengthen reproductive health programmes and services; development and testing of cost-effective reproductive health interventions for application at the primary health-care level; and promotion of the concept of reproductive health as an overall approach to general health and well-being. UNFPA continued its support for activities under the Global Initiative on Contraceptive Requirements and Logistics Management Needs in Developing Countries (see above). It also continued its support for the promotion of South-South cooperation in the field of reproductive health (see below).

In the area of population and development strategies, support was provided for promoting the development and use of new methodologies in data collection, processing and dissemination. UNFPA assisted other UN bodies in compiling and updating databases on gender, population and development, and provided support for the Population Information Network (POPIN), which provided technical leadership in support of cooperation among population information networks. Assistance was provided to two initiatives, in conjunction with UNESCO and the Society for International Development, that carried out sociocultural research on how to operationalize the concept of reproductive health. A major component of interregional efforts was the Global Programme of Training in Population and Development, the main emphasis of which continued to be nine-month courses, with individual centres supplementing the regular curriculum with other training activities. In advocacy, UNFPA's main aim was to strengthen and broaden the base of policy support for the priority concerns of the Fund. Several organizations participated in activities related to the development of training and advocacy prototype materials on such issues as girls' education, the needs of adolescents and the importance of male involvement. An International Labour Organization (ILO) project was also supported, aiming at increasing the interest and capacity of ILO's partners in the labour sector to develop programmes for workers that promoted responsible family life, gender equality and reproductive health.

### **South-South cooperation**

In January, the UNDP/UNFPA Executive Board considered the request of the intergovernmental organization Partners in Population and Development [DP/FPA/1996/11] for UNFPA support. The

organization was established by 10 developing countries (Bangladesh, Colombia, Egypt, Kenya, Mexico, Morocco, Indonesia, Thailand, Tunisia and Zimbabwe) to implement the ICPD recommendations regarding South-South cooperation. It was to establish a small secretariat in Dhaka, Bangladesh, and had received pledges of funds from UNFPA, the World Bank and the Rockefeller Foundation. To facilitate the administration of the secretariat, the 10 members requested UNFPA to establish a trust fund mechanism, to which UNFPA provided \$150,000 in financial support. They further requested the Executive Board's approval to recruit and assign project personnel to the Partners' secretariat. The secretariat's facilities and most of the utilities would be provided by the host country.

Under the proposal, the Director of the secretariat would be appointed by UNFPA, following consultations with the Partners, and the rest of the secretariat staff would be appointed by UNFPA following consultations with the Director.

By a 19 January decision [E/1996/33 (dec. 96/9)], the Executive Board approved the proposed arrangements as outlined in the report. It invited the Partners to consider broadening the organization's scope by involving in its programmes other developing countries as well as countries with economies in transition. The Board requested the UNFPA Executive Director to report to the Board in 1998 on this initiative, including UNFPA's role, and on the justification for further Fund involvement beyond 1998.

### **UNFPA publications programme**

In response to a 1995 Executive Board request [YUN 1995, p. 1102], the Executive Director submitted a report on the effectiveness of UNFPA's publication programme [DP/FPA/1996/14], which was reviewed in the light of ICPD and the Fund's enhanced role in advocacy. Also included were the findings of an independent analysis of the publications programme.

By a 28 March decision [E/1996/33 (dec. 96/18)], the Executive Board reaffirmed the importance of information and advocacy activities to promote awareness and better understanding of UNFPA programmes. Noting UNFPA efforts to make most of its publications available in different languages, the Board requested the Executive Director to take into consideration the linguistic balance in developing the electronic dissemination of information. She was encouraged to give special attention to the needs of the Information and External Relations Division publications programme to support information, education and communication efforts at the national and local levels. In order to strengthen UNFPA publi-

cations, the Board requested the Executive Director to further develop a communication and information policy and strategy in the context of the UNFPA role in advocacy, in consultation with Board members as well as with observers and NGOs, taking account of the need to prioritize its publications with special attention to the content of other UN publications and UNFPA financial and human constraints. The Executive Director was also requested to submit such a strategy, including detailed costs of publications and distribution information, to the session that would examine the 1998-1999 budget estimates for administrative and programme support services. The Board requested the Executive Director to propose recommendations to facilitate the timely collection and dissemination of current data contained in the Inventory of Population Projects in Developing Countries Around the World and of the Guide to Sources of International Population Assistance.

### **Mission statement**

In response to a 1995 Executive Board request [YUN 1995, p. 1093], the Executive Director submitted a revised draft UNFPA mission statement [DP/FPA/1996/21], which was arrived at after numerous consultations with professional staff and Board members.

Noting that UNFPA was mandated by the General Assembly to extend assistance to developing countries, countries with economies in transition and other countries at their request to help them address reproductive health and population issues, the statement said that its three main areas of work were: to help ensure universal access to reproductive health, including family planning and sexual health; to support population and development strategies that enabled capacity-building in population programming; and to promote awareness of population and development issues and advocate for the mobilization of the necessary resources and political will to accomplish work in that area.

UNFPA, the statement said, was guided by the principles of the ICPD Programme of Action. In particular, it was committed to reproductive rights, gender equality and the autonomy and empowerment of women. The statement affirmed that all individuals had the right to decide the number and spacing of their children as well as the right to the information and means to do so. UNFPA believed that meeting those goals would contribute to improving the quality of life and to the universally accepted aim of stabilizing world population. As the lead UN organization for implementation of the ICPD Programme of Action, UNFPA was committed to working with

Governments, the UN system, development banks, bilateral aid agencies, NGOs and civil society.

By an 8 May decision [E/1996/33 (dec. 96/28)], the Board endorsed the mission statement and annexed it to the decision. The Board's endorsement took into account the discussions that had taken place, as reflected in its report [E/1996/33], particularly the paragraph that said the mission statement would in no way alter the Fund's mandate, priorities, resource allocations or operational guidelines. The mission statement was seen as a public relations document, not as a UN document.

### Financial and administrative questions

UNFPA's estimated income in 1996 totalled \$309.4 million, a 1 per cent decrease compared to income of \$312.6 million in 1995 [DP/FPA/1997/10 (Part I/Add.1)]. Total contributions, pledged by 95 donors, fell by \$0.4 million to \$302.5 million; an additional \$18.3 million was provided through multi-bilateral and other arrangements. Expenditures totalled \$300.3 million, compared to \$310.8 million the previous year. Project allocations for the year totalled \$285.4 million, including \$104.5 million of unspent allocations from 1995, while project expenditures were estimated at \$216.5 million.

In a March report on the status of financial implementation of country programmes and projects [DP/FPA/1996/19], the Executive Director stated that the balance of UNFPA commitments from regular resources for ongoing programmes was \$248 million. Of the total, \$96.3 million was for sub-Saharan Africa; \$31.8 million for the Arab States and Europe; \$101.5 million for Asia and the Pacific; and \$18.4 million for Latin America and the Caribbean.

The Executive Board, by a 17 May decision [E/1996/33 (dec. 96/27)], acknowledged the problem of absorptive capacity and financial resource utilization relating to population programmes in recipient countries, particularly in most African countries, and especially the least developed countries. It requested the Executive Director to study the problem within the framework of existing UNFPA institutional structures, in consultation with relevant actors, including development institutions familiar with UNFPA programmes in recipient countries, particularly those in Africa. The Board also requested that a study, as well as other means to address the problem, be undertaken to focus on concrete operational measures to enhance absorptive capacity and financial resource utilization, particularly in African countries. The measures should draw on an analysis of the problems as they were encountered, primarily

at the country level. The Executive Director was also requested to present to the Board in 1998 concrete recommendations for UNFPA actions to enhance absorptive capacity and financial resource utilization, particularly in Africa.

### Resource allocation

In response to a 1995 Executive Board request [YUN 1995, p. 1093], the Executive Director submitted a report [DP/FPA/1996/1] on a new approach for the allocation of UNFPA resources to country programmes. By a 19 January decision [E/1996/33 (dec. 96/10)], the Board requested the Executive Director to submit a revised document reflecting comments made by Board members, to be considered at a session later in the year.

The revised report [DP/FPA/1996/15] reviewed the evolution of UNFPA's existing system of resource allocation, which was based on the designation of priority and non-priority countries using one economic indicator (per-capita gross national product (GNP)) and various demographic and socio-economic indicators.

The revised approach, said the Executive Director, would function at two levels. First, indicators of ICPD goals (access to reproductive health; mortality reduction; and universal education, especially of girls) would be used, together with an indicator of income, to group countries according to the level of their needs for external assistance in the area of population and development. Second, further criteria, based on UNFPA technical and qualitative country-specific assessments, would be employed to distribute resources to individual countries within each group.

The Executive Director proposed categorizing developing countries into three groups. Group A would include developing countries in which two conditions were met: greatest distance from achieving ICPD goals and low levels of development. Countries meeting the first condition were those that had met established threshold levels for the year 2005 for three indicators or fewer. Countries with low levels of development included all least developed countries (LDCs) (see PART THREE, Chapter I) and/or countries with a GNP per capita of less than \$750. The Fund's resources would be concentrated on Group A countries by allocating 65 to 69 per cent of country-programme resources to them. Countries in Group B were those that had made considerable progress towards achieving the ICPD goals (meeting the threshold levels for 4-6 indicators) or that had higher levels of development (GNP per capita of \$750 or more). It was proposed to allocate 22-24 per cent of programme resources to those countries. Group C included countries that had met the thresholds of all seven ICPD goal indica-

tors; 5 to 7 per cent of programme resources would be allocated to that group.

It was noted that, in addition to the developing countries, countries with economies in transition would have specific needs for external assistance on a temporary basis. The Executive Director proposed that 3 to 4 per cent of country programme resources be allocated for them.

When the revised approach was applied to 111 developing countries with populations of 150,000 or more, 60 countries fell into Group A, 39 into Group B, and 12 into Group C.

By a 27 March decision [E/1996/33 (dec. 96/15)], the Executive Board endorsed the revised approach, including the indicators and threshold levels towards meeting the goals of ICPD for the year 2005. It also endorsed the flexible approach to the allocation of relative shares of resources to the new categories of countries and the distribution of resources to individual countries, as outlined in the report. It decided that UNFPA should give special attention to LDCs, low-income countries and Africa. In distributing resources to individual countries within each category, the Board stated, UNFPA should use per capita GNP as a criterion, as well as other appropriate indicators of the level of development of a country.

The Board further decided that the allocation of resources should be based on an assessment of the needs and requirements of countries, and should take into consideration national programmes, plans and strategies on population and development and the need for external resources. The Board endorsed the procedure for categorization of countries into three groups and approved the following shares of resources: 67-69 per cent to Group A, 22-24 per cent to Group B, 5-7 per cent to Group C and 3-4 per cent to countries with economies in transition, on a temporary basis, and 0.5 per cent to other countries.

The Board recommended that the revised approach be introduced in a phased manner, taking into account the stage of the current cycle of assistance and the status of programme implementation in individual countries. It also recommended that the Executive Director undertake a quinquennial review of the system for resource allocation, including a performance assessment of the indicators and their threshold levels, and report to the Executive Board starting in the year 2000. The Executive Director was requested to provide annual information on the level of allocations and disbursements to the categories of countries as well as information on allocations and disbursements of resources to regions, LDCs and low-income countries. UNFPA was asked to continue its work to further develop indicators

for the ICPD goals to be used in allocating resources.

#### Work plan 1997-2000

In an April report [DP/FPA/1996/18 & Corr.1], the Executive Director outlined the 1997-2000 work plan and requested programme expenditure authority for 1997. The UNFPA work plan—a rolling four-year plan whereby, for each new work plan, the current year was deleted and one future year was added—was a projected programme of assistance based on income projections from regular resources, prior commitments and foreseeable needs. For the 1997-2000 plan, the Executive Director took the income of 1996, estimated at \$300 million, as the base, and projected a constant annual rate of increase of 8 per cent. That projection took into account preliminary indications from major donor countries about 1997 pledges. The new programmable resources from regular resources based on those assumptions were: \$257 million for 1997, \$279 million for 1998, \$305 million for 1999 and \$334 million for 2000.

The planned distribution of total programmable resources between country and intercountry activities (regional and interregional activities) took into consideration the needs in each of those areas. Having followed the allocation methodology recommended by the Board in a March decision (see above), the Executive Director noted the following changes in shares of resources for the three groups of countries: the share for Group A, currently 51 per cent, would be 60 per cent on average for 1997-2000, and was expected to reach the range of 67-69 per cent by 2000; the share for Group B, currently 35 per cent, was expected to be 28 per cent on average for the same period, and in the range of 22-24 per cent by 2000; and the share for Group C, currently 11 per cent, was expected to be 8 per cent on average, and 5-7 per cent by 2000.

By region, amounts for the four-year period would average: 38 per cent for sub-Saharan Africa; 12 per cent for the Arab States and Europe; 39 per cent for Asia and the Pacific; and 11 per cent for Latin America and the Caribbean.

By a 17 May decision [E/1996/33 (dec. 96/26)], the Executive Board endorsed the programme resource planning proposals; approved the request for the 1997 programme expenditure authority, estimated at \$257 million; endorsed the estimates of new programmable resources from regular resources; and endorsed the use of the projected \$15 million per year from multi-bilateral funding for 1997-2000.

#### UN Population Award

The 1996 United Nations Population Award was presented to Leticia Ramos-Shahani, a lead-

ing advocate for population policies and women's rights in the Philippines and internationally for over 30 years, and to Pathfinder International, a United States-based NGO that helped to start and manage population programmes worldwide.

The laureates each received a diploma, a gold medal and a monetary prize of \$12,500 at ceremonies held on 17 July in New York.

The Award was established by General Assembly resolution 36/201 [YUN 1981, p. 792] to be presented annually to individuals or institutions for outstanding contributions to increased awareness of population problems and to their solutions. As at 1 January 1996, the Trust Fund for the UN Population Award totalled \$737,739. Expenditures during the preceding year, including the prizes, totalled \$42,185.

In October 1996 [A/51/534], the Secretary-General transmitted to the General Assembly the report of the UNFPA Executive Director on the Population Award.

## Other population activities

### Commission on Population and Development

The Commission on Population and Development, formerly the Population Commission, marked its fiftieth anniversary in 1996. The Commission's twenty-ninth session (New York, 26 February-1 March) [E/1996/25] was the first session since its membership was increased from 27 to 47 by the Economic and Social Council in 1995 [YUN 1995, p. 1551] and the first under the new terms of reference and the topic-oriented, multi-year work programme endorsed by Council resolution 1995/55 [YUN 1995, p. 1093]. As its central theme, the Commission considered "Reproductive rights and reproductive health" in the context of monitoring the implementation of the ICPD Programme of Action (see above). As in previous sessions, the Commission held a general debate, during which members exchanged views and national experiences in the area of population, particularly the implementation of the Programme of Action.

The Commission recommended a draft resolution on follow-up to ICPD to the Economic and Social Council, which was adopted (**resolution 1996/2**, see above). A resolution on the work programme in the field of population was adopted by the Commission and brought to the Council's attention (see below).

On the Commission's recommendation, the Council, by **decision 1996/234** of 17 July, took note of the Commission's report on its twenty-ninth session and approved the provisional agenda for the thirtieth (1997) session.

### 1996 UN activities

In a report on the work of the Department for Economic and Social Information and Policy Analysis (DESIPA) in population in 1996 [E/CN.9/1997/7], the Secretary-General described activities in the areas of analysis of demographic variables at world level; world population projection; population policy and socio-economic development; monitoring, review and appraisal, co-ordination and dissemination of population information; and technical cooperation in population. Research and technical cooperation work and information activities were carried out by the Population Division, whose work programme was adopted by the Commission on Population and Development (see below).

With regard to fertility and family planning, a study was published entitled *Child Survival, Health and Family Planning Programmes and Fertility*, which examined the relationships between mortality and fertility in the context of socio-economic development, based on case studies in Ecuador, Indonesia and Zimbabwe. The third report on global monitoring of contraceptive use, *Levels and Trends of Contraceptive Use as Assessed in 1994*, estimated that, by 1996, 60 per cent of couples of reproductive age were probably using some form of contraception, but that rate varied considerably from 12 per cent of couples in sub-Saharan Africa to 79 per cent in eastern Asia. A study entitled *Family Building Process: An Approach to Evaluation of the Impact of Family Planning Programmes*, which discussed a new method of measuring fertility taking into account contraceptive use, was completed and submitted for publication. Work continued on the study entitled *Evolving Patterns of Fertility Behaviour in Developing Countries* and on a report entitled *Measurement of the Quality of Family Planning Services: Issues and Challenges*. DESIPA's mortality work included databases allowing the estimation of child mortality by sex for countries in Asia and Latin America, issued under the titles *Child Mortality by Sex: Asia* and *Child Mortality by Sex: Latin America and the Caribbean*. A study on the status of women and child survival was completed and would be published under the title *Too Young to Die: Genes or Gender?* All but two countries (India and Jordan) recorded higher levels of mortality among male than among female children.

International migration estimates showed that the proportion of women among all international migrants remained virtually unchanged at almost 48 per cent during the period 1965-1990.

With respect to population projections, *World Population Prospects: the 1996 Revision* was completed. As in the 1994 Revision, the year 2050 was maintained as the horizon for the projections, but

the new base date was 1995; there was one series of demographic estimates for the period 1950-1995 and four projection variants for the period 1995-2050. At mid-1996, the revision stated, world population stood at 5.77 billion persons, an increase of 81 million persons over the previous year. Between 1990 and 1995, world population grew at 1.48 per cent per annum, much below the 1.72 per cent per annum rate between 1975 and 1990. Eighty per cent of the world population lived in the less developed regions. The 1990-1995 average annual growth rate was 1.8 per cent in the less developed regions and 0.4 per cent in the more developed regions. The population growth rate of the less developed regions was lower (1.77 per cent per annum between 1990 and 1995) than that estimated two years earlier (1.88 per cent per annum). Major factors affecting the growth rate were a decline in fertility and a higher mortality in countries affected by wars (Burundi, Iraq, Liberia, Rwanda) or by the spread of AIDS.

Work in population policy and socio-economic development included a study submitted for publication entitled *International Migration Policies and Programmes: A World Survey*. It examined policies on long-term migrants; labour migration; refugees and asylum-seekers; undocumented or illegal migration; and relevant international and regional instruments. The population data bank maintained by the Population Division was updated in preparation for the sixth edition of the population policy database, *Global Population Policy Database, 1997*. In the area of population and sustainable development, a set of country profiles was prepared, based on the database on population, resources, environment and development.

Dissemination of population information was expanded in 1996 through POPIN, available on the Internet. Together with other partners, training, workshops and technical assistance were made available to population specialists in each of the regions. Research studies were published in a variety of formats to meet the needs of different audiences and widely disseminated.

### Technical cooperation

In 1996, the Population Division provided technical assistance services to more than 30 projects in 20 developing countries in Africa, Asia, western Asia and Latin America and countries with economies in transition. Areas covered were population and development training; institutionalizing analysis and research on socio-economic and demographic data obtained from population censuses, surveys and vital registration systems; population policy; and population and development.

During the year, technical support services specialists provided substantive support to UNFPA country support teams and to national projects. In addition, they participated in technical workshops organized by UNFPA on gender, population and development (New York, 30 September-3 October) and on prevention and care of STDs at the primary health-care level (Geneva, 21-25 October).

### Demographics

#### **Commission on Sustainable Development.**

The Secretary-General submitted a report on demographic dynamics and sustainability [E/CN.17/1996/10], prepared by UNFPA in consultation with the UN Secretariat, to the fourth session of the Commission on Sustainable Development (New York, 18 April-3 May). The report covered progress in the implementation of the aims set out in chapter 5 (demographic dynamics and sustainability) of Agenda 21, which was adopted by the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672]. It included information on a range of factors that had been shown to have a significant impact on demographic variables and on population and sustainable development policies in general, focusing on government action in support of population policies and programmes and, in particular, in support of gender issues.

The report concluded that UNCED and ICPD were important agents of change. Both of them, but especially ICPD, fashioned new ways of approaching population questions and problems and gave greater visibility to the critical linkages between population and developmental and environmental issues. The extent to which action on those linkages would be taken would depend on the financial resources made available, nationally and internationally.

The Commission adopted a decision [E/1996/28 (dec. 4/3)] on demographic dynamics and sustainability, in which it expressed satisfaction that greater importance was being attached to population questions and to the need to integrate population factors into environment and development planning. It welcomed activities to follow up chapter 5 of Agenda 21 and chapter III of the ICPD Programme of Action. The Commission encouraged Governments, regional and international organizations and NGOs to continue to develop or support research on gender-sensitive analysis and the linkages between population, poverty, consumption and production, environment and natural resources, education and health as a guide to effective sustainable development. It encouraged Governments, NGOs and relevant UN bodies to implement effective infor-

mation, education and communication strategies that took into account such linkages, thereby creating the necessary conditions for the rapid achievement of the goals of Agenda 21 and ICPD.

**ACC Task Force.** The nineteenth session of the ACC Subcommittee on Demographic Estimates and Projections (Geneva, 25-27 June) [ACC/1996/20] discussed the continuing collaboration in the demographic field within the UN system, including the schedule for coordination and dissemination of the 1996 rounds of consistent demographic estimates and projections and arrangements for the 1998 rounds. It also discussed the recent activities of the Population Division (see above) and of the regional commissions, the specialized agencies and other UN bodies.

The Subcommittee agreed that it was essential to continue inter-agency coordination in the field of demographic and sectoral estimates and projections in order to strengthen the UN system database, maintain consistency of coverage and timing, and ensure homogeneity in the presentation of results.

### Programme questions

On 1 March, the Commission on Population and Development adopted a resolution [E/1996/25 (res. 1996/1)] on the work programme in the field of population, which it brought to the attention of the Economic and Social Council. The Commission regretted that the work programme for the biennium 1996-1997, adopted by it in 1995 [YUN 1995, p. 1104], had had to be adjusted to take into account the general measures taken by the Secretary-General in view of the tight financial situation of the Organization. It urged the General Assembly, in its future deliberations on the work programme, to ensure that none of its essential elements were adversely affected. The Commission reiterated the need to maintain the special role and strengths of the Population Division as a body with competence across the broad range of issues covered by ICPD, as well as the importance of maximizing the Division's effectiveness. It reaffirmed the work programme's content as approved in 1995 and stressed that priority was to be attached to the elements that were directly related to the monitoring and review of the Programme of Action. The Commission recognized the need to reappraise the shape, content and structure of the work programme at its thirtieth (1997) session in view of the beginning of the new planning period, as well as the need to support the implementation of the outcomes of major UN conferences. The Director of the Population Division was asked to consult with Commission members with respect to the reappraisal. The Commission fully supported the

need to protect the long-term work programme, including both traditional demographic work and the development of innovative approaches to meeting new demands following the outcomes of ICPD and other major UN conferences.

## Human settlements

### UN Conference on Human Settlements (Habitat II)

The United Nations Conference on Human Settlements (Habitat II) was held in Istanbul, Turkey, from 3 to 14 June 1996 [A/CONF.165/14], as decided by the General Assembly in 1992 [GA res. 47/180]. The Conference, also called the "City Summit", addressed two themes—adequate shelter for all and sustainable human settlements development in an urbanizing world. The first United Nations Conference on Human Settlements was held in 1976 in Vancouver, Canada [YUN 1976, p. 441]. The high-level segment of Habitat II, at which 117 heads of State or Government or their personal representatives made statements, took place from 12 to 14 June.

Preceded on 1 and 2 June by pre-Conference consultations on procedural and organizational matters, Habitat II was attended by 171 States, the observer for Palestine, three of the regional commissions and three associate members of regional commissions, UN organizations and specialized agencies, and intergovernmental and non-governmental organizations (NGOs). Its work was divided between two committees: Committee I dealt with organizational matters and considered the draft Habitat Agenda (see below); and Committee II considered the role and contribution of local authorities, the private sector, parliamentarians, NGOs and other partners in implementing the Habitat Agenda. Committee II conducted hearings on that subject at which representatives of the different components of civil society presented their views to delegates. They also were given the opportunity to assemble in their own partners' forums. The hearings involved representatives of local authorities, parliamentarians, NGOs, business, foundations, scientists, professionals and researchers.

The Conference elected as its President Suleyman Demirel, President of Turkey; it also elected a Rapporteur-General, 27 Vice-Presidents and an ex-officio Vice-President from the host country.

The Conference President, the UN Secretary-General and the Secretary-General of Habitat II, Wally N'Dow, spoke at the inaugural ceremony.

In his statement, the UN Secretary-General said that Habitat II was the last in a series of UN conferences that had shaped, during the 1990s, an agenda for development. He stated that there were three points which could provide useful background for the conference debates: Habitat II as a link in a series of international conferences; Habitat II as an innovation in international conferences; and the Habitat Agenda as a follow-up to the Conference. He noted that by the year 2000 almost half the world's population would live in urban centres. Problems of jobs, housing, infrastructure and environmental safety would increasingly acquire an urban face. The crises of urban development, said the Secretary-General, were crises of all States, rich and poor, but the challenges were most severe in developing countries. Inner city dwellers, the inhabitants of slums or marginalized favelas, ghettos and barrios shared in the misery, health dangers, and a vision of hopeless unemployment and marginalization. But such common problems also provided the basis for common action. In some regions of the world, however, the concern about cities and towns had to be balanced with the need to develop rural settlements and the rural economy. In other regions, rapid urbanization accompanied by rapid economic growth had resulted in great gaps in infrastructure, spiralling land prices, housing beyond the reach of most, and growing environmental decay. In the most urbanized parts of the world, cities were becoming the focus of national policy. There was a joint awareness that human settlements would be central to growth and sustainable development, said the Secretary-General, and policies had to reflect that.

#### **Istanbul Declaration on Human Settlements.**

On 14 June, Habitat II adopted the Istanbul Declaration on Human Settlements, in which the heads of State or Government and the official delegations of countries assembled at the Conference endorsed the universal goals of ensuring adequate shelter for all and making human settlements safer, healthier and more liveable, equitable, sustainable and productive. They committed themselves to the objectives, principles and recommendations contained in the Habitat Agenda (see below) and pledged mutual support for its implementation.

The Conference participants noted that, to improve the quality of life within human settlements, they had to combat the deterioration of conditions that, particularly in developing countries, had reached crisis proportions. To that end a number of issues had to be addressed: unsustainable consumption and production patterns, particularly in industrialized countries; unsus-

tainable population changes, including changes in structure and distribution, giving priority consideration to the tendency towards excessive population concentration; homelessness; increasing poverty; unemployment; social exclusion; family instability; inadequate resources; lack of basic infrastructure and services; lack of adequate planning; growing insecurity and violence; environmental degradation; and increased vulnerability to disasters.

Although the challenges of human settlements were global, countries and regions also faced specific problems. The participants recognized the need to improve living conditions in the cities, towns and villages throughout the world, particularly in developing countries and in countries with economies in transition. In that connection, it was acknowledged that globalization of the world economy presented opportunities and challenges for the development process, as well as risks and uncertainties, and that the achievement of the goals of the Habitat Agenda would be facilitated by positive actions on financing of development, external debt, international trade and transfer of technology.

In addition to improving the urban habitat, it was also necessary to extend adequate infrastructure, public services and employment opportunities to rural areas in order to enhance their attractiveness, develop an integrated network of settlements and minimize rural-to-urban migration. Small- and medium-sized towns needed special focus.

Participants recognized the particular needs of women, children and youth for safe, healthy and secure living conditions and stated that they would intensify their efforts to eradicate poverty and discrimination, to promote and protect human rights and fundamental freedoms for all, and to provide for basic needs, such as education, nutrition and life-span health care services, and especially adequate shelter for all. They committed themselves to promoting full accessibility for people with disabilities, as well as gender equality in policies, programmes and projects.

Further, the participants reaffirmed their commitment to realizing the right to adequate housing; stated that they would work to expand the supply of affordable housing; committed themselves to sustainable patterns of production, consumption, transportation and settlement development, pollution prevention, respect for the carrying capacity of ecosystems and preservation of opportunities for future generations; and affirmed that they would adopt the enabling strategy and principles of partnership and participation as the most democratic and effective



approach for the realization of their commitments.

Noting that the implementation of the Habitat Agenda would require adequate funding, the participants noted that they had to mobilize financial resources at the national and international levels, including new and additional resources from all sources—multilateral and bilateral, public and private.

**Habitat Agenda.** The Habitat Agenda: goals and principles, commitments and global plan of action, was adopted by Habitat II on 14 June. The draft text of the Agenda had been established by the Preparatory Committee for Habitat II (see below). Reservations or comments were expressed on a number of chapters or parts of chapters by the following countries: Argentina, Ecuador, Egypt, Guatemala, Holy See, Honduras, Iran, Kuwait, Malta, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates, United States, Zambia.

The Habitat Agenda's preamble discussed the Conference's two themes. With regard to the first—adequate shelter for all—it was noted that a large segment of the world's population lacked shelter and sanitation, particularly in developing countries. Habitat II recognized that access to safe and healthy shelter and basic services was essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of urgent actions for the more than 1 billion people without decent living conditions. The Conference's objective was to achieve adequate shelter for all, especially the deprived urban and rural poor, through an enabling approach to the development and improvement of shelter that was environmentally sound. As to the second theme—sustainable human settlements development in an urbanizing world—the Conference observed that it combined economic development, social development and environmental protection, with full respect for all human rights and fundamental freedoms, including the right to development, and offered a means to achieve a world of greater stability and peace. Lack of development and the existence of widespread absolute poverty could inhibit the full and effective enjoyment of human rights and undermine fragile democracy and popular participation.

The preamble went on to place Habitat II in the context of the experience since the first UN Conference on Human Settlements in 1976 [YUN 1976, p. 441] and of the results of recent world conferences, beginning with the 1992 UN Conference on Environment and Development (UNCED) [YUN 1992, p. 670], which had agreed on a framework for the sustainable development of human

settlements. In addition, the Global Strategy for Shelter to the Year 2000, adopted in 1988 [YUN 1988, p. 478], emphasized the need for improved production and delivery of shelter, revised national housing policies and an enabling strategy and offered useful guidelines for the realization of adequate shelter for all in the next century.

Although urbanization had historically been associated with economic and social progress, Habitat II stated that the challenges facing cities and towns had to be recognized. According to projections, by the turn of the century more than 3 billion people—one half of the world's population—would live and work in urban areas. The most serious problems confronting cities and towns included inadequate financial resources, lack of employment opportunities, spreading homelessness and expansion of squatter settlements, increased poverty and a widening gap between rich and poor, growing insecurity and rising crime rates, inadequate and deteriorating building stock, services and infrastructure, lack of health and educational facilities, improper land use, insecure land tenure, rising traffic congestion, increasing pollution, lack of green spaces, inadequate water supply and sanitation, uncoordinated urban development and an increasing vulnerability to disaster. All of those seriously challenged the capacities of Governments, particularly of developing countries, to realize economic development, social development and environmental protection.

In the process of globalization and growing interdependence, rural settlements represented a great challenge and opportunity for renewed developmental initiatives. Many rural settlements were facing a lack of economic opportunities, especially employment, and of infrastructure and services, particularly those related to water, sanitation, health, education, communication, transportation and energy.

Urban-rural linkages were of crucial importance for the sustainability of human settlements. Rural-to-urban migration had steadily increased, particularly in developing countries, which had put enormous pressure on urban infrastructure and services already under serious stress. It was urgent to eradicate rural poverty, improve the quality of living conditions and create employment and educational opportunities in rural settlements, regional centres and secondary cities.

The preamble went on to call for measures to address the special human settlements needs of people living in absolute poverty, displaced persons, including refugees, children and youth, indigenous people, women, persons with disabilities and older persons. It noted that empowering all people, especially those belonging to vulner-

able and disadvantaged groups, to participate equally and effectively in activities related to human settlements was the basis for civic engagement and should be facilitated by national authorities.

It was recognized that adequate shelter for all and sustainable human settlements development could not be set apart from the need for favourable national and international frameworks for economic development, social development and environmental protection, which were indispensable and mutually reinforcing components of sustainable development.

The Habitat Agenda contained 10 goals and principles, which, stated the Conference, were in conformity with the Charter of the United Nations and international law.

(I) Equitable human settlements were those in which all people had equal access to housing, infrastructure, health services, adequate food and water, education and open spaces, and such settlements provided equal opportunities with regard to livelihood, access to economic resources, personal, spiritual, religious, cultural and social development, participation in public decision-making, equal rights and obligations with regard to conserving and using natural and cultural resources, and access to mechanisms to ensure that rights were not violated. The empowerment of women was fundamental to sustainable human settlements development.

(II) Poverty eradication, the principle of which was based on the framework adopted by the 1995 World Summit for Social Development [YUN 1995, p. 1113] and on the outcome of other major UN conferences, was essential for sustainable human settlements development.

(III) Sustainable development was essential for human settlements development and gave full consideration to the needs and necessities of achieving economic growth, social development and environmental protection. Special consideration had to be given to the situation and needs of developing countries and of countries with economies in transition. Human settlements should be developed taking account of sustainable development principles as set out in Agenda 21, adopted by UNCED in 1992 [YUN 1992, p. 672]. Production, consumption and transport had to be managed in ways that protected and conserved the stock of resources while drawing on them. Sustainable human settlements entailed their balanced geographical distribution, promotion of economic and social development, human health and education, and the conservation of biological diversity as well as air, water, forest, vegetation and soil qualities at standards suffi-

cient to sustain human life and well-being for future generations.

(IV) The quality of life depended on, among other things, the conditions and spatial characteristics of villages, towns and cities. City lay-out and aesthetics, land-use patterns, population and building densities, transportation and ease of access to basic goods, services and public amenities had a crucial bearing on the liveability of settlements. People's need for community and their aspirations for more liveable neighbourhoods and settlements had to guide the process of design, management and maintenance of human settlements. Objectives of that endeavour included protecting public health, providing for safety and security, education and social integration, promoting equality and respect for diversity and cultural identities, increased accessibility for persons with disabilities, and preservation of historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care.

(V) As the basic unit of society, the family was entitled to receive protection and support. Marriage should be entered into with the free consent of the intending spouses, and husband and wife should be equal partners. Human settlements planning should take into account the constructive role of the family in the design, development and management of settlements, and society should facilitate conditions for its integration, reunification, preservation, improvement and protection within adequate shelter and with access to basic services and a sustainable livelihood.

(VI) All people had rights and also had to accept their responsibility to respect and protect the rights of others—including future generations—and to contribute actively to the common good. Sustainable human settlements were those that generated a sense of citizenship and identity, cooperation and dialogue for the common good, and a spirit of voluntarism and civic engagement, where all people were encouraged and had an equal opportunity to participate in decision-making and development. Governments at all levels had a responsibility to ensure access to education and to protect their population's health, safety and general welfare.

(VII) Partnerships among countries and among actors within countries from public, private, voluntary and community-based organizations, the cooperative sector, NGOs and individuals were essential to the achievement of sustainable human settlements development and the provision of adequate shelter for all and basic services. Partnerships could integrate and mutually support objectives of broad-based participa-

tion through a number of processes that could be made more effective by strengthening civil organizations at all levels.

(VIII) Solidarity with those belonging to disadvantaged and vulnerable groups, including people living in poverty, as well as tolerance, non-discrimination and cooperation among all people, families and communities were foundations for social cohesion. The international community and Governments at all levels were called on to promote sound and effective policies and instruments and to mobilize complementary resources to meet the challenges of human settlements development.

(IX) To safeguard the interests of present and future generations in human settlements was a fundamental goal of the international community. Although the formulation and implementation of strategies for human settlements development were primarily the responsibility of each country, new and additional financial resources from various sources were necessary to achieve the goals of adequate shelter for all and sustainable human settlements development in an urbanizing world. Existing resources available to developing countries—public, private, multilateral, bilateral, domestic and external—needed to be enhanced through appropriate and flexible mechanisms and economic instruments to support adequate shelter for all and sustainable human settlements development.

(X) Since human health and quality of life were at the centre of the effort to develop sustainable human settlements, the participating States committed themselves to promoting and attaining the goals of universal and equal access to quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care. Sustainable human settlements depended on the interactive development of policies and concrete actions to provide access to food and nutrition, safe drinking water, sanitation and primary health-care services; to eradicate major diseases, particularly childhood ones; to create safe places to work and live; and to protect the environment.

Embracing those principles, the participating States committed themselves to implementing the Habitat Agenda, through local, national, subregional and regional plans of action and/or other policies and programmes. They adopted seven commitments to objectives relating to: adequate shelter for all; sustainable human settlements; enablement and participation of all key actors in human settlements and shelter development; gender equality; financing shelter and human settlements; international cooperation in attaining the goals set out in the Habitat Agenda;

and assessing progress in the Agenda's implementation. In implementing those commitments, it was noted that special attention should be given to the circumstances of people living in poverty, the homeless, women, older people, indigenous people, refugees, displaced persons, persons with disabilities and those belonging to vulnerable and disadvantaged groups. Special consideration should also be given to the needs of migrants and to the specific needs of children, particularly street children.

The global plan of action: strategies for implementation noted that there had been remarkable changes in population and social, political, environmental and economic circumstances affecting the strategic outlook since the first UN Conference on Human Settlements in 1976.

Under the strategy of the global plan of action, government efforts were based on establishing legislative, institutional and financial frameworks that would enable the private sector, NGOs and community groups to contribute fully to the achievement of adequate shelter for all and sustainable human settlements development and enable all women and men to work with each other and in their communities with Governments at all levels to determine their future collectively, decide on priorities for action, identify and allocate resources fairly and build partnerships to achieve common goals.

With regard to adequate shelter for all, Habitat II listed actions to be taken by Governments in relation to formulating enabling shelter policies. They included: decentralization of shelter policies and their administration to subnational and local levels; integration of shelter policies with macroeconomic, social, demographic, environmental and cultural policies; formulation of policies to promote the enablement approach to the development, maintenance and rehabilitation of shelter in rural and urban areas; adoption of a cross-sectoral approach to policy development; and improvement of shelter delivery systems.

Actions by Governments to improve shelter delivery systems included: enabling markets to work by ensuring market efficiency; facilitating community-based production of housing by supporting the efforts of people, individually or collectively, to produce shelter; ensuring access to land by promoting efficient land markets and the environmentally sustainable use of land, eradicating legal and social barriers to the equal and equitable access to land, and facilitating access to land and security of tenure for all socioeconomic groups; mobilizing sources of finance by improving the effectiveness of existing housing finance systems, creating new housing finance mechanisms and facilitating access to

housing for those not served by existing finance mechanisms; ensuring access to basic infrastructure and services by safeguarding the health, safety, welfare and improved living environment of all people and providing adequate and affordable basic infrastructure and services, ensuring more equitable provision of basic infrastructure and service delivery systems and ensuring the efficiency of infrastructure and the provision of services and their operation and maintenance practices; and improving planning, design, construction, maintenance and rehabilitation by promoting and supporting an adequate supply of locally produced, environmentally sound, affordable and durable basic building materials and enhancing the local capacity for environmentally sound production of building materials and construction techniques. As to action on behalf of vulnerable groups and people with special needs, Governments should remove barriers and eradicate discrimination in providing shelter and make efforts to reduce vulnerability.

The Conference also listed actions to be taken by Governments with respect to sustainable human settlements development in an urbanizing world, noting that rapid urbanization, the concentration of the urban population in large cities, the sprawl of cities into wider geographical areas and the rapid growth of mega-cities were among the most significant transformations of human settlements. Actions to be taken by Governments with regard to sustainable land use included support, with the assistance of international and regional institutions, of the efforts of human settlements to establish sustainable urban land-use patterns and planning; and the development and support of improved and integrated land management. As to the eradication of poverty, creation of productive employment and social integration, Governments should promote equal access to and fair and equitable provision of services in human settlements; promote social integration, recognizing the importance of volunteer contributions and in close cooperation with NGOs, community-based organizations, the co-operative sector and public and private foundations; combat poverty in partnership with all interested parties, including workers' and employers' organizations, since urban and rural poverty and unemployment represented severe constraints for human settlements development; promote gender-sensitive planning and management of human settlements in collaboration with women's groups and other interested parties; develop the full potential of young people and prepare them to take a responsible role in developing human settlements in partnership with the private sector, non-governmental youth organi-

zations and other NGOs, as well as community-based organizations; promote disability-sensitive planning and management of human settlements; promote the continuing progress of indigenous people and ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their cultures, languages, traditions, education, social organizations and settlement patterns; prevent, reduce and eliminate violence and crime in partnership with all interested parties; and protect vulnerable and disadvantaged people.

With respect to population and sustainable human settlements development, Governments should take action to address population issues affecting human settlements and fully integrate demographic concerns into sustainable human settlements development policies. As to environmentally sustainable, healthy and liveable human settlements, Governments were to: improve the health and well-being of all people throughout their life-span, particularly those living in poverty; improve environmental conditions and reduce industrial and domestic waste and other forms of health risks in human settlements; recognize the need for an integrated approach to providing those environmental services and policies that were essential for human life; promote a healthy environment that would continue to support adequate shelter for all and sustainable human settlements for current and future generations; develop an integrated approach to water resources management, taking cognizance of the links between water, sanitation and health, between the economy and the environment, and between cities and their hinterland, and harmonizing land-use planning and housing policies with water sector policies; improve the liveability of human settlements; and take steps to prevent transboundary pollution and minimize its impact on human settlements when it occurred.

In connection with sustainable energy use and transport and communication systems, Governments should take actions in partnership with the private sector, NGOs, community-based organizations and consumer groups. As to conservation and rehabilitation of the historical and cultural heritage, Governments should promote historical and cultural continuity and encourage broad civic participation in all kinds of cultural activities; and integrate development with conservation and rehabilitation goals. To improve urban economies, Governments should: establish an effective financial base for urban development in cooperation with trade unions, consumer organizations, business, industry, trade organizations and the financial sector, including the cooperatively organized business sector organizations

and NGOs; provide opportunities for productive employment and private investment in consultation with workers' and employers' organizations, chambers of commerce, industry, trade and consumer organizations, professional associations and the financial sector, including the cooperative sector, and in the context of comprehensive urban planning; provide opportunities for small businesses and for the micro-enterprise and cooperative sectors, in consultation with NGOs, community-based organizations, and financial and vocational training institutions; strengthen urban economies so that they could be competitive in a globalizing economy; and alleviate the adverse impacts of measures for structural and economic transition.

With respect to balanced development of settlements in rural regions, actions by Governments should include: promotion of sustainable development of rural settlements and reduction of rural-to-urban migration; promotion of the use of new and improved technologies and appropriate traditional practices in rural settlements development; establishment of policies for sustainable regional development and management; strengthening sustainable development and employment opportunities in impoverished rural areas; and adopting an integrated approach to promote balanced and mutually supportive urban-rural development. As to disaster prevention, mitigation and preparedness, and post-disaster rehabilitation capabilities, Governments should: improve natural and human-made disaster prevention, preparedness, mitigation and response in close consultation with insurance companies, NGOs, organized communities, and the academic, health and scientific community; consider providing remedial assistance in areas affected by radioactive contaminants, together with international organizations having expertise in their clean-up and disposal; establish procedures for mitigating disasters; prevent technological and industrial disasters; and prepare for and implement post-disaster relief, rehabilitation, reconstruction and resettlement, in partnership with interested parties.

Habitat II also listed actions to be taken by Governments with regard to capacity-building and institutional development, stating that economic and social development and environmental protection were interdependent and mutually reinforcing components of sustainable human settlements development. Actions should be taken to ensure effective decentralization and strengthening of local authorities and their associations/networks. With regard to popular participation and civic engagement, Governments, local

authorities and/or civil society organizations should put into effect institutional and legal frameworks to facilitate and enable the broad-based participation of all people and their community organizations in decision-making and in implementing and monitoring human settlements strategies, policies and programmes. Governments at the appropriate levels, including local authorities and their associations, should facilitate capacity-building and institutional development for the improvement of human settlements planning and management. As to metropolitan planning and management, Governments should take action to address the special needs of metropolitan areas and the needs of all people living in them. In connection with domestic financial resources and economic instruments, actions by Governments should include strengthening national and local economies and their financial and economic base with a view to addressing the needs of sustainable human settlements. With respect to information and communications, Governments should: improve the capacity to exploit information and communications innovations to enhance their public good; disseminate, in partnership with social actors, experience that contributed to facilitating access to adequate housing for all and the development of sustainable human settlements to assist in formulating public policies on human settlements development; and increase the knowledge and strengthen the information base, together with research institutions, statistical offices and other interested parties.

Habitat II noted that there was a need for the political will of all States and for specific action at the international level to establish, inspire and encourage new forms of cooperation, partnership, coordination at all levels and investment from all sources, including the private sector, in order to contribute to providing and improving shelter conditions in human settlements, especially in developing countries. The need for all countries, especially developing ones, to improve living and working conditions in human settlements called for an enabling international environment and for integrated approaches at the national and international levels. Technological developments were leading to major changes in the structure of employment. In economic and social terms, housing was a productive sector and achievement of the goals of adequate shelter for all and sustainable human settlements development at the global level would be facilitated by positive actions on the issues of finance, external debt, international trade and transfer of technology. The international community should support Governments in their efforts to cope with the impact of those

changes on human settlements within a framework of enabling strategies, the Conference stated. Other international cooperation and coordination actions recommended by Habitat II dealt with the need for new and additional financial resources and economic instruments to support adequate shelter and sustainable human settlements development; technology transfer and information exchange; and technical and institutional cooperation.

With regard to the implementation and follow-up of the Habitat Agenda, the Conference stated that national plans of action and/or other relevant national programmes and actions would need to be developed or strengthened and their implementation would need to be monitored and evaluated by Governments in close cooperation with their partners in sustainable development at the national level. Recommendations were made for implementation at the national and international levels and for the involvement of local authorities and civil society, including the private sector. It was further noted that it was essential to evaluate the impact of policies, strategies and actions on the provision of adequate shelter and the achievement of sustainable human settlements development and that the results of those evaluations would be considered by relevant UN organs and bodies, including the Commission on Human Settlements. All partners of the Habitat Agenda, including local authorities, the private sector and communities, should regularly monitor and evaluate their own performances in implementing the Agenda through comparable human settlements and shelter indicators and documented best practices.

**Other action.** In addition to adopting the Istanbul Declaration and the Habitat Agenda, the Conference adopted a resolution expressing its appreciation to President Demirel for his outstanding contribution to the successful outcome of the Conference and its profound gratitude to the Government and people of Turkey for their hospitality. It also adopted a resolution approving the report of its Credentials Committee.

**Documentation.** Documentation before Habitat II included the Secretary-General's report on the best practices initiative [A/CONF.165/8], which was launched as part of the preparatory process for the Conference at the first session of the Preparatory Committee [YUN 1994, p. 977]. It was conceived as: a means of forging a positive vision of an urbanizing world by focusing the world's attention on practical solutions to some of the most pressing social, economic and environmental problems facing an urbanizing world; as an integral part of the preparation of national action plans and reports for Habitat II; and as a capacity-building exercise.

Nearly 600 best practices for improving the environment—initiatives by Governments, local authorities, grass-roots organizations and community groups that had proved effective in solving some of the most pressing economic, social and environmental problems facing the urbanizing world—were submitted to a Technical Advisory Committee, which then selected 100. From those, 43 were short-listed and forwarded to a 10-member jury that met in Toronto, Canada, in March. The best practices jury selected 12 initiatives to receive awards and be highlighted at Habitat II.

The Secretary-General described preliminary lessons learned from the best practices initiative and noted that the case studies submitted, award-winning or not, demonstrated that millions of individuals and thousands of communities, associations, organizations and cities were contributing effectively to promoting shelter for most, if not all, and to establishing more sustainable forms of human settlement and development.

At Habitat II, on 4 June, the Secretary-General presented awards to the 12 best practices selected by the Toronto jury. The winning submissions came from Argentina, Brazil, Canada, China, Cote d'Ivoire, India, Morocco, the Netherlands, Poland, South Africa and the United States (2).

By a 9 May note [A/CONF.165/9], the Conference Secretary-General transmitted the draft Habitat Agenda [A/CONF.165/L.1 & Corr.1 & Add.1,2], the final version of which was adopted by the Conference (see above). As an addendum to that note [A/CONF.165/9/Add.1], the Secretariat transmitted a report of the Executive Director of the United Nations Centre for Human Settlements (UNCHS) on the new objectives, role and place of UNCHS within the UN system. The report gave an account of recent action by the Commission on Human Settlements and the General Assembly with regard to the administrative arrangements for the Centre, including the issue of separate senior management. What had emerged, said the report, was the strong desire of Member States and the Secretary-General to maintain and enhance the Centre's role as the global focal point for human settlements activities and to strengthen its capabilities as a programme to meet the serious human settlements challenges of the coming years.

As to the objectives, role and place of UNCHS in the post-Habitat II period, the report discussed the Centre's future functions, indicated what should be its substantive priorities, made recommendations with regard to strengthening existing institutional arrangements, suggested ways to renew the Centre's funding base, and described ways in which the Centre could build new

partnerships both within and outside the United Nations, taking into account emerging new actors in the development arena, especially at the local level.

By a second addendum [A/CONF.165/9/Add.2], the Conference Secretary-General transmitted a report on coordination and cooperation within the UN system in the implementation of the Habitat Agenda.

Also before the Conference were Secretariat notes on the future of human settlements: good policy can make a difference [A/CONF.165/7], which was a compendium of settlements and shelter issues and trends, including an evaluation of current and past policies and a look into the future; and on the role and contribution of local authorities, the private sector, parliamentarians, NGOs and other partners in the implementation of the Habitat Agenda [A/CONF.165/10/Rev.1].

### Preparations for the Conference

The Preparatory Committee for Habitat II held its third and final session in New York from 5 to 16 February [A/CONF.165/PC.3/7], during which it transmitted to the Conference the texts that would constitute the draft final document of the Conference, the draft Habitat Agenda, and decided that participating States should be invited to make statements of national priorities and commitments at or in conjunction with Habitat II. It approved a list of NGOs for accreditation to the Conference and its preparatory process and decided to exclude or postpone to the pre-Conference consultations the consideration of other NGOs. It also recommended to the General Assembly that it authorize the Economic and Social Council to decide on the question of those NGOs which had not been recommended for accreditation. The Committee further approved a list of international associations of local authorities for accreditation, decided on a provisional agenda for the Conference, took note of documents relating to the status of preparations for the Conference, authorized its Bureau to meet before the Conference to resolve outstanding organizational matters, and noted a proposal to make electronic data-bank material on the Conference available in French.

In a March note [A/50/900], the UN Secretary-General drew the attention of the Assembly to the Preparatory Committee's request that it authorize the Economic and Social Council to decide on the accreditation of NGOs that had not been recommended. By **decision 50/477** of 3 April, the Assembly authorized the Council to do so.

The Council, by **decision 1996/223** of 3 May, decided not to accredit to Habitat II three NGOs:

Taiwan International Alliance, Canada Tibet Committee and Tibetan Rights Campaign.

Among documents before the Preparatory Committee in February were notes by the Secretariat transmitting listings of regional and subregional ministerial meetings held in 1995 and 1996 on preparations for Habitat II [A/CONF.165/PC.3/INF.3] and of international conferences, round tables and workshops organized and sponsored by Habitat II partners as part of the preparatory process [A/CONF.165/PC.3/INF.5].

### Habitat II follow-up

In response to General Assembly resolution 50/100 [YUN 1995, p. 1107], the Secretary-General submitted a September report [A/51/384] on implementation of and follow-up to the outcome of Habitat II. The report summarized the Istanbul Declaration and the Habitat Agenda and explained that a main innovation of Habitat II was its promotion of new partnerships between the United Nations and civil society. National committees included among their members representatives of local authorities and of major groups in national preparations.

Recognizing that the process of reorganizing and revitalizing the UN system was under way, the Habitat Agenda had adopted a functional approach to follow-up activities by establishing critical functions for policy and operations and calling for their implementation by the most appropriate entity within the existing structures.

At the national level, the main follow-up activity to Habitat II would be the implementation and further development of the national plans of action that had been prepared by countries in preparation for the Conference. One hundred out of 124 national reports received by the Habitat II secretariat contained five-year national plans of action in which priorities for assistance were outlined. The design and implementation of international technical cooperation policies and programmes, such as those related to enablement, capacity-building and institutional development, would be based on those priorities.

At the regional/subregional level, the Habitat Agenda had emphasized the role of the regional commissions, which reflected the critical differences existing among regions of the world with regard to human settlements. A primary responsibility of the commissions was to provide advisory services and to strengthen regional networks by which Member States could exchange experience and information, and harmonize national economic, social, environmental and settlement policies and strategies, particularly those having a critical cross-border impact on migration, shared coastal zones, river basins and ecosystems,

watersheds, and pollution and waste management.

The main intergovernmental actors at the international level for the implementation of the Habitat Agenda, in addition to Member States, were the UN General Assembly, the Economic and Social Council, and in particular the Commission on Human Settlements. With regard to the role of the UN system organizations, the report stated that Habitat II, in addition to being a partnership conference, was a system-wide undertaking involving the active participation of, and substantive and financial contribution by, the entire family of organizations, programmes and funds of the system. The substantive expertise, information and other resources of the UN system would be essential to supporting the broad array of activities required to further the implementation of the Habitat Agenda at the international, regional and national levels. An annex to the report contained a list of areas where collaborative arrangements had already been established or strengthened between UNCHS and other areas of the UN system.

The Administrative Committee on Coordination (ACC) would ensure that there would be an effective inter-agency response to the Habitat Agenda and that adequate consideration was given to the human settlements dimension in all relevant activities of the UN system.

Relevant technical cooperation activities to be undertaken by the UN system in support of the sectoral components of national plans of action would be harmonized at the country level, though the resident coordinator system. UNCHS, in close coordination with the resident coordinator, would provide support to the human settlements component of country strategy notes, where they existed, or other national planning instruments. More generally, it would cooperate with the United Nations Development Programme (UNDP) and other concerned organizations in promoting an effective strengthening and integration of the system's overall support for national action.

International financial institutions had a major role to play in mobilizing resources for the implementation of the Habitat Agenda, at the national and local levels, in such areas as infrastructure development, basic services, land, housing finance, transport and communication, energy, the development of the construction and building industry and shelter. The active participation of the World Bank, the International Monetary Fund and the regional and sub-regional development banks and funds in Habitat II was testimony to their willingness to enhance policy dialogues and develop new initiatives.

Those organizations would seek to integrate further adequate shelter for all and sustainable human settlements development goals in their programmes by giving higher priority to those goals in their lending programmes.

The report noted that existing institutional arrangements, comprising the Commission on Human Settlements and UNCHS, had contributed to creating heightened awareness and concern worldwide for human settlements issues. The Habitat Agenda had concluded that UNCHS should be designated as the focal point of its implementation and reaffirmed that the Centre's primary function was to provide substantive servicing to the Commission on Human Settlements and other intergovernmental bodies concerned with adequate shelter for all and sustainable human settlements development. Ways of enhancing the Centre's effectiveness would be pursued in the context of the overall ongoing process of revitalization and strengthening of the Organization's economic and social sectors, and guided by the review of the Commission's mandate and the Centre's functions provided for in the Habitat Agenda. The possibilities of financial support from non-traditional sources of funding would be actively pursued by the Centre.

By helping to define the interest, capacities and potential roles and contributions of major groups, Habitat II had introduced new and innovative working relationships between governmental and non-governmental actors in the human settlements and shelter development field, said the report. The Habitat Agenda contained important recommendations aimed at promoting a continuation and strengthening of those relationships. Attention was drawn in particular to the recommendation that the Commission on Human Settlements should review its working methods in order to involve in its work the representatives of local authorities and the relevant actors of civil society, particularly the private sector and NGOs. The Secretary-General strongly encouraged Member States to facilitate the continuation of the policy dialogues between major groups and partners at the national and local levels that had begun with the Habitat II process.

**ACC action.** At its second regular session of 1996 (New York, 25-26 October) [ACC/1996/20], ACC requested its Task Force on Basic Social Services for All to pursue the integration of relevant aspects of the outcome of Habitat II in its work, and invited the Task Forces on the Enabling Environment for Economic and Social Development and on Employment and Sustainable Livelihoods, as well as the Consultative Committee on Programme and Operational Questions and the Inter-Agency Committee on Sustainable Devel-



opment, to consider the implications of Habitat II for their work programmes and to make recommendations thereon.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/177**.

#### **Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)**

The General Assembly,

Recalling its resolutions 47/180 of 22 December 1992, 49/109 of 19 December 1994 and 50/100 of 20 December 1995 on the convening of the United Nations Conference on Human Settlements (Habitat II),

Recognizing the important role of cities and urban areas in economic, political, social and cultural development, and stressing the need to address urgently and comprehensively the deteriorating conditions of shelter and human settlements in rural and urban areas,

Also recognizing the critical problems common to human settlements in the developing countries, including poverty, unemployment, social disintegration, inadequate shelter and lack of proper maintenance of urban and rural infrastructure and services,

Cognizant of the importance of maintaining the momentum already generated at the national, regional and international levels for the implementation of measures designed to alleviate the deteriorating living conditions of increasing populations in both urban and rural settlements,

Recognizing the interdependence of rural and urban development,

Having considered the report of the United Nations Conference on Human Settlements (Habitat II) and the report of the Secretary-General on the implementation of and follow-up to the outcome of the Conference, including the role played by the United Nations Centre for Human Settlements,

Expressing its profound gratitude to the Government and people of Turkey for their support and for the facilities, staff and services placed at the disposal of the Conference and the hospitality extended to the participants,

Expressing its appreciation to the Secretary-General of the United Nations, the Secretary-General of the Conference and the staff of the Secretariat for the effective preparations and services provided for the Conference,

1. Takes note with appreciation of the report of the United Nations Conference on Human Settlements (Habitat II);

2. Endorses the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the Conference on 14 June 1996;

3. Acknowledges with appreciation that the Conference provided a major opportunity to build upon the actions and commitments of previous United Nations conferences and summits;

4. Recognizes with satisfaction the active involvement in the Conference of all States and other relevant actors and the innovative arrangements introduced at the Conference to forge partnerships among various actors;

5. Reaffirms the commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments, and in that

context recognizes an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods;

6. Recognizes that Governments have the primary responsibility for the implementation of the Habitat Agenda, and further recognizes that the international community should support Governments in their efforts, by promoting international cooperation for, inter alia, the establishment of an open, equitable, cooperative and mutually beneficial international economic environment;

7. Calls upon all Governments, organizations of the United Nations system and other actors concerned with human settlements and urban management issues, such as local authorities, relevant intergovernmental and non-governmental organizations, parliamentarians, the private sector, trade unions, academicians and other community groups, to implement fully and effectively the Habitat Agenda, to give both the Habitat Agenda and the Istanbul Declaration the widest possible dissemination and, in that context, to draw attention to the best practices initiative;

8. Invites all Governments to further encourage and support all relevant actors of civil society, including the private sector, in the implementation of and follow-up to the Habitat Agenda by establishing effective partnerships and by creating an appropriate framework, in accordance with their respective national conditions, to further facilitate and expedite such actors in addressing human settlements issues, particularly servicing, finance mobilization, the provision of adequate shelter and related areas, and in that process to emphasize the need to integrate the gender perspective;

9. Reaffirms that, in formulating human settlements policies and strategies, all countries should recognize the interdependence of rural and urban areas and address the needs of both in a balanced manner;

10. Calls upon all Governments to establish or strengthen, as appropriate, participatory mechanisms for the implementation, assessment and review of and follow-up to the Habitat Agenda and national plans of action;

11. Emphasizes the need for all countries and for the international community to promote at all levels an integrated and multidimensional approach to the implementation of and follow-up to the Habitat Agenda;

12. Reaffirms that all States should exert concerted efforts to achieve the implementation of the Habitat Agenda through bilateral, subregional, regional and international cooperation, as well as through the United Nations system, including the Bretton Woods institutions, and that States may also convene bilateral, subregional and regional meetings and take other appropriate initiatives to contribute to the review and assessment of the progress made in the implementation of the Habitat Agenda;

13. Also reaffirms that the General Assembly and the Economic and Social Council, in accordance with the relevant provisions of the Charter of the United Nations and relevant resolutions, including Assembly resolutions 48/162 of 20 December 1993 and 50/227 of 24 May 1996, together with the Commission on Human Settlements, shall constitute a three-tiered intergovernmental mechanism to oversee the coordination of activities for the implementation of the Habitat Agenda;

14. Recommends that, at its special session to be convened from 23 to 27 June 1997 for the purpose of an overall review and appraisal of Agenda 21, the Assembly give due attention to the issue of human settlements in the context of sustainable development;

15. Reaffirms that the General Assembly should consider holding a special session in the year 2001 for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II), including the identification of obstacles, considering further actions and initiatives, and that a decision on this matter should be taken at its fifty-second session;

16. Also reaffirms that the Economic and Social Council may convene meetings of high-level representatives to promote international dialogue on the critical issues pertaining to adequate shelter for all and sustainable human settlements development, as well as on policies for addressing them through international cooperation, and in this context the Council may consider dedicating one high-level segment before the year 2001 to human settlements and the implementation of the Habitat Agenda, with the active involvement and participation of, *inter alia*, the specialized agencies, including the World Bank and the International Monetary Fund;

17. Emphasizes that the General Assembly and the Economic and Social Council, in accordance with their respective mandates, should review and strengthen the mandate of the Commission on Human Settlements, taking into account the Habitat Agenda, as well as the need for synergy with related commissions and conference follow-ups and for a system-wide approach to its implementation;

18. Requests the Commission on Human Settlements at its forthcoming session, in 1997, to review its programme of work in order to ensure an effective implementation of and follow-up to the outcome of the Conference, in a manner consistent with the functions and contributions of other relevant organs of the United Nations system, and make recommendations thereon to the Economic and Social Council within the framework of the review of the activities of its subsidiary bodies;

19. Invites the Secretary-General to undertake, in the light of the review of the mandate of the Commission on Human Settlements, a comprehensive and in-depth assessment of the United Nations Centre for Human Settlements with a view to its revitalization, to present terms of reference and a preliminary report on this assessment for the consideration of the Commission at its sixteenth session and to make a final report to the General Assembly at its fifty-second session;

20. Requests the Secretary-General, in accordance with paragraph 229 of the Habitat Agenda and in consultation with the Commission on Human Settlements, to ensure more effective functioning of the Centre by, *inter alia*, providing sufficient human and financial resources within the regular budget of the United Nations;

21. Requests the Commission on Human Settlements to review, at its sixteenth session, its working methods in order to involve in its work the representatives of local authorities or international associations of local authorities, as appropriate, and the relevant actors of civil society, particularly the private sector and non-

governmental organizations, in the field of adequate shelter for all and sustainable human settlements development, taking into account the rules of procedure of the Commission on Human Settlements and the relevant provisions of Economic and Social Council resolution 1996/31 of 25 July 1996;

22. Decides that the Commission on Human Settlements, as a standing committee of the Economic and Social Council, should have a central role in monitoring, within the United Nations system, the implementation of the Habitat Agenda and advising the Council thereon;

23. Recommends that the Economic and Social Council, in the context of the overall review process of its subsidiary bodies, and within the context of the follow-up to resolution 50/227, should review the periodicity of the meetings of the Commission on Human Settlements, taking into account the need for full and effective implementation of the Habitat Agenda;

24. Reaffirms that the Commission on Human Settlements, in developing its work programme, should examine the Habitat Agenda and consider how to integrate into its programme of work the follow-up to the United Nations Conference on Human Settlements (Habitat II), and should consider how it could further develop its catalytic role in promoting adequate shelter for all and sustainable human settlements development;

25. Also reaffirms that the United Nations Centre for Human Settlements shall be designated as a focal point for the implementation of the Habitat Agenda;

26. Requests the Secretary-General to include the implementation of the Habitat Agenda in the mandates of the existing inter-agency task forces of the Administrative Committee on Coordination to facilitate an integrated and coordinated implementation of the Habitat Agenda;

27. Acknowledges the importance of the regional and subregional activities undertaken during the preparations for the Conference, including the regional strategies, plans and declarations adopted as part of the preparatory process, and invites the regional commissions, other regional and subregional organizations and the regional development banks to examine the results of the Conference within their respective mandates, with a view to identifying the actions to be taken at the regional and subregional levels for the implementation of the Habitat Agenda;

28. Emphasizes that the General Assembly and the Economic and Social Council should, where appropriate, promote subregional and regional cooperation in the implementation of the Habitat Agenda, that the regional commissions, within their mandates and in cooperation with regional intergovernmental organizations and banks, could consider convening high-level meetings to review progress made in implementing the outcome of Habitat II, exchange views on their respective experiences, particularly on best practices, and adopt appropriate measures, that such meetings could involve, as appropriate, the participation of the principal financial and technical institutions, and that the regional commissions should report to the Council on the outcome of such meetings;

29. Requests all the relevant United Nations organizations and specialized agencies to identify the specific actions that they will undertake, within their mandates,

towards the implementation of the Habitat Agenda, and in that context invites them to inform the Administrative Committee on Coordination of their actions and to report to the General Assembly at its fifty-second session, through the Economic and Social Council at its substantive session of 1997, on their specific plans and activities;

30. Invites the Bretton Woods institutions to be actively involved in the implementation of and follow-up to the outcome of the Conference, and to enhance their cooperation with the United Nations system for that purpose;

31. Reaffirms that the demand for shelter and infrastructural services in human settlements is continuously increasing and that communities and countries, especially developing countries, have difficulty in mobilizing adequate financial resources to meet the rapidly rising costs of shelter, services and physical infrastructure, and reaffirms further that new and additional financial resources from various sources are necessary to achieve the goals of adequate shelter for all and sustainable human settlements development in an urbanizing world and that existing resources available to developing countries—public, private, multilateral, bilateral, domestic and external—need to be enhanced through appropriate and flexible mechanisms and economic instruments to support adequate shelter and sustainable human settlements development;

32. Stresses that the full and effective implementation of the Habitat Agenda, in particular in all developing countries, especially those in Africa and the least developed countries, will require the mobilization of additional financial resources from various sources at the national and international levels and more effective development cooperation in order to promote assistance for shelter and human settlements activities;

33. Invites all Governments and the international community to consider the role of the United Nations Habitat and Human Settlements Foundation in the follow-up to the Habitat Agenda and to consider the scope for providing further support for the Foundation in its activities, taking into account the need to continue to improve its effectiveness;

34. Requests the programmes and funds of the United Nations system and the regional commissions, consistent with their respective mandates, to support fully the effective implementation of the Habitat Agenda, particularly at the field level, as appropriate;

35. Also requests the Secretary-General to report to the General Assembly at its fifty-second session, through the Economic and Social Council, on the implementation of the present resolution;

36. Decides to include in the provisional agenda of its fifty-second session a sub-item entitled "Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)".

General Assembly resolution 51/177

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/604/Add.5) without vote, 2 December (meeting 37); draft by Costa Rica (for Group of 77 and China), Colombia (for Non-Aligned Movement) and Turkey (A/C.2/51/L.15/Rev.1), orally amended by United States; agenda item 96 (e).

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 30, 37; plenary 86.

## UN Centre for Human Settlements

### Activities

During 1996, UNCHS, in accordance with its work programme for 1996-1997, focused its operational activities on the following priorities: promoting housing for all; improving urban governance; reducing urban poverty; improving the living environment; and managing disaster mitigation and post-conflict rehabilitation. As of the third quarter of the year, the Centre had 236 technical programmes and projects under execution in 86 countries, of which 74 were in the least developed countries. The Centre's technical cooperation activities had grown over the last decade, from 199 projects with budgets totalling \$17.2 million in 1986, to the 1996 programme level of 236 projects with budgets totalling over \$39 million. Some 43 per cent of the financing for the 1996 projects came from UNDP's various sources of funds; 45 per cent came from government and third-party cost-sharing and funds-in-trust with UNDP; 10 per cent from funds-in-trust with UNCHS; and 2 per cent from the United Nations Habitat and Human Settlements Foundation (mainly for preparatory assistance to help mobilize other sources of financing).

In the area of shelter and social services, UNCHS fostered partnerships with Governments, local authorities, NGOs, community-based organizations and the private sector to promote actions ranging from global policy dialogue to community action. It also worked with policy makers and leaders to encourage decentralization and citizen participation in settlements management and assisted Governments through its shelter and social services programmes to operationalize national strategies for poverty reduction. Since 1994, the Community Development Programme, which received financial support from Denmark and the Netherlands, as well as from UNCHS and UNDP, had assisted over 160 urban and rural community groups in formulating local action plans that focused on job creation, construction and environmental awareness and management. More than 50 local authorities had adopted enabling policies and strategies to facilitate implementation of those plans. As part of its continuing efforts to promote the equal participation of women in all aspects of human settlements management and development, the Women in Human-Settlements Development Programme established a networking strategy for increasing the role of women in peace-building and human settlements management. The strategy was being tested in Colombia and Rwanda. The Programme, which received support from Denmark, the Netherlands, Norway and Sweden, had also

developed methodologies and guidelines for base-line surveys to measure women's participation in human settlements at the local level.

With regard to urban management, the post-Habitat II strategy would concentrate on promoting better institutional management at the local level. UNCHS supported central and local government efforts in decentralization and fostering civic responsibility to improve the urban environment, complementing those policy-support activities with the provision of training opportunities for decision makers. In 1995 and 1996, the joint UNCHS/World Bank/UNDP Urban Management Programme (UMP) supported more than 100 city consultations and 80 seminars and workshops at the regional level. The consultations were aimed at improving urban policies and management practices in the fields of urban infrastructure, land management, the urban environment and municipal finance. UMP, supported by UNDP and Denmark, France, Germany, Italy, the Netherlands, Sweden, Switzerland and the United Kingdom, undertook more than 70 studies in response to specific demands from cities and disseminated 20 policy and research reports on urban management themes. Phase III of UMP was launched in 1996. That phase would further decentralize UMP operations by effectively anchoring it to regional institutions whose vocation was urban management training and capacity-building. In collaboration with Denmark, Italy and the Netherlands, the Ford Foundation and the Fondation pour le Progrès de l'Homme, UNCHS defined a globally recognized policy framework for establishing city-level partnerships to reduce urban poverty. That milestone resulted from the Recife International Meeting on Urban Poverty (Recife, Brazil, 17-21 March), which was held in preparation for Habitat II. UNCHS was also implementing a poverty-reduction programme for Africa in partnership with the Ford Foundation. The programme focused on the substantive themes of improving access to basic services by the poor, improving opportunities for productive employment and supporting improved local governance. In 1995 and 1996, UNCHS trained over 500 local leaders, including local government officials and community representatives from all regions of the world, through its Training and Capacity-building Programme. The training-of-trainers component further enhanced the impact of human resources development activities at the national and local levels. In collaboration with a global network of national and local training institutions, the Programme co-produced 13 training and management development manuals in a

number of languages. The Centre's activities in land management combined the efforts of a number of its operational programmes with major private-sector partners. Within UMP alone, 38 different activities were undertaken on land-management issues in 24 countries during the period 1992-1996. A further 14 activities were undertaken jointly with the World Bank.

As to environment and infrastructure, the Centre's Sustainable Cities Programme (SCP) was the capacity-building facility for urban environmental planning and management. In a joint venture with the United Nations Environment Programme (UNEP), SCP combined the technical and financial resources from some 30 international support organizations for conducting city demonstrations throughout Africa, Asia, Europe and Latin America. During 1995 and 1996, those activities resulted in significantly improved local environmental management in the participating cities and in more than \$50 million in new investments and programmes. SCP was also helping, in collaboration with UNDP and the World Bank, to shape regional agendas for the urban environment and, at the global level, it was developing management tools based on practical experience in participating cities. In order to implement the infrastructure-related goals of Agenda 21, adopted by UNCED in 1992 [YUN 1992, p. 672], and of the Habitat Agenda, the Centre's Settlement Infrastructure and Environment Programme had mobilized capital investment and human and technical resources in 15 countries in order to create among policy makers awareness of the true social and economic costs of poor living environments. The Programme combined demonstration projects in community-based environmental management, policy dialogue and consultations, and training, and had developed management tools and technical guidelines for combining the objectives of job creation, redevelopment of water supply and sanitation, waste reduction and recycling by low-income communities.

The Centre was actively engaged in reconstruction and rehabilitation following natural and other disasters. It collaborated with the United Nations Volunteers, UNDP and UNEP in different programmes to assist countries in capacity-building for disaster prevention, preparedness, mitigation and post-disaster rehabilitation. Other ongoing activities included the preparation of training manuals and organization of national workshops on disaster management. Activities of the UNEP/UNCHS Task Force on the Continuum from Relief to Development focused on the preparation and dissemination of the Strategic Action Plan for the Great Lakes Region of Africa, which concentrated on the efforts of coun-

tries and external agencies to help bring about stability, reconstruction and sustained economic development in Burundi, Rwanda, Uganda, the United Republic of Tanzania and Zaire.

### **Restructuring UNCHS**

In order to execute the key functions as outlined in the Habitat Agenda, the organizational structure and working methods of UNCHS were being refocused to converge on new strategic tasks and responsibilities. In addition to establishing a clear relation between responsibilities and organizational units, the reorganization further aimed at achieving efficiency gains in programme implementation; operational effectiveness; concentration of limited resources around strategic tasks and functions derived directly from the Habitat Agenda; facilitating partnerships; and greater outreach capacity and visibility.

The Centre's medium-term plan for 1998-2001 [A/51/6/Rev.1] had the implementation of the Habitat Agenda as its primary goal and was organized around four substantive core areas: shelter and social services; urban management; environment and infrastructure; and assessment, information and monitoring. New working methods were also put in place as derived from the Habitat Agenda: partnership and partnership development; a concerted resource-mobilization strategy; networking as a tool and method for collaboration with partners; joint initiatives and programming with local authorities, NGOs, the private sector and the UN system; a continuous policy dialogue with Governments and partners on the Agenda's implementation; new focus on global analysis and policy evaluation; greater emphasis on awareness-building, information collection and diffusion; operational support to national and local plans of action; and increased regional visibility and effectiveness through decentralization.

## Chapter IX

## Social policy, crime prevention and human resource development

During 1996, the United Nations continued to promote activities aimed at social, cultural and human resource development. In addition, it implemented its crime prevention and criminal justice programme.

In May, the Commission for Social Development held a special session to consider its future role and strategies and actions for the eradication of poverty. In July, the Economic and Social Council decided that the Commission should have primary responsibility for the follow-up to the 1995 World Summit for Social Development and the review of the implementation of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit. The core issues addressed in those documents, adopted at the World Summit, were the enhancement of social integration, poverty alleviation and expansion of productive employment.

The General Assembly in December decided that the Commission should undertake preparations for the Assembly's special session in the year 2000 for an overall review and appraisal of the implementation of the outcome of the Summit. In other action relating to social development, the Assembly adopted a resolution concerning the role of cooperatives.

The Commission on Crime Prevention and Criminal Justice, the principal policy-making body of the UN in crime prevention and criminal justice, at its fifth session in May, adopted resolutions dealing with the Tenth UN Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 2000, technical cooperation and interregional advisory services in crime prevention and criminal justice, and strategic management of the UN crime prevention and criminal justice programme. The Commission also took action on the role of criminal law in the protection of the environment, measures to prevent alien smuggling and measures to prevent illicit international trafficking in children.

UN efforts to combat organized transnational crime continued, with the General Assembly adopting the United Nations Declaration on Crime and Public Security, based on a draft forwarded by the Commission. The Declaration set

forth Member States' intention to protect the security and well-being of their citizens by taking measures and pledging mutual cooperation to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and laundering of proceeds from serious crime. The Assembly also requested the Commission to consider the elaboration of an international convention against organized transnational crime. Regarding corruption, the Assembly adopted an International Code of Conduct for Public Officials and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.

Concerning the World Decade for Cultural Development (1988-1997), the Economic and Social Council in February postponed until 1997 consideration of the biennial progress report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of the Decade's goals and objectives.

The Secretary-General in 1996 inaugurated the United Nations Staff College project; its curriculum, which was to be developed in coordination with organizations of the UN system, would aim to enhance substantive knowledge and technical skills and convey a system-wide vision of goals, strategies and opportunities for coordinated action.

## Social policy and cultural issues

### Social aspects of development

#### Follow-up to 1995

#### World Summit for Social Development

In 1996, action was taken at the national and international levels to follow up the 1995 World Summit for Social Development (Copenhagen, Denmark) [YUN 1995, p. 1113]. The Summit adopted the Copenhagen Declaration and the Programme of Action, which were endorsed by the

General Assembly later that year [YUN 1995, p. 1122]. The Copenhagen Declaration comprised an overview of the current social situation, a section on principles and goals, and 10 commitments for action at the national and international levels. The commitments focused on social development; poverty eradication; full employment; social integration; human dignity and equality and equity between men and women; education and physical and mental health; economic, social and human resource development of Africa and the least developed countries; the inclusion of social development goals in structural adjustment programmes; adequate resources for social development; and international, regional and sub-regional cooperation for social development. The Programme of Action outlined policies, actions and measures to implement the principles and fulfil the commitments enunciated in the Declaration.

As called upon by the Assembly, relevant organs, organizations and bodies of the UN system were involved in the follow-up, adjusting their activities, programmes and medium-term strategies, as appropriate.

**Report of Secretary-General.** In a September report [A/51/348], the Secretary-General discussed the implementation of the outcome of the Summit. He described action taken by Governments, the United Nations and civil society, and the mobilization of financial resources to implement the Declaration and Programme of Action.

In response to his suggestion to designate national focal points and to his request for information on action taken to observe the 1996 International Year for the Eradication of Poverty and the activities planned for the first UN Decade for the Eradication of Poverty (1997-2006) (see PART THREE, Chapter I), the Secretary-General received replies from over 100 Governments. The information supplied revealed that nearly 100 focal points had been designated, most of them in national ministries. For many countries, the Summit results provided the basis for review and reformulation of existing social policies and laws, based on an integrated approach to social development. National strategies and programmes for social development had been formulated in many countries to address the core issues considered by the Summit. Some countries had established national committees or special funds to finance projects for social development.

Regional meetings and seminars were held for similar purposes. At the invitation of the Netherlands and Norway, a number of interested countries and multilateral organizations met (Oslo, 23-25 April) [A/51/140] to review the implementation of the 20/20 initiative [YUN 1995, p. 1117], con-

tained in the Programme of Action, which aimed at increasing significantly and/or utilizing more efficiently the resources allocated to social development in order to achieve the Summit's goals. The initiative was based on the Summit's objective of agreement on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes.

Leaders of the Group of Seven industrialized countries, in a final communique issued after a meeting in Lyon, France, from 27 to 29 June [A/51/208-S/1996/543], addressed issues relevant to the Copenhagen Summit, including enhancing the approach to employment problems, implementing a new global partnership for development, providing multilateral support for development, and successful integration into the global economy of countries with economies in transition.

As to UN activities, the Secretary-General presented information on the Commission for Social Development (see below), the Economic and Social Council, other functional commissions of the Council, regional commissions and the Secretariat, as well as activities of UN funds, programmes and specialized agencies.

Regarding civil society and other actors, the Secretary-General stated that non-governmental organizations (NGOs) were actively involved in increasing public awareness of the Summit. The Inter-Parliamentary Council of the Inter-Parliamentary Union (IPU), at a meeting in Beijing on 21 September [A/51/677] at which 118 countries were represented, endorsed the report of a tripartite meeting of parliamentary, governmental and intergovernmental representatives (New York, 5-6 September). The meeting was organized by IPU in cooperation with the UN Department for Policy Coordination and Sustainable Development and the United Nations Development Programme (UNDP) to establish a set of priority actions and steps to be taken by national parliaments for the effective implementation of the Declaration and Programme of Action.

In accordance with Assembly resolution 50/161 [YUN 1995, p. 1122], the Secretary-General renamed the Trust Fund for the World Summit for Social Development as the Trust Fund for the Follow-up to the World Summit for Social Development, with the aim of supporting programmes, seminars and activities to promote social development in implementation of the Declaration and Programme of Action. He also revised the Fund's terms of reference.

#### Future role of Commission for Social Development

In accordance with Economic and Social Council resolution 1995/60 [YUN 1995, p. 1120], endorsed by the General Assembly [YUN 1995, p. 1122], the Commission for Social Development held a special session (New York, 21-31 May 1996) [E/1996/29] to consider two main items: review of the functioning of the Commission, and strategies and actions for the eradication of poverty (see also PART THREE, Chapter I). The Commission, in considering its future role, reviewed its mandate, its terms of reference, the composition of its membership, the scope of its work and the frequency of its sessions, and elaborated a multi-year programme of work. The Commission recommended, for adoption by the Council, a draft resolution on the follow-up to the Summit and the future role of the Commission (see below). It also recommended two draft decisions, one dealing with the establishment of a support group to assist the Commission to prepare for the International Year of Older Persons in 1999 (see PART THREE, Chapter XI), and the second recommending that the Council take note of the Commission's report on its special session and endorse the recommendations contained therein, and approve the provisional agenda and documentation for its 1997 session, which the Council did by **decision 1996/243** of 22 July.

The Commission had before it two reports of the Secretary-General issued in May. The first [E/CN.5/1996/2] reviewed past and current work of the Commission, recalled intergovernmental decisions adopted since the Summit, and put forward points for discussion by the Commission on its future work. In the second report [E/CN.5/1996/3], the Secretary-General discussed strategies and actions for the eradication of poverty (see PART THREE, Chapter I).

The Commission held three panel meetings with invited experts, as well as a dialogue with the chairmen of the inter-agency task forces of the Administrative Committee on Coordination to follow up recent major international conferences, on issues related to strategies and actions for the eradication of poverty. By one of two decisions, the Commission decided to include the Chairman's summary of the panel discussions and the dialogue with the chairmen in its report on the special session. By the other decision, the Commission took note of a note by the Secretary-General [E/CN.5/1996/4 & Corr.1], in which he summarized his proposals for the medium-term plan for the period 1998-2001 on the review of the functioning of the Commission. He stated that the sub-programme on social development, which was implemented by the Division for Social Policy and

Development, would seek to strengthen international cooperation for social development, with particular attention to the three core issues of poverty eradication, employment generation and social integration.

Regarding its membership, the Commission recommended that it be increased from 32 to 46, with 12 seats for African States, 10 for Asian States, 9 for Latin American and Caribbean States, 5 for Eastern European States, and 10 for Western European and other States. It also recommended that it should meet annually in New York, beginning in 1997, for a period of eight working days. The Commission further recommended that the Council ensure participation of experts to contribute to its work through panel discussions at future sessions.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July, the Economic and Social Council adopted **resolution 1996/7**.

#### Follow-up to the World Summit for Social Development and the future role of the Commission for Social Development

The Economic and Social Council,

Welcoming the outcome of the World Summit for Social Development,

Bearing in mind Economic and Social Council resolutions 10(II) of 21 June 1946 and 830 J (XXXII) of 2 August 1961, by which the Council established the Social Commission and defined its terms of reference, and 1139(XLI) of 29 July 1966, by which the Council renamed the Commission the Commission for Social Development in order to clarify its role as a preparatory and advisory body of the Council in the whole range of social development policy,

Taking into account General Assembly resolution 50/161 of 22 December 1995 and Economic and Social Council resolution 1995/60 of 28 July 1995 concerning the follow-up to the World Summit for Social Development, agreed conclusions 1995/1, approved by the Council on 28 July 1995, and Assembly resolution 50/227 of 24 May 1996 on the restructuring and revitalization of the United Nations in the economic, social and related fields,

#### I

##### Framework for the functioning of the Commission for Social Development

Recalling that the General Assembly, in its resolution 50/161, decided that the Assembly, through its role in policy formulation, and the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 48/162 of 20 December 1993, and a revitalized Commission for Social Development should constitute a three-tiered intergovernmental process in the follow-up to the implementation of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development,



Convinced that the follow-up to the Summit will be undertaken on the basis of an integrated approach to social development and within the framework of a co-ordinated follow-up to and implementation of the results of the major international conferences in the economic, social and related fields,

1. Takes note of the report of the Secretary-General, containing a review of the functioning of the Commission for Social Development, including its future role in the follow-up to the World Summit for Social Development;

2. Decides that the Commission, as a functional commission of the Economic and Social Council, shall have the primary responsibility for the follow-up to the Summit and review of the implementation of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development;

3. Calls upon all relevant organs, organizations and bodies of the United Nations system to be involved in the follow-up to the Summit, and invites the specialized agencies and related organizations of the United Nations system to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to the Summit;

4. Invites the United Nations Development Programme, the International Labour Organization and the Bretton Woods institutions to be actively involved in the follow-up to the Summit, in accordance with the relevant provisions of General Assembly resolution 50/161, and invites the World Trade Organization to consider how it might contribute to the implementation of the Programme of Action;

5. Decides that the task forces established by the Administrative Committee on Coordination for the follow-up to the Summit and other related United Nations conferences should inform the Commission and the Economic and Social Council of the progress made in their work for the purpose of system-wide coordination;

6. Stresses the importance of ensuring the participation of high-level representatives from the field of social development in the work of the Commission;

7. Reiterates the invitation extended by the General Assembly to the Secretary-General, *inter alia*, within the framework of the Administrative Committee on Coordination, to make appropriate arrangements, which may include joint meetings, for consultations with the heads of the International Monetary Fund, the World Bank, the International Labour Organization, United Nations funds and programmes and other relevant organizations for the purpose of enhancing the cooperation of their respective organizations in the implementation of the Copenhagen Declaration and the Programme of Action of the Summit;

8. Reaffirms the need for ensuring an effective partnership and cooperation between Governments and the relevant actors of civil society, the social partners and the major groups as defined in Agenda 21, including non-governmental organizations and the private sector, in the implementation of and follow-up to the Copenhagen Declaration and the Programme of Action, and for ensuring their involvement in the planning, elaboration, implementation and evaluation of social policies at the national level;

9. Decides, in view of the traditional importance of non-governmental organizations in the promotion of social development, that such organizations should be encouraged to participate in the work of the Commission and in the monitoring and implementation process related to the Summit to the maximum extent possible, and requests the Secretary-General to make appropriate arrangements to ensure the full utilization of existing channels of communication with non-governmental organizations in order to facilitate broad-based participation and dissemination of information;

10. Also decides, in recognition of the valuable contribution of non-governmental organizations to the Summit, the Council and its Committee on Non-Governmental Organizations, to review the applications of such non-governmental organizations under Council resolution 1296(XLIV) of 23 May 1968 as expeditiously as possible, and further decides that prior to the thirty-fifth session of the Commission for Social Development, the Council will decide on the participation of those non-governmental organizations accredited to the Summit that have applied for consultative status, in the Summit follow-up and in the work of the Commission for Social Development, without prejudice to the work of the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations;

11. Requests the Secretary-General urgently to draw the attention of non-governmental organizations accredited to the Summit to the provisions of the present resolution and to the process established under resolution 1296(XLIV);

## II

### Terms of reference

12. Reaffirms the existing mandate of the Commission for Social Development as set out in its resolutions 10(II), 830 J (XXXII) and 1139(XLI);

13. Decides that the Commission, in fulfilling its mandate, shall assist the Economic and Social Council in monitoring, reviewing and appraising the progress achieved and problems encountered in the implementation of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development and shall advise the Council thereon, and also decides that, to that end, the Commission should:

(a) Improve international understanding on social development through, *inter alia*, the exchange of information and experience;

(b) Integrate, within the framework of the follow-up to the Summit, consideration of issues relating to the situation of social groups, including a review of relevant United Nations programmes of action related to such groups, and consideration of other sectoral issues;

(c) Identify emerging issues affecting social development that require urgent consideration and make substantive recommendations thereon;

(d) Make recommendations regarding social development to the Economic and Social Council;

(e) Elaborate practical measures aimed at furthering recommendations of the Summit;

(f) Identify issues requiring improved system-wide coordination, taking into account substantive inputs

from different organizations of the United Nations system, as well as the contributions of other functional commissions concerned, in order to assist the Council in its coordination functions;

(g) Maintain and enhance public awareness and support for the implementation of the Copenhagen Declaration and the Programme of Action of the Summit;

### III

Structure of the agenda and work programme

14. Decides that the substantive items of the agenda of the Commission for Social Development for its future sessions will consist of the following:

Substantive item: Follow-Up to the World Summit for Social Development

(a) Consideration of subjects identified in the multi-year programme of work, including the situation of social groups;

(b) Review of relevant United Nations plans and programmes of action pertaining to the situation of social groups, as necessary;

(c) Emerging issues, trends and new approaches to issues affecting social development, as necessary;

15. Decides on the following multi-year programme of work for the consideration of priority subjects, bearing in mind that the core issues of the Summit are interrelated and interdependent and that issues relating to the enabling environment for social development (commitment 1 of the Copenhagen Declaration; chapter I of the Programme of Action), the special situation of Africa and the least developed countries (commitment 7 of the Copenhagen Declaration), enhancement of social development goals in structural adjustment programmes (commitment 8 of the Copenhagen Declaration), the mobilization of domestic and international resources for social development (commitment 9 of the Copenhagen Declaration; chapter V of the Programme of Action) and the framework for international, regional and subregional cooperation for social development (commitment 10 of the Copenhagen Declaration) shall be considered every year, and bearing in mind also that the Commission should apply a gender perspective when discussing the different topics under the multi-year programme of work:

1997: Follow-up to the World Summit for Social Development

Theme: "Productive employment and sustainable livelihoods". Under this theme, the following specific topics will be considered:

(a) The centrality of employment in policy formulation, including a broader recognition of work and employment;

(b) Improving access to productive resources and infrastructure;

(c) Enhanced quality of work and employment;

1998: Follow-up to the World Summit for Social Development

Theme: "Promoting social integration and participation of all people, including disadvantaged and vulnerable groups and persons". Under this theme, the following specific topics will be considered:

(a) Promoting social integration through responsive government, full participation in society, non-discrimination, tolerance, equality and social justice;

(b) Enhancing social protection, reducing vulnerability and enhancing employment opportunities for groups with specific needs;

(c) Violence, crime and the problem of illicit drugs and substance abuse as factors of social disintegration;

1999: Follow-up to the World Summit for Social Development

(a) Theme 1: "Social services for all";

(b) Theme 2: "Initiation of the overall review of the implementation of the outcome of the Summit";

2000: Follow-up to the World Summit for Social Development

Theme: "Contribution of the Commission to the overall review of the implementation of the outcome of the Summit";

### IV

Membership, frequency and duration of sessions

16. Decides that the Commission for Social Development shall be composed of forty-six members elected from among the States Members of the United Nations or members of the specialized agencies according to the following pattern:

(a) Twelve seats for African States;

(b) Ten seats for Asian States;

(c) Nine seats for Latin American and Caribbean States;

(d) Five seats for Eastern European States;

(e) Ten seats for Western European and other States;

17. Also decides that the Commission shall meet annually, beginning in 1997, for a period of eight working days in New York;

### V

Documentation

18. Requests that United Nations documentation be kept concise, clear, analytical and timely, with a focus on relevant issues, in accordance with Council resolution 1987/24 of 26 May 1987 and agreed conclusions 1995/1, and that, to the greatest extent possible, use be made of integrated reporting, and also requests that reports contain recommendations for action and indicate the actors, that they be available in all official languages, in accordance with the rules of the United Nations, and that the use of other methods of reporting, such as oral reports, also be explored;

19. Also requests that the relevant reports of the meetings of inter-agency mechanisms established by the Secretary-General be transmitted for information to the Commission to ensure coordination, collaboration and coherence in the implementation of the Programme of Action of the World Summit for Social Development;

20. Decides that requests for reports of the Secretary-General should be limited to the minimum strictly necessary and that the Secretariat should use information and data already provided by Governments to the maximum extent possible, avoiding duplication of requests to Governments for such information;

21. Also decides that the voluntary submission of national information, for example national action plans or national reports by Governments, should be encouraged;

22. Requests that, in the preparation of reports, use be made of the practice of assigning task managers under which a United Nations entity is made responsible for coordinating the response of the entire United Nations system on a given subject, including the formulation of recommendations for future action;

23. Requests the Secretary-General and United Nations bodies to take appropriate measures, in a coordi-

nated manner, to strengthen the United Nations capacity for gathering and analysing information and developing indicators of social development;

24. Requests the Secretary-General to submit the following reports to the Commission:

(a) An annual analytical report on the thematic issues before the Commission, in accordance with the multi-year work programme, including, as far as possible, progress made in national and international implementation and including progress made by the Bretton Woods institutions, other United Nations specialized agencies and other relevant entities, based on available existing data and statistics;

(b) A report on emerging issues, trends and new approaches to issues affecting social development, including the situation of specific groups;

(c) An overall report, in the year 2000, on the implementation of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development;

## VI

### Methods of work

25. Recognizes that the practice of inviting experts is expected to deal effectively with the priority subjects addressed in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development and to contribute to the effective follow-up to the Summit, and to that end, decides that:

(a) Panels of experts shall be formed, including experts appointed by the Secretary-General, experts working within the United Nations system and experts from Governments and civil society;

(b) Experts shall be chosen from the fields of study addressed under the critical areas of concern, taking into account equitable geographical distribution and the involvement of non-governmental organizations;

(c) The selection of experts, the composition of the panels and the allocation of time for dialogue shall be decided inter-sessionally by the Bureau of the Commission, taking into consideration the proposals of the Secretariat: the Secretariat shall prepare a list of candidates for the panels, based on suggestions from States and civil society, and the Bureau shall convene meetings open to the participation of all interested States to ensure a broad base of participation;

(d) Meetings shall be allotted for dialogue within the United Nations system and civil society and among governmental delegations and sufficient time shall be devoted to intergovernmental dialogue;

26. Decides that the Bureau of the Commission shall convene open-ended informal consultations of the Commission to improve organizational and procedural aspects of the Commission's sessions, and also decides that the Bureau of the Commission shall meet on a regular basis from 1996 and may consider such issues as recommendations on agenda items and subjects to be discussed, the structure of meetings and lists of guest participants for panel discussions;

27. Calls upon the Bureau to monitor the state of preparedness of documentation for the Commission and to take the necessary measures to facilitate its timely issuance in all official languages;

## VII

### Secretariat

28. Requests the Secretary-General to ensure an effectively functioning Secretariat within which clear responsibility is assigned to assist in the implementation of the follow-up to the World Summit for Social Development and the servicing of the intergovernmental bodies involved and to ensure close cooperation at the Secretariat level between all the United Nations entities involved in the Summit follow-up;


## VIII

### Regional dimension

29. Invites the regional commissions, within their mandates and in cooperation with regional intergovernmental organizations and banks, to consider convening, on a biennial basis, a meeting at a high political level to review progress made towards implementing the outcome of the World Summit for Social Development, to exchange views on the respective experiences of participating bodies and to adopt appropriate measures.

### Economic and Social Council resolution 1996/7

22 July 1996 Meeting 44 51-1 (recorded vote)

Draft by Commission for Social Development (E/1996/29); agenda item 5 

Meeting numbers. ESC 43, 44.

Recorded vote in Council as follows:

In favour: Argentina, Australia, Bangladesh, Belarus, Brazil, Bulgaria, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Czech Republic, Egypt, Finland, France, Gabon, Germany, Ghana, Greece, Guyana, India, Indonesia, Ireland, Jamaica, Japan, Jordan, Lebanon, Luxembourg, Malaysia, Netherlands, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Senegal, South Africa, Sweden, Thailand, Togo, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Venezuela, Zimbabwe.  
Against: United States.

At the request of the United States, separate votes were taken on paragraphs 16 and 17 and on the draft resolution as a whole. Paragraph 16 was adopted by a recorded vote of 46 to 1, with 4 abstentions. Paragraph 17 was adopted by a recorded vote of 44 to 1, with 6 abstentions.

### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/202**.

### Implementation of the outcome of the World Summit for Social Development

The General Assembly,

Recalling its resolutions 46/139 of 17 December 1991, 47/92 of 16 December 1992, 48/100 of 20 December 1993 and 50/161 of 22 December 1995,

Recalling also resolution 50/227 of 24 May 1996 on the restructuring and revitalization of the United Nations in the economic, social and related fields,

Recalling further Economic and Social Council decision 1991/230 of 30 May 1991, resolutions 1992/27 of 30 July 1992, 1995/60 of 28 July 1995, 1996/7 of 22 July 1996 and 1996/36 of 26 July 1996, and agreed conclusions 1995/1 of 28 July 1995 and 1996/1 of 26 July 1996,

1. Reaffirms the commitments adopted by heads of State and Government contained in the Copenhagen Declaration on Social Development and the Pro-

gramme of Action of the World Summit for Social Development and their pledge to give the highest priority to national, regional and international policies and actions for the promotion of social progress, justice and the betterment of the human condition, based on full participation by all;

2. Recognizes the necessity to create a framework for action to place people at the centre of development and direct economies to meet human needs more effectively;

3. Takes note of the report of the Secretary-General on the implementation of the outcome of the Summit;

4. Emphasizes that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development;

5. Stresses the need for renewed and massive political will at the national and international levels to invest in people and their well-being to achieve the objectives of social development;

6. Emphasizes that democracy, respect for all human rights and fundamental freedoms, transparent and accountable governance and administration in all sectors of society, as well as effective participation by civil society, are indispensable foundations for the realization of social and people-centred sustainable development;

7. Stresses that social development is clearly linked to the development of peace, freedom, stability and security, both nationally and internationally;

#### National action and international cooperation for social development

8. Stresses that social development and the implementation of the Programme of Action of the Summit are primarily the responsibility of Governments, while recognizing that international cooperation and assistance are essential for their full implementation;

9. Notes with satisfaction the initiatives and actions taken by Governments towards the implementation of the commitments of the Summit, including, inter alia, the launching of initiatives to eradicate poverty, the review and reformulation of existing social policies and laws based on an integrated approach to social development, the organization of seminars and conferences and the establishment of national focal points, and urges Governments that have not yet done so to establish appropriate national follow-up mechanisms;

10. Reiterates its call to Governments to define time-bound goals and targets for reducing overall poverty and eradicating absolute poverty, expanding employment and reducing unemployment, and enhancing social integration, within each national context;

11. Urges national Governments to formulate or strengthen comprehensive cross-sectoral strategies for implementing the Summit outcome and national strategies for social development;

12. Acknowledges the key role of developing country actors and institutions in creating and implementing effective programmes to maximize the positive impact of investments in social development;

13. Reiterates the call of the Summit for Governments to assess on a regular basis national progress towards implementing the outcome of the Summit, possibly in the form of periodic national reports outlining successes, problems and obstacles, and encourages

Governments to submit such information on a voluntary basis to the Commission for Social Development;

14. Expresses its solidarity with people living in poverty in all countries, and reaffirms that the satisfaction of basic human needs is an essential element of poverty eradication, those needs being closely interrelated and comprising nutrition, health, water and sanitation, education, employment, housing and participation in cultural and social life;

15. Reaffirms the need to strengthen, in a spirit of partnership, international, regional and subregional cooperation for social development and implementing the outcome of the Summit;

16. Calls on all Governments and the United Nations system, in particular the relevant funds, programmes and agencies, to promote an active and visible policy of mainstreaming a gender perspective and to use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on social development;

#### Mobilization of financial resources

17. Recognizes that the implementation of the Declaration and Programme of Action will require the mobilization of financial resources at the national and international levels, as set out in commitments 8 and 9 of the Declaration and paragraphs 87 to 93 of the Programme of Action;

18. Invites Governments to contribute to the Trust Fund for the Follow-up to the World Summit for Social Development to finance programmes, seminars and activities in support of the implementation of the Declaration and Programme of Action;

19. Recognizes that the implementation of the Declaration and Programme of Action in developing countries, in particular in Africa and the least developed countries, will need additional financial resources and more effective development cooperation and assistance;

20. Stresses the need for all countries to develop economic policies to promote and mobilize domestic savings and attract external resources for productive investment, and to seek innovative sources of funding, both public and private, for social programmes, while ensuring their effective utilization, and in the budgetary process, to ensure transparency and accountability in the use of public resources, and to give priority to providing and improving basic social services;

21. Welcomes the recent initiatives of the Bretton Woods institutions, including the Highly Indebted Poor Countries Debt Initiative, and the ongoing process at the international level regarding debt relief, as appropriate, for developing countries, and calls upon the international community, including international financial institutions, to implement fully and effectively all initiatives that will contribute to a durable solution of the debt problems of developing countries, in particular African countries and the least developed countries, and thus support their efforts to achieve social development;

22. Stresses the importance of encouraging national initiatives for social development, including, inter alia, credit for people living in poverty, particularly women, along the model of the Grameen Bank in Bangladesh in connection with self-employment and income-

generation to address the feminization of poverty, and notes with interest the microcredit summit to be held in Washington, D.C., in February 1997;

23. Takes note of the efforts of the World Bank and the International Monetary Fund to incorporate social development into their policies and programmes and urges the Secretary-General, in cooperation with the World Bank, the International Monetary Fund and other multilateral development institutions, to continue to study the impact of structural adjustment programmes on economic and social development and to assist adjusting countries in creating conditions for economic growth, job creation, poverty eradication and social development;

24. Reaffirms the urgent need for the international community to strive for the fulfilment of the agreed target of 0.7 per cent of the gross national product of developed countries for overall official development assistance as soon as possible, an increase in the share of funding for social development programmes commensurate with the scope and scale of activities required to achieve the objectives and goals of the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development;

25. Endorses Economic and Social Council resolution 1996/48 of 26 July 1996 on new and innovative ideas for generating funds, in which, *inter alia*, the Council decided that funds generated by new and innovative ideas should not substitute for official development assistance, that they should be distinct from funding the regular budget and the peacekeeping budget of the United Nations, and should be part of global partnership and interdependence, and that the role of private investment in financing development should be stressed;

26. Reaffirms the importance of agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes, and takes note with appreciation of the outcome of the meeting held at Oslo from 23 to 25 April 1996, which reaffirmed that promoting access for all to basic social services was essential for sustainable development and should be an integral part of any strategy to overcome poverty;

27. Recognizes the necessity of providing appropriate technical cooperation and other forms of assistance to the countries with economies in transition, as set out in the provisions of the Declaration and Programme of Action;

#### Involvement of civil society and other actors

28. Reaffirms the need for effective partnership and cooperation between Governments and the relevant actors of civil society, the social partners, the major groups as defined in Agenda 21, including non-governmental organizations and the private sector, in the implementation of and follow-up to the Declaration and Programme of Action, and for ensuring their involvement in the planning, elaboration, implementation and evaluation of social policies at the national level;

29. Encourages non-governmental organizations to participate in the work of the Commission for Social

Development, in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996 and decision 1996/315 of 14 November 1996, and in the implementation process related to the Summit to the maximum extent possible;

#### The role of the United Nations system

30. Takes note of Economic and Social Council resolution 1996/7, by which it decided that the Commission for Social Development, as a functional commission of the Council, shall have the primary responsibility for the follow-up to and review of the implementation of the Summit and decided to enlarge the membership of the Commission from thirty-two to forty-six and to annualize its meetings;

31. Takes note also of the decision of the Council on a new structure of the agenda and multi-year programme of work of the Commission for the years 1997-2000, with "Follow-up to the World Summit for Social Development" as its substantive item, incorporating also the review of relevant United Nations plans and programmes of action pertaining to the situation of social groups;

32. Takes note further of the decision of the Council on the revised method of work of the Commission, including the formation of panels of experts;

33. Invites Governments to support the work of the Commission, including through the participation of high-level representatives on social development issues and policies;

34. Reaffirms that the Council will provide overall guidance and oversee system-wide coordination in the implementation of the Summit outcome and make recommendations in this regard;

35. Welcomes Economic and Social Council agreed conclusions 1996/1 on coordination of the United Nations system activities for poverty eradication and calls for their implementation by all organizations of the United Nations system;

36. Welcomes Economic and Social Council resolution 1996/36, in which it decided to continue to ensure, on a regular basis, the harmonization and coordination of the multi-year work programmes of relevant functional commissions by promoting a clear division of labour among them and providing clear policy guidance to them;

37. Renews its call to all relevant organs, organizations and bodies of the United Nations system to be involved in the follow-up to the Summit, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to the Summit;

38. Invites the Administrator of the United Nations Development Programme to continue, as a contribution, *inter alia*, to the United Nations Decade for the Eradication of Poverty, the effort launched in 1996 with the Poverty Strategies Initiative, in order to strengthen assistance in the elaboration of national plans, programmes and strategies to eradicate poverty in developing countries, particularly African countries and the least developed countries, and calls upon all countries to contribute to the Initiative;

39. Welcomes the initiative taken by the Administrative Committee on Coordination to establish inter-

agency task forces on follow-up to international conferences, and emphasizes the importance of continued and enhanced cooperation and coordination by all relevant organs, organizations and programmes of the United Nations system and the specialized agencies in the implementation of the programmes of action that emerged from the Summit and other recent United Nations conferences;

40. Requests the Administrative Committee on Coordination to report to the Economic and Social Council on the outcome of the work of those task forces and on future inter-agency coordination on the implementation by the United Nations system of the outcome of the Summit;

41. Takes note of the initiatives taken by the regional commissions in the implementation of the outcome of the Summit, and urges their continued involvement and support in the promotion of the implementation of the objectives of the Summit at the regional and subregional levels;

42. Renews its invitation to the regional commissions, within their mandates and in cooperation with the regional intergovernmental organizations and banks, to convene, on a biennial basis, a meeting at a high political level to review the progress made towards implementing the outcome of the Summit, to exchange views on their respective experiences and to adopt appropriate measures, and welcomes the offer by the Government of Brazil to host such a meeting at Sao Paulo in 1997, and welcomes the invitation extended by the Government of Austria to host a regional follow-up meeting to the Summit at Vienna at the beginning of 1998;

43. Reiterates its invitation to the International Labour Organization, which because of its mandate, tripartite structure and expertise has a special role to play in the field of employment and social development, to continue to contribute to the implementation of the Programme of Action and to the consideration by the Commission for Social Development of the theme "Productive employment and sustainable livelihoods" in 1997;

44. Reiterates its request to the Secretary-General to ensure an effectively functioning secretariat, within which clear responsibility is assigned to assist in the implementation of the follow-up to the Summit and the servicing of the intergovernmental bodies involved, and to continue to ensure close cooperation at the secretariat level between all the United Nations entities involved in the Summit follow-up;

Special session of the General Assembly in the year 2000 for an overall review and appraisal of the implementation of the outcome of the Summit

45. Recalls its resolution 50/161, in which it decided to hold a special session in the year 2000 for an overall review and appraisal of the implementation of the outcome of the Summit and to consider further actions and initiatives;

46. Decides to organize the preparatory process of the special session on the following basis:

(a) The Commission for Social Development, as the functional commission of the Economic and Social Council with the primary responsibility for follow-up to the World Summit for Social Development, and for review of the implementation of the Copenhagen Dec-

laration and Programme of Action, will undertake work in 1999-2000 for the preparations of the special session, in accordance with its programme of work as set out in Economic and Social Council resolution 1996/7;

(b) A preparatory committee of the whole of the General Assembly is to be established at its fifty-second session; the committee will hold an organizational session in 1998; it will initiate its substantive activities in 1999 on the basis of inputs by the Commission for Social Development and the Economic and Social Council; and it will also take into account contributions by other relevant organs and specialized agencies of the United Nations system;

47. Reaffirms that the follow-up to the Summit will be undertaken on the basis of an integrated approach to social development and within the framework of a coordinated follow-up to and implementation of the results of the major international conferences in the economic, social and related fields;

48. Requests the Secretary-General to report on the implementation of the outcome of the Summit to its fifty-second session;

49. Decides to include in the provisional agenda of its fifty-second session the item entitled "Implementation of the outcome of the World Summit for Social Development" and to consider the implications for a more coherent treatment of related items on its agenda.

General Assembly resolution 51/202

17 December 1996 Meeting 88 Adopted without vote

64-nation draft (A/51/L.55 & Add.1); agenda item 45.

Meeting numbers. GA 51st session: plenary 36-38, 88.

### Role of cooperatives

In August 1996 [A/51/267], the Secretary-General, pursuant to General Assembly resolution 49/155 [YUN 1994, p. 1143], reported on the status and role of cooperatives in the light of new economic and social trends. He noted that an important contribution of the cooperative movement continued to be its capacity for promoting and supporting entrepreneurial development in forms compatible with the principles and objectives of the World Summit for Social Development, which called for governmental support to cooperative enterprise as a means to create productive employment, reduce poverty and enhance social integration.

The Secretary-General discussed the benefits of cooperatives for individuals and communities. They were an effective means for economic empowerment for the disadvantaged; created conditions that favoured capital accumulation and reinvestment; and, through their aggregate economic weight and lobbying capacity, were able to break monopolies and ensure fair treatment for consumers, producers and employees. A major factor contributing to the economic success of the cooperative movement was the establishment of its own financial sector, implemented through savings and credit cooperatives (credit unions),

cooperative banks and cooperative insurance enterprises. User-owned health cooperatives provided a combination of insurance, service delivery and pharmacy services, with a strong emphasis on preventive health, to some 39 million members and their dependants.

Housing cooperatives provided means whereby low-income households could afford adequate shelter in the inner cities of developed countries, and in developing countries helped informal sector households to obtain access to land and key material and equipment. Cooperative enterprise had a major role in food production through agricultural and fisheries cooperatives. As to food distribution, cooperative wholesale and retail enterprises provided affordable and appropriate food, as well as household equipment and nutrition information, to members and their families, and frequently to the general public.

According to the Secretary-General, the cooperative sector was able to make a major contribution to the achievement of the goals of the International Year (1996) and United Nations Decade (1997-2006) for the Eradication of Poverty (see PART THREE, Chapter I). The capacity of the cooperative movement for creating viable and sustainable enterprises secured productive employment and self-employment, the generation of income and the payment of adequate wages and salaries. Financial cooperatives provided the means for escaping from indebtedness and for financial management. Their provision of insurance and services for health and social care, as well as affordable and appropriate housing, and their contribution to food security were major contributions to the alleviation of poverty.

The Secretary-General noted that a significant proportion of the world's poor continued to be small-scale, resource-poor farmers and other rural entrepreneurs in developing countries. Only by means of a people-centred, participatory approach would transformation of the rural sector occur, and cooperative enterprise was one of the most efficient organizational vehicles for such transformation in developing countries.

The International Day of Cooperatives, proclaimed by the General Assembly in 1992 [YUN 1992, p. 840], was observed on 6 July 1996, with the theme: "Cooperative enterprise—empowerment for people-centred sustainable development". Other activities in support of cooperatives included government transfer of housing, health and social care programmes, reviews of administrative and legal constraints, improved statistics and dissemination of information and consideration of cooperatives by international conferences.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/58**.

#### **The role of cooperatives in the light of new economic and social trends**

The General Assembly,

Recalling its resolutions 47/90 of 16 December 1992 and 49/155 of 23 December 1994,

Welcoming the report of the Secretary-General on the status and role of cooperatives in the light of new economic and social trends,

Recognizing that cooperatives in their various forms are becoming a major factor of economic and social development by promoting the fullest possible participation in the development process of women and all population groups, including youth, older persons and people with disabilities, and are increasingly providing an effective and affordable mechanism for meeting people's needs for basic social services,

Recognizing also the important contribution and potential of all forms of cooperatives to the follow-up to the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and the United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996,

1. Takes note with appreciation of the report of the Secretary-General on the status and role of cooperatives in the light of new economic and social trends;

2. Urges Governments, relevant international organizations and the specialized agencies, in collaboration with national and international cooperative organizations, to give due consideration to the role and contribution of cooperatives in the implementation of and follow-up to the outcome of the World Summit for Social Development, the Fourth World Conference on Women and the United Nations Conference on Human Settlements (Habitat II) by, *inter alia*:

(a) Utilizing and developing fully the potential and contribution of cooperatives for the attainment of social development goals, in particular the eradication of poverty, the generation of full and productive employment and the enhancement of social integration;

(b) Encouraging and facilitating the development of cooperatives, including taking measures aimed at enabling people living in poverty or belonging to vulnerable groups to engage on a voluntary basis in the creation and development of cooperatives;

3. Encourages Governments to keep under review the legal and administrative provisions governing the activities of cooperatives with a view to ensuring a supportive environment for cooperatives, so that they can make an appropriate contribution to the attainment of the goals of national development, including that of meeting the basic human needs of all;

4. Invites Governments, relevant international organizations, the specialized agencies and national and international cooperative organizations to continue to observe annually the International Day of Cooperatives on the first Saturday of July, as proclaimed by the General Assembly in its resolution 47/90;

5. Requests the Secretary-General, within existing resources, to continue to support the goals and objectives of the cooperative movement and to submit to the

General Assembly at its fifty-fourth session, through the Commission for Social Development, a report containing, *inter alia*, information on legislative and administrative initiatives taken by countries, bearing in mind possible measures to improve the reporting procedure;

6. Also requests the Secretary-General to ascertain, in cooperation with the Committee for the Promotion and Advancement of Cooperatives, the desirability and feasibility of elaborating United Nations guidelines aimed at creating a supportive environment for the development of cooperatives and to include his findings and recommendations in his report referred to in paragraph 5 above.

General Assembly resolution 51/58

12 December 1996 Meeting 82 Adopted without vote

Approved by the Third Committee (A/51/609) without vote, 31 October (meeting 20); 30-nation draft (A/C.3/51/L.4), orally revised; agenda item 100.

Meeting numbers. GA 51st session: 3rd Committee 3 4, 8, 20; plenary 82.

### UN Research Institute for Social Development

The United Nations Research Institute for Social Development (UNRISD) continued its work in conducting research into problems and policies of social development and relationships between types of social and economic development during different phases of economic growth. In October [E/CN.5/1997/7), the Secretary-General submitted to the Commission for Social Development a report of the Board of UNRISD covering activities during 1995-1996. During the period, considerable progress was made in the implementation of the Institute's work programme. A number of major research projects were virtually completed: agricultural expansion and tropical forests; crisis, adjustment and social change; ethnic conflict and development; participation and changes in property relations in communist and post-communist societies; political violence and social movements; refugees, returnees and local society—interaction and development; the social dynamics of deforestation in developing countries; the socio-economic and political impact of production, trade and use of illicit narcotic drugs; and women, environment and population.

Substantive contributions were also made to the 1995 World Summit for Social Development [YUN 1995, p. 1113], the 1995 World Conference on Women [YUN 1995, p. 1168] and the 1996 Conference on Human Settlements (see PART THREE, Chapter VIII). More than 46 books containing findings from the continuing programme of research were published or were being printed. Twenty-one discussion papers were published and seven more were in progress. The Institute established two home pages on the Internet, which provided unprecedented opportunities for disseminating research findings.

UNRISD had become more involved in applied research, responding directly to the needs of policy makers and the donor community. So-called "action-research", involving policy dialogue and consensus-building, was an important feature of two of UNRISD's largest programmes, dealing with ways of integrating gender into development planning and rebuilding war-torn societies. Through workshops, seminars and conferences, the Institute attempted to act as an international forum for the analysis of development issues and to bring together policy makers, donors, scholars, NGOs and grass-roots activists.

Under its continuing programme of research, UNRISD continued its war-torn societies project, which aimed to respond to the need for a holistic and coordinated approach to rebuilding. Country projects were established in Eritrea, Guatemala and Mozambique and an evaluation phase was under way in Somalia. In Cambodia, three independent studies were under way on food security, psychosocial vulnerability and coping mechanisms, and the development process and the Cambodian State.

The project on integrating gender into development policy aimed at strengthening the capacity of national researchers to analyse the way in which macroeconomic policies affected gender inequalities and to feed their findings into the policy formulation process. During the reporting period, the main action-research phases of the project continued in the five participating countries (Bangladesh, Jamaica, Morocco, Uganda, Viet Nam).

The UNRISD programme on environment, sustainable development and social change covered the social and political dimensions of environmental protection programmes and projects and the social and environmental impact of national parks and protected areas in developing countries. Under the former topic, research was being conducted in Costa Rica, the Philippines and Senegal, and under the latter, research teams carried out case studies in Brazil, China, Ecuador, India, Peru and southern Africa (Mozambique, South Africa and Zimbabwe).

The overall financial situation of UNRISD remained satisfactory as both core and project funding increased in 1995 and 1996. Although part of the UN system, UNRISD financed its activities by voluntary contributions from Governments, international development agencies and foundations. In 1995-1996, 25 bilateral and multi-lateral agencies and foundations contributed to its financing. Total resources grew at a rate of 20 per cent per annum, but the funding situation for 1997 remained uncertain. The share of core funds as a proportion of total expenditure con-



tinued its downward trend since 1990, with the exception of 1995. It had fallen to 35 per cent in 1996 compared to 78 per cent in 1990.

## Cultural development

### World Decade for Cultural Development

The Economic and Social Council, by **decision** 1996/206 of 9 February, taking note of a letter dated 9 August 1995 [E/1996/6] from the Director-General of UNESCO to the Secretary-General, decided to postpone to its 1997 substantive session consideration of the biennial progress report of the Secretary-General and the Director-General on the implementation of the goals and objectives of the World Decade for Cultural Development (1988-1997), proclaimed by the General Assembly in 1986 [YUN 1986, p. 624]. The Decade, for which UNESCO was the lead agency, had four main objectives—acknowledging the cultural dimension of development, affirming and enriching cultural identities, broadening participation in culture and promoting international cultural cooperation.

The Director-General, in his 9 August 1995 letter, pointed out that the Intergovernmental Committee of the World Decade, at its April 1995 session, had requested him to schedule the Committee's fifth and final regular session for April 1997 so that it would coincide with the end of the Decade. Therefore, he stated, it would be preferable for the biennial report, which was to be submitted to the Council and subsequently transmitted to the Assembly, to be considered by the Assembly in 1997 rather than in 1996, as requested by the Assembly in 1994 [YUN 1994, p. 1146].

### Report of World Commission on Culture and Development

The UNESCO Director-General, in a 16 April letter [E/1996/41] to the Secretary-General, remarked that the World Commission on Culture and Development, established jointly by UNESCO and the United Nations in December 1992 [YUN 1992, p. 1113], had completed its report entitled *Our Creative Diversity*, which was to be considered by the UN General Assembly and the UNESCO General Conference. As far as UNESCO was concerned, its Executive Board would consider the report at its next session (22 April-3 May 1996), the Director-General stated, adding a request that the Economic and Social Council, at its resumed organizational session of 1996, consider transmitting the report to the Assembly for consideration later in the year.

The Council, by **decision** 1996/220 of 2 May, took note of the Director-General's letter and decided to transmit *Our Creative Diversity* to the Assembly for consideration at its fifty-first (1996) session.

A summary version of *Our Creative Diversity* was transmitted by the Secretary-General to the Assembly in October [A/51/451]. The Commission's report emphasized global ethics, a commitment to pluralism, creativity and empowerment, the challenges of a media-rich world, gender and culture, cultural heritage for development, culture and the environment, cultural policies and research. The Commission proposed an international agenda aimed at: providing a permanent vehicle through which issues of culture and development would be discussed and analysed at the international level; initiating a process in which principles and procedures that were commonplace within nations could be extended to the international and global arena; and creating a forum where an international consensus on central issues related to culture and development could be achieved. The Commission suggested 10 areas for action: an annual report on world culture and development; preparation of new culturally sensitive development strategies; international mobilization of cultural heritage volunteers; an international plan for gender equality; enhancing access, diversity and competition of the international media system; media rights and self-regulation; protecting cultural rights as human rights; global ethics in global governance; a people-centred United Nations; and a global summit on culture and development.

The Director-General set up a Steering Committee chaired by the President of the Commission to guide the follow-up programme. The UNESCO secretariat team that worked on the report would serve as the secretariat of the Steering Committee.

#### GENERAL ASSEMBLY ACTION

On 16 December 1996, the General Assembly adopted **resolution** 51/179.

### Report of the World Commission on Culture and Development

The General Assembly,

Recalling its resolution 41/187 of 8 December 1986, in which it proclaimed the period 1988-1997 the World Decade for Cultural Development,

Recalling also its resolution 46/158 of 19 December 1991, in which it requested the Secretary-General to cooperate with the Director-General of the United Nations Educational, Scientific and Cultural Organization in establishing an independent World Commission on Culture and Development, and expected the World Commission to submit its final report to the General Conference of the United Nations Educa-

tional, Scientific and Cultural Organization and to the United Nations General Assembly no later than three years after it began its work.

Noting that the Director-General of the United Nations Educational, Scientific and Cultural Organization has sent the report of the Commission, entitled *Our Creative Diversity*, to the member States of that organization for their comments, as well as to many non-governmental and academic bodies,

1. Requests the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to stimulate further international debate on culture and development;

2. Encourages the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-ninth session in 1997 to discuss the report further, taking into account the views, comments and proposals submitted by member States;

3. Also encourages the United Nations Educational, Scientific and Cultural Organization to pursue its ongoing task of promoting throughout the United Nations system a greater awareness of the crucial relationship between culture and development, taking into account the diversity of cultures;

4. Requests the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to compile a report on culture and development for the consideration of the General Assembly at its fifty-third session, taking into account the views, comments and proposals put forth by States and the relevant intergovernmental organizations concerning the report of the World Commission on Culture and Development.

General Assembly resolution 51/179

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/604/Add.7) without vote, 2 December (meeting 38); draft by Vice-Chairman (A/C.2/51/L.34), based on informal consultations on draft by Costa Rica, for Group of 77 and China (A/C.2/51/L.22); agenda item 96 (g).

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 34, 38; plenary 86.

### Olympic Truce

The President of the General Assembly, on 11 July 1996 [A/750/997], made a solemn appeal in connection with the observance of the Olympic Truce. Recalling the Assembly's 1995 resolution [YUN1995,p.1131]calling on Member States to reaffirm the observance of the Olympic Truce during each Summer and Winter Olympic Games, the President appealed to all States to observe the Olympic Truce during the games of the XXVI Olympiad, to be held in Atlanta, Georgia, United States, from 19 July to 4 August 1996, whether or not they were parties to a confrontation. By applying the principle of Olympic Truce, or *ekhecheria*, the world could at least hope for some respite, however temporary, from the killing and destruction which accompanied conflict. Therefore, the President appealed to those engaged in armed conflict to uphold the principle and suspend hostilities in keeping with the observance.

The General Assembly, by **decision 50/486** of 16 July, took note of the President's solemn appeal.

## Crime prevention and criminal justice

### Commission on Crime Prevention and Criminal Justice

The Commission on Crime Prevention and Criminal Justice held its fifth session in Vienna from 21 to 31 May 1996 [E/1996/30]. The Commission, the principal policy-making body of the United Nations in the field of crime prevention and criminal justice, recommended 2 draft resolutions for adoption by the General Assembly and 10 draft resolutions and 2 draft decisions for adoption by the Council, all of which were adopted (see below and also PART THREE, Chapter X, for action relating to the elimination of violence against women).

The Commission adopted 3 resolutions to be brought to the attention of the Council on matters that dealt with the Tenth (2000) United Nations Congress on the Prevention of Crime and the Treatment of Offenders; technical cooperation and interregional advisory services in crime prevention and criminal justice; and strategic management of the United Nations Crime Prevention and Criminal Justice Programme. A decision dealt with development of UN minimum rules for the administration of criminal justice (details of the Commission's actions follow).

The Commission was serviced by the Secretariat's Crime Prevention and Criminal Justice Division.

### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council, by **decision 1996/245** of 23 July, took note of the Commission's report on its fifth session and approved the provisional agenda and documentation for the sixth session. On the same date, by **decision 1996/244**, the Council decided that the Commission, at its sixth session, in addition to plenary meetings, should be provided with full interpretation services for a total of 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, on the understanding that no more than 2 meetings would be held concurrently, in order to ensure maximum participation of delegations.

### Follow-up to the 1995 Crime Congress

In response to General Assembly resolutions 50/145 and 50/146 [YUN 1995, pp. 1143 & 1185], the Secretary-General submitted an October report [A/51/327] describing action taken by Governments to give effect to the resolutions adopted at the Ninth (1995) United Nations Congress on the Prevention of Crime and the Treatment of Offenders [YUN 1995, p. 1132].

Seven Governments reported that they had taken steps to give effect to the various recommendations of the Congress. In respect of international cooperation and practical technical assistance, the Governments were making efforts to strengthen the rule of law through international cooperation and assistance, improving policy development, increasing the use of bilateral and multilateral agreements and promoting the establishment of integrated regional policies, programmes, plans and mechanisms to prevent crime and ensure justice.

Regarding organized crime, a number of specific measures had been taken dealing with action against transnational and organized crime, particularly at the regional level, by updating domestic legislation in the area of money-laundering, extradition and mutual assistance; establishing separate units to deal with organized crime; and improving legislation on environmental protection. A series of steps had been taken or were under way to upgrade the training and development of law enforcement and criminal justice personnel, increase the use of non-custodial measures and improve measures against the spread of HIV and AIDS. In addition, steps had been taken to improve strategies and programmes for the prevention and control of urban crime, juvenile delinquency and violent crime, including domestic violence; to deal with problems arising from migratory flows; to improve measures against racism, xenophobia and related intolerance; and to improve the regulation of firearms.

As to links between terrorist crime and transnational organized crime, Governments were initiating action at the national level in the areas of legislation, investigation and law enforcement, in order to ensure the prevention and suppression of terrorist crimes and transnational organized crime. The enhancement of international cooperation, in particular the exchange of technical information and sharing of experience in the field, was being actively pursued.

Concerning the 1955 Standard Minimum Rules for the Treatment of Prisoners [YUN 1955, p. 209] and children as victims and perpetrators of crime, Governments were trying to give effect to

the various requests for action. As to violence against women, efforts were being made with a view to eliminating violence against women or mitigating the effects of such violence by updating the legislation on domestic violence and trafficking in human beings; training and raising of public awareness, improvement of curricula and working with the media; and supporting institutions and self-help groups for women subjected to violence. In response to requests for action on firearms, measures had been taken to tighten the regulation of certain firearms and to improve action against illicit trafficking in firearms.

### UN Programme on Crime Prevention and Criminal Justice

In October [A/51/327], the Secretary-General, as requested by the General Assembly in resolution 50/146 [YUN 1995, p. 1145], reported on progress made in strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity.

The Secretary-General described the Programme's activities, which included follow-up to the 1994 Naples Political Declaration and Global Action Plan against Organized Transnational Crime [YUN 1994, p. 1160]; crime prevention in urban areas, trafficking in minors and juvenile justice; elimination of violence against women; measures to regulate firearms; statistical and computerized applications in the management of the criminal justice system; the UN survey of crime trends and operations of criminal justice systems; the implementation of UN standards in crime prevention and criminal justice; technical cooperation activities; preparations for the Tenth (2000) United Nations Congress on the Prevention of Crime and the Treatment of Offenders; and the production of publications.

Concerning strengthening the Programme's capacity, the Secretary-General pointed out that in resolution 50/214 [YUN 1995, p. 1386] the Assembly had approved upgrading the Crime Prevention and Criminal Justice Branch to a division, but due to cost-saving measures the new posts created had remained frozen and a number of planned activities had to be postponed. The Secretary-General pointed out that the disparity between the Assembly's call to upgrade the Programme and the resources available was noted by the Commission. In its resolution on technical cooperation [E/1996/30 (res. 5/2)], the Commission requested the Secretary-General to explore with Member States the establishment of a mechanism for resource mobilization in the area of technical assistance. In addition, the Commission decided

to consider the funding of international technical assistance as a separate topic at its next session. In another resolution [E/1996/30 (res. 5/3)], the Commission decided to exercise more vigorously its mandated functions of resource mobilization, and, for that purpose, to establish an informal consultative group which would report to the Commission on activities undertaken and results achieved. An organizational meeting for the establishment of an informal consultative group on resource mobilization in crime prevention and criminal justice was held in Vienna on 5 July 1996.

The Programme was developing further the United Nations Crime Prevention and Criminal Justice Fund, a voluntary fund used to finance operational activities such as needs assessment missions to Cambodia and the Russian Federation; the formulation of technical cooperation projects for those two countries; organization of training activities in Austria for civilian police of the United Nations Protection Force (UNPROFOR); the provision of advisory services and training in Burkina Faso, Burundi, Rwanda, and Gaza (for the Police of the Palestinian Authority); and printing of publications.

In his conclusions, the Secretary-General stated that the programme measures currently under way could have only a relatively small impact, since the resource base of the Programme remained one of the smallest in the UN budget.

#### GENERAL ASSEMBLY ACTION

The General Assembly, on 12 December, adopted **resolution 51/63**.

#### **Strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity**

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to that resolution,

Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and promotion of the highest standards of fairness, humanity and professional conduct,

Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes, such as terrorist crimes, illicit arms trade and money-laundering, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Recognizing the urgent need to increase technical cooperation activities in order to assist countries, in particular developing countries and countries in transi-

tion, with their efforts in translating United Nations policy guidelines into practice,

Recalling its relevant resolutions, in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

1. Takes note with appreciation of the report of the Secretary-General on the progress made in the implementation of General Assembly resolutions 50/145 and 50/146 of 21 December 1995;

2. Reaffirms the importance of the United Nations Crime Prevention and Criminal Justice Programme and the crucial role it has to play in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

3. Also reaffirms the priority of the Programme, in accordance with the relevant resolutions, and the need for an appropriate share of the existing United Nations resources for the Programme;

4. Welcomes the upgrading of the Crime Prevention and Criminal Justice Branch of the Secretariat to a division, while noting the severe impact of the budgetary cuts on its capacity to deliver the services required by Member States;

5. Reaffirms its resolution 50/214 of 23 December 1995, and requests the Secretary-General to ensure, in particular, the full implementation of section III, paragraphs 29 and 30, of that resolution;

6. Requests the Secretary-General to strengthen further the Programme by providing it with the resources necessary for the full implementation of its mandate, including follow-up action to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

7. Reaffirms the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice, and stresses the need to continue to improve the operational activities of the Programme, in particular in developing countries and countries in transition, in order to meet the needs of Member States, at their request, for support in crime prevention and criminal justice;

8. Calls upon States and United Nations funding agencies to make significant financial contributions for operational activities of the Programme, and encourages all States to make voluntary contributions for that purpose to the United Nations Crime Prevention and Criminal Justice Fund, also taking into account the activities required for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

9. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to support technical operational activities in this field and to include such activities in their programmes, utilizing the expertise of

the United Nations Crime Prevention and Criminal Justice Programme in such activities and cooperating closely on relevant technical assistance projects and advisory missions;

10. Takes note with appreciation of the contributions of the Programme to United Nations peacekeeping and special missions, as well as its contributions to the follow-up to those missions, *inter alia*, through advisory services, and encourages the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations;

11. Requests the Secretary-General to continue to strengthen cooperation between the Crime Prevention and Criminal Justice Division and the United Nations International Drug Control Programme, in particular in the area of money-laundering;

12. Also requests the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in this field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights and the Commission on the Status of Women;

13. Calls upon the Commission on Crime Prevention and Criminal Justice to give effect to its relevant resolutions on strategic management of the Programme, in particular those concerning reporting requirements, submission of proposals and resource mobilization;

14. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-second session.

General Assembly resolution 51/63

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/610) without vote, 31 October (meeting 20); 42-nation draft (A/C.3/51/L.8), orally revised; agenda item 101.

Meeting numbers. GA 51st session: 3rd Committee 5-10, 12, 16-18, 20; plenary 82.

### Plan for strategic management

In an April report [E/CN.15/1996/22], the Secretary-General provided information on the parameters and current practice of the strategic management of the United Nations Crime Prevention and Criminal Justice Programme, identified issues that needed to be dealt with and made proposals for action by the Commission. Areas that needed improvement included qualitative analysis of programme performance, provision of information linking mandated activities and resource requirements, and the balance between providing services to the Commission and implementing other mandates. The Secretary-General put forward a series of proposals by which the Commission would request the Secretariat to make information dealing with proposed activities and programme budget implications more easily available; improve inter-sessional communication with the Commission bureau, Commission members and other interested delegations; identify clearly any action required of the Com-

mission to facilitate the decision-making process; provide detailed lists of proposed activities required to implement existing mandates; elaborate possible means of evaluating programme impact; and strengthen coordination and cooperation with UN bodies involved in crime prevention and criminal justice.

The Secretary-General suggested further that the Commission consider ensuring greater continuity in the representation of its members at annual sessions; evaluating ways to provide leadership to the Programme between sessions; mobilizing support for the Programme through closer coordination with relevant intergovernmental bodies; mobilizing extrabudgetary resources for technical cooperation and advisory services; exercising restraint in recommending new mandates in order to enable completion of existing ones; reviewing annual reporting requirements in the light of the limited resources available; providing more practical guidance for the implementation of mandates; cooperating with the Crime Prevention and Criminal Justice Division in determining means of evaluating the Programme's impact; exploring the feasibility of its bureau holding inter-sessional meetings with the bureau of the Commission on Narcotic Drugs; coordinating its mandates and strategic management with intergovernmental bodies dealing with human rights and international law; and considering ways in which the network of government-appointed national correspondents could promote the Programme.

In its resolution on strategic management [E/1996/30 (res. 5/3)], the Commission recognized the importance of the contribution that its bureau could make in advancing the Programme's work, particularly by strengthening its strategic management, both during its sessions and in the inter-sessional periods. It decided that the bureau should hold inter-sessional meetings with the bureau of the Commission on Narcotic Drugs in order to improve coordination of work, and to enhance its mandated functions of resource mobilization, establishing for that purpose an informal consultative group. The Commission requested the Secretary-General to elaborate proposals to measure the impact of the Programme's activities and to report thereon to the Commission in 1997.

### Cooperation and coordination

In March, the Secretary-General submitted to the Commission two reports on cooperation and coordination of activities in crime prevention and criminal justice—the first on activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network [E/CN.15/1996/21 & Corr.1,2] and the second on

coordination of activities, including activities of the United Nations International Drug Control Programme (UNDCP) [E/CN.15/1996/20].

The first report described activities carried out in 1995 by the United Nations Interregional Crime and Justice Research Institute (UNICRI), the affiliated regional institutes and the associate institutes and centres. The information provided by most institutes on their financial situation showed that their resource base was precarious. The Secretary-General suggested that the Commission consider possible measures to match programme development with the availability of funds. UNICRI and institute activities included research and projects, technical cooperation and advisory services, organizing and providing input to conferences and meetings, and information dissemination and publication services.

In his report on cooperation between the Crime Prevention and Criminal Justice Division and UNDCP, the Secretary-General outlined the progress in and benefits drawn from collaborating with other entities on issues of mutual interest. He described collaboration between the Division and other UN bodies, such as the Centre for Human Rights (CHR), the Department of Peacekeeping Operations, the Office of the Special Representative of the Secretary-General in Burundi, UNDP, and the Department for Development Support and Management Services (DDSMS). The activities of intergovernmental and non-governmental organizations were described.

The Secretary-General reported that a more systematic approach to cooperation and coordination had been implemented during the reporting period. The Division had initiated new activities and had increased its visibility in the field of technical assistance in crime prevention and criminal justice. The cost-saving measures implemented throughout the UN system had affected the momentum of activities, however. Further work needed to be done to strengthen the UN crime and justice information network and to assess worldwide needs and technical assistance activities undertaken by Governments. Further Commission action might include the organization of an ad hoc inter-agency meeting, with the objective of establishing an institutional framework for closer cooperation and coordination of activities, as well as the establishment of an electronic forum for inter-agency information sharing, to be maintained by the Division.

### Technical cooperation

One of the goals of the UN Crime Prevention and Criminal Justice Programme was to provide technical assistance, including advisory services, particularly in respect of the planning, imple-

mentation and evaluation of crime prevention and criminal justice programmes, training and the use of modern communication and information techniques. In an April report [E/CN.15/1996/8 & Corr.1], the Secretary-General described technical cooperation and advisory services initiated or carried out from May to December 1995 and recommended a series of actions to the Commission, some of which were incorporated into a resolution adopted by the Commission in May (see below). The report also discussed crime prevention and criminal justice as a distinct area in international cooperation and development, as exemplified by the role of criminal law in the protection of the environment and the crisis of law and order in new democracies. Other issues discussed were the need for assistance in prison and correctional services, the reluctance of aid agencies to fund assistance in crime prevention and criminal justice, and the changing functions of the interregional advisers in view of the trend to include the improvement of the criminal justice system in the formulations of the development process.

The Commission, in a May resolution [E/1996/30 (res. 5/2)], reaffirmed the high priority attached to technical cooperation and advisory services as a means for the Crime Prevention and Criminal Justice Programme to respond to the needs of the international community in the face of national and transnational criminality. It also reaffirmed the importance of strengthening the operational activities of the Programme, particularly in developing countries and countries with economies in transition. Commending the Programme's contribution to UN peacekeeping and special missions, the Commission requested the Secretary-General, subject to the availability of extrabudgetary resources, to develop further training material for peacekeeping police.

The Commission called on DDSMS, CHR, UNDP, the World Bank and other international, regional and national funding agencies to support technical cooperation activities in crime prevention and criminal justice, utilizing the expertise of the Programme and the coordinating role of the Commission. Regarding cooperation between the Division and UNDCP, the Secretary-General was requested to consider the establishment of a joint unit to provide technical assistance on the control of proceeds of crime, including the prevention of money-laundering. The Commission requested the Secretary-General to make increased use of the United Nations Crime and Justice Information Network as a tool for technical cooperation, particularly as related to the dissemination of crime statistics, UN stan-

dards and norms in criminal justice, and the establishment of relevant discussion forums.

The Commission recommended that the Secretary-General strengthen the interregional advisory services to support technical assistance activities, including short-term advisory services, needs assessment, feasibility studies, field projects, training and fellowships. It called upon Member States to provide both general-purpose and earmarked contributions to the United Nations Crime Prevention and Criminal Justice Fund. The Secretary-General was requested to explore with Member States the establishment of a mechanism for resource mobilization and coordination of activities in the area of technical assistance. He was asked to report to the Commission in 1997.

### **Transnational crime**

UN efforts to combat organized transnational crime focused in 1996 on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted in 1994 by the World Ministerial Conference on Organized Crime [YUN 1994, p. 1160]. The Secretary-General, in an April report [E/CN.15/1996/2 & Add.1] to the Commission on its implementation, presented an overview of developments in organized transnational crime, described responses to such crime and made recommendations on combating it. The Secretary-General stated that transnational criminal organizations had become an international security threat, having gone beyond the issue of domestic law and order. Policy solutions needed to be comprehensive, well coordinated and imaginative. Emphasis should be given not simply to extending the formalities of law enforcement cooperation, he said, but also to building a transnational network of coordinated measures that would eventually be global. Risk management strategies of criminal organizations should be taken into account and action should be taken to reduce or overcome them. Two priority objectives would help to increase the risks and costs incurred by transnational organizations—eliminating safe havens for criminal organizations and targeting their assets.

The Secretary-General suggested that the Commission recommend a well-structured programme of activities, leading gradually to the full implementation of the Naples Political Declaration and Global Action Plan. It might include comparative studies of the situation of organized transnational crime and the establishment and maintenance of a central repository for information on legislation, regulatory measures, organ-

izational structures designed to prevent and control organized transnational crime, and bilateral and multilateral cooperation arrangements. The Commission might find means to strengthen the Secretariat's capacity to undertake operational activities and provide practical assistance to requesting States. It was also suggested that the Commission urge Governments to provide the required input for the development of appropriate manuals and training guides, including model legislation and compilations of best practices in the detection, investigation and adjudication of organized transnational crime.

The Regional Ministerial Workshop on the Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (Buenos Aires, Argentina, 27-30 November 1995) [E/CN.15/1996/2/Add.1] examined ways to strengthen the capacity of Latin American and Caribbean countries to respond to organized transnational crime and to improve mechanisms of regional and multilateral cooperation to combat it. In a declaration adopted by consensus at the close of the meeting, it called for increased technical cooperation, strategic coordination, legislative action and other measures to combat organized transnational crime.

### **Money laundering**

The Secretary-General, in response to Economic and Social Council resolutions 1994/13 [YUN 1994, p. 1162] and 1995/11 [YUN 1995, p. 1152], reported to the Commission in April [E/CN.15/1996/3] on international, regional and other initiatives for prevention and control of the laundering of the proceeds of crime and the control of such proceeds. The Secretary-General summarized information provided by Member States, in response to his request, and described recent international initiatives and new trends in combating money-laundering activities.

Within the Secretariat, the two entities directly concerned with combating money-laundering, namely the Crime Prevention and Criminal Justice Division and UNDCP, had been given specific mandates to that effect. The Division and UNDCP had worked towards developing a comprehensive technical assistance project against the laundering of the proceeds of crime.

Among new trends, the report noted that organized crime groups were increasingly a factor in money-laundering schemes, and the multiple sources of their proceeds compounded the difficulty of linking the monetary transaction to a unique predicate offence like drug trafficking. An increasing number of organized criminal organizations did not directly manage the laundering or conversion of their proceeds, but relied on profes-

sional money brokers who were able to evade normal monitoring, detection and reporting devices. Sophisticated techniques were being used, such as moving funds not only through wire transfers, but also through many varieties of licit and illicit financial instruments, including letters of credit, bonds and other securities, prime bank notes and guarantees—and without a parallel increase in the capability of the world's financial system to verify the beneficiaries or authenticity of instruments. In addition, the new practice of direct access banking by computer limited the ability of the bank to monitor account activity, and non-bank financial systems were unevenly regulated in most parts of the world. There were few controls on electronic transfers and the bank or non-bank of origin was increasingly based outside major financial centres in jurisdictions that did not adequately control money-laundering and other financial crimes. Reporting regulations needed to be redesigned to include the reporting of currency in electronic form moving to other countries via the Internet. The regulation of offshore banking was a growing concern. The assurance of absolute secrecy by many jurisdictions that licensed such facilities made it possible for those facilities to be manipulated to move and conceal or generate illicit proceeds.

The Secretary-General stated that in view of the trends, the particular needs of developing countries and of countries in transition would multiply rapidly; consequently, the Commission might wish to devote attention to ways of strengthening the capacity of the Division to undertake more operational activities in that area, in response to requests of Member States. The rapidly changing situation would make reliable information and knowledge more essential than ever, as a basis for efficient decision-making and effective concerted action at all levels. The Secretary-General also suggested that the Commission consider authorizing the Division to expand its information collection in the area of the prevention and control of the laundering of criminal proceeds. That function could be performed in cooperation with other international organizations, building on data collection instruments already developed by the International Criminal Police Organization (Interpol) and the Commonwealth Secretariat. The Commission might also wish to encourage more coordination and cooperation among relevant international organizations, in order to improve advocacy and dissemination of information, and foster action against the laundering of criminal proceeds.

The Commission on Narcotic Drugs, at its April session, adopted a resolution [E/1996/27 (res. 5(XXXIX))] on requirements for customer identi-

cation and other anti-money-laundering measures. The Commission urged States to prohibit banks and other financial institutions from offering accounts identified only by number, anonymous accounts or accounts in obviously false names. It recommended that States require financial institutions to determine the true identities of clients, and pay particular attention to wire transfers. The Commission urged States to broaden money-laundering countermeasures to include the transit, conversion or other disposition of illegal proceeds from serious crime, and to consider legislative measures for the confiscation or seizure of illicit proceeds from drug trafficking and other serious crime. States should also consider bilateral or multilateral arrangements for the equitable sharing of forfeited assets in such cases. The Commission urged UNDCP and the Division to work with the Financial Action Task Force and other anti-money-laundering and counter-narcotics institutions in order to strengthen international efforts against money-laundering, and to review progress made by States in implementing the anti-money-laundering provisions of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [YUN 1988, p. 690] and the recommendations of the Financial Action Task Force. The Secretary-General was requested to transmit the Commission's resolution to all Governments for consideration and implementation (see also PART THREE, Chapter XV).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 July, the Economic and Social Council adopted **resolution** 1996/27.

#### **Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime**

The Economic and Social Council,

Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and urged States to implement them as a matter of urgency,

Recalling also its resolution 1995/11 of 24 July 1995 on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,

Recalling further its resolution 1994/13 of 25 July 1994 on the control of the proceeds of crime,

Welcoming Commission on Narcotic Drugs resolution 5(XXXIX) of 24 April 1996,

Emphasizing the need for strengthened and improved international cooperation at all levels and for more effective technical cooperation to assist States in their fight against organized transnational crime,

Aware that criminal organizations vary in size, scale, bonding mechanisms, their range of activities, their



geographical scope, their relationship with power structures, their internal organizations and structures and the combination of instruments that they use both to promote their criminal enterprises and to protect themselves against law enforcement efforts,

Recalling that, while not constituting a legal or comprehensive definition of the phenomenon, organized transnational crime characteristically uses group organizations to commit crime, has hierarchical links or personal relationships that permit leaders to control the group, uses violence, intimidation and corruption to earn profit or control territories or markets, launders illicit proceeds both to further criminal activity and to infiltrate the legitimate economy, has the potential to expand into new activities and beyond national borders and cooperates with other organized transnational criminal groups,

Convinced that a structured programme of activities is essential to the full implementation of the Naples Political Declaration and Global Action Plan,

1. Takes note of the report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

2. Takes note also of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995;

3. Takes note further of the report of the Secretary-General on control of the proceeds of crime;

4. Requests the Secretary-General, taking into account work done in other international forums, to assist in the implementation of the Naples Political Declaration and Global Action Plan to meet the needs of Member States for:

(a) Increased knowledge on the structure and dynamics of organized transnational crime in all its forms, as well as trends in its development, areas of activity and diversification, taking into account the growing dangers of links between organized transnational crime and terrorist crimes;

(b) Reviewing existing international instruments and exploring the possibility of elaborating new ones to strengthen and improve international cooperation against organized transnational crime;

(c) Intensified technical assistance in the form of advisory services and training;

5. Requests the Secretary-General to continue collecting and analysing information on the structure, dynamics and other aspects of all forms of organized transnational crime throughout the world;

6. Also requests the Secretary-General, while avoiding duplication of the work of the United Nations International Drug Control Programme, to establish a central repository for:

(a) National legislation, including regulatory measures, on organized transnational crime;

(b) Information on organizational structures designed to combat organized transnational crime;

(c) Instruments for international cooperation, including bilateral and multilateral treaties and legislation to ensure their implementation, with a view to making them available to requesting Member States;

7. Urges Member States, other entities of the United Nations system and relevant intergovernmental and non-governmental organizations to assist the Secretary-General in implementing the request contained in paragraphs 4 to 6 above by providing and regularly updating relevant information and legislative and regulatory texts;

8. Requests the Secretary-General to continue his consultations with Governments on the possibility of elaborating a convention or conventions against organized transnational crime and on the elements that could be included therein;

9. Also requests the Secretary-General, drawing on the expertise of Governments:

(a) To make a thorough analysis of the views of Governments on the possibility of elaborating a convention or conventions against organized transnational crime, taking into account, *inter alia*, the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime;

(b) To make proposals on the action that would be appropriate;

(c) To make proposals for the undertaking of practical activities by States to implement the Naples Political Declaration and Global Action Plan;

(d) To report thereon to the Commission on Crime Prevention and Criminal Justice at its sixth session;

10. Decides that the Commission should establish an in-session open-ended working group at its sixth session for the purpose of:

(a) Considering the report and proposals of the Secretary-General;

(b) Identifying practical activities for effectively implementing the Naples Political Declaration and Global Action Plan;

(c) Considering the possibility of elaborating a convention or conventions against organized transnational crime and identifying elements that could be included therein;

11. Requests the Secretary-General to provide advisory services and technical assistance to requesting Member States in needs assessment, capacity-building and training, as well as in the implementation of the Naples Political Declaration and Global Action Plan;

12. Further requests the Secretary-General, for the purpose of providing the assistance referred to in paragraph 11 above, to develop training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime, taking into account differences in legal systems;

13. Stresses the importance of the activities carried out by the United Nations to strengthen international efforts against money-laundering, including, where possible, money-laundering involving the proceeds of serious crimes other than drug-related crimes and, for this purpose, requests the Secretary-General to increase and intensify cooperation between the Crime Prevention and Criminal Justice Division of the Secretariat and the United Nations International Drug Control Programme and to continue to work with the Financial Action Task Force and other relevant multilateral and regional institutions against money-laundering;

14. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution.

Economic and Social Council resolution 1996/27

24 July 1996 Meeting 47 Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1), orally corrected; agenda item 5 (g).

Meeting numbers. ESC 45, 47.

### International convention

Pursuant to Economic and Social Council resolution 1995/11 [YUN 1995, p. 1152], the Secretary-General requested the views of States on the opportunity for a convention or conventions against organized transnational crime.

The Secretary-General reported [E/CN.15/1996/2] that 10 of the 20 States that responded were favourably disposed towards a convention or conventions, 3 expressed reservations on the possibility of elaborating a general convention, and 2 favoured the elaboration of conventions against various aspects of organized transnational crime or on specific modalities of international cooperation against such crime. One State opposed the elaboration of any new instrument or instruments.

During its May session, the Commission debated the feasibility of the elaboration of international instruments on organized transnational crime and the form that an international framework for cooperation would take. One State announced that it was elaborating a draft convention.

Poland, by a letter of 8 August [A/51/192] to the Secretary-General, requested that a new item, entitled "Question of elaboration of an international convention against organized transnational crime", be included in the forthcoming session of the General Assembly, and attached an explanatory memorandum to its request. By a letter of 24 September [A/C.3/51/7] to the Secretary-General, Poland transmitted a draft UN framework convention against organized crime for consideration by the General Assembly.

The General Assembly, on the recommendation of the General Committee, decided to include the question and to allocate it to the Third Committee [A/51/620 & Corr.1]. During the Third Committee's debate, Poland, on behalf of 20 States, introduced a draft resolution on the question which was adopted without a vote and recommended to the Assembly for adoption.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/120**.

#### **Question of the elaboration of an international convention against organized transnational crime**

The General Assembly,

Recalling its resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and Global Action Plan against Organized Transna-

tional Crime, and bearing in mind the report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995,

Taking into account Economic and Social Council resolution 1996/27 of 24 July 1996, entitled "Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime", in which the Council decided, inter alia, that the Commission on Crime Prevention and Criminal Justice should establish an in-session open-ended working group at its sixth session, for the purpose, inter alia, of considering the possibility of elaborating a convention or conventions against organized transnational crime and identifying elements that could be included therein,

Recalling also the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995,

Deeply disturbed by the increasingly alarming threat posed by organized transnational crime to the rule of law, stability and security of States, which calls for an urgent and appropriate response,

Concerned about the growing number and variety of crimes committed by organized criminal groups,

Convinced of the need for closer coordination and cooperation among States in combating organized transnational crime, and bearing in mind the role that could be played by the United Nations and regional and subregional organizations in this respect,

Considering that there is a need to examine the question of the elaboration of an international convention against organized transnational crime,

Taking note of the proposed draft United Nations framework convention against organized crime introduced by Poland,

Bearing in mind the discussion on the question of the elaboration of an international convention against organized transnational crime which took place in the Third Committee during the fifty-first session of the General Assembly,

1. Requests the Secretary-General to invite all States to submit their views on the question of the elaboration of an international convention against organized transnational crime, including, inter alia, their comments on the proposed draft United Nations framework convention, not later than two months before the commencement of the sixth session of the Commission on Crime Prevention and Criminal Justice;

2. Requests the Commission on Crime Prevention and Criminal Justice to consider, as a matter of priority, the question of the elaboration of an international convention against organized transnational crime, taking into account the views of all States on this matter, with a view to finalizing its work on this question as soon as possible;

3. Further requests the Commission to report through the Economic and Social Council to the General Assembly at its fifty-second session on the results of its work on this question;

4. Decides to continue its consideration of this question at its fifty-second session.

General Assembly resolution 51/120  
12 December 1996 Meeting 82 Adopted without vote  
Approved by Third Committee (A/51/620 & Corr.1) without vote, 31 October (meeting 20); 34-nation draft (A/C.3/51/L.10), orally revised; agenda item 158.  
Meeting numbers. GA 51st session: 3rd Committee 3, 5-10, 12, 16, 20; plenary 82.

### UN Declaration on Crime and Public Security

The Commission on Crime Prevention and Criminal Justice agreed on the text of a draft resolution on a United Nations Declaration on Crime and Public Security and recommended it for adoption by the General Assembly [E/1996/30]. The Declaration expressed Member States' intention to protect the security and well-being of their citizens by taking effective national measures and pledging mutual cooperation to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and laundering of proceeds from serious crime.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/9**.

#### United Nations declaration on crime and public security

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 51/60 below.]

Economic and Social Council resolution 1996/9  
23 July 1996 Meeting 45 Adopted without vote  
Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/60**.

#### United Nations Declaration on Crime and Public Security

The General Assembly,

Convinced that the adoption of a declaration on crime and public security will contribute to the enhancement of the struggle against serious transnational crime,

1. Approves the United Nations Declaration on Crime and Public Security annexed to the present resolution;

2. Urges Member States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to combat serious transnational crime;

3. Invites the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration;

4. Urges Member States to make every effort to ensure that the Declaration becomes generally known

and is observed and implemented in full in accordance with their respective national legislation;

5. Invites Member States to promote public campaigns, including the use of mass media, that stimulate public awareness of and participation in the process of crime prevention and promotion of public security.

#### ANNEX United Nations Declaration on Crime and Public Security

The General Assembly,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, the Declaration on Measures to Eliminate International Terrorism and the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,

Solemnly proclaims the following United Nations Declaration on Crime and Public Security:

##### Article 1

Member States shall seek to protect the security and well-being of their citizens and all persons within their jurisdiction by taking effective national measures to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes, and shall pledge their mutual cooperation in those efforts.

##### Article 2

Member States shall promote bilateral, regional, multilateral and global law enforcement cooperation and assistance, including, as appropriate, mutual legal assistance arrangements, to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes and to ensure that law enforcement and other competent authorities can cooperate effectively on an international basis.

##### Article 3

Member States shall take measures to prevent support for and operations of criminal organizations in their national territories. Member States shall, to the fullest possible extent, provide for effective extradition or prosecution of those who engage in serious transnational crimes in order that they find no safe haven.

##### Article 4

Mutual cooperation and assistance in matters concerning serious transnational crime shall also include, as appropriate, the strengthening of systems for the sharing of information among Member States and the provision of bilateral and multilateral technical assistance to Member States by utilizing training, exchange programmes and law enforcement training academies and criminal justice institutes at the international level.

##### Article 5

Member States that have not yet done so are urged to become parties as soon as possible to the principal existing international treaties relating to various aspects of the problem of international terrorism. States parties shall effectively implement their provisions in order to fight against terrorist crimes. Member States shall also take measures to implement General Assembly resolution 49/60 of 9 December 1994, on measures to eliminate international terrorism, and the Declara-

tion on Measures to Eliminate International Terrorism contained in the annex to that resolution.

#### Article 6

Member States that have not yet done so are urged to become parties to the international drug control conventions as soon as possible. States parties shall effectively implement the provisions of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. Member States specifically reaffirm that, on the basis of shared responsibility, they shall take all necessary preventive and enforcement measures to eliminate the illicit production of, trafficking in and distribution and consumption of narcotic drugs and psychotropic substances, including measures to facilitate the fight against those criminals involved in this type of transnational organized crime.

#### Article 7

Member States shall take measures within their national jurisdiction to improve their ability to detect and interdict the movement across borders of those who engage in serious transnational crime, as well as the instrumentalities of such crime, and shall take effective specific measures to protect their territorial boundaries, such as:

(a) Adopting effective controls on explosives and against illicit trafficking by criminals in certain materials and their components that are specifically designed for use in manufacturing nuclear, biological or chemical weapons and, in order to lessen risks arising from such trafficking, by becoming parties to and fully implementing all relevant international treaties relating to weapons of mass destruction;

(b) Strengthening supervision of passport issuance and enhancement of protection against tampering and counterfeiting;

(c) Strengthening enforcement of regulations on illicit transnational trafficking in firearms, with a view to both suppressing the use of firearms in criminal activities and reducing the likelihood of fuelling deadly conflict;

(d) Coordinating measures and exchanging information to combat the organized criminal smuggling of persons across national borders.

#### Article 8

To combat further the transnational flow of the proceeds of crime, Member States agree to adopt measures, as appropriate, to combat the concealment or disguise of the true origin of proceeds of serious transnational crime and the intentional conversion or transfer of such proceeds for that purpose. Member States agree to require adequate record-keeping by financial and related institutions and, as appropriate, the reporting of suspicious transactions and to ensure effective laws and procedures to permit the seizure and forfeiture of the proceeds of serious transnational crime. Member States recognize the need to limit the application of bank secrecy laws, if any, with respect to criminal operations and to obtain the cooperation of the financial institutions in detecting these and any other operations that may be used for the purpose of money-laundering.

#### Article 9

Member States agree to take steps to strengthen the overall professionalism of their criminal justice, law enforcement and victim assistance systems and relevant regulatory authorities through measures such as training, resource allocation and arrangements for technical assistance with other States and to promote the involvement of all elements of society in combating and preventing serious transnational crime.

#### Article 10

Member States agree to combat and prohibit corruption and bribery, which undermine the legal foundations of civil society, by enforcing applicable domestic laws against such activity. For this purpose, Member States also agree to consider developing concerted measures for international cooperation to curb corrupt practices, as well as developing technical expertise to prevent and control corruption.

#### Article 11

Actions taken in furtherance of the present Declaration shall fully respect the national sovereignty and territorial jurisdiction of Member States, as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms as recognized by the United Nations.

General Assembly resolution 51/60

12 December 1996 Meeting 82 Adopted without vote

Approved by the Third Committee (A/51/610) without vote, 6 November (meeting 26); draft by Chairman (A/C.3/51/L.11) based on informal consultations on draft recommended by ESC res. 1996/9 (A/C.3/51/L.3) and amendment thereto (A/C.3/51/L.5) by Lebanon; agenda item 101. Meeting numbers. GA 51st session: 3rd Committee 5-10, 12, 16-18, 20, 26; plenary 82.

### Transnational and terrorist crimes

The Secretary-General, in an April report [E/CN.15/1996/7] to the Commission on Crime Prevention and Criminal Justice, provided an overview of differences and similarities between transnational organized crime and terrorist crimes, as well as a summary of the responses received from 24 States on action taken to combat such crime.

Highlighting recent international initiatives against terrorist crimes, the report concluded that, while links between transnational organized crime and terrorist crimes were more circumstantial than institutional, both forms of crime presented formidable challenges to the international community and required improved international cooperation. The growing dangers of both organized transnational crime and terrorist crime threatened security, stability and the rule of law, which were fundamental for social and economic development. Intra-State cooperation had not been able to keep up with the pace of international movement of criminal assets, the possibilities afforded by instant and increasingly secure communication through electronic channels, and the ability of terrorists and members of

organized criminal syndicates to pass undetected through border crossings. An international consensus on the modalities of international cooperation was necessary for overcoming legal and conceptual impediments to more effective action.

**Communication.** The Syrian Arab Republic, in a 15 May note [E/CN.15/1996/23] to the Secretary-General, conveyed its position on transnational crime, organized crime and the role of criminal law in the protection of the environment. It condemned terrorism and reiterated its position that it distinguished between terrorism and acts of national resistance against occupation, which it supported because they derived from the right of every people whose land had been occupied or whose rights had been violated.

### **Criminal law and protection of the environment**

UNDP, in cooperation with the UN Interregional Crime and Justice Research Institute (UNICRI), in May issued a "Monograph on Capacity Building in Criminal Enforcement of Environmental Law", which was part of an initiative launched at the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 670]. The monograph, intended to be a tool to point the direction for Governments, individuals and international organizations in formulating programmes, identified areas where concrete projects in the field of criminal enforcement of environmental law could be developed and implemented. It proposed elements on which technical assistance activities might be focused, such as the preparation of legislation, institution-building, enforcement tools, training and education.

During the debate by the Commission on the role of criminal law in the protection of the environment, Costa Rica put forward a draft resolution calling for the establishment of an international court of justice on the environment, to serve as a permanent UN body for international control, arbitration, prevention, punishment and consultation with States. Such a proposal had been made at UNCED.

### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 23 July, the Economic and Social Council adopted **resolution** 1996/10.

#### **The role of criminal law in the protection of the environment**

The Economic and Social Council,

Recalling General Assembly resolution 45/121 of 14 December 1990 on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly welcomed the instruments and resolutions adopted by the Eighth Con-

gress, which included a resolution on the role of criminal law in the protection of nature and the environment,

Recalling also General Assembly resolution 46/152 of 18 December 1991, in which the Assembly called for strengthened international cooperation to combat transnational crime,

Recalling further its resolution 1992/22 of 30 July 1992, in section VI of which it determined that three priority themes should guide the work of the Commission on Crime Prevention and Criminal Justice, one of which included the role of criminal law in the protection of the environment, and in section III of which it invited Member States to establish reliable and effective channels of communication among themselves and with the United Nations Crime Prevention and Criminal Justice Programme, including the regional institutes affiliated with the United Nations,

Reaffirming the principles of the Rio Declaration on Environment and Development,

Bearing in mind the activities and deliberations on sustainable development relating to the transfer of environmentally sound technology and the relevant provisions of Agenda 21 on the same subject,

Recognizing the importance of enhancing international cooperation in the enforcement of domestic and international environmental criminal laws and of promoting operational activities in that area,

Considering that for several years legal experts have been discussing the need for the establishment of an international court for environmental matters,

Bearing in mind that a number of meetings of legal experts specializing in environmental and criminal matters have suggested to Governments to consider discussing, in the United Nations, the feasibility of establishing an international court for environmental matters,

Aware that it is essential to protect the environment not only at the national level, but also at the international level, with due respect for the sovereignty of States, and that in this respect it may be appropriate to continue developing at the international level standards in criminal law for the protection of the environment,

Taking note with appreciation of the monograph on capacity-building in criminal enforcement of environmental law,

Bearing in mind that a proposal regarding the possibility of establishing a court having environmental jurisdiction was made at the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992,

1. Expresses its appreciation to the Government of Costa Rica for its efforts to continue discussions on the function of criminal law as regards protection of the environment, also appreciates the offer of the Government to host, in November 1996, an expert group meeting on that issue and invites the Secretary-General to provide the necessary collaboration in the organization of the meeting;

2. Requests the Secretary-General to seek the views of Member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment;

3. Decides that the question of the role of criminal law in the protection of the environment should con-

tinue to be one of the priority issues of the Commission on Crime Prevention and Criminal Justice at its future sessions;

4. Requests the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental, non-governmental and other organizations active in the field of environmental protection, in particular in the area of technical cooperation and assistance, including the formulation and implementation of joint projects on enforcement of environmental criminal law and other relevant activities within the United Nations system concerned with legal matters;

5. Also requests the Secretary-General to maintain and expand the roster of experts in this field and to continue gathering information on national environmental criminal law and regional and multinational initiatives;

6. Calls upon Member States to cooperate with each other, as well as with international organizations, in their efforts to prevent crimes against the environment and to include appropriate penal provisions in their laws and ensure their enforcement;

7. Recognizes the arrangements for preparing a manual for professionals responsible for enforcement of environmental criminal law, and recommends that this work be carried out by an expert group meeting, subject to the availability of extrabudgetary funds;

8. Calls upon Member States to support technical cooperation activities in environmental matters by making contributions in kind or by contributing to the United Nations Crime Prevention and Criminal Justice Fund;

9. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixth session on the implementation of the present resolution.

Economic and Social Council resolution 1996/10  
23 July 1996 Meeting 45 Adopted without vote  
Draft by Commission on Crime Prevention and Criminal Justice  
(E/1996/30 & Corr.1); agenda item 5 (g).

### Alien smuggling

In a March report [E/CN.15/1996/4 & Add.1] to the Commission, the Secretary-General described measures to combat the smuggling of illegal migrants. The report traced developments in respect of criminal law and other measures taken by Governments to combat the problem, based on information received from them. The report also reviewed action taken by UN bodies and conferences and made suggestions for consideration by the Commission on Crime Prevention and Criminal Justice.

The Secretary-General proposed that the Commission might specify practical measures for an international course of action to guide States in combating the phenomenon, including national, subregional, regional and interregional security plans. Measures for trans-border law enforcement needed to be specified and applied by all concerned. More dialogue and joint action between source, transit and recipient

States might be fostered, particularly across regions and in international forums, including consideration of a new international instrument. The Secretary-General suggested integrated action within the UN system. He noted that the issue of the law of the sea might be explored, given the volume of illegal population movements by sea.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/62**.

#### Measures for prevention of the smuggling of aliens

The General Assembly,

Recalling its resolution 48/102 of 20 December 1993 in which, *inter alia*, it condemned the practice of smuggling aliens and urged States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens,

Recalling also Economic and Social Council resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

Concerned at the increasing activities of criminals and criminal organizations that profit illicitly by smuggling human beings, preying on the dignity and lives of migrants and adding to the complexity of the phenomenon of increasing international migration,

Aware that such activities endanger the lives of those individuals and impose severe costs on the international community, in particular upon certain States that have been called upon to rescue and to provide medical care, food, housing and transportation for those individuals,

Recognizing that international criminal groups often convince individuals to migrate illegally by various means for enormous profits and use the proceeds from smuggling human beings to finance other criminal activities,

Noting that smugglers, in particular in the State of destination of alien smuggling, frequently force migrants into forms of debt, bondage or servitude, often involving criminal activities, in order to pay for their passage,

Recognizing that socio-economic factors influence the problem of the smuggling of aliens and also contribute to the complexity of current international migration,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control their own borders,

Recalling the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, signed at Geneva on 7 September 1956, to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the practice of debt bondage,

Convinced of the need to provide humane treatment and protect the full human rights of migrants,

Concerned that the smuggling of aliens undermines public confidence in policies and procedures for immigration and for the protection of refugees,

Taking into account the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Civil Aviation Organization and the International Maritime Organization in responding to the requests from States for assistance in dealing with the smuggling of aliens,

Emphasizing the importance of international cooperation and, in particular, the need for States to cooperate urgently at the bilateral and multilateral levels, as appropriate, to thwart these activities,

1. Condemns the practice of smuggling aliens in violation of international and national law or other agreements between States and without regard for the safety, well-being and human rights of the migrants;

2. Commends those States which have cooperated to combat alien smuggling and to respond to specific incidents in which smuggled aliens have needed to be dealt with according to international standards and the domestic laws and procedures of the States concerned and returned safely to appropriate destinations;

3. Urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, inter alia, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers;

4. Requests States to cooperate in order to prevent the illegal transport by smugglers of third-country nationals through their territory;

5. Also requests States to cooperate bilaterally and on a multilateral basis to prevent the use of fraudulent documents, to continue to improve the requirements for registration of vessels and to implement relevant international agreements;

6. Further requests States to cooperate in the interest of safety of life at sea, to increase their efforts to prevent the smuggling of aliens on ships and to ensure, in accordance with their national legislation, that prompt and effective action is taken against the smuggling of aliens by sea;

7. Calls upon States to enhance bilateral and multilateral cooperation in the fight against criminal organizations responsible for the smuggling of aliens;

8. Calls upon Member States and the relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of smuggling of aliens;

9. Reaffirms the importance of existing international conventions in preventing the economic exploitation and loss of life that can result from alien smuggling, and calls upon all States to exchange information, to consider ratifying or acceding to those conventions if they have not done so and fully to implement and enforce such conventions;

10. Emphasizes that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees;

11. Reaffirms the need to observe fully international and national law in dealing with the smuggling of aliens, including the provision of humane treatment and strict observance of all human rights of migrants;

12. Requests the Commission on Crime Prevention and Criminal Justice to consider giving attention to the question of the smuggling of aliens at its sixth session, to be held in 1997, in order to encourage international cooperation to address this problem within the framework of its mandate;

13. Requests the Secretary-General to transmit the text of the present resolution to all Member States and to the relevant specialized agencies and intergovernmental organizations.

General Assembly resolution 51/62

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/610) without vote, 15 November (meeting 40); 2-nation draft (A/C.3/51/L.7/Rev.1), orally revised; agenda item 101.

Sponsors: Cuba, Guatemala.

Meeting numbers. GA 51st session: 3rd Committee 5-10, 12, 16-18, 20, 26, 40; plenary 82.

### Administration of juvenile justice

As follow-up to the 1995 Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Cairo, Egypt, 29 April-8 May) [YUN 1995, p. 1133], a preparatory meeting aimed at drafting an integrated international strategy on administration of juvenile justice was held in Vienna in January 1996. It recommended that a programme of action should consist of the elaboration of an integrated international strategy on juvenile justice, to be accompanied by the development and implementation of technical assistance projects for countries facing the challenge of complying with the 1989 Convention on the Rights of the Child [YUN 1989, p. 560, GA res. 44/25], particularly with respect to the application of juvenile justice instruments. It also recommended that an expert group meet to finalize a draft programme of action for consideration by the Commission at its next session and suggested that the group discuss two pilot projects on juvenile justice reform. The Government of Austria offered to host such a meeting, later scheduled for February 1997.

The Secretary-General, in an April report [E/CN.15/1996/10] on children as victims and perpetrators of crime, described progress towards the formulation of a programme of action to promote the effective use and application of international standards and norms in juvenile justice. The major goal of the programme of action would be to promote the use and application of relevant UN human rights instruments in the administration of justice with regard to children, as well as UN standards and norms in juvenile justice.

The Secretary-General made proposals on a programme of action consisting of an international strategy on juvenile justice and development of technical assistance projects. The strategy should be based on an inventory and analysis

of the implementation of the Convention on the Rights of the Child, which could be accomplished by reviewing the reports of States parties. According to the Secretary-General, the strategy should deal with the issue of how to make international cooperation in juvenile justice more operational by identifying common problems faced by different countries, which would lead to proposals for improving juvenile justice systems at the local and national levels, for instance by introducing diversion programmes, improving the administration of juvenile justice, reducing the use of remand homes and pre-trial detention, improving the treatment of juveniles in prisons and creating effective rehabilitation programmes.

The Secretary-General suggested that the Commission encourage further cooperation with DDSMS, CHR, the Crime Prevention and Criminal Justice Division, the United Nations Children's Fund (UNICEF) and UNDP to provide assistance on the reform of juvenile justice to requesting Member States. He proposed that the Commission take note with appreciation of the offer of Austria to host the meeting of the expert group to finalize, for consideration by the Commission, a draft programme of action to promote the use and application of international standards and norms in juvenile justice and to discuss two pilot projects on juvenile justice reform. He suggested that the Commission decide to consider the draft programme of action at its sixth session.

On 19 April [E/1996/23 (res. 1996/32)], the Commission on Human Rights adopted a resolution on human rights in the administration of justice, in particular of children and juveniles in detention. It called upon States to give high priority to the promotion and protection of all rights of children and juveniles in the administration of justice, and urged them to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, and to ensure that they were separated, as appropriate, from adults when detained.

The Commission on Crime Prevention and Criminal Justice, at its fifth session in May [E/1996/30], recommended a draft resolution on administration of juvenile justice for adoption by the Economic and Social Council.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/13**.

#### **Administration of juvenile justice**

The Economic and Social Council,

Aware of the specific situation of children and juveniles, in particular when deprived of their liberty, and

concerned about the extent to which they are used as instruments in criminal activities,

Emphasizing the importance of coordinating the activities in the field of the administration of justice carried out under the responsibility of the Commission on Crime Prevention and Criminal Justice with those carried out under the responsibility of the Commission on Human Rights,

Recalling resolution 7 of 7 May 1995 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on children as victims and perpetrators of crime and the United Nations Crime Prevention and Criminal Justice Programme: from standard setting towards implementation and action, and Council resolution 1995/27 of 24 July 1995,

Recalling also General Assembly resolution 50/181 of 22 December 1995 on human rights in the administration of justice,

Recalling further Commission on Human Rights resolution 1996/32 of 19 April 1996 on human rights in the administration of justice, in particular of children and juveniles in detention,

Noting that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it includes in its conclusions on reports of States parties concrete recommendations concerning the provisions of advisory services and technical cooperation in this field,

Having considered the report of the Secretary-General on children as victims and perpetrators of crime,

1. Welcomes the progress made with regard to elaborating a programme of action to promote the effective use and application of international standards and norms in juvenile justice;

2. Recognizes the need to further strengthen international cooperation and practical technical assistance in the field of juvenile justice;

3. Calls upon Governments once again to make effective use and application of international standards in the administration of justice and, to that end, to provide for effective legislative and other mechanisms and procedures;

4. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructure in the field of the administration of justice;

5. Calls upon Governments to include in their national development plans the administration of justice as an integral part of the development process and, to that end, to allocate adequate resources for improving the administration of juvenile justice, as well as to make use of technical assistance offered, at their request, by the United Nations programmes of technical cooperation in this field;

6. Requests the United Nations High Commissioner for Human Rights, as well as relevant United Nations bodies and programmes, to consider favourably requests by States for assistance in the field of the administration of justice;

7. Invites the Secretary-General, the United Nations Children's Fund, the United Nations Development Programme and the World Bank, as well as other international and regional organizations and non-governmental organizations, to place emphasis on



technical assistance projects in the field of juvenile justice;

8. Also invites the Secretary-General to strengthen system-wide coordination of technical assistance projects in the field of juvenile delinquency prevention and the establishment or improvement of juvenile justice systems;

9. Requests the United Nations High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice and, in close cooperation with the Crime Prevention and Criminal Justice Division of the Secretariat, the United Nations Children's Fund and the Committee on the Rights of the Child, to develop strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice;

10. Requests the Secretary-General to organize, in cooperation with the Government of Austria, a meeting of an expert group on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, using extrabudgetary resources made available by the Government expressly for that purpose;

11. Also requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixth session on the implementation of the present resolution;

12. Decides that the Commission on Crime Prevention and Criminal Justice at its sixth session should consider the draft programme of action on juvenile justice.

Economic and Social Council resolution 1996/13

23 July 1996 Meeting 45 Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

### International traffic in children

The Secretary-General, in response to Economic and Social Council resolution 1995/27 [YUN 1995, p. 1138], sought information from States on their views regarding the process of elaborating an international convention on the illicit traffic in children. An April report of the Secretary-General [E/CN.15/1996/10] presented the replies received from 18 States, 17 of which favoured the elaboration of the convention.

The Secretary-General presented a series of measures for action by the Commission. He suggested that it request the development of a survey on illicit traffic in children to facilitate the development of strategies of concerted action against transnational organized crime, and that States encourage exchange programmes between law enforcement personnel and other bilateral exchanges to deal with transnational trafficking in children, as well as increasing the exchange of information, such as lists of known paedophiles and crime-linked data. The Commission, he said, might call on Member States to establish a central registry of all missing children and foster the

cross-border exchange of information to facilitate the tracing and monitoring of the cases concerned.

**Other action.** The World Congress against Commercial Sexual Exploitation of Children (Stockholm, Sweden, 27-31 August), organized by Sweden in cooperation with UNICEF, End Child Prostitution in Asian Tourism (ECPAT) and the NGO Group for the Convention on the Rights of the Child, called for local, national, regional and international action against the commercial sexual exploitation of children, including legislation against and penalties for such activities. By a letter of 19 September [A/51/385], Sweden forwarded to the General Assembly the Declaration and Agenda for Action adopted by the Congress. (See also PART TWO, Chapter II.)

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 July, the Economic and Social Council adopted **resolution 1996/26**.

#### **Measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences**

The Economic and Social Council,

Considering that illicit international trafficking in children is a criminal activity of increasing concern to the international community and a violation of the Convention on the Rights of the Child, article 35,

Aware that this activity is often conducted by criminal organizations with transnational links, principally in developing countries,

Taking note of resolution 3/2 of 6 May 1994 of the Commission on Crime Prevention and Criminal Justice, in which the Commission decided that it should consider, at its fourth session, the question of illicit international trafficking in children in the context of its discussion on organized transnational crime,

Recalling that the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, at which this subject received priority attention, adopted resolution 7 of 7 May 1995, in which it invited the Commission to initiate the process of requesting the views of States regarding the process of elaborating an international convention on the illicit trafficking in children, which might embody necessary elements to efficiently combat that form of transnational organized crime,

Recalling also its resolution 1995/27 of 24 July 1995, section IV.B, in which it requested the Secretary-General to initiate the process of requesting the views of Member States on the elaboration of such an international convention,

Aware that it is necessary, in order to deal more rationally and effectively with the illicit international trafficking in children and to effectively coordinate activities across the United Nations system and among other relevant international organizations, to establish a global framework for analysis of such transnational criminal activity and for coordinating appropriate measures to prevent this scourge and to punish the offenders,

Welcoming the initiative of the Latin American and Caribbean States which took part in the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995, with regard to the illicit international trafficking in children,

Welcoming also the initiative of convening the World Congress against Commercial Sexual Exploitation of Children, to be held at Stockholm from 26 to 31 August 1996, which has among its key themes the issue of illicit trafficking in children,

Aware that it is necessary to adopt practical measures to combat this form of organized transnational crime,

1. Takes note of the report of the Secretary-General on children as victims and perpetrators of crime, in particular the views of Governments on the elaboration of an international convention on the illicit trafficking in children and the proposals contained in that report;

2. Invites interested Governments fighting illicit trafficking in children to collect, wherever possible, data and other information on the problem in accordance with national legislation, and to furnish that information to the Commission on Crime Prevention and Criminal Justice;

3. Requests Member States to provide information on current legal provisions and administrative rules applicable to the prevention and punishment of illicit trafficking in children, and on the misuse of international adoption agencies by criminal organizations involved in illicit trafficking in children that may have been uncovered by the relevant authorities;

4. Invites Governments to adopt the necessary measures in accordance with their legislation to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime;

5. Invites the Crime Prevention and Criminal Justice Division of the Secretariat to cooperate closely with the Centre for Human Rights of the Secretariat;

6. Also invites the Crime Prevention and Criminal Justice Division to work and cooperate closely with the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, taking into account her role in the inter-sessional open-ended working group for the elaboration of a draft protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

7. Decides that the Commission on Crime Prevention and Criminal Justice should include in the provisional agenda for its sixth session an item on the possible elaboration of a legally binding international instrument or instruments on the illicit trafficking in children;

8. Requests the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit trafficking in children and their suggestions on possible elements to be included in the text of a future binding instrument or instruments on that subject;

9. Also requests the Secretary-General to conduct a survey, on the basis of existing international conventions, analysing the extent to which children are protected from becoming victims of illicit international

trafficking, taking into account both substantive and procedural aspects of providing such protection, and to compile and analyse the data collected;

10. Further requests the Secretary-General to prepare a report on the results of the survey mentioned in paragraph 9 above, to be submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session;

11. Requests the Secretary-General to ensure that United Nations system-wide activity on this and related issues is effectively coordinated.

Economic and Social Council resolution 1996/26

24 July 1996 Meeting 47 Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

Meeting numbers. ESC 45, 47.

## Corruption

### Action against corruption

On the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1996/30], the General Assembly in 1996 adopted the International Code of Conduct for Public Officials. The draft was recommended for approval by the Economic and Social Council.

At its 1996 session, the Commission had considered an April report [E/CN.15/1996/5] of the Secretary-General on action against corruption, which included a revised version of the draft code reflecting comments received from 36 Governments. The report described recent initiatives against corruption by international organizations as well as comments by States on the draft code. Support for the code was expressed by the majority of the States that responded to the Secretary-General's request for comments.

Among suggestions made in the report for action by the Commission were increasing technical assistance activities of the Crime Prevention and Criminal Justice Division in the prevention and control of corruption, the elaboration of an international plan of action against corruption, which might include guidelines for action by the United Nations on good governance, and prevention and control of corrupt practices in public institutions and private business.

**Other action.** The Organization of American States considered the issue of corruption, adopting the Inter-American Convention against Corruption at the Specialized Conference for Consideration of the Draft Inter-American Convention against Corruption (Caracas, Venezuela, 27-29 March), which was transmitted to the Secretary-General by Venezuela in July [E/1996/99].

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 23 July, the Economic and Social Council adopted resolution 1996/8.

**Action against corruption**

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 51/59 below.]

Economic and Social Council resolution 1996/8

23 July 1996 Meeting 45 Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

**GENERAL ASSEMBLY ACTION**

On 12 December, the General Assembly adopted resolution 51/59.

**Action against corruption**

The General Assembly,

Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Also concerned about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering,

Convinced that, since corruption is a phenomenon that currently crosses national borders and affects all societies and economies, international cooperation to prevent and control it is essential,

Convinced also of the need to provide, upon request, technical assistance designed to improve public management systems and to enhance accountability and transparency,

Recalling the Inter-American Convention against Corruption, adopted by the Organization of American States at the Specialized Conference for Consideration of the Draft Inter-American Convention against Corruption, held at Caracas from 27 to 29 March 1996,

Recalling also its resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991, and Economic and Social Council resolutions 1992/22 of 30 July 1992, 1993/32 of 27 July 1993 and 1994/19 of 25 July 1994,

Recalling in particular its resolution 50/225 of 19 April 1996, adopted at its resumed session, on public administration and development,

Recalling Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

Recalling also the work carried out by other international and regional organizations in this field, including the activities of the Council of Europe, the European Union, the Organisation for Economic Cooperation and Development and the Organization of American States,

1. Takes note of the report of the Secretary-General on action against corruption submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

2. Adopts the International Code of Conduct for Public Officials annexed to the present resolution, and recommends it to Member States as a tool to guide their efforts against corruption;

3. Requests the Secretary-General to distribute the International Code of Conduct to all States and to include it in the manual on practical measures against corruption, to be revised and expanded pursuant to Economic and Social Council resolution 1995/14, with a view to offering both those tools to States in the context of advisory services, training and other technical assistance activities;

4. Also requests the Secretary-General to continue to collect information and legislative and regulatory texts from States and relevant intergovernmental organizations, in the context of his continuing study of the problem of corruption;

5. Further requests the Secretary-General, in consultation with States, relevant intergovernmental and non-governmental organizations, as well as in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to elaborate an implementation plan and submit it to the Commission on Crime Prevention and Criminal Justice at its sixth session, in conjunction with his report to be submitted pursuant to Economic and Social Council resolution 1995/14;

6. Urges States, relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in elaborating the implementation plan and in implementing paragraph 4 above;

7. Urges Member States carefully to consider the problems posed by the international aspects of corrupt practices, especially as regards international economic activities carried out by corporate entities, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities;

8. Requests the Secretary-General to intensify his efforts to closely cooperate with other entities of the United Nations system and other relevant international organizations and to more effectively coordinate activities undertaken in this area;

9. Also requests the Secretary-General, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to Member States, at their request, in particular in the elaboration of national strategies, the elaboration or improvement of legislative and regulatory measures, the establishment or strengthening of national capacities to prevent and control corruption, as well as in training and upgrading skills of relevant personnel;

10. Calls upon States, relevant international organizations and financing institutions to extend to the Secretary-General their full support and assistance in the implementation of the present resolution;

11. Requests the Commission on Crime Prevention and Criminal Justice to keep the issue of action against corruption under regular review.

**ANNEX****International Code of Conduct for Public Officials****I. General principles**

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as ex-

pressed through the democratic institutions of government.

2. Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

## II. Conflict of interest and disqualification

4. Public officials shall not use their official authority for the improper advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.

5. Public officials, to the extent required by their position, shall, in accordance with laws or administrative policies, declare business, commercial and financial interests or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between the duties and private interests of public officials, they shall comply with the measures established to reduce or eliminate such conflict of interest.

6. Public officials shall at no time improperly use public moneys, property, services or information that is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Public officials shall comply with measures established by law or by administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

## III. Disclosure of assets

8. Public officials shall, in accord with their position and as permitted or required by law and administrative policies, comply with requirements to declare or to disclose personal assets and liabilities, as well as, if possible, those of their spouses and/or dependants.

## IV. Acceptance of gifts or other favours

9. Public officials shall not solicit or receive directly or indirectly any gift or other favour that may influence the exercise of their functions, the performance of their duties or their judgement.

## V. Confidential information

10. Matters of a confidential nature in the possession of public officials shall be kept confidential unless national legislation, the performance of duty or the needs of justice strictly require otherwise. Such restrictions shall also apply after separation from service.

## VI. Political activity

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

General Assembly resolution 51/59

12 December 1996 Meeting 82 Adopted without vote

Approved by the Third Committee (A/51/610) without vote, 31 October (meeting 20); draft recommended by ESC in res. 1996/8 (A/C.3/51/L.2), orally revised; agenda item 101.

Meeting numbers. GA 51st session: 3rd Committee 5-10, 12, 16-18, 20; plenary 82.

## UN Declaration on Corruption and Bribery

The General Assembly, following ongoing work on a draft international agreement on illicit payments [YUN 1995, p. 835], adopted in 1996 the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.

On 26 July, the Economic and Social Council, by **decision 1996/305**, having considered the issue of illicit payments, and having taken note of a draft resolution [E/1996/L.26] containing a UN declaration on corruption and bribery in transnational commercial activities, decided to consider the issue later in 1996. It requested the President of the Council to continue to facilitate open-ended consultations prior to its resumed substantive session in November, with a view to enhancing the prospects for achieving consensus.

The United States, in a letter of 5 November [E/1996/106] to the Secretary-General, transmitted the 1996 report to the Organisation for Economic Cooperation and Development (OECD) by its Committee on International Investment and Multinational Enterprises. The report included a summary of progress in implementing a 1994 OECD recommendation relating to bribery in international business transactions.

## ECONOMIC AND SOCIAL COUNCIL ACTION

On 20 November, the Economic and Social Council adopted **resolution 1996/51**.

### Corruption and bribery in international commercial transactions

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 51/191 below.]

Economic and Social Council resolution 1996/51

20 November 1996 Meeting 56 Adopted without vote

20-nation draft (E/1996/L.26/Rev.2), orally revised; agenda item 6 (i).

Meeting numbers. ESC 54, 56.

## GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/191**.

### United Nations Declaration against Corruption and Bribery in International Commercial Transactions

The General Assembly,

Recalling its resolution 3514(XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt

practices, including bribery, in international commercial transactions, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices, and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Recalling also the further work carried out by the General Assembly and the Economic and Social Council on the issue of illicit payments and on elaborating a code of conduct on transnational corporations, consideration of which helped call attention to and raise international awareness of the adverse consequences of bribery in international commercial transactions,

Recalling further its resolution 50/106 of 20 December 1995, in which it recommended that the Economic and Social Council consider the draft international agreement on illicit payments at its substantive session of 1996 and report to the Assembly at its fifty-first session,

Welcoming the steps taken at the national, regional and international levels to fight corruption and bribery, as well as recent developments in international forums that have further advanced international understanding and cooperation regarding corruption and bribery in international commercial transactions,

Noting the adoption in March 1996, by States members of the Organization of American States, of the Inter-American Convention against Corruption, which includes an article on transnational bribery,

Noting also significant continuing work relevant to and consistent with the objectives of the present resolution in other regional and international forums, such as the continuing work of the Council of Europe and the European Union to combat international bribery, as well as the commitment by the States members of the Organisation for Economic Cooperation and Development to criminalize bribery of foreign public officials in international commercial transactions in an effective and coordinated manner and further examine the modalities and appropriate international instruments to facilitate criminalization, and to re-examine the tax deductibility of such bribes with the intention of denying such tax deductibility in the member States that do not already do so,

1. Adopts the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, the text of which is annexed to the present resolution;

2. Notes the work being undertaken by the United Nations and in other international and regional forums to address the problem of corruption and bribery in international commercial transactions, and invites all States concerned to pursue the completion of such work;

3. Invites Member States, in accordance with the Declaration, to take appropriate measures and cooperate at all levels to combat corruption and bribery in international commercial transactions;

4. Requests the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice:

(a) To examine ways, including through legally binding international instruments, without in any way precluding, impeding or delaying international, regional or national actions, to further the imple-

mentation of the present resolution and the annexed Declaration, so as to promote the criminalization of corruption and bribery in international commercial transactions;

(b) To keep the issue of corruption and bribery in international commercial transactions under regular review;

(c) To promote the effective implementation of the present resolution;

5. Invites other bodies of the United Nations system, including the United Nations Conference on Trade and Development, whose competence extends to this matter, to take action as appropriate within their mandates to promote the objectives of the present resolution and the Declaration;

6. Encourages private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions to cooperate in the effective implementation of the Declaration;

7. Requests the Secretary-General to inform Member States, the relevant bodies and the specialized agencies of the United Nations system, and international, regional and non-governmental organizations, of the adoption of the present resolution, to encourage action towards making its provisions widely known and to promote its effective implementation;

8. Abo requests the Secretary-General to prepare a report, for consideration by the General Assembly at its fifty-third session, on the progress made towards implementation of the present resolution and the steps taken by Member States, international and regional organizations and other relevant institutions to combat corruption and bribery in international commercial transactions; on the results of the work in this regard undertaken by the Commission on Crime Prevention and Criminal Justice and other bodies of the United Nations system; and on measures taken in accordance with the present resolution to promote social responsibility and the elimination of corruption and bribery in international commercial transactions;

9. Invites Member States and competent international, regional and non-governmental organizations to provide relevant information to assist the Secretary-General in preparing the above-mentioned report;

10. Decides to include in the provisional agenda of its fifty-third session, under an item entitled "Business and development", a review of the report of the Secretary-General concerning the implementation of the present resolution.

#### ANNEX

##### **United Nations Declaration against Corruption and Bribery in International Commercial Transactions**

The General Assembly,

Convinced that a stable and transparent environment for international commercial transactions in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources across national borders, in order, inter alia, to promote economic and social development and environmental protection,

Recognizing the need to promote social responsibility and appropriate standards of ethics on the part of private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions, inter alia, through observance

of the laws and regulations of the countries in which they conduct business, and taking into account the impact of their activities on economic and social development and environmental protection,

Recognizing also that effective efforts at all levels to combat and avoid corruption and bribery in all countries are essential elements of an improved international business environment, that they enhance fairness and competitiveness in international commercial transactions and form a critical part of promoting transparent and accountable governance, economic and social development and environmental protection in all countries, and that such efforts are especially pressing in the increasingly competitive globalized international economy,

Solemnly proclaims the United Nations Declaration against Corruption and Bribery in International Commercial Transactions as set out below.

Member States, individually and through international and regional organizations, taking actions subject to each State's own constitution and fundamental legal principles and adopted pursuant to national laws and procedures, commit themselves:

1. To take effective and concrete action to combat all forms of corruption, bribery and related illicit practices in international commercial transactions, in particular to pursue effective enforcement of existing laws prohibiting bribery in international commercial transactions, to encourage the adoption of laws for those purposes where they do not exist, and to call upon private and public corporations, including transnational corporations, and individuals within their jurisdiction engaged in international commercial transactions to promote the objectives of the present Declaration;

2. To criminalize such bribery of foreign public officials in an effective and coordinated manner, but without in any way precluding, impeding or delaying international, regional or national actions to further the implementation of the present Declaration;

3. Bribery may include, inter alia, the following elements:

(a) The offer, promise or giving of any payment, gift or other advantage, directly or indirectly, by any private or public corporation, including a transnational corporation, or individual from a State to any public official or elected representative of another country as undue consideration for performing or refraining from the performance of that official's or representative's duties in connection with an international commercial transaction;

(b) The soliciting, demanding, accepting or receiving, directly or indirectly, by any public official or elected representative of a State from any private or public corporation, including a transnational corporation, or individual from another country of any payment, gift or other advantage, as undue consideration for performing or refraining from the performance of that official's or representative's duties in connection with an international commercial transaction;

4. To deny, in countries that do not already do so, the tax deductibility of bribes paid by any private or public corporation or individual of a State to any public official or elected representative of another country and, to that end, to examine their respective modalities for doing so;

5. To develop or maintain accounting standards and practices that improve the transparency of international commercial transactions, and that encourage private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions to avoid and combat corruption, bribery and related illicit practices;

6. To develop or to encourage the development, as appropriate, of business codes, standards or best practices that prohibit corruption, bribery and related illicit practices in international commercial transactions;

7. To examine establishing illicit enrichment by public officials or elected representatives as an offence;

8. To cooperate and afford one another the greatest possible assistance in connection with criminal investigations and other legal proceedings brought in respect of corruption and bribery in international commercial transactions. Mutual assistance shall include, as far as permitted under national laws or as provided for in bilateral treaties or other applicable arrangements of the affected countries, and taking into account the need for confidentiality as appropriate:

(a) Production of documents and other information, taking of evidence and service of documents relevant to criminal investigations and other legal proceedings;

(b) Notice of the initiation and outcome of criminal proceedings concerning bribery in international commercial transactions to other States that may have jurisdiction over the same offence;

(c) Extradition proceedings where and as appropriate;

9. To take appropriate action to enhance cooperation to facilitate access to documents and records about transactions and about identities of persons engaged in bribery in international commercial transactions;

10. To ensure that bank secrecy provisions do not impede or hinder criminal investigations or other legal proceedings relating to corruption, bribery or related illicit practices in international commercial transactions, and that full cooperation is extended to Governments that seek information on such transactions;

11. Actions taken in furtherance of the present Declaration shall respect fully the national sovereignty and territorial jurisdiction of Member States, as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms;

12. Member States agree that actions taken by them to establish jurisdiction over acts of bribery of foreign public officials in international commercial transactions shall be consistent with the principles of international law regarding the extraterritorial application of a State's laws.

General Assembly resolution 51/191

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/601) without vote, 2 December (meeting 37); draft recommended by ESC in res. 1996/51 (A/C.2/51/L.37); agenda item 12.

Meeting numbers. GA 51st session: 2nd Committee 27, 28, 35-37; plenary 86.

### UN standards and norms

In an April report [E/CN.15/1996/16 & Add.1-4] on UN standards and norms in the field of crime prevention and criminal justice, the Secretary-General highlighted the results of four surveys related to the implementation of the 1955 Standard Minimum Rules for the Treatment of Prisoners [YUN 1955, p. 209], the 1979 Code of Conduct for Law Enforcement Officials [YUN 1979, p. 779], and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials [Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August-7 September: report prepared by the Secretariat, Sales No. E.91.IV.2.], the 1985 Basic Principles on the Independence of the Judiciary [YUN 1985, p. 757] and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power [YUN 1985, p. 743]. It provided an overview of activities aimed at the promotion of the use and application of existing UN standards and norms, and focused on ways to facilitate their use and dissemination, while improving cooperation and strengthening coordination with other relevant entities and institutions.

In the surveys, Member States provided information on their prison systems; their police systems, including regulations on when and how to use force and firearms; their programmes of victim assistance, redress and compensation; and their judiciaries.

The report concluded that UN standards, norms, guidelines and model treaties in crime prevention and criminal justice played an essential role in combating transnational and organized crime, in facilitating mutual assistance in criminal matters, and in creating a common basis for overall observance of human rights. The standards and norms could serve as a point of departure for national policies, and the international community had a collective responsibility to facilitate that process.

The Secretary-General proposed that the Commission on Crime Prevention and Criminal Justice might wish to consider strengthening the role of the UN Crime Prevention and Criminal Justice Programme in improving the effectiveness of UN standards and norms through various measures, including: publishing and disseminating the four reports; collecting the information into an electronic database and making it available on the World Wide Web; establishing a subgroup to make a more in-depth study of the information provided by Member States; and recommending that States establish, at the national level, mechanisms such as a coordinating body, charged with promoting the widest possible use

and application of UN standards and norms, including through information exchange between relevant offices at all levels of Government.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/16**.

#### United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice,

Stressing the need for further coordination and concerted action in translating those standards and norms into practice,

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources, including intergovernmental as well as non-governmental organizations and institutes,

Recalling also its resolution 1994/18 of 25 July 1994,

Recalling further its resolution 1995/13 of 24 July 1995, in which it requested the Secretary-General to develop questionnaires on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, to be considered by the Commission on Crime Prevention and Criminal Justice at its fifth session, with a view to requesting the Secretary-General to submit a report on the replies to the Commission at a subsequent session,

1. Invites Governments to ensure the promotion and widest possible dissemination of United Nations standards and norms in crime prevention and criminal justice and to publish the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice in the languages of their countries;

2. Requests the Secretary-General, subject to the availability of extrabudgetary funds, to ensure the reprinting of the Compendium in sufficient numbers in all the official languages of the United Nations;

3. Reaffirms the important role of the United Nations network of institutes and intergovernmental and non-governmental organizations in contributing to the effective use and application of United Nations standards and norms in crime prevention and criminal justice;

4. Requests the Secretary-General to widely disseminate, via the World Wide Web database facility of the United Nations Crime and Justice Information Network, the texts of the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, together with the Basic Principles for the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Basic Principles on the Independence of the Judiciary, as well as the reports of the Secretary-General on the use and application of those United Nations stan-

dards in crime prevention and criminal justice, and to make the information on which the reports are based available upon request;

5. Urges Governments that have not yet replied to the questionnaires on the four standards in crime prevention and criminal justice to submit their replies to the Secretary-General as soon as possible, with a view to enabling him to make the database more comprehensive;

6. Requests the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its seventh session a report on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

7. Also requests the Secretary-General to prepare a report, incorporating comments sought from Governments, on the desirability of establishing an inter-sessional working group to examine the reports on the use and application of United Nations standards and norms in crime prevention and criminal justice in more detail, as well as the information on which the reports were based, and to recommend to the Commission possible further action to assist Member States in translating those instruments into practice;

8. Decides that the Commission should consider the report of the Secretary-General on the desirability of establishing an inter-sessional working group at its sixth session;

9. Requests the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice, *inter alia*, by providing advisory services and technical cooperation to Member States on request, including assistance to Member States in criminal justice and law reform, organization of training for law enforcement and criminal justice personnel and support to the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

10. Also requests the Secretary-General to continue to coordinate the activities related to the use and application of United Nations standards and norms in crime prevention and criminal justice between the Crime Prevention and Criminal Justice Division of the Secretariat and other relevant United Nations entities, such as the office of the United Nations High Commissioner for Human Rights and the United Nations International Drug Control Programme, in order to heighten their efficacy and avoid overlapping in the implementation of their programmes.

Economic and Social Council resolution 1996/16  
23 July 1996 Meeting 45 Adopted without vote  
Draft by Commission on Crime Prevention and Criminal Justice  
(E/1996/30 & Corr.1); agenda item 5 (g).

### UN minimum rules for administration of justice

The Secretary-General reported in April [E/CN.15/1996/18] on the development of UN minimum rules for the administration of criminal justice, providing comments received from 48 States and six institutes on the advisability and

specific content of the draft minimum rules. The draft rules had been prepared by an expert commission at working sessions held between 1990 and 1992, and were submitted by Argentina to the United Nations Office in Vienna and noted by the Economic and Social Council in 1994 [YUN 1994, p. 1156].

Most of the replies indicated an interest in maintaining the effort to draft minimum rules for the administration of criminal justice. Despite the marked differences that existed between procedural systems such as the inquisitorial and adversarial systems, and also between the basis of procedural rules constituted either by laws or by common law traditions, a degree of uniformity had been demonstrated among the procedural problems, as well as in the reduced range of approaches to solving them. This measure of uniformity could make it possible to achieve sufficient common ground to establish minimum mandatory rules or, at least, to formulate recommendations. The replies received did not indicate strong support for establishing new international courts.

The Commission, in a decision of 31 May [E/1996/30 (dec. 5/101)], requested the Secretary-General to continue to solicit comments from Member States on the draft minimum rules, and to seek comments from all Member States on the utility of promulgating the draft rules, the utility of convening an expert group to review them and specific areas in which such a group should consider possible changes. It also asked him to report in 1997.

### Death penalty

In March [E/CN.15/1996/19], the Secretary-General reported on capital punishment and implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty (see also PART TWO, Chapter II). The report consolidated the fifth quinquennial report on the subject issued in 1995 [YUN 1995, p. 747] with additional replies received on the subject. It reviewed the use of and trends in capital punishment, including the implementation of safeguards, during the period from 1989 to 1993.

While noting that the report was based on replies received from just over a third of Member States, the Secretary-General said that an unprecedented number of countries had abolished or suspended the use of the death penalty. Since 1989, 25 countries had abolished the death penalty, 23 of them for all crimes whether in peacetime or in war. The death penalty was more prevalent in Europe, including Eastern Europe, and in South America than elsewhere. Capital punishment had been re-introduced in four



countries since 1989, and several countries had expanded the scope of the death penalty as a reaction to perceived upsurges in serious crime and national crises affecting internal security.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council, on 23 July, adopted **resolution 1996/15**.

#### **Safeguards guaranteeing protection of the rights of those facing the death penalty**

The Economic and Social Council,

Recalling General Assembly resolutions 2857(XXVI) of 20 December 1971 and 32/61 of 8 December 1977 and Economic and Social Council resolutions 1745(LIV) of 16 May 1973, 1930(LVIII) of 6 May 1975, 1990/51 of 24 July 1990 and 1995/57 of 28 July 1995,

Recalling also article 6 of the International Covenant on Civil and Political Rights,

Recalling further the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to its resolution 1984/50 of 25 May 1984, and its resolution 1989/64 of 24 May 1989 on the implementation of the safeguards,

Taking note of the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty,

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, set forth in the annex to its resolution 1989/65 of 24 May 1989 and endorsed by the General Assembly in its resolution 44/162 of 15 December 1989, and taking note of the recommendations of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions concerning the death penalty contained in his report to the Commission on Human Rights at its fifty-second session,

Taking note of Security Council resolution 827(1993) of 25 May 1993, in which the Security Council decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and to adopt the statute of the International Tribunal annexed to the report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808(1993) of 22 February 1993, and taking note also of Security Council resolution 955(1994) of 8 November 1994, in which the Security Council decided to establish the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and to adopt the statute of the International Tribunal for Rwanda annexed to that resolution,

1. Notes that, during the period covered by the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, an increasing number of countries abolished the

death penalty and others followed a policy reducing the number of capital offences and declared that they had not sentenced any offender to that penalty, while still others retained it and a few reintroduced it;

2. Calls upon Member States in which the death penalty has not been abolished to effectively apply the safeguards guaranteeing protection of the rights of those facing the death penalty, which state that capital punishment may be imposed for only the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences;

3. Encourages Member States in which the death penalty has not been abolished to ensure that each defendant facing a possible death sentence is given all guarantees to ensure a fair trial, as contained in article 14 of the International Covenant on Civil and Political Rights, and bearing in mind the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Standard Minimum Rules for the Treatment of Prisoners;

4. Also encourages Member States in which the death penalty has not been abolished to ensure that defendants who do not sufficiently understand the language used in court are fully informed, by way of interpretation or translation, of all the charges against them and the content of the relevant evidence deliberated in court;

5. Calls upon Member States in which the death penalty may be carried out to allow adequate time for the preparation of appeals to a court of higher jurisdiction and for the completion of appeal proceedings, as well as petitions for clemency, in order to effectively apply rules 5 and 8 of the safeguards guaranteeing protection of the rights of those facing the death penalty;

6. Also calls upon Member States in which the death penalty may be carried out to ensure that officials involved in decisions to carry out an execution are fully informed of the status of appeals and petitions for clemency of the prisoner in question;

7. Urges Member States in which the death penalty may be carried out to effectively apply the Standard Minimum Rules for the Treatment of Prisoners, in order to keep to a minimum the suffering of prisoners under sentence of death and to avoid any exacerbation of such suffering.

#### **Economic and Social Council resolution 1996/15**

**23 July 1996**

**Meeting 45**

**Adopted without vote**

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1), orally corrected; agenda item 5 (g).

### **Other crime prevention and criminal justice issues**

#### **Victims of crime and abuse of power**

The Secretary-General, in a February report [E/CN.15/1996/167 Add.5] to the Commission, transmitted the recommendations of the Expert Group Meeting on Victims of Crime and Abuse

of Power in the International Setting (Vienna, 18-22 December 1995).

The Expert Group, in the first of two recommendations, stated its belief that wide-ranging measures, including the adoption of legislation, needed to be taken at the national and international levels to improve the access to justice and fair treatment, reparation, including restitution, compensation and satisfaction, and physical, medical and social assistance, to realize the promise held out by the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power [YUN 1985, p. 743]. The Expert Group adopted the Integrated Plan of Action on Victims of Crime and Abuse of Power; the Model Project on the Establishment of Victim Services in the Context of Sustainable Development; the Promising Practices Resource (establishing a database to include examples of laws, services, training curricula and manuals for practitioners); and the Scheme for International Crisis Response Teams for Emergency Assistance, all of which were annexed to the Group's recommendation. Also annexed to the recommendation was the outline of a draft manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

By the second recommendation, the Group adopted the Principles Guaranteeing the Rights and Interests of Victims in the Proceedings of the Proposed International Criminal Court, and recommended that they be reflected in the statute and rules of procedure of the proposed international criminal court (see PART FOUR, Chapter III).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/14**.

#### **Use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**

The Economic and Social Council,

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted, on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also its resolution 1995/27 of 24 July 1995, section IV, paragraph 32, in which it requested the Secretary-General to seek the views of Member States and relevant organizations on the advisability of preparing a manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Noting with appreciation the deliberations and work of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995, and its recommendations,

Noting the usefulness of the manuals already published and disseminated by the Secretariat under the United Nations Crime Prevention and Criminal Justice Programme,

1. Recognizes the desirability of preparing a draft manual or draft manuals on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power for submission to the Commission on Crime Prevention and Criminal Justice at its sixth session, on the understanding that the Secretary-General will seek the views of Member States on the draft manual or draft manuals and will report on those views to the Commission at its seventh session;

2. Recommends that this work be undertaken, taking into account the different legal systems and practices of each State, by expert group meetings to be convened with extrabudgetary funds in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, the World Society of Victimology and other entities, and with the support of the Secretary-General;

3. Welcomes the offers by the Governments of the Netherlands and the United States of America to host the expert group meetings;

4. Recommends that the expert group meetings explore the feasibility of establishing a database on promising practices and legislation on victim-related issues, as a supplement to the manual or manuals;

5. Decides that the use and application of the Declaration should be considered by the Commission on Crime Prevention and Criminal Justice as a topic under an appropriate agenda item;

6. Requests the Secretary-General to bring to the attention of the Preparatory Committee for the Establishment of an International Criminal Court the potential applicability of the basic principles contained in the Declaration.

Economic and Social Council resolution 1996/14

23 July 1996 Meeting 45 Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

#### **Measures to regulate firearms**

The Secretary-General, in response to Economic and Social Council resolution 1995/27 [YUN 1995, p. 1141], presented replies received from Member States in response to his request for information on measures to regulate firearms [E/CN.15/1996/14 & Corr.1]. Member States reported on such issues as criminal cases, accidents and suicides involving firearms; transnational illicit trafficking in firearms; national legislation and regulations on firearms; public awareness campaigns and opinion polls on firearms regulation; and views on the possible preparation of a draft declaration concerning firearms regulation.

The Secretary-General concluded that for the first time, the UN Crime Prevention and Criminal Justice Programme was able to garner some initial information on the subject from the standpoint of crime prevention and public safety. The

report indicated how diverse, complex and fragmentary statistics on the question of firearms regulation were, and that there was a need to improve firearms statistics.

The Secretary-General suggested that the Commission might wish to recommend the continuation of the project on firearms regulation, subject to the availability of extrabudgetary funds; encourage Member States to provide firearms data to the Secretariat; broaden the scope of the project on firearms regulation; recommend the translation of replies from survey respondents from English into other official UN languages; and encourage States to initiate or intensify regional and subregional cooperation.

**Other action.** An advisory group of the Commission (Vienna, 18-20 December 1995) offered recommendations on ways of carrying out a project to design guidelines and a questionnaire on firearms regulation. The project was funded in large part by Japan, while Canada also contributed funds and substantive expertise. The advisory group provisionally identified 50 Member States to be approached with a request to provide requisite data. A steering committee (Vienna, 2-3 May 1996) reviewed the progress of the project and prepared an agenda for an ad hoc expert group to analyse and report on replies to the questionnaire.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council, on 24 July, adopted **resolution** 1996/28.

##### **Follow-up action on firearms regulation for the purpose of crime prevention and public safety**

The Economic and Social Council,

Recalling resolution 9 of 7 May 1995 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also its resolution 1995/27 of 24 July 1995,

Recalling further General Assembly resolution 50/145 of 21 December 1995,

Mindful of the need for effective implementation of those resolutions,

Taking note with satisfaction of the report of the Secretary-General on measures to regulate firearms,

1. Welcomes the progress made by the Secretary-General in undertaking the study on regulating firearms in response to its resolution 1995/27, section IV.A, drawing upon the work of an advisory group;

2. Endorses the questionnaire and guidelines for the preparation of the survey and country reports on firearms regulation issues presented by the Secretary-General;

3. Reiterates its request to the Secretary-General to collect information and consult with Member States on the implementation of national measures to regulate firearms in accordance with its resolution 1995/27, section IV, paragraph 10;

4. Requests the Secretary-General to collect information and consult with Member States, as appropriate, on the basis of the above-mentioned questionnaire and guidelines, and to analyse the information obtained in order to contribute to the preparation of additional survey and country reports as requested in paragraph 3 above;

5. Approves the work plan established on the basis of the proposals presented by the representative of the Secretary-General to the Commission on Crime Prevention and Criminal Justice at its fifth session, and requests the Secretary-General to pursue his study in accordance with the work plan;

6. Again invites all United Nations organs, bodies and specialized agencies and intergovernmental and other organizations active in the field of regulating firearms to provide the Secretary-General with views and proposals on their possible contributions towards the full implementation of Ninth Congress resolution 9;

7. Requests the Secretary-General to submit the report and the recommendations requested in its resolution 1995/27, section IV, paragraph 12, to the Commission on Crime Prevention and Criminal Justice at its sixth session;

8. Decides that the Commission on Crime Prevention and Criminal Justice should include in its agenda for its sixth session the item entitled "Measures to regulate firearms".

Economic and Social Council resolution 1996/28

24 July 1996

Meeting 47

Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

Meeting numbers. ESC 45, 47.

#### **Statistics and computerization**

The Secretary-General, in an April report [E/CN.15/1996/13 & Corr.1], submitted to the Commission a draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system. Fourteen States provided observations regarding their national computerization infrastructure, in response to the Secretary-General's request for information on existing and planned projects in the management of the criminal justice system.

The report reviewed the development of the computerized United Nations Crime and Justice Information Network (UNCJIN), which provided a means to facilitate the communication and exchange of information and data among members of the network. Initiated in 1988, UNCJIN activities in the area of computerization of criminal justice information had been carried out with extrabudgetary funds. Among the elements for an action plan in technical cooperation, the report suggested needs assessment; an evaluation component for technical cooperation projects; education and training of decision makers, managers, technicians, analysts and end-users of the computer application; and the maintenance of rosters of experts, organizations and resource materials.

Multilateral cooperation could be improved by the establishment of an international group of experts to oversee the technical cooperation programme, which had been requested by the General Assembly in 1990 [res. 45/109]. Financial constraints had inhibited efforts to set up such a group. A number of surveys and databases had been established, the report said, but the low rate of participation of developing countries had reduced their comparative value. Further work was required to improve the data collection instruments, the methods of administration and the quality (validity and reliability) of the data. The Secretary-General suggested that the Commission might ask Member States to make resources available for experts to undertake needs assessment missions. States could also aid data collection efforts by offering facilities for training criminal justice statisticians from developing countries in the processing, publication and dissemination of criminal justice data, or by providing in-kind contributions. The Commission might recommend to the Secretariat ways and means of allocating new resources to update, expand and maintain directories and rosters of experts.

**Other action.** A training seminar on "UNCJIN: providing information to and from developing countries" was held in Seoul in September, at the offer of the Republic of Korea. The course covered information management of the criminal justice system and provided a basis for the preparation of a manual on the collection and dissemination of crime and justice data through computerization and electronic networking.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/11**.

##### **International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information**

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations Crime Prevention and Criminal Justice Programme, in the annex to which it is stipulated that the general goals of the programme should be to contribute to, inter alia, more efficient and effective administration of criminal justice, with due respect for the human rights of all those affected by crime and all those involved in the criminal justice system, and in paragraph 5 of which the Assembly decided that the United Nations Crime Prevention and Criminal Justice Programme should provide States with practical assistance so as to prove their response to crime,

Recalling also General Assembly resolution 45/109 of 14 December 1990 on the computerization of criminal justice, in which the Assembly requested the Secretary-General to establish, in cooperation with the

network of institutes for the prevention of crime and the treatment of offenders affiliated with the United Nations, a technical cooperation programme for the computerization of criminal justice information in order to offer training, assess needs and formulate and execute specific projects,

Recalling further its resolution 1992/22 of 30 July 1992, section I, in which it reaffirmed the request of the General Assembly to the Secretary-General to strengthen the Programme as a whole, so as to enable it to further develop clearing-house facilities in relation to crime prevention and criminal justice issues, including the capacity to match the needs for training with the opportunities available to meet them,

Taking note with appreciation of the report of the Secretary-General on the draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system,

Mindful that the development of a more structured framework is critical to the delivery of the activities described in the above-mentioned report of the Secretary-General and that an international technical cooperation infrastructure is important in facilitating the access of Member States to relevant resources and information regarding existing programmes and projects,

Emphasizing the common problems faced by all Member States in the administration and computerization of criminal justice,

Emphasizing also that developing countries, countries with economies in transition and developed countries, by enhancing their capacity to exchange information at the international level, may benefit from international cooperation in the computerization of criminal justice information,

Acknowledging the importance of the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House in the development of the information-sharing capacity of the United Nations Crime Prevention and Criminal Justice Programme undertaken through collaborative efforts of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network,

1. Urges Member States, governmental, intergovernmental and non-governmental organizations and the private sector to assist the Secretary-General, in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, in strengthening the technical cooperation capacity of the network by:

(a) Establishing an advisory steering group, administered by the Secretary-General in close coordination with the institutes comprising the Programme network, including assistance from the administration of the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House, drawing upon extrabudgetary resources, which would be responsible for:

- (i) Reviewing and assessing, at the request of Member States, their national experiences in the computerization of criminal justice operations and criminal justice information systems;
- (ii) Giving advice to the Secretary-General on the establishment of the technical cooperation programme;

- (iii) Giving advice to the Secretary-General on the activities of the technical cooperation programme;
- (iv) Informing Member States of funds and services that might be available from various donors in the governmental, intergovernmental, non-governmental and private sectors;
- (v) Informing such donors of the needs of Member States for assistance;
- (vi) Consulting with relevant experts in the field of criminal justice;
- (vii) Assisting Member States, at their request in developing criteria and mechanisms for the establishment of a platform for the exchange of information between distinct entities able to provide information and experience useful for the management of the criminal justice system;
- (b) Identifying a standing pool of experts for the practical implementation of technical cooperation activities, in particular for:
  - (i) Assessing needs in both the computerization of criminal justice operations and the development of criminal justice information systems;
  - (ii) Designing and coordinating training programmes in both the computerization of criminal justice operations and the development of criminal justice information systems;
  - (iii) Assisting in the design, development and implementation of actual computerization projects;
  - (iv) Providing other needed expert advice as requested;
  - (c) Actively participating in the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House through:
    - (i) Adopting the conceptual design of the Clearing House, that builds upon the Information Network, as a model for international sharing and dissemination of information and consulting with other participating Member States and United Nations bodies on information exchange policies, procedures and standards;
    - (ii) Establishing national points of contact for electronic communications in relevant government agencies;
    - (iii) Making national public information in the area of crime prevention and criminal justice available on the Internet via linkages with the Information Network and the Clearing House;

2. Requests the Secretary-General, in concert with experts from interested States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to conduct, using existing resources of the regular budget of the United Nations, a survey of national capacities for the collection of crime statistics, as a supplement to the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, using as a draft guide the form annexed to the present resolution;

3. Calls on Member States to contribute to the survey of national capacities by providing the necessary information in a timely manner;

4. Requests the Secretary-General to keep the Commission on Crime Prevention and Criminal Justice informed about the progress made;

5. Calls on Member States to assist the Secretary-General in funding the establishment of the advisory steering group, in identifying the standing pool of experts and in funding the activities called for in the present resolution.

**ANNEX**  
**Form for the survey on national capacities**  
**for the collection of data on**  
**crime prevention and criminal justice**

Country \_\_\_\_\_  
 Agency \_\_\_\_\_

Statistics produced

1. Does the country have statistics on crimes reported or detected by law enforcement agencies?

	Yes	No
For all crimes	—	—
For some crimes	—	—

(a) The statistics include:

National data_	Regional data_	Provincial data_	
From all regions	Yes	No	
From all provinces	Yes	No	

(b) The statistics include the following:

Breakdown by legal property involved	Yes	No
Breakdown by crime	Yes	No
Breakdown by sex	Yes	No
Breakdown by age	Yes	No

Existence of a link between victim of violent crime and offender	Yes	No
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Instances of violence against persons	Yes	No
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Instances of violence against property	Yes	No
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Use of firearms	Yes	No
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Agency receiving the report	Yes	No
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(c) The statistics are generated:

Periodically	Yes	No
At the following intervals:	Monthly_	Quarterly_

Half-yearly\_ Yearly\_

2. Does the country keep national statistics on crimes committed, including an estimate of the number of unreported crimes? If yes, give a brief description of the method used to calculate the number of unreported crimes.

Description of the agency or agencies  
responsible for data collection

3. Does the country have any national public agency with the task of compiling and preparing statistics? Does it prepare and compile information relating exclusively to crime prevention and criminal justice?

(a) Are the preparation and compilation of statistics on crime prevention and criminal justice the main task of this agency or does it carry out this task merely as a sideline to other, principal activities? If so, what is the principal activity of the agency?

Note: If a number of agencies have this task, provide the information requested below only in respect of the agency whose main function is to compile and prepare statistics.

(b) Does this agency prepare its own statistics or does it collect statistics prepared by other agencies?

(i) If it prepares its own statistics:

- Does it do so for all crimes or only certain crimes? If so, for which crimes?
- Does it use the official figures produced by the same type of source for all its investigations or does it use different figures depending on the phenomenon to be investigated?
- It draws its information from:

Judicial proceedings \_\_\_\_\_

Police reports \_\_\_\_\_

Other sources \_\_\_\_\_

- Is there a standard procedure for conducting these investigations or does it vary depending on the phenomenon to be investigated?
- When the scale of the investigation exceeds the agency's operating capacity, does it enter into agreements with other agencies? If yes, does it use private or public agencies?
- Does it look at the level of unreported crimes as a matter of course? Indicate the procedure used.
- Are there any legal provisions governing the agency's data collection activity?

(ii) If the agency compiles statistics produced by other agencies:

a. The data are supplied by:

Regional agencies \_\_\_\_\_

Provincial or state agencies \_\_\_\_\_

Private agencies \_\_\_\_\_

Public agencies \_\_\_\_\_

- Does it obtain information from a single agency or a number of agencies?
- Give a brief description of the data collection procedure used by the agency providing the information and of the centralization method developed by the agency dealing with that information.
- Is the information received subject to any form of control? If so, please describe.
- Are there any legal provisions that govern the data compilation activity of the centralizing agency? Describe the provisions.

#### Infrastructure of the agency

4. How many staff members does the agency permanently employ to compile and prepare crime prevention and criminal justice statistics?

1-5 \_\_\_\_\_ 6-10 \_\_\_\_\_ 11-20 \_\_\_\_\_

21-30 \_\_\_\_\_ 31-40 \_\_\_\_\_ 41-50 \_\_\_\_\_

More than 50 \_\_\_\_\_

5. Does it have dedicated data-processing equipment for the task? Give a brief description.

6. Does the agency publish the results of its work? How frequently?

Name of the agency: \_\_\_\_\_

Reporting to: \_\_\_\_\_

Head of the agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Postal code: \_\_\_\_\_

#### Other agencies

7. If there are other agencies that are capable of providing statistical information in your country, please give the following details:

Name of the agency: \_\_\_\_\_

Reporting to: \_\_\_\_\_

Head of the agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Postal code: \_\_\_\_\_

Name of the agency: \_\_\_\_\_

Reporting to: \_\_\_\_\_

Head of the agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Postal code: \_\_\_\_\_

Economic and Social Council resolution 1996/11

23 July 1996 Meeting 45 Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

### UN crime prevention institutes

#### UN African crime prevention institute

As requested in General Assembly resolution 50/147 [YUN 1995, p. 1161], the Secretary-General, in an October report [A/51/450], highlighted issues on the status of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), its operations, staffing, programme activities and funding, and provided strategic perspectives on its functions.

Among its training activities, UNAFRI cooperated with the UN Interregional Crime and Justice Research Institute (UNICRI), the Commonwealth Secretariat and the University of Botswana in organizing a regional training workshop on "Crime in southern Africa: towards the year 2000" (Gaborone, Botswana, 19-21 June). It approved two training activities for 1996, depending on the availability of funds—a training seminar on environmental crime and a ministerial workshop on the development and implementation of joint strategies to deal with transnational criminality in Africa.

UNAFRI continued its study on the resettlement of street children, despite severe financial limitations. A follow-up to the study was a training workshop on crime prevention in urban areas. The Institute continued to identify, analyse and publish trends and patterns of criminality, indicating, on the basis of studies undertaken in various African countries, the negative consequences of crime on the sustainable development of African countries, particularly when considering economic and organized crime in its transnational dimensions. Three research activities were approved, subject to the availability of funds: continuation of the African survey on crime, victimization and criminal justice administration; further studies on the resettlement of street children; and con-

tinuation of a study on prisoners' social rehabilitation. The Institute participated in a number of international, regional, subregional and national meetings and seminars, including the Pan African Conference on Youth and Development (Addis Ababa, Ethiopia, 18-22 March), organized by the Organization of African Unity, and an international conference on crime and justice in the 1990s (Pretoria, South Africa, 3-5 July).

The Institute was funded by contributions from its member States, a grant from the United Nations within its overall appropriation of its programme budget and income received from rental of the Institute's premises and facilities. Of the 27 members of the Institute, only one country had paid its assessed contribution during the financial year ending December 1995, and three others paid by July 1996. UNAFRI's survival depended on the willingness of member States to pay their assessed financial contributions on a regular basis and on time.

UNAFRI's Governing Board originally approved a budget for 1995-1996 in the amount of \$606,414, but the budget for 1996 was revised to \$235,505 to reflect the assured funds, including the 1996 allotment of \$81,900 from the approved 1996-1997 UN grant and the savings of \$153,605 from previous contributions of member States. The uncertainty regarding the resources available for the operational budget forced UNAFRI to terminate the services of three Professional staff in April 1996. In the meantime, the Institute had to employ consultants to execute the funded substantive activities. The Secretary-General noted that since UNDP funding ended in October 1994, the Institute had had no reliable source of funding. In addition, the expected collections of financial contributions from member States continued to be negligible. According to the Secretary-General, if no immediate action was taken to reverse the crisis, the financial situation would force the cessation of the operations of the Institute and of the implementation of other approved activities. Considering the priority that African Governments were giving to achieving economic growth and sustainable development, and considering also the challenge of growing criminality, it was imperative that all measures being taken to achieve sustainable development were linked to crime prevention and criminal justice. Consequently, as part of its contribution to sustainable development, the international community was requested to give support to UNAFRI to ensure its survival.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/61**.

#### United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 50/147 of 21 December 1995,

Having considered the report of the Secretary-General,

1. Commends the efforts of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. Reiterates the need for the strengthening of the Institute's capacity to support a national mechanism for crime prevention and criminal justice of African countries, in view of the contribution that the Institute can make to the United Nations Crime Prevention and Criminal Justice Programme;

3. Requests the Secretary-General to intensify efforts and to mobilize all relevant entities of the United Nations system to provide necessary financial and technical support to the Institute to enable it to fulfil its mandate;

4. Also requests the Secretary-General to make concrete proposals on strengthening the programmes and activities of the Institute and to report thereon to the General Assembly at its fifty-second session;

5. Further requests the Secretary-General to enhance regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which could not be adequately dealt with by national action alone;

6. Appeals to all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and in the elaboration and implementation of programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

7. Urges the States members of the Institute to make every possible effort to meet their obligations to the Institute.

General Assembly resolution 51/61

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/610) without vote, 31 October (meeting 20); draft by Burundi on behalf of Group of African States (A/C.3/51/L.6), orally revised; agenda item 101.

Meeting numbers. GA 51st session: 3rd Committee 5-10, 12, 16-18, 20; plenary 82.

#### Training and research centre

By resolution 1995/27 [YUN 1995, p. 1138], the Economic and Social Council decided to establish an open-ended intergovernmental working group during the fifth (1996) session of the Commission on Crime Prevention and Criminal Justice, to study a proposal for establishing a regional centre, to be based in Cairo, Egypt, for training and research in crime prevention and criminal justice for the Mediterranean States. By a note of 8 March [E/CN.15/1996/9 & Corr.1], the Secretary-General transmitted to the Commission a note verbale communicated by Egypt, requesting that consideration of the matter be de-

ferred. The Secretary-General noted that the proposed organization of work and timetable of the fifth session of the Commission were prepared on the assumption that the Commission would agree to Egypt's request, and consequently the establishment of the intergovernmental working group was deferred.

### **Preparations for the Tenth UN Congress**

In 1996, the Secretariat continued preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 2000. In initiating the preparations for the Congress, the Secretary-General requested Governments to submit their views on its theme, format, agenda items and workshop topics. He submitted to the Commission an April report [E/CN.15.1996/15] on proposals for the preparations of the Congress and summarized ideas put forward by responding States.

The main objective of the new format of the 1995 Ninth Congress [YUN 1995, p. 1132] had been to maximize its practical and scientific value through problem-oriented workshops, demonstrations of different approaches to facilitate technical assistance and cooperation, and special sessions devoted to the priority issues of direct interest to all countries, the Secretary-General said. As the preparatory body for the congresses, the Commission was called upon to determine whether the same organization and substantive arrangements would be adequate for the next congress, or whether additional arrangements should be explored. He suggested that the Commission start considering substantive proposals made by States, with the aim of agreeing on preliminary organization and substantive arrangements.

The Commission, having considered the report, adopted a resolution [E/1996/30 (res. 5/1)] inviting States that had not yet done so to respond to the Secretary-General's inquiry. It also requested the Secretary-General to report on the views received from States, relevant agencies and intergovernmental and non-governmental organizations on the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress.

## **Human resources**

### **UN research and training institutes**

#### **UN Institute for Training and Research**

The Acting Executive Director of the United Nations Institute for Training and Research

(UNITAR) in October reported to the General Assembly [A/51/14 (Parts I & II)] that, between 1 July 1994 and 30 June 1996, some 130 training programmes and two distance-learning courses were organized throughout the world, benefiting more than 7,000 participants. During the reporting period, the restructuring of UNITAR—with its headquarters moved from New York to Geneva—had been completed and steps taken to implement the decision of the Board of Trustees [YUN 1995, p. 1163] to open a liaison office in New York. The Board, which holds two annual sessions, indicated that improved dissemination of information was necessary to strengthen further the credibility of UNITAR, which could lead to a more effective mobilization of financial and political support. The Board discussed the successful conduct of some recent training activities, particularly those relating to international law, preventive diplomacy, environmental conventions and financial management.

UNITAR provided different types of training: skills-building, policy-setting, information-gathering, awareness-raising and strategic planning. Training programmes fell into two main areas: multilateral diplomacy and related disciplines, and economic and social development. Activities in multilateral diplomacy included fellowships in international law, preventive diplomacy and peacemaking, and multilateral diplomacy and international affairs. Activities in economic and social development concentrated on environment and development, external debt and financial management and disaster relief management.

While the Institute's research programmes per se had been discontinued, research on and for training, and development of training materials (training packages, distance-learning materials, workbooks with software, video training materials), had been completed, and various training books in the fields of international affairs, preventive diplomacy and peacekeeping operations had been published.

Efforts were made to strengthen inter-agency cooperation with UNDP, the United Nations Environment Programme (UNEP) and the secretariats of the UN environmental conventions (see PART THREE, Chapter VII). Cooperative links had been established or reinforced with national and regional training institutions, in particular in developing countries.

#### **UN Staff College**

The Secretary-General, in response to General Assembly resolution 50/121 [YUN 1995, p. 1164], reported in October [A/51/554] on possible ways to strengthen UNITAR training activities and to bet-



ter define its role. He envisaged that the training activities of UNITAR and the United Nations system-wide Staff College (UNSC) project would benefit from association. Building on UN system training initiated by the International Labour Organization (ILO) Turin Centre in Italy, the UNSC project was established in 1996 as a key component in support of the Secretary-General's reform package. He inaugurated the Staff College as a facility to play an important role in assuring that UN staff learn together, understand each other, move forward together and build an esprit de corps, in order to advance a process of change and enhance collaboration with Member States and partners. In the Secretary-General's view, association between UNITAR and UNSC would yield mutual benefits in strengthening and rationalizing respective curriculum development in areas of shared interest and activity, and enhance the cost-effectiveness of programme development and delivery. Joint training and learning opportunities for government representatives and UN system staff would build operational partnerships. Programme content would reflect matters of shared interest, while adjusting to meet the specific needs of respective target programme participants.

The Secretary-General had pursued over the previous year avenues for increased cooperation between UNITAR and UNSC, including participation by UNITAR in UNSC curriculum development workshops. Priority areas identified for such cooperation included: peacekeeping and peacemaking; the provision of humanitarian assistance and management of complex emergencies; and the management of development activities.

**JIU report.** In November, the Secretary-General transmitted to the General Assembly a report by the Joint Inspection Unit (JIU) entitled "Feasibility study on the relocation of UNITAR to the Turin Centre" [A/51/642]. The objective of the study was to highlight the potential advantages and disadvantages, both financial and non-financial, of either maintaining UNITAR in Geneva or relocating it to Turin to take advantage of the system-wide facilities available at the training centre of ILO in Turin; and to assess whether the relocation was compatible with the objective of rationalizing the UN system within the framework of the efforts under way, taking into account the financial autonomy of UNITAR. Following the gathering of views and information, JIU concluded that there was a general consensus on the need to find ways to coordinate UN system training activities in order to use resources more rationally, avoid duplication and consolidate activities. UNSC should be regarded as part of the

Secretary-General's efforts for better coordination and a potential regrouping of UN system training activities. There were many issues to be considered in assessing the nature of closer cooperation between UNITAR and UNSC as training entities within the UN system. In the meantime, JIU suggested that UNITAR should continue strengthening its cooperation with UNSC through practical measures in order to take advantage of UNITAR's experience and expertise in training. Pending further elaboration through experience of the UNSC project, and as a critical input into the thinking on regrouping training institutions within the UN system, JIU suggested that the Assembly request a comprehensive study of UN training institutions and activities, which would take stock of all institutions providing training and propose practical, concrete measures to coordinate those activities.

**Secretary-General's comments.** Also in November [A/51/642/Add.11, the Secretary-General submitted his comments on the JIU report. He stated that there was a need to enhance possibilities for integrated cost-effective training in areas of system-wide concern. He considered that a Staff College, with a curriculum to be developed in consultation with organizations of the system, had significant potential, not only to enhance substantive knowledge and technical skills, but also to convey a system-wide vision of goals, strategies and opportunities for coordinated action. A Staff College would not duplicate, but complement, the capabilities of UN organizations by offering multidisciplinary and cross-sectoral training with a system-wide perspective.

In that context, the Secretary-General considered that there was a natural partnership between UNITAR and the Staff College which could engender mutually beneficial cooperation in terms of curriculum development and could enhance cost-effectiveness of programme development and delivery. The Secretary-General agreed that UNITAR and UNSC should strengthen cooperation through practical measures, particularly in the areas of peacekeeping and peacemaking, humanitarian assistance and management of complex emergencies, and the management of development activities. The Secretary-General remarked that, should the Assembly so wish, he would pursue the JIU proposal that a comprehensive study of the UN training institutions and activities be conducted.

The UNITAR Board of Trustees decided to postpone any decision on the possibility of relocating the Institute.

### Financial report

UNITAR was funded through voluntary contributions and received no subsidies from the UN regular budget.

The report of the United Nations Board of Auditors for the year ending 31 December 1995 [A/51/5/Add.4], based on financial statements prepared by UNITAR, indicated that \$315,714 was paid by Governments and various donors as contributions to the General Fund for 1995 and payment of outstanding pledges. In addition, \$372,914 was received as programme support income and \$42,851 as other income, bringing the total income to \$731,479, as compared with \$797,844 in 1994. Expenditures for the year amounted to \$843,064, resulting in a shortfall of income over expenditure of \$111,585. The prior period adjustment of \$29,265 reduced the shortfall to \$82,320. The reserve and fund balance at the end of the year amounted to \$550,555.

A total of \$3,065,996 was received as special purpose grants. Total income in that fund was \$3,287,553 and total expenditure \$3,301,115, resulting in a shortfall of \$13,562 for the year. At the end of the year, the fund balance amounted to \$1,659,009. The amount allocated by UNDP was \$455,851, and total expenditure amounted to \$455,851, including programme support costs of \$31,830.

The Board of Auditors, noting the substantial deficit in 1995, expressed concern about the significant fall in the level of voluntary donations and increase in administrative expenditure compared with 1994 (to \$843,064 from \$595,977 in 1994). It recommended that UNITAR implement more effective controls over its expenditure, particularly staff costs, which had increased to \$593,828 from \$444,164 in 1994. The Board also recommended that: disputed charges transferred to UNITAR from UN Headquarters be examined and cleared promptly; more effective control be exercised over project expenditure and sufficient donor funds located for financial commitments; UNITAR liaise with the UN Office at Geneva and UNDP headquarters to clear outstanding inter-office vouchers and advances and to establish prompter procedures for reporting expenditure made by UNDP on behalf of UNITAR; discussions be held with major donors so that projects could be funded in advance; and UNITAR improve its planning of staff expenditure to ensure that sufficient funds were available to meet staff costs.

### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/188**.

### United Nations Institute for Training and Research

The General Assembly,

Recalling its resolutions 47/227 of 8 April 1993, 48/207 of 21 December 1993, 49/125 of 19 December 1994 and 50/121 of 20 December 1995,

Having considered the report of the Secretary-General, the report of the Acting Executive Director of the United Nations Institute for Training and Research on the activities of the Institute and the report of the Joint Inspection Unit,

Noting with interest the steps being taken to complete the restructuring process of the Institute, and welcoming the recent progress made by the Institute in its various programmes and activities, including the improved cooperation that has been established with other organizations of the United Nations system and with regional and national institutions,

Expressing its appreciation to the Governments and private institutions that have made or pledged financial and other contributions to the Institute,

Welcoming the opening of the Institute's liaison office in New York following the recommendation of the Board of Trustees of the Institute and the relevant resolutions of the General Assembly,

Reiterating that the funding of training programmes offered at the specific request of Member States or departments and units of the Organization and other organs of the United Nations system and the specialized agencies should be arranged by the requesting parties,

Recognizing that training activities should be accorded a larger and more visible role in support of the management of international affairs and in the execution of the economic and social development programmes of the United Nations system,

1. Reaffirms the relevance of the United Nations Institute for Training and Research, particularly in view of the growing importance of training within the United Nations and the training requirements of all Member States, and the pertinence of research activities related to training undertaken by the Institute within its mandate;

2. Invites the Institute to strengthen its cooperation with other United Nations institutes and relevant national, regional and international institutes;

3. Requests that relevant measures be taken by the Board of Trustees of the Institute with respect to the regularization of the post of Executive Director of the Institute;

4. Renews its appeal to all Governments and to private institutions that have not yet contributed financially or otherwise to the Institute to give it their generous financial and other support, and urges the States that interrupted their voluntary contributions to consider resuming them in the light of the progress made in the restructuring and revitalization of the Institute;

5. Takes note of the report of the Joint Inspection Unit on the relocation of the Institute, and the subsequent decision of the Board of Trustees of the Institute to postpone any decision on the possibility of relocating the Institute;

6. Requests the Secretary-General to explore in consultation with the Executive Director of the Institute, as well as with the heads of United Nations programmes and funds, ways and modalities of cooperation, in order to better define the role of the Institute in

the fields of training, research and methodology, assessment and capacity-building within the United Nations system, and to report thereon to the General Assembly at its fifty-second session;

7. Requests the Joint Inspection Unit, in close cooperation with the Institute and relevant United Nations bodies, to prepare a study, as recommended by the Unit in its report, on the training institution programmes and activities of the United Nations system, and to submit a report thereon for consideration by the General Assembly at its fifty-second session.

General Assembly resolution 51/188

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/607) without vote, 2 December (meeting 38); 21-nation draft (A/C.2/51/L.27/Rev.1), orally amended; agenda item 99.

Meeting numbers. GA 51st session: 2nd Committee 7, 18, 28, 35, 38; plenary 86.

## United Nations University

### UNU activities

The 1996 activities of the United Nations University (UNU), as described in a report of the UNU Council to the Economic and Social Council [E/1997/7], were concentrated on global problems in four programme areas: peace and governance; environment; science and technology; and development. Its academic work was done through a decentralized network of scholars and institutions. UNU had five research and training centres—the World Institute for Development Economics Research in Helsinki, Finland; the Institute for New Technologies in Maastricht, Netherlands; the International Institute for Software Technology in Macau; the Institute for Natural Resources in Africa in Accra, Ghana; and the Institute for Advanced Studies in Tokyo, Japan, which opened in April. UNU established in October an International Network on Water, Environment and Health in Hamilton, Canada; it continued its International Leadership Academy in Amman, Jordan, and its Programme for Biotechnology in Latin America and the Caribbean in Caracas, Venezuela. In addition, numerous institutions throughout the world collaborated with UNU.

The UNU postgraduate education programme was aimed at strengthening developing countries' academic institutions, enabling them to conduct high-quality research and train future scholars. Over 1,450 fellows had completed UNU training and fellowship programmes since they began in 1976. During the year, 98 UNU fellows finished their studies and another 96 began training.

Among its dissemination activities, UNU publicized conferences, promoted new publications and disseminated information, both traditionally and electronically. The UNU home page was

launched in March, linking all UNU research and training centre/programmes' websites. It was updated regularly with information on the UNU structure, work, academic activities and publications. During the year, 13 edited or single-author books were published independently under the UNU Press imprint. Another eight titles were issued through cooperation-publication arrangements or as translations by other publishers. Some 10,400 books were sold in 1996, resulting in net sales revenues of approximately \$175,000. Another 1,000 books were given to depository libraries located primarily in developing countries.

The Secretary-General, in response to General Assembly resolution 49/124 [YUN 1994, p. 1140], reported in September 1996 [A/51/324] on innovative measures to improve communication and interaction between UNU and other bodies in the UN system to ensure the integration of UNU work into all relevant activities of the system. He pointed out that UNU, including its Council, had stressed enhanced relations with the United Nations as a key policy objective, while preserving the autonomy of UNU within the framework of the United Nations. As the academic arm of the UN system, UNU worked with a number of organizations of the system in the conduct of its research, postgraduate training and dissemination activities. UNU had been closely involved in substantive work in support of major UN conferences, undertaking special policy studies and research that were made available to conference preparatory processes and to the conferences themselves.

UNU initiated a series of research programmes related to Agenda 21, as well as the Agenda for Peace and an agenda for development, and African recovery and development. It also launched a major research initiative on the United Nations in the twenty-first century at a symposium held at United Nations Headquarters from 21 to 22 November. The objective of the five-year research project was to explore and suggest models for international organizations, especially the United Nations, that would best serve human needs in the twenty-first century. Specific topics selected for study included States and sovereignty; global citizenship; regionalism and international organizations; and the international civil service. The project was expected to lead to the formulation of recommendations and policy suggestions.

With Canadian support, the University was establishing an international network on water, environment and health that would address critical issues that linked water to development and human health, especially in developing countries.

Its initial priorities would be educational and targeted training programmes.

Consultations between the Rector and staff of UNU and United Nations officials intensified, especially in the context of the preparations for the third UNU Medium-Term Perspective and biennial budgets. The University also endeavoured to enhance the policy content and relevance of its studies, while seeking to maintain academic excellence.

Cooperation between the University and the United Nations Educational, Scientific and Cultural Organization (UNESCO) was significantly reinforced, including the promotion of an interdisciplinary approach to programme conception and implementation. A number of initiatives, such as the management of social transformations, the culture of peace, the interdisciplinary programme in environmental population and preventive education, were launched. Several joint UNU and UNESCO activities were undertaken in the areas of education, science, social studies, culture and communication.

The Secretary-General stated that the involvement of UNU at various levels of UN activity—intergovernmental and inter-agency—was deep and becoming more clearly defined and institutionalized. Further efforts would be made through the Administrative Committee on Coordination (ACC) and its subsidiary machinery, as well as through the meetings of senior officials in the economic and social fields, to strengthen the structures and modalities for communication, interaction and integration that already existed.

**ACC action.** At its second regular session (New York, 25-26 October), ACC agreed that UNU should be invited to be represented in the consultative and inter-agency committees comprising the subsidiary machinery of ACC. In addition, there would be periodic consultations between the Rector and ACC members to identify research topics for inclusion in UNU programme to maximize its contribution to the work of the UN system.

#### UNU Council

The UNU Council, at its forty-third session (Santiago, Chile, 2-6 December) [E/1997/7], focused on the University's role at the turn of the millennium and the global problems it would address. It adopted the third medium-term perspective (MTP in/1996-2001), and considered specific programmes and projects for the 1996-1997 biennium. MTPIII provided a six-year academic and institutional framework for UNU's work from 1996 to 2001 and called for its work to find solutions to global problems in the four

programme areas of peace and governance, environment, science and technology, and development.

The Council also considered programme and institutional development issues, reinvestment of income in the University's Endowment Fund and the 1996 annual report, and approved a list of candidates for the position of University Rector. The Secretary-General, with the concurrence of the UNESCO Director-General, would appoint one of the candidates as Rector.

On 9 February, the Economic and Social Council, by **decision 1996/205 B**, authorized the Secretary-General to transmit directly to the General Assembly the 1995 report of the UNU Council.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/187**.

#### United Nations University

The General Assembly,

Reaffirming its previous resolutions on the United Nations University,

Having considered the report of the Council of the United Nations University and the report of the Secretary-General on the work of the University,

Expressing its deep appreciation for the voluntary contributions made to date by Governments and other public and private entities in support of the University,

Noting with appreciation the efforts made by the Rector of the United Nations University in intensifying his interaction with the United Nations Secretariat in the context of preparing for the third medium-term perspective,

Noting also with appreciation the efforts made by the Rector in initiating a new series of research programmes,

1. Welcomes the completion of the second medium-term perspective, 1990-1995, of the United Nations University and the ongoing work of formulating the third medium-term perspective for the period 1996-2001, being considered by the Council of the University;

2. Takes note with appreciation of the steps taken by the Council and the Rector of the United Nations University to promote the work and the visibility of the University, particularly among Member States, the United Nations and its agencies, through such measures as organizing a series of public forums for the purpose of disseminating the results of its research, and requests them to further intensify such efforts;

3. Requests the Council and the Rector to continue intensifying their efforts to improve the University's interaction and communication with other bodies of the United Nations system, and to continue their efforts to avoid the duplication of work within the system;

4. Also requests the Council and the Rector to enhance further coordination and complementarity between the University's programmes and its research and training centres;

5. Requests the Secretary-General, in this connection, to continue his consideration of innovative measures to improve the interaction and communication between the University and other bodies of the United Nations system and to ensure the integration of the work of the University into all relevant activities of the system, taking into account General Assembly resolution 49/124 of 19 December 1994, so that the United Nations system may draw more extensively upon the work of the University, and to submit a report thereon to the Assembly at its fifty-third session;

6. Welcomes the efforts of the Secretary-General to allow for the greater participation of the University in the work of the United Nations, and invites him to continue to encourage the participation, as appropriate, of the University in the activities of the Administrative Committee on Coordination and its subsidiary machinery, as well as through other existing structures

and modalities for communication, interaction and integration;

7. Requests the Council and the Rector, taking into account resolution 49/124, to continue to make further efforts to ensure the efficiency and economy of the activities of the University, as well as its financial transparency and accountability, and to intensify efforts to augment its Endowment Fund and to find innovative ways to mobilize operating contributions and other programme and project support;

8. Invites the international community to make voluntary contributions to the University.

General Assembly resolution 51/187

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/607) without vote, 2 December (meeting 38); draft by Vice-Chairman (A/C.2/51/L.20), based on informal consultations on 20-nation draft (A/C.2/51/L.3); agenda item 99. Meeting numbers. GA 51st session: 2nd Committee 7, 18, 28, 35, 38; plenary 86.

## Chapter X

## Women

In 1996, the United Nations launched a system-wide effort to begin implementation of the Beijing Declaration and Platform for Action, adopted at the Fourth (1995) World Conference on Women held in Beijing. The Platform for Action comprised a comprehensive plan designed to accelerate implementation of the 1985 Nairobi Forward-looking Strategies for the Advancement of Women and promote the goals of equality, development and peace for all women. Together with the Beijing Declaration, it set out an agenda for women's empowerment which established a basic group of priority actions to be carried out by the year 2000. The Beijing Conference built upon the results of three previous United Nations conferences on women—in Mexico City in 1975, in Copenhagen in 1980 and in Nairobi in 1985.

The General Assembly in 1996 addressed Conference follow-up as well as issues related to United Nations mechanisms to advance the status of women and protect their human rights. Some current issues involved the girl child, violence against migrant workers, and traffic in women and girls. The Assembly also took action related to the situation of women in Palestine (see also PART ONE, Chapter VI).

The Economic and Social Council adopted a new multi-year work programme for the Commission on the Status of Women to facilitate Conference follow-up, and it endorsed a revised draft system-wide medium-term plan for the advancement of women, for the period from 1996 to 2001. It also adopted resolutions on the work of the International Research and Training Institute for the Advancement of Women and improvement of the status of women in the UN Secretariat (see also PART FIVE, Chapter III).

The Commission on the Status of Women, at its fortieth session (New York, 11-22 March), reviewed its mandate and work in relation to its role in implementing the outcome of the Beijing Conference. The 45-member Commission also addressed such issues as women and poverty; women and the media; child and dependant care; violence against women migrant workers; traffic in women and girls; women and children in armed conflicts; women and the Middle East peace process; mainstreaming the human rights

of women; and elaboration of a draft optional protocol to the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

In 1996, the Committee on the Elimination of Discrimination against Women, at its fifteenth session (New York, 15 January-2 February), examined reports from nine States parties to the 1979 Convention.

## Implementation of Beijing Declaration and Platform for Action

### Critical areas of concern

The Commission on the Status of Women, at its fortieth session (New York, 11-22 March) [E/1996/26], considered implementation of the Beijing Declaration and Platform for Action [YUN 1995, p. 1170], adopted at the 1995 Fourth World Conference on Women, which embodied the commitment of the international community to advance the goals of equality, development and peace.

Regarding strategic objectives of the 12 critical areas of concern contained in the Platform for Action, the Commission took action on three of the areas: poverty, women and the media, and child and dependant care, which fell under the broader category of economic matters. The remaining critical areas of concern dealt with education, health, violence against women, armed conflict, power-sharing and decision-making, mechanisms to promote the advancement of women, human rights, the environment and the girl child.

As to poverty, the Commission, by a resolution [E/1996/26 (res. 40/9)], recognized the central role that women played in the eradication of poverty, and stressed the need for their full and equal participation in formulating and implementing policies that took into account the gender perspective and that empowered women to be full partners in development. In addition to the recommendations contained in the Platform, the Commission presented specific measures to address the feminization of poverty, including education,

training and retraining policies for women and girls; legislative and administrative reforms to give women access to economic resources; the participation of women in decision-making; national strategies to promote employment and self-employment; policies to ensure adequate economic and social protection during unemployment, ill health, maternity, child-bearing, widowhood and old age, and shared responsibilities for childcare; public expenditures to promote women's economic opportunities and resources to address their basic social, educational and health needs; gender-based methodologies and research to address the contribution of women to the economy and the feminization of poverty; analysis of macroeconomic and microeconomic policies; and the reduction of military expenditures to increase resources for economic and social development. The Commission recommended that a UN system-wide effort be undertaken to review existing indicators, strengthen gender impact analysis of the design and implementation of economic reform programmes, develop complementary, qualitative assessments, and standardize measures and promote their implementation. The Secretary-General was asked to report on the implementation of the Commission's resolution within the context of his report on action envisaged to be taken in preparation for the first United Nations Decade for the Eradication of Poverty (1997-2006), proclaimed by the General Assembly in 1995 [YUN 1995, p. 844, GA res. 50/107].

Regarding women and the media, the Commission adopted an agreed conclusion [E/1996/26 (1996/2)] and a resolution [res. 40/7]. The agreed conclusion contained proposals dealing with respect for the human rights of women, including freedom of expression, and the media; self-regulatory mechanisms to eliminate gender-biased programming and promote non-stereotypical images of women, and self-regulation for public and private sector industries; media education; the creation of a positive environment to promote measures towards achieving a balanced portrayal of women and girls; and strengthening the role of women in global communication networks. In its resolution, the Commission acknowledged that women journalists, because of their profession and gender, were an easy and favourite target for violent acts, intolerance and terrorist attacks. Condemning the murders and acts of violence and terrorism committed against women journalists, the Commission appealed to the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the international community to intensify efforts to combat

terrorism and all forms of intolerance and violence, and all violations of women's human rights.

In another agreed conclusion [1996/3], on child and dependant care, including sharing work and family responsibilities, the Commission suggested action to reduce the burden of family responsibilities on women. It recommended recognizing economic, social and demographic changes; increasing the role of men in family responsibilities; changing attitudes and stereotypes; adapting the legal system to rebalance the sharing of family responsibilities between men and women; adopting and promoting a family support policy and encouraging reconciliation of family and professional life for women and men; developing research and information exchange; and promoting change through international co-operation.

**Reports of Secretary-General.** The Commission considered two reports of the Secretary-General, on the elimination of stereotyping in the mass media [E/CN.6/1996/4] and on child and dependant care, including the sharing of work and family responsibilities [E/CN.6/1996/5].

The Secretary-General discussed changes in the portrayal of women in the media. A few improvements were observed in the increased numbers of female characters, female experts and news sources, and in the decreased segregation of women into traditional stereotyped roles. However, data showed the persistence of highly stereotyped portrayals of women and gender relations in advertising. While more women were active in politics, a study on the portrayal of women leaders in the media concluded that they were less visible than their male counterparts in the news. In addition, stories about influential women focused on such exogenous factors as hairstyles and family situations. The representation in the media of violence against women, particularly sexual violence, had increased tremendously. The Secretary-General considered measures taken to achieve a more balanced portrayal, building on the recommendations contained in the Platform of Action. Those measures included codes of conduct and self-regulatory measures in the media; employment of women in the media; organizations and networks to advocate concerns and act on gender issues in the media; gender-sensitive programmes and curricula for journalism and communication studies; legislation and regulation to combat stereotyped portrayals of women; independent monitoring and lobbying; media education for producers and audiences; and incentives such as awards to those representing women fairly in the media. The Secretary-General described UN activities and

concluded by defining a series of issues that needed further clarification.

Regarding child and dependant care, including sharing of work and family responsibilities, the Secretary-General presented economic, demographic and social factors affecting the sharing of responsibilities, which consisted of changes in women's and men's economic roles, the decrease in family and household network support, the rising proportion of female-headed households, the neglect by males to fulfil their responsibilities because of lack of resources and the unequal use of women's and men's time, notably the fact that women worked much longer hours than men.

The Secretary-General reviewed the effects of the double burden placed on women, namely their increasing economic responsibilities and the maintenance of their reproductive activities; measures to reduce the double burden, including redistributing family responsibilities; promoting changes in the labour market, such as leave provisions for family needs (maternity, paternity, parental); and instituting working time arrangements (part-time work). He discussed the provision of child-care services and of elder care, and support to persons with disabilities. The Secretary-General concluded by proposing areas for further study, including changes in attitudes regarding gender, changes in family and labour legislation, securing childcare, and technologies to reduce the burden of household tasks.

### System-wide plan

The Commission on the Status of Women considered the proposed system-wide medium-term plan for the advancement of women covering the period 1996-2001, the last five years of the period designated for the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, adopted in 1985 by the World Conference to Review and Appraise the Achievements of the UN Decade for Women [YUN 1985, p. 937]. The medium-term plan, proposed by the Secretariat in 1993 [YUN 1993, p. 1035], was revised in 1996 in accordance with a 1993 Economic and Social Council request [YUN 1993, p. 1036] that the plan be revised following the adoption of the Platform for Action and the second review and appraisal of the Nairobi Forward-looking Strategies. The revised draft plan was approved by the Ad Hoc Inter-Agency Meeting on Women (New York, 6-8 March) and transmitted to the Administrative Committee on Coordination (ACC) for approval. It represented an expression of the commitment of the participating entities to strive to collaborate in implementing the Platform for Action and was intended to reflect system-wide

efforts for the advancement of women; provide a basis for synergies between various agencies; and maximize the system's comparative advantage and value added in each of the critical areas of concern. The Commission in March [res. 40/10] adopted a series of comments which focused on general guidelines for the plan, as well as on activities related to women and poverty, human rights of women, health, the media, environment, the girl child, education and training, women and the economy, women's rights in armed conflict, violence against women, power and decision-making, and institutional arrangements and mechanisms. The Commission recommended the adoption of the revised draft plan by the Economic and Social Council, taking into account its comments.

**CPC action.** In June, the Committee for Programme and Coordination (CPC) [E/AC.51/1996/L.5/Add.34] adopted a series of conclusions and recommendations on the medium-term plan. They addressed the UN system-wide mainstreaming of a gender perspective; the implementation of the plan; and the role of civil society. CPC made observations on women and poverty; women and health; violence against women; women and the economy; women in power and decision-making; the human rights of women; and women and the media. It expressed support for the need to develop further methods for accountability and evaluation of progress in implementing the Platform for Action and eliminating gender discrimination.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, the Economic and Social Council adopted **resolution 1996/34**.

#### System-wide medium-term plan for the advancement of women, 1996-2001

The Economic and Social Council,

Recalling its resolution 1988/59 of 27 July 1988, by which it requested the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, to initiate the formulation of a system-wide medium-term plan for the advancement of women for the period 1996-2001,

Also recalling its resolution 1993/16 of 27 July 1993, by which it endorsed the system-wide medium-term plan for the advancement of women for the period 1996-2001 as a general framework for the coordination of system-wide efforts, and requested the Secretary-General to revise the draft plan after the Platform for Action and the results of the second review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women had been formulated and adopted by the Fourth World Conference on Women,

Considering its own role in overseeing system-wide coordination in the implementation of the Platform



for Action adopted at the Fourth World Conference on Women,

Bearing in mind that the General Assembly, in its resolution 50/203 of 22 December 1995, invited the Council to consider devoting one high-level segment, one coordination segment and one operational activities segment, before the year 2000, to the advancement of women,

Having considered the report of the Secretary-General, submitted in his capacity as Chairman of the Administrative Committee for Coordination, containing the proposed revised system-wide medium-term plan for the advancement of women, 1996-2001, as well as the comments adopted thereon by the Commission on the Status of Women, as contained in its resolution 40/10 of 22 March 1996, and the annex to that resolution, and by the Committee for Programme and Coordination,

Welcoming the detailed comments adopted by the Commission on the Status of Women and the Committee for Programme and Coordination on the revised system-wide medium-term plan for the advancement of women, 1996-2001,

Welcoming also the establishment by the Administrative Committee on Coordination of the Inter-Agency Committee on Women and Gender Equality as a means for enhancing the cooperation and coordination of the United Nations system in the implementation of the Platform for Action of the Fourth World Conference on Women, gender-related recommendations emanating from other recent United Nations conferences and summits and the revised plan itself, and in support of mainstreaming a gender perspective in the work of the United Nations system,

Bearing in mind its resolution 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women,

1. Endorses the revised system-wide medium-term plan for the advancement of women, 1996-2001, taking into account the comments of the Commission on the Status of Women contained in its resolution 40/10 and the annex thereto, and the conclusions and recommendations of the Committee for Programme and Coordination;

2. Requests all organizations and bodies of the United Nations system to implement the revised plan in the light of the general and specific comments adopted thereon by the Commission on the Status of Women and the Committee for Programme and Coordination;

3. Invites the Inter-Agency Committee on Women and Gender Equality of the Administrative Committee on Coordination to use the revised plan and the comments on it as a basis for monitoring increasing collaboration in and cost-effective approaches to United Nations system activities for the advancement and empowerment of women, including the assessment of methods for mainstreaming a gender perspective in all United Nations activities, ensuring accountability and carrying out impact analyses of gender-sensitive programmes and policies, and the preparation of performance indicators, outputs and other benchmarks for measuring system-wide progress in the implementation of the plan, and also invites the Committee to inform the Commission on the Status of Women, and through it the Economic and Social Council, of progress

in its work for the purpose of system-wide coordination;

4. Decides to undertake, in 1998, a comprehensive mid-term review of the implementation of the revised plan as a basis for future programming and coordination of activities for the advancement and empowerment of women by the United Nations system, including a review of the progress made in mainstreaming a gender perspective in all activities of the United Nations system;

5. Requests the Secretary-General to submit to the Council, through the Commission on the Status of Women at its forty-second session, a progress report on the implementation of the revised plan;

6. Requests the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, to formulate a new system-wide medium-term plan for the advancement of women to cover the period 2002-2005, to submit a new draft plan to the Council at its substantive session of 2000 in order to provide guidance for the medium-term plans of the individual organizations of the United Nations system and to submit the draft plan to the Commission on the Status of Women at its forty-fourth session, for comments.

Economic and Social Council resolution 1996/34

25 July 1996 Meeting 50 Adopted without vote

Draft by Costa Rica, for Group of 77 and China, and 24 other States (E/1996/L.37); agenda item 5 (e).

Meeting numbers. ESC 43, 44, 47, 50.

### Mainstreaming gender concerns

The Commission considered a March report [E/CN.6/1996/7] of the Secretary-General on improving the status of women in the Secretariat, as requested in General Assembly resolution 50/164 [YUN 1995, p. 1415]. The Secretary-General updated, in an annex, changes in statistical data that had taken place between June and 31 December 1995. The overall level of representation within the global Secretariat rose 0.5 per cent, falling only 0.4 per cent short of the 35 per cent target set by the Assembly in 1990 [GA res. 45/125, 14 Dec. 1990, & GA res. 45/239 C, 21 Dec. 1990]. In comparison with data contained in his 1995 report, the number of women promoted within the Professional and higher levels had generally declined. There was a small increase in the percentage of women appointed to lower and middle Professional levels.

The Secretary-General stated that his strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) [YUN 1994, p. 1383] had received the full support of the Assembly and ACC. The strategy's main goal was to achieve gender equality by the beginning of the twenty-first century. Moreover, it sought to improve the quality of the work life of women working in the Secretariat, so as to create the conditions of equality of participation of both men and women mandated under the Charter of the United Nations. The Secretariat had received a

grant to finance the development of a questionnaire to gauge the degree to which harassment existed in the Secretariat. Work on the survey was expected to begin in early March.

The Secretary-General stated that his decision to designate one of the Special Advisers in his office to act as his Adviser on gender issues was an important measure designed to assist him in ensuring the mainstreaming of gender concerns system-wide and in facilitating a coordinated follow-up to the Fourth World Conference on Women (see also PART FIVE, Chapter III).

### Follow-up mechanisms

The Commission on the Status of Women considered a February report of the Secretary-General [E/CN.6/1996/2], in which he discussed the Commission's mandate and stated that it could be assumed that from 1996 through 2000 the main focus of the Commission would be follow-up to the Fourth World Conference on Women and implementation of the Beijing Declaration and Platform for Action. With a view to improving the work of the Commission, the Secretary-General suggested a revised structure of its agenda. The proposed agenda items dealt with: reviewing implementation of the strategic objectives and actions in the Platform's critical areas of concern; issues arising from the discussions of the Economic and Social Council or other intergovernmental bodies; women's human rights; and mainstreaming in UN organizations. The Secretary-General presented a multi-year (1996-2000) work plan for the Commission and reviewed its organization of work.

Concerning its methods of work for dealing with the Platform's implementation, the Commission brought to the attention of the Council an agreed conclusion [1996/1] suggesting the practice of inviting experts, formation of expert panels, and meetings for dialogue with organizations within the UN system and civil society and among governmental delegations. The Commission stated that it should strengthen cooperation with relevant UN bodies, monitor progress on the system-wide medium-term plan for the advancement of women, and make relevant documents available to other commissions and relevant bodies. It encouraged the voluntary presentation of national information and encouraged States to submit national reports by the year 2000 for the comprehensive quinquennial review and appraisal of the implementation of the Platform.

In other action, the Commission, by a March decision, [dec. 40/101] took note of reports of the Secretary-General relating to follow-up to the Conference.

### Enhancing UN capacity

In accordance with General Assembly resolution 50/203 [YUN 1995, p. 1173], the Secretary-General submitted in March a report [E/CN.6/1996/3] on ways to enhance the capacity of the Organization and of the UN system to support the follow-up to the Conference in the most integrated and effective way, including human and financial needs.

The Secretary-General discussed methods to mainstream a gender perspective in the work of the UN system. Regarding financial arrangements, he stated that efforts would continue to be made to attract support from a variety of sources for the United Nations Development Fund for Women (UNIFEM) and the International Training and Research Institute for the Advancement of Women (INSTRAW) and other voluntary funds and programmes for their work on gender issues and for the work of the specialized agencies. Concerning regional-level follow-up, the Secretary-General noted that numerous initiatives had been taken in response to his request that the Executive Secretaries of the regional commissions assist in coordinating activities for the follow-up at the regional level to major UN conferences. With respect to the status of women within the United Nations, steps had been taken to integrate the measures in the Secretary-General's strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) [YUN 1994, p. 1383] into the overall human resources strategy for the Organization.

In a July report [E/1996/82], the Secretary-General updated information contained in his previous report by indicating developments related to the implementation of the Beijing Declaration and Platform for Action in intergovernmental forums reporting to the Economic and Social Council and among the organizations of the UN system on an inter-agency basis.

The intergovernmental bodies covered included the Commission on the Status of Women, the Commission on Population and Development, the Commission on Human Rights, the Commission on Sustainable Development, the Commission on Crime Prevention and Criminal Justice, UNIFEM, INSTRAW and the regional commissions.

At the level of the UN system, steps to support the follow-up to the Conference were taken through the revised system-wide medium term plan on the advancement of women (1996-2001), the April decision of ACC to establish an inter-agency committee on women (see below) and the work of three other inter-agency task forces on basic social services, employment and sustainable livelihoods.

On 22 July, by **decision 1996/239**, the Economic and Social Council took note of the Secretary-General's report.

In a further report [A/51/322] on the subject, submitted in September, the Secretary-General described developments in intergovernmental forums and by organizations of the UN system. In addition, he reviewed progress in establishing national implementation plans and noted that currently there were no guidelines for their preparation. A subregional conference was scheduled to promote the formulation of the plans in countries of central and eastern Europe, organized by the Division for the Advancement of Women, jointly with the UNDP Regional Bureau for Europe and the Commonwealth of Independent States, in co-operation with the Economic Commission for Europe and the Government of Romania. The Secretary-General concluded with a description of factors related to the capacity of the UN system in terms of human and financial requirements and proposed a number of possible additional steps.

#### Inter-Agency Committee on Women

At its first regular session of 1996 (Nairobi, Kenya, 28-30 April) [ACC/1996/4], ACC decided to establish the Inter-Agency Committee on Women and Gender Equality to address, system-wide, all aspects of the implementation of the Platform for Action, as well as gender-related recommendations emanating from other international conferences.

Headed by the Senior Advisor to the Secretary-General on Gender Issues, appointed in 1995 [YUN 1995, p. 1173], the new Committee held its first session (New York, 22-23 October) [ACC/1996/22]. The Committee put in place a short-term and long-term programme of work, and decided to review, at its second session in March 1997, the issues of women in the peace process and in conflict resolution, and violence against women. At subsequent sessions, it was scheduled to discuss gender training and the implementation of the system-wide medium-term plan for the advancement of women (1996-2001).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July, the Economic and Social Council adopted **resolution 1996/6**.

#### Follow-up to the Fourth World Conference on Women

The Economic and Social Council,

Welcoming the outcome of the Fourth World Conference on Women and the adoption of the Platform for Action of the Conference,

Bearing in mind Economic and Social Council resolutions 11(II) of 21 June 1946 and 48(IV) of 29 March

1947, by which the Council established the Commission on the Status of Women and defined its terms of reference, and 1987/22 of 26 May 1987, by which the Council expanded the mandate of the Commission,

Taking into account agreed conclusions 1995/1, approved by the Council on 28 July 1995, as well as General Assembly resolution 50/203 of 22 December 1995 on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action of the Conference, in which the Assembly invited the Economic and Social Council to review and strengthen the mandate of the Commission,

Acknowledging the decision of the Committee on the Elimination of Discrimination against Women to add to its reporting guidelines an invitation to States parties to include in their report to the Committee information on measures taken to implement the Platform for Action, in order to monitor effectively, within its mandate, the rights guaranteed under the Convention on the Elimination of All Forms of Discrimination against Women,

#### I

##### Framework for the functioning of the Commission on the Status of Women

Recalling that the General Assembly, in resolution 50/203, decided that the Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and in accordance with Assembly resolution 48/162 of 20 December 1993 and other relevant resolutions, should constitute a three-tiered intergovernmental mechanism that would play the primary role in the overall policy-making and follow-up and in coordinating the implementation and monitoring of the Platform for Action of the Fourth World Conference on Women, reaffirming the need for a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields,

Convinced that the follow-up to the Fourth World Conference on Women should be undertaken on the basis of an integrated approach to the advancement of women within the framework of a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields, as well as the overall responsibilities of the General Assembly and the Economic and Social Council,

1. Decides that the Commission on the Status of Women shall have a catalytic role in mainstreaming a gender perspective in policies and programmes;

2. Decides also that the inter-agency committee on the follow-up to the Fourth World Conference on Women, established by the Administrative Committee on Coordination, shall inform the Commission and the Economic and Social Council of the progress of its work, for the purpose of system-wide coordination, and that a gender perspective shall also be fully integrated in the work of all thematic task forces established by the Administrative Committee on Coordination;

3. Decides further that the Platform for Action of the Conference should be implemented through the work of all the bodies and organizations of the United Na-

tions system during the period 1995-2000, and notes that the institutions of the United Nations especially devoted to the advancement of women, including the International Research and Training Institute for the Advancement of Women and the United Nations Development Fund for Women, are in the process of reviewing their programmes of work in the light of the Platform for Action and its implementation;

4. Decides, in view of the traditional importance of non-governmental organizations in the advancement of women, that such organizations should be encouraged to participate in the work of the Commission and in the monitoring and implementation process related to the Conference to the maximum extent possible, and requests the Secretary-General to make appropriate arrangements to ensure full utilization of existing channels of communication with non-governmental organizations in order to facilitate broad-based participation and dissemination of information;

5. Decides also, in recognition of the valuable contribution of non-governmental organizations to the Fourth World Conference on Women, that the Council and its Committee on Non-Governmental Organizations will review the applications of those non-governmental organizations under Council resolution 1296(XLIV) of 23 May 1968 as expeditiously as possible, and decides further that, prior to the forty-first session of the Commission on the Status of Women, the Council will take a decision on the participation of the non-governmental organizations that were accredited to the Conference and that have applied for consultative status, in Conference follow-up and in the work of the Commission, without prejudice to the work of the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations;

6. Requests the Secretary-General urgently to draw the attention of non-governmental organizations accredited to the Fourth World Conference on Women to the provisions of the present resolution and to the process established under Council resolution 1296(XLIV);

## II

### Terms of reference

1. Confirms the existing mandate of the Commission on the Status of Women as set out in Economic and Social Council resolutions 11(II), 48(IV) and 1987/22, bearing in mind that the Platform for Action of the Fourth World Conference on Women builds upon the Nairobi Forward-looking Strategies for the Advancement of Women;

2. Decides that the Commission shall:

(a) Assist the Council in monitoring, reviewing and appraising progress achieved and problems encountered in the implementation of the Beijing Declaration and the Platform for Action of the Conference at all levels and shall advise the Council thereon;

(b) Continue to ensure support for mainstreaming a gender perspective in United Nations activities and develop further its catalytic role in this regard in other areas;

(c) Identify issues where United Nations system-wide coordination needs to be improved in order to assist the Council in its coordination function;

(d) Identify emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men that require urgent

consideration and make substantive recommendations thereon;

(e) Maintain and enhance public awareness and support for the implementation of the Platform for Action;

## III

### Documentation

1. Requests that all United Nations documentation be kept concise, clear, analytical and timely with a focus on relevant issues and in accordance with Economic and Social Council resolution 1987/24 of 26 May 1987 and agreed conclusions 1995/1, approved by the Council on 28 July 1995, that reports contain recommendations for action, indicate the actors and be issued in all official languages, in accordance with the rules of the United Nations, and that other methods of reporting, such as oral reports, also be explored;

2. Requests also that the relevant reports of the meetings of inter-agency mechanisms established by the Secretary-General be transmitted for information to the Commission on the Status of Women to ensure co-ordination, collaboration and coherence in the implementation of the Platform for Action of the Fourth World Conference on Women;

3. Decides that requests for reports of the Secretary-General should be limited to the minimum strictly necessary and that the Secretariat should use information and data already provided by Governments to the maximum extent possible, avoiding duplication of requests to Governments for such information;

4. Decides also that voluntary submission of national information, for example national action plans or national reports by Governments, should be encouraged;

5. Requests that the following reports be prepared under item 3, entitled "Follow-up to the Fourth World Conference on Women", of the agenda set out in section IV, paragraph 3, of the present resolution, bearing in mind the need to promote integrated reporting:

(a) Report of the Secretary-General on the measures taken and the progress achieved in mainstreaming a gender perspective within the United Nations system (annually);

(b) Analytical report of the Secretary-General on the thematic issues before the Commission in accordance with the multi-year work programme, including, as far as possible, progress made in national implementation, based on available data and statistics (annually);

(c) Report on emerging issues under item 3 (b) of the agenda set out in section IV, paragraph 3, of the present resolution, as appropriate, at the request of the Commission or its Bureau;

(d) Synthesized report on implementation plans of Governments and the United Nations system, based, *inter alia*, on national action plans and any other sources of information already available in the United Nations system (in 1998);

(e) Mid-term review of the system-wide medium-term plan for the advancement of women, 1996-2001 (in 1998);

(f) Report on the implementation of the Platform for Action of the Conference, on the basis of national reports, taking into account the Nairobi Forward-looking Strategies for the Advancement of Women (in 2000);

#### IV Work programme

1. Adopts a multi-year work programme for a focused and thematic approach, culminating in a quinquennial review and appraisal of the Platform for Action of the Fourth World Conference on Women: the work programme, inter alia, will provide a framework to assess the progress achieved in the implementation of the Platform for Action and will be in line with the co-ordinated follow-up to conferences;

2. Decides that the work of the Commission in relation to the work programme shall be closely related to the relevant provisions of the Platform for Action of the Conference, with a view to ensuring the effective implementation of the Platform for Action;

3. Decides that the agenda for the Commission shall consist of the following items:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Follow-up to the Fourth World Conference on Women:
  - (a) Review of mainstreaming in organizations of the United Nations system;
  - (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;
  - (c) Implementation of strategic objectives and action in the critical areas of concern.
4. Communications concerning the status of women.
5. Convention on the Elimination of All Forms of Discrimination against Women, including the elaboration of a draft optional protocol to the Convention.
6. Provisional agenda for the next session of the Commission.
7. Adoption of the report of the Commission on its present session.
4. Decides, in the light of the need for a focused and thematic multi-year work programme on the critical areas of concern and bearing in mind that the critical areas of concern are interrelated and interdependent, on the following timetable:

- 1997 Education and training of women (Platform for Action, chap. IV. B)  
Women and the economy (Platform for Action, chap. IV. F)  
Women in power and decision-making (Platform for Action, chap. IV. G)  
Women and the environment (Platform for Action, chap. IV. K)
- 1998 Violence against women (Platform for Action, chap. IV. D)  
Women and armed conflict (Platform for Action, chap. IV. E)  
Human rights of women (Platform for Action, chap. IV. I)  
The girl child (Platform for Action, chap. IV. L)
- 1999 Women and health (Platform for Action, chap. IV. C)  
Institutional mechanisms for the advancement of women (Platform for Action, chap. IV. H)

Initiation of the comprehensive review and appraisal of the implementation of the Platform for Action

- 2000 Comprehensive quinquennial review and appraisal of the implementation of the Platform for Action  
Emerging issues

#### V

##### Regional dimension

Recalling the important role played by regional preparatory conferences in the preparations for the Fourth World Conference on Women and that plans and programmes of action were adopted that served as essential inputs to the Beijing Declaration and Platform for Action of the Conference,

1. Recommends that the regional follow-up and monitoring of the regional platforms and programmes of action should be utilized as inputs for the review and appraisal of the Beijing Declaration and the Platform for Action of the Conference;

2. Recommends also that the Council consider how best to integrate the inputs of regional commissions into the overall monitoring and follow-up to the Platform for Action of the Conference.

Economic and Social Council resolution 1996/6

22 July 1996

Meeting 43

Adopted without vote

Draft by Commission on Status of Women (E/1996/26); agenda item 5 (e).

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/69**.

##### **Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action**

The General Assembly,

Recalling its resolutions 50/42 of 8 December 1995 and 50/203 of 22 December 1995,

Taking note of Economic and Social Council resolutions 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women and 1996/34 of 25 July 1996 on the system-wide medium-term plan for the advancement of women, 1996-2001,

Reaffirming the importance of the outcome of the previous World Conferences on Women, held at Mexico City in 1975, at Copenhagen in 1980 and at Nairobi in 1985,

Recognizing the significance of the outcome of the Fourth World Conference on Women, held at Beijing in 1995, to make a real change for the empowerment of women and thus to the fulfilment of the goals adopted in the Nairobi Forward-looking Strategies for the Advancement of Women,

Deeply convinced that the Beijing Declaration and the Platform for Action, adopted at the Fourth World Conference on Women, are important contributions to the advancement of women worldwide and must be translated into effective action by all States, the United Nations system and other organizations concerned, as well as by non-governmental organizations,

Recognizing that the implementation of the Platform for Action rests primarily at the national level, that Governments, non-governmental organizations and public and private institutions should be involved in the im-

plementation process and that national mechanisms also have an important role to play,

Bearing in mind that promotion of international co-operation is essential for the effective implementation of the Beijing Declaration and the Platform for Action,

Recognizing that the implementation of the Platform for Action requires commitment from Governments and the international community,

Recognizing also the important role played by States, the United Nations, the regional commissions and other international organizations, as well as by non-governmental organizations and women's organizations, in the preparatory process of the Conference and the importance of their involvement in the implementation of the Platform for Action,

Taking into account the fact that the follow-up to the Conference should be undertaken on the basis of an integrated approach to the advancement of women within the framework of a coordinated follow-up to and implementation of the results of the major international conferences in the economic, social and related fields, as well as the overall responsibilities of the General Assembly and the Economic and Social Council,

Reaffirming its decision that the General Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and with General Assembly resolution 48/162 of 20 December 1993 and other relevant resolutions, will constitute a three-tiered intergovernmental mechanism that will play the primary role in the overall policy-making and follow-up and in coordinating the implementation and monitoring of the Platform for Action, and reaffirming the need for a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields,

Reaffirming that the Commission on the Status of Women has a central role as a functional commission assisting the Economic and Social Council in the monitoring, within the United Nations system, of the implementation of the Platform for Action and in advising the Council thereon and should therefore be strengthened,

Reaffirming also that the Economic and Social Council should continue to oversee system-wide coordination in the implementation of the Platform for Action and ensure overall coordination of the follow-up to and implementation of the results of all United Nations international conferences in the economic, social and related fields and report thereon to the General Assembly,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of the outcome of the Fourth World Conference on Women;

2. Takes note of initiatives and actions taken by Governments and the international community towards the implementation of the Beijing Declaration and the Platform for Action adopted by the Conference;

3. Calls once again upon States, the United Nations system and all other actors to implement the Platform for Action, in particular by promoting an active and visible policy of mainstreaming a gender perspective at all levels, including in the design, monitoring and evaluation of all policies, as appropriate, in order to ensure effective implementation of the Platform;

4. Welcomes the contribution of the report of the Secretary-General in translating the concept of mainstreaming into practical action, including the ongoing work to develop methodologies to facilitate the application of a gender perspective into all policies and programmes throughout the United Nations system;

5. Calls for intensified efforts at the international level to integrate the equal status and all human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout the relevant United Nations bodies and mechanisms;

6. Stresses that Governments have the primary responsibility for implementing the Platform for Action, and reaffirms that Governments should continue to commit themselves at the highest political level to its implementation and should take a leading role in coordinating, monitoring and assessing progress in the advancement of women;

7. Calls upon States, with the assistance of non-governmental organizations, to continue to disseminate widely the Beijing Declaration and the Platform for Action;

8. Welcomes the progress made by Governments thus far towards meeting the commitment to developing, by 1996, comprehensive implementation strategies or plans of action, including time-bound targets and benchmarks for monitoring, and urges all Governments that have not yet done so to undertake efforts in this regard, in order to implement fully the Platform for Action;

9. Also welcomes the contribution made to the elaboration of guidelines for national strategies or plans of action by regional and subregional conferences on the implementation of the Platform for Action, such as the Outline of a Model National Action Plan by the Subregional Conference of Senior Governmental Experts held at Bucharest from 12 to 14 September 1996, which may assist other Governments, too, in meeting this commitment, and in this respect encourages the support of, *inter alia*, the Division for the Advancement of Women of the Secretariat;

10. Urges Governments that have not yet done so to establish or strengthen appropriate national machineries for the advancement of women at the highest political level, appropriate intra- and interministerial procedures and staffing and other institutions with the mandate and capacity to broaden women's participation and integrate gender analysis into policies and programmes, so as to ensure the full implementation of the Beijing Declaration and the Platform for Action, and takes note of regional initiatives for strengthening national machineries;

11. Encourages non-governmental organizations to contribute to the design and implementation of these strategies or national plans of action in addition to their own programmes that complement government efforts;

12. Calls upon Governments to invite and encourage the active support and participation of a broad and diverse range of other institutional actors, including legislative bodies, academic and research institutions, professional associations, trade unions, local community groups and the media, as well as financial and non-profit organizations, for the implementation of the Platform for Action;

13. Recognizes the importance attached to the regional monitoring of the global and regional platforms for action by regional commissions and other subregional or regional structures, within their mandates, in consultation with Governments, and the necessity of promoting cooperation among Governments of the same region in this respect;

14. Invites the Economic and Social Council, in order to facilitate the regional implementation, monitoring and evaluation process, to consider reviewing the institutional capacity of the United Nations regional commissions, in accordance with paragraph 302 of the Platform for Action, and to consider, in this context, how best to integrate the inputs by the regional commissions into the overall monitoring and follow-up to the Platform for Action;

15. Calls upon States to take action to fulfil the commitments made at the Conference for the advancement of women and for the strengthening of international cooperation, and reaffirms that adequate financial resources should be committed at the international level for the implementation of the Platform for Action in the developing countries, in particular in Africa, and in the least developed countries;

16. Invites the Secretary-General, in the implementation of the United Nations system-wide initiative on Africa, to pay special attention to the needs and role of women as actors and beneficiaries in the development process;

17. Recognizes that implementation of the Platform for Action in the countries with economies in transition requires continued international cooperation and assistance, as indicated in the Platform for Action;

18. Calls upon Member States to allocate sufficient resources for undertaking gender impact analyses in order to develop successful national implementation strategies for the Platform for Action;

19. Stresses that full and effective implementation of the Platform for Action will require a political commitment to make available human and financial resources for the empowerment of women, the integration of a gender perspective in budgetary decisions on policies and programmes, as well as adequate financing of specific programmes for securing equality between women and men;

20. Welcomes the input of the Commission on the Status of Women to the discussion on the eradication of poverty in the coordination segment of the Economic and Social Council, *inter alia*, in relation to mainstreaming a gender perspective in poverty eradication activities and the use of available funding sources and mechanisms, with a view to contributing to the goals of poverty eradication and targeting women living in poverty;

21. Urges Governments, the United Nations system, including the Bretton Woods institutions, relevant international organizations, non-governmental organizations and the private sector to empower women through concrete actions, policies and programmes, including integration of gender perspectives;

22. Requests Governments and the international community to implement specific programmes for the eradication of poverty and illiteracy, ensuring women's equal access to education, training, employment and the promotion of entrepreneurial activities, and strongly urges the international community to support

national efforts towards the advancement of women in the developing countries, particularly in Africa, and in the least developed countries;

23. Reaffirms that, in order to implement the Platform for Action, a reformulation of policies and reallocation of resources may be needed, but that some policy changes may not necessarily have financial implications;

24. Reaffirms also that, in order to implement the Platform for Action, adequate mobilization of resources at the national and international levels, as well as new and additional resources to the developing countries, in particular in Africa, and the least developed countries, from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women, will also be required;

25. Calls upon those States committed to the 20:20 initiative to integrate a gender perspective fully into its implementation, as referred to in paragraph 358 of the Platform for Action;

26. Recognizes that the creation of an enabling environment, at the national and international levels, is necessary to ensure the full participation of women in economic activities, and calls upon States to remove obstacles for the full implementation of the Beijing Declaration and the Platform for Action;

27. Calls upon Member States to commit themselves to gender balance, *inter alia*, through the creation of special mechanisms, in all government-appointed committees, boards and other relevant official bodies, as appropriate, as well as in all international bodies, institutions and organizations, notably by presenting and promoting more women candidates;

28. Also calls upon Member States to aim at and support gender balance in the composition of delegations to the United Nations and other international forums;

29. Reaffirms that the implementation of the Platform for Action will require immediate and concerted action by all to create a peaceful, just and humane world based on all human rights and fundamental freedoms, including the principle of equality for all people of all ages and from all walks of life, and to this end, recognizes that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice;

30. Stresses, in relation to the United Nations, that the Platform for Action needs to be implemented through the work of all the bodies and organizations of the system during the period 1995-2000, specifically and as an integral part of wider programming;

31. Also stresses that the means of implementation of the Platform for Action should include mainstreaming a gender perspective in the context of preparation of the programme budget for the biennium 1998-1999;

32. Welcomes the endorsement by the Economic and Social Council of the revised system-wide medium-term plan for the advancement of women, 1996-2001 and its decision to undertake, in 1998, a comprehensive mid-term review of the implementation of the revised plan as a basis for future programming and coordination of activities for the advancement and empowerment of women by the United Nations system, including a review of the progress made in mainstreaming a

gender perspective in all activities of the United Nations system;

33. Requests the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, to formulate a new system-wide medium-term plan for the advancement of women to cover the period 2002-2005, to submit a new draft plan to the Economic and Social Council at its substantive session of 2000 in order to provide guidance for the medium-term plans of the individual organizations of the United Nations system and to submit the draft plan to the Commission on the Status of Women at its forty-fourth session for comments;

34. Reiterates the need for an enhanced framework for international cooperation for gender-related issues in the integrated and comprehensive implementation, follow-up and assessment of the Platform for Action, taking into account the results of global United Nations summits and conferences;

35. Welcomes the decision of the Economic and Social Council to devote its 1997 coordination segment to mainstreaming a gender perspective, and reiterates its invitation to the Council to consider devoting one high-level segment and one operational segment to the advancement of women and the implementation of the Platform for Action, before the year 2000, taking into account the multi-year programme of work of the Commission on the Status of Women and all other functional commissions of the Council and the need for a system-wide approach to the implementation of the Platform for Action;

36. Also welcomes the establishment of the Inter-Agency Committee on Women and Gender Equality, and notes the work done by the Special Adviser to the Secretary-General on Gender Issues for the system-wide implementation of the Platform for Action;

37. Further welcomes the fact that the Inter-Agency Committee on Women and Gender Equality will serve as a forum for information exchange and the promotion of programme coordination and collaborative arrangements among organizations of the system and will be responsible for addressing, on a comprehensive system-wide basis, all aspects of the implementation of the Platform for Action and gender-related recommendations emanating from other recent international conferences within the purview of the United Nations system;

38. Welcomes developments in coordination at the inter-agency level, including work done by the Inter-Agency Committee on Women and Gender Equality which is expected to move forward the conceptual discussion of mainstreaming, and stresses the need for further work to mainstream a gender perspective into the day-to-day work of United Nations staff throughout the system and in intergovernmental action beyond the social sectors and operational activities;

39. Also welcomes Economic and Social Council resolution 1996/6, in which the Council strengthened the mandate and the terms of reference of the Commission on the Status of Women and endorsed the Commission's multi-year work programme for the period 1996-2000, and also welcomes the agreed conclusions 1996/1 of the Commission on the Status of Women of March 1996 on the Commission's methods of work for dealing with the implementation of the Platform for Action;

40. Invites once again all other functional commissions of the Economic and Social Council, within their mandates, to take due account of the Platform for Action and to ensure the integration of gender aspects in their respective work;

41. Welcomes the measures taken by the Secretary-General to date to ensure coordination of policy within the United Nations for the implementation of the Platform for Action and the mainstreaming of a system-wide gender perspective in all activities of the United Nations system, including training, in accordance with paragraph 326 of the Platform for Action;

42. Requests the Secretary-General to present action-oriented recommendations to the Economic and Social Council at its coordination segment on means to enhance system-wide coordination on gender issues and to mainstream a gender perspective throughout the United Nations system;

43. Also requests the Secretary-General to continue to disseminate the Beijing Declaration and the Platform for Action as widely as possible, including to the competent organs of the United Nations and the specialized agencies;

44. Reiterates its request to the Secretary-General to ensure that the Division for the Advancement of Women can effectively carry out all the tasks foreseen for it in the Platform for Action by, inter alia, providing sufficient human and financial resources within the regular budget of the United Nations;

45. Requests the Secretary-General, in cooperation with the Administrator of the United Nations Development Programme, to ensure that the resident coordinators fully incorporate a gender perspective in integrating the follow-up to the Fourth World Conference on Women into the coordinated follow-up to recent global United Nations conferences;

46. Welcomes the decision of the Committee on the Elimination of Discrimination against Women to amend its reporting guidelines in line with the recommendations of paragraph 323 of the Platform for Action to enable it to consider reports submitted by States parties, and invites States parties to include information on measures taken to implement the Platform for Action in their reports;

47. Notes the importance of the activities undertaken by the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women in the implementation of the Platform for Action;

48. Commends the work of the International Research and Training Institute for the Advancement of Women on the issues addressing, inter alia, the process of the economic and political empowerment of women, statistics and indicators in gender issues, and requests the Institute to incorporate in its biennial work programme appropriate actions in order to carry out research and training components relevant to the twelve critical areas of concern and the implementation of the Platform for Action, within its area of expertise;

49. Also commends the work of the United Nations Development Fund for Women in providing a strategic and focused response to the follow-up and implementation of the Platform for Action through its advocacy and operational activities in support of women's economic and political empowerment, and encourages the Fund to provide technical support to operationalize the



Platform for Action at the national level through, inter alia, the resident coordinator system and taking into account decision 1996/43 of 13 September 1996 of the Executive Board of the United Nations Development Programme/United Nations Population Fund;

50. Encourages the International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women and the Division for the Advancement of Women to strengthen their cooperation and coordination;

51. Encourages international financial institutions to review and revise policies, procedures and staffing to ensure that investments and programmes benefit women and thus contribute to sustainable development;

52. Invites the World Trade Organization to consider how it might contribute to the implementation of the Platform for Action, including activities in cooperation with the United Nations system;

53. Decides to appraise the progress on an annual basis and to retain in the agenda of its forthcoming sessions the item entitled "Implementation of the outcome of the Fourth World Conference on Women", with a view to assessing, in the year 2000, the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and the Platform for Action in an appropriate forum;

54. Requests the Secretary-General to report to the General Assembly at its fifty-second session and thereafter annually, through the Commission on the Status of Women and the Economic and Social Council, on ways to enhance the capacity of the Organization and of the United Nations system to support the ongoing follow-up to the Conference in the most integrated and effective way, including human and financial requirements and measures taken and progress achieved in the implementation of the Beijing Declaration and the Platform for Action.

General Assembly resolution 51/69

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/613) without vote, 13 November (meeting 35); draft by Chairman (A/C.3/51/L.29), based on informal consultations; agenda item 104.

Meeting numbers. GA 51st session: 3rd Committee 13-18, 35; plenary 82.

## Women's rights

The 30-article Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979 [GA res. 34/80] sets forth constitutional, legislative and other measures which aim to promote equality for women through affirmative action, maternity protection, equal education and employment opportunities, and equality before the law, among other things. It also sets standards by which countries aim to improve the overall situation of women, especially the conditions in which they live and work.

## The girl child

In 1996, the General Assembly again adopted a resolution on the girl child, a subject it had deemed important because, it noted, the advancement and development of women throughout their life cycle must begin with the girl child [YUN 1995, p. 7701. (See also PART TWO, Chapter II).

### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/76**.

### The girl child

The General Assembly,

Recalling its resolution 50/154 of 21 December 1995 and its resolutions 50/42 of 8 December and 50/203 of 22 December 1995 concerning the follow-up to the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995,

Recalling also the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, the Programme of Action of the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the Vienna Declaration and Programme of Action of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s of the World Summit for Children, held in New York on 29 and 30 September 1990, the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs adopted at the World Conference on Education for All, held at Jomtien, Thailand, from 5 to 9 March 1990,

Welcoming with satisfaction the adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, which constitute an important contribution to the global efforts aimed at the eradication of such practices,

Noting with appreciation the report of the Secretary-General on the mid-decade review of progress made in achieving the goals of the World Summit for Children,

Welcoming the report of the expert of the Secretary-General on the impact of armed conflict on children,

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition, physical and mental health care and to girls enjoying fewer rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices such as incest, early marriage, female infanticide, prenatal sex selection and female genital mutilation,

Reaffirming the equal rights of women and men as enshrined in the Preamble to the Charter of the United Nations, and recalling the Convention on the Elimina-

tion of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

1. Urges all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms and to take effective action against violations of those rights and freedoms;

2. Also urges all States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, female genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

3. Calls upon all States and international and non-governmental organizations, individually and collectively:

(a) To set goals and to develop and implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, to take into account the rights and particular needs of the girl child, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against the girl child;

(b) To generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

(c) To give attention to the rights and needs of adolescent girls, which call for special action for their protection from sexual exploitation and abuse, harmful cultural practices, teenage pregnancy and vulnerability to sexually transmitted diseases and human immunodeficiency virus/acquired immunodeficiency syndrome and for the development of life skills and self-esteem, reaffirming that the advancement and empowerment of women throughout the life cycle must begin with the girl child at all ages;

(d) To take measures to increase awareness of the potential of the girl child and to promote gender-sensitive socialization of boys and girls from early childhood, aimed at achieving gender equality, development and peace within the family and the community;

(e) To ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in social, economic and political life and in the development of strategies and the implementation of action aimed at achieving gender equality, development and peace;

(f) To strengthen and reorient health education and health services, in particular primary health care programmes, including sexual and reproductive health, and to design quality health programmes that meet the physical and mental needs of girls and attend to the needs of young expectant and nursing mothers;

4. Urges States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

5. Also urges States to eliminate all barriers so as to enable girls, without exception, to develop their full potential and skills through equal access to education and training;

6. Encourages States to consider ways and means to ensure the continuing education of married women, pregnant women and young mothers;

7. Urges States to take special measures for the protection of children, in particular to protect girls from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict, in line with the recommendations of the expert appointed by the Secretary-General to study the impact of armed conflict on children;

8. Urges States parties to fulfil the obligations they have undertaken under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women to protect women and girls from all forms of violence, including domestic violence, sexual trafficking and child prostitution;

9. Urges States to implement measures to protect women and girls from all forms of violence, in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences;

10. Requests all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

11. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the World Health Organization, the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child, especially in education, health and nutrition, and eliminate negative cultural attitudes and practices against the girl child in the implementation of the Platform for Action of the Fourth World Conference on Women and the system-wide medium-term plan for the advancement of women for the period 1996-2001;

12. Calls upon the Commission on Human Rights, while considering, in accordance with the agreed conclusions 1996/1 of the Economic and Social Council, its input to the Commission on the Status of Women on ensuring women's equal enjoyment of human rights relating to economic resources, to pay particular attention to all the human rights of the girl child;

13. Calls upon States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Platform for Action of the Fourth World Conference on Women;

14. Calls upon all States, all relevant organizations and bodies of the United Nations system and non-governmental organizations to implement commit-

ments to goals and actions relating to the girl child and to report on initiatives and progress to the Commission on the Status of Women at its forty-second session, pursuant to the decision of the Commission to review the progress made in the implementation of the Platform for Action of the Fourth World Conference on Women relating to the girl child in 1998.

General Assembly resolution 51/76

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/615) without vote, 20 November (meeting 46); 120-nation draft (A/C.3/51/L.31), orally revised; agenda item 106.

Meeting numbers. GA 51st session: 3rd Committee 30, 32-35, 42, 46; plenary 82.

### Violence against women

In February [F/CN.6/1996/11], the Secretary-General transmitted to the Commission a report of the United Nations Development Fund for Women (UNIFEM) on its role in eliminating violence against women, in accordance with General Assembly resolution 50/166 [YUN 1995, p. 1188].

UNIFEM supported initiatives that demonstrated effective development alternatives and facilitated a more gender-sensitive enabling policy environment. It had increasingly utilized a programme framework that viewed the pursuit of sustainable human development as a fundamental human rights issue. UNIFEM's activities in the area of human rights, particularly violence against women, drew much support from grassroots constituencies, partner agencies, the Fund's Consultative Committee and the international human rights community in general, and resulted in UNIFEM's establishment of a women's human rights programme.

The initial steps to be taken by the Administrator of the United Nations Development Programme (UNDP) would be a process of consultation, keeping the Commission on the Status of Women and the Commission on Human Rights apprised of its progress. In addition, UNIFEM had asked that its staff in the field gather information, from governmental and non-governmental organizations (NGOs) working in the area of violence against women, on the types of interventions that would result in significant progress towards eliminating violence against women.

**Reports of Secretary-General.** The Commission on Crime Prevention and Criminal Justice (Vienna, 21-31 May) (see PART THREE, Chapter IX) considered two reports on the elimination of violence against women submitted by the Secretary-General.

In a March report [E/CN.15/1996/12 & Corr.1], the Secretary-General described activities taken by institutes comprising the UN crime prevention and criminal justice programme network which focused on producing publications, holding

meetings and conferences, conducting research and technical cooperation activities.

The Secretary-General, in an April report [E/CN.15/1996/11 & Corr.1], presented a draft plan of action on the elimination of violence against women. He defined the framework and scope of the plan, which set out elements of adequate response measures at the national level, mainly by the criminal justice system. The Secretary-General also provided information on action to be taken at the regional and international levels, and measures to be taken to promote and utilize the plan of action under different legal systems.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/12**.

#### Elimination of violence against women

The Economic and Social Council,

Welcoming the proclamation by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

Reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and its confirmation that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights, as well as its affirmation that gender-based violence and all forms of sexual harassment and exploitation are incompatible with the dignity and worth of the human person and must be eliminated,

Recognizing that violence against women both violates human rights and fundamental freedoms and impairs or nullifies the enjoyment by women of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms,

Strongly condemning all forms of violence against women as set out in article 2 of the Declaration on the Elimination of Violence against Women,

Recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 34/180 of 18 December 1979, contributes to the elimination of violence against women and that the Declaration strengthens and complements that process,

Bearing in mind that, as stated in article 4 of the Declaration on the Elimination of Violence against Women, States should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to the elimination of violence against women,

Recalling that the General Assembly, in its resolution 48/104, recognized that violence against women was a manifestation of historically unequal power relations between men and women which had led to domination over and discrimination against women by men and to the prevention of the full advancement of women and

that violence against women was one of the crucial social mechanisms by which women were forced into a subordinate position compared with men,

Recalling Commission on Human Rights resolutions 1995/85 of 8 March 1995 and 1996/49 of 19 April 1996 on the elimination of violence against women,

Welcoming the adoption by the General Assembly of resolution 50/166 of 22 December 1995 on the role of the United Nations Development Fund for Women in eliminating violence against women,

Recalling the appointment by the Commission on Human Rights of the Special Rapporteur on violence against women, its causes and consequences, and the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, as outlined in Commission on Human Rights resolution 1996/49,

Also recalling the statement of the Special Rapporteur that pornography is perhaps the extreme manifestation of the media's violence against women,

Commending the Crime Prevention and Criminal Justice Division of the Secretariat for its work on the elimination of violence against women and its ongoing cooperation with the Special Rapporteur,

Welcoming the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls, including in armed conflict,

Recognizing the need to implement the Beijing Declaration and Platform for Action in the field of crime prevention and criminal justice and to develop practical measures, strategies and activities in that field,

Reaffirming that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide,

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to address the problem of violence against women,

Recognizing that various groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict and other situations of violence, foreign occupation, war of aggression, civil war and terrorism, including hostage-taking, are also particularly vulnerable to violence,

Welcoming the role of non-governmental organizations, women's equality-seeking organizations and community agencies in addressing and working towards the elimination of violence against women, in

particular in drawing attention to the nature, severity and magnitude of violence against women and in assisting women who are victims of violence,

1. Urges Member States to ensure that all forms of violence against women are, in the absence of existing laws, legislatively proscribed;

2. Also urges Member States to review or monitor legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have an adverse or negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

3. Further urges Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in areas such as social development, environmental design and educational programmes in crime prevention;

4. Urges Member States to promote an active and visible policy of ensuring that a gender perspective is brought to the development and application of all policies and programmes that address violence against women so that, before decisions are taken, an analysis may be made of their effects on women and men, respectively;

5. Also urges Member States to adopt measures to ensure that acts of violence against women, whether in public or private, are recognized as criminal matters that are, as appropriate, open to public scrutiny and intervention;

6. Further urges Member States and international and regional organizations to take all measures required for the protection of women and children from rape, systematic rape, sexual slavery and forced pregnancy in the conduct of armed conflict and to strengthen mechanisms to investigate and punish all those responsible for the perpetration of such crimes and to bring the perpetrators to justice;

7. Encourages the Crime Prevention and Criminal Justice Division of the Secretariat and other crime prevention bodies and mechanisms to avail themselves of the information and materials on violence against women, including violence in the family, violence in the community and violence by the State that are being gathered by Governments and United Nations treaty bodies, other special rapporteurs, the specialized agencies, bodies and organs, and intergovernmental and non-governmental organizations, including women's equality-seeking organizations;

8. Calls upon the Commission on Crime Prevention and Criminal Justice, through the Crime Prevention and Criminal Justice Division and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to coordinate with all relevant organs, bodies and other entities of the United Nations system their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

9. Calls upon the institutes comprising the Programme network to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

10. Urges United Nations entities and the institutes comprising the Programme network to continue and to improve training concerning the human rights of women and issues of gender bias and violence against women for all United Nations personnel and officials, especially those in human rights and humanitarian relief, peacekeeping and peacemaking activities, and to promote their understanding of the human rights of women so that they can recognize and deal with violations of the human rights of women and can fully take into account the gender aspect of their work;

11. Requests the Commission on Crime Prevention and Criminal Justice to ensure that *Strategies for Confronting Domestic Violence: A Resource Manual*, which has been published in English, is published in the other official languages of the United Nations, subject to the availability of regular budgetary or extrabudgetary funds;

12. Calls upon Governments, international organizations and non-governmental organizations, as appropriate, to translate *Strategies for Confronting Domestic Violence: A Resource Manual* and to ensure its wide dissemination for use in training and education programmes;

13. Welcomes the report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women, commends the work of the institutes comprising the United Nations Programme network in undertaking practical measures to eliminate violence against women, and urges them to continue their work on this issue;

14. Welcomes the report of the Secretary-General on the draft plan of action on the elimination of violence against women, and takes note of the revised document prepared by the Commission on Crime Prevention and Criminal Justice at its fifth session, entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women";

15. Requests the Secretary-General to seek the views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations, on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women and, taking into account the views received, to submit a report containing the text of the draft practical measures, strategies and activities, as well as a report on the views received, to the Commission on Crime Prevention and Criminal Justice at its sixth session so that it may be discussed by the open-ended in-session working group of the Commission;

16. Calls upon Member States, in providing their views, as noted in paragraph 15 above, to include the multidisciplinary views of their ministries, departments and agencies that have responsibilities related to the elimination of violence against women;

17. Decides that the Commission on Crime Prevention and Criminal Justice should continue to consider the elimination of violence against women within its priority themes and that the Commission should consider, at its sixth session, the reports of the Secretary-

General referred to in paragraph 15 above and the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women.

Economic and Social Council resolution 1996/12

23 July 1996

Meeting 45

Adopted without vote

Draft by Commission on Crime Prevention and Criminal Justice (E/1996/30 & Corr.1); agenda item 5 (g).

### Women migrant workers

**Commission action.** The Commission on the Status of Women, by a March resolution [40/6], called on Member States to implement the 1993 Declaration on the Elimination of Violence against Women [YUN 1993, p. 1046, GA res. 48/104] and to explore the possibility of adopting measures to prevent the victimization of women migrant workers by sexual traffickers. It recommended that the UN High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur of the Commission on Human Rights on violence against women, as well as all relevant UN bodies and programmes, give attention to violence perpetrated against women migrant workers, and to provide the Secretary-General with information for inclusion in his report to the General Assembly.

**Expert meeting.** In a March note [E/CN.6/1996/12], the Secretary-General stated that he would convene an expert group meeting on violence against women migrant workers (Manila, 27-31 May), as requested in General Assembly resolution 50/168 [YUN 1995, p. 1186]. In accordance with the terms of the 1995 Assembly resolution, the Secretary-General had sought the views of Member States on various issues raised in the resolution.

As scheduled, the expert group meeting took place and discussed migration patterns and trends, the dynamics of violence against women migrant workers, the impact of migration on employment, abuses faced by women migrant workers, policies and mechanisms to address the problem, collaborative efforts, the collection of indicators and statistical data, empowerment strategies and the role of NGOs [E/1996/71].

The expert group made recommendations on indicators of violence and of vulnerability and on data on the general characteristics of women migrant workers and their situations. Indicators of violence included economic exploitation, social/psychological violence, physical/sexual violence and violence emanating from the operation of the legal system. Indicators of vulnerability involved invalid documentation, recruitment of under-age women and girls, recruitment by unauthorized agents, inadequate sources of support, inadequate reintegration services, violence in the country of origin and inadequate govern-

mental or international regulations. The expert group recommended the collection of data on the general characteristics of: departing women; women migrant workers in receiving countries; the situation prevailing in countries of origin; and the situation prevailing in receiving countries.

The expert group set out measures to improve the coordination of efforts of the UN system on violence against women migrant workers, and action to be taken by Governments, regional inter-governmental bodies and the United Nations.

On 22 July, by **decision 1996/239**, the Economic and Social Council took note of the report on the expert group meeting.

**Report of Secretary-General.** In a September report [A/51/325], the Secretary-General discussed the expert group's conclusions and recommendations, as well as actions taken by organizations of the UN system. He presented comments provided by Governments, highlighting the main trends in their approach to dealing with the issue of violence against women migrant workers.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/65**.

#### Violence against women migrant workers

The General Assembly,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Affirming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995 and the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, specifically as the results pertain to women migrant workers,

Noting the holding of the expert group meeting on violence against women migrant workers at Manila from 27 to 31 May 1996, and expressing its appreciation to the Government of the Philippines for hosting the meeting,

Taking note of resolution 1996/12 of the Subcommission on Prevention of Discrimination and Protection of Minorities concerning, inter alia, women migrant workers,

Conscious of the great importance given to the promotion and protection of the human rights of persons belonging to groups that have been rendered vulnerable, including migrant workers, the elimination of all forms of discrimination against them and the strengthening and more effective implementation of existing human rights instruments,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Acknowledging the economic benefits that accrue to sending and receiving States from the employment of women migrant workers,

Emphasizing the need for accurate, objective and comprehensive information and data as a basis for policy formulation,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. Takes note of the report of the Secretary-General on violence against women migrant workers;

2. Determines to prevent and eliminate all forms of violence against women and girls;

3. Encourages Member States to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

4. Also encourages Member States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and their access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

5. Invites Member States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

6. Reiterates the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address those problems, setting up, as necessary, linguistically and culturally accessible services and mechanisms to implement those measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

7. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant

Workers and Members of Their Families, as well as the Slavery Convention of 1926;

8. Requests the United Nations High Commissioner for Human Rights, the Centre for Human Rights of the Secretariat and the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women, to give particular attention to the issue of violence perpetrated against women migrant workers;

9. Invites Member States, as well as relevant international organizations, to provide their views and comments to the Secretary-General on the issue of indicators as a basis for addressing the situation of women migrant workers, as set forth in the report of the Secretary-General;

10. Also invites the Administrative Committee on Coordination, within its mandate, to examine how to improve coordination within the United Nations system on the question of violence against women migrant workers;

11. Invites the regional commissions and the regional offices of the International Labour Organization to examine ways and means, within their mandates, of dealing with concerns pertaining to women migrant workers;

12. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution, including the reports received from all authorities and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies, with due regard for possible measures to improve reporting procedure.

General Assembly resolution 51/65

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/612) without vote, 18 November (meeting 42); 22-nation draft (A/C.3/51/L.17/Rev.1), orally revised; agenda item 103.

Meeting numbers. GA 51st session: 3rd Committee 13-18, 29, 35, 42; plenary 82.

### Women in armed conflict

Following its consideration of the situation of women and children in armed conflict, the Commission on the Status of Women in a March resolution [40/1] condemned violent acts in contravention of international humanitarian law against civilian women and children, and urged all parties to armed conflicts to take all measures required for the protection of women and children, in particular the immediate release of women and children taken hostage or imprisoned. The Secretary-General was asked to facilitate the release of all women and children taken hostage in areas of armed conflict and to report in 1997 on the implementation of the Commission's resolution.

(See also PART TWO, Chapter II.)

### Traffic in women and girls

**Commission action.** The Commission on the Status of Women, in a March resolution [40/4], called for the implementation of the Platform for Action by Governments of countries of origin, transit and destination, and regional and international organizations, by: considering ratification of international conventions on trafficking in persons and on slavery; taking measures to address the root factors that encouraged trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour; stepping up cooperation and action by law enforcement authorities with a view to dismantling national, regional and international networks in trafficking; allocating resources to the rehabilitation of victims of trafficking; and developing educational programmes and legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children. The Commission welcomed a 1995 decision of the General Assembly [YUN 1995, p. 1189] to focus the International Day for the Abolition of Slavery, 2 December 1996, on the problem of trafficking in human persons, especially women and children.

**Report of Secretary-General.** In August, the Secretary-General submitted a comprehensive report [A/51/309] on all aspects of the issue of traffic in women and girls, with due regard for possible measures to improve the reporting procedure, which did not adequately monitor either the dimensions of the issue or State compliance with international norms. The Secretary-General provided a survey of national and international legal norms regarding trafficking and current approaches and measures to address the problem (see also PART TWO, Chapter II).

### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/66**.

#### Traffic in women and girls

The General Assembly,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and taking note of the comments contained in the report of the Secretary-General,

Recalling also all previous resolutions on the problem of the traffic in women and girls,

Affirming the provisions of the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, pertaining to the traffic in women and children,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelters for trafficked women and children and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that the problem of trafficking also victimizes young boys,

Convinced of the need to eliminate all forms of sexual violence and sexual trafficking, including for prostitution and other forms of commercial sex, which are violations of the human rights of women and girl children and are incompatible with the dignity and worth of the human person,

Realizing the urgent need for the adoption of effective measures nationally, regionally and internationally to protect women and girl children from this nefarious traffic,

1. Takes note with appreciation of the report of the Secretary-General on the traffic in women and girls;

2. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children at Stockholm from 27 to 31 August 1996;

3. Calls upon Governments of countries of origin, transit and destination and regional and international organizations, as appropriate, to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care

and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

4. Invites Governments to accord standard minimum humanitarian treatment to trafficked persons, consistent with human rights standards;

5. Also invites Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;

6. Encourages, in this regard, relevant United Nations organizations and bodies, including the International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women and the United Nations Educational, Scientific and Cultural Organization, to contribute to the preparation of guidelines for the use of Governments in the elaboration of their manuals, in cooperation with all relevant intergovernmental and non-governmental organizations, including those concerned with traumatic stress, taking into account existing research material or studies on the subject;

7. Calls upon all Governments to criminalize trafficking in women and girls in all its forms and to condemn and penalize all those offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of these practices are not penalized, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

8. Urges Governments concerned to support comprehensive practical approaches by the international community to assist women and children victims of transnational trafficking to return home and to be re-integrated in their home societies;

9. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training personnel who will be directly involved in the implementation of those programmes;

10. Encourages Governments, institutions and non-governmental organizations to take preventive and assistance measures, including by establishing helplines to enable victims or potential victims of trafficking to seek assistance, and to provide targeted training to those groups dealing with this problem, including law enforcement and judicial personnel, using as far as possible female police officers to assist victims;

11. Invites the United Nations High Commissioner for Human Rights, in addressing the obstacles to the realization of the human rights of women, in particular through his contacts with the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences and the Special Rapporteur of the Commission on Human Rights on



the sale of children, child prostitution and child pornography, to include the traffic in women and girls among his priority concerns;

12. Invites States parties to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to include information and statistics on trafficking in women and girls as part of their national reports to the Committee on the Elimination of Discrimination against Women, taking into account the general recommendation of the Committee, and to the Committee on the Rights of the Child, respectively;

13. Encourages the Inter-Agency Committee on Women and Gender Equality to continue to address the issue as part of the integrated follow-up to the Fourth World Conference on Women;

14. Encourages all Governments to develop methodologies and to collect national information, including statistical data, on trafficking in women and girls in countries with special vulnerability;

15. Encourages countries with special vulnerability to conduct campaigns designed to increase public awareness of the problem;

16. Welcomes the consideration given to the problem of trafficking in women and girls by the Commission on Crime Prevention and Criminal Justice, and invites the Commission to continue to consider appropriate measures to address this issue;

17. Also welcomes the decision of the Economic and Social Council to devote its coordination segment of 1997 to mainstreaming a gender perspective;

18. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/66  
12 December 1996 Meeting 82 Adopted without vote  
Approved by Third Committee (A/51/612) without vote, 15 November (meeting 40); 29-nation draft (A/C.3/51/L.18/Rev.1), orally revised; agenda item 103.  
Meeting numbers. GA 51st session: 3rd Committee 13-18, 29, 35, 40; plenary 82.

### Women in the Middle East

The Commission on the Status of Women, in a March resolution [40/2], urged Governments, intergovernmental bodies and NGOs to include women in the Middle East peace process, and expressed its support for the Declaration of the Summit of the Peacemakers (Egypt, 13 March 1996) (see PART ONE, Chapter VI), which included among its objectives promoting security and condemning terrorist attacks in the Middle East, which had caused the loss of life and injuries among women and their families. Member States were urged to ensure that all economic, financial and technical assistance to parties in the region took into account the role of women as full participants and beneficiaries.

### Palestinian women

In accordance with a 1995 Economic and Social Council request [YUN 1995, p. 637], the

Secretary-General continued to monitor the situation of and assistance to Palestinian women. In a March report [E/CN.6/1996/8], he stated that his emphasis had shifted from monitoring the general living conditions of Palestinians to monitoring aspects of their development and human rights, while not neglecting the specific political framework. The Secretary-General summarized new developments, focusing on projects carried out by the UN system, addressed emerging concerns related to Palestinian women and provided suggestions in line with the Beijing Declaration and Platform for Action.

The Council, on 22 July, adopted **resolution 1996/5** on Palestinian women (see PART ONE, Chapter VI).

## UN machinery

### Convention on Elimination of Discrimination Against Women

As at 31 December 1996, there were 154 States parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women [YUN1979,p.895,Gares.34/180], with the addition during the year of Algeria, Botswana and Pakistan. Also, at year's end, 11 States parties had accepted the amendment to article 20, paragraph 1, of the Convention in respect of the meeting time of the Committee on the Elimination of Discrimination against Women (CEDAW), which had been adopted by the States parties in May 1995 [YUN 1995, p. 1178]. The amendment would enter into force when accepted by a two-thirds majority of States parties. At its fifteenth session (New York, 15 January-2 February) [A/51/38], CEDAW adopted a decision [(dec. 15/I)] in which it looked forward to the ratification of the amendment and stated that it considered necessary, to alleviate its heavy workload, at least two 3-week sessions annually, each preceded by a pre-session working group. It asked the Secretariat to inform it in 1997 of action taken at the ninth meeting of States parties (see below).

In August, the Secretary-General submitted his annual report [A/51/277 & Corr.1] to the General Assembly on the status of the Convention, which contained information on signatures, ratifications, successions, accessions, and reservations and declarations, or withdrawals thereof, made as at 1 August 1996.

On 12 December, the Assembly by **decision 51/417** took note of the Secretary-General's report.

**Meeting of States parties.** The States parties at their ninth meeting (New York, 29 February) [CEDAW/SP/1996/5] adopted a resolution in which they recognized the need to introduce a temporary measure to enable CEDAW to reduce the backlog in reports of States parties awaiting review until the amendment to article 20, paragraph 1, entered into force. They also recommended that the General Assembly approve CEDAW's request for at least two 3-week sessions annually, preceded by a pre-session working group.

#### Optional protocol

In a decision [15/IV] adopted at its 1996 session, CEDAW urged the Commission on the Status of Women to prepare at its fortieth (1996) session an optional protocol, which was agreed upon by CEDAW in 1995 [YUN 1995, p. 1176]. The optional protocol would introduce petition procedures to the Convention. CEDAW adopted a suggestion [15/I] proposing that the Commission consider inviting two Committee experts to participate as resource persons in the deliberations of an open-ended working group of the Commission concerning the elaboration of the optional protocol.

In accordance with a 1995 Economic and Social Council request [YUN 1995, p. 1177], the Secretary-General, in a January report with later addenda [E/CN.6/1996/10], presented a synthesis of views received from Governments, intergovernmental organizations and NGOs on the optional protocol.

In a 22 March resolution [res. 40/8], the Commission requested the Secretary-General to invite Governments, intergovernmental organizations and NGOs to submit additional views on the optional protocol and to report thereon in 1997, and to provide a summary of existing communications and inquiry procedures and practices under international human rights instruments and under the UN Charter. It recommended a draft for adoption by the Economic and Social Council, renewing the mandate of the open-ended Working Group on the elaboration of the draft optional protocol, which the Council adopted as **decision** 1996/240 on 22 July.

#### CEDAW

The 23-member Committee on the Elimination of Discrimination against Women, established in 1982 [YUN 1982, p. 1149] to monitor compliance with the 1979 Convention, considered, under article 18 of the Convention, the initial and periodic reports of eight States parties (Belgium, Cuba, Cyprus, Ethiopia, Hungary, Iceland, Paraguay, Ukraine) on measures they had taken to implement the Convention. On an exceptional ba-

sis, Rwanda submitted an oral report concerning the situation of women in the country. The Committee established two working groups, one of which focused on ways to expedite the Committee's work and the other on ways to implement article 21 of the Convention. It adopted four decisions covering the submission in 1997 by the Secretariat of an analysis of the practice of other human rights treaty bodies in receiving information from NGOs and participation of NGOs in meetings of those bodies [15/II]; its reporting methods [15/III]; an optional protocol to the Convention [15/IV]; and the amendment to article 20 [15/I].

CEDAW adopted suggestions regarding the optional protocol, closer cooperation and coordination between it and the United Nations Children's Fund (UNICEF) and an appeal to States parties to submit their reports promptly. Annexed to the Committee's report were a list of States parties to the Convention and a chart showing the status of submission and consideration of reports submitted by States parties under article 18 of the Convention, both as at 2 February 1996.

On 22 July, by **decision** 1996/239, the Economic and Social Council took note of the report of CEDAW on its fifteenth session.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution** 51/68.

#### Convention on the Elimination of All Forms of Discrimination against Women

The General Assembly,

Bearing in mind that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter, is to promote universal respect for human rights and fundamental freedoms for all without distinction of any kind, including distinction as to sex,

Affirming that women and men should participate equally in social, economic and political development, should contribute equally to such development and should share equally in improved conditions of life,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, in which the Conference reaffirmed that the human rights of women and the girl child were an inalienable, integral and indivisible part of universal human rights,

Welcoming the growing number of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which now stands at one hundred and fifty-four,

Having considered the reports of the Committee on the Elimination of Discrimination against Women on its fourteenth and fifteenth sessions,

Noting that the number of reports to the Committee has increased as a result of the growing number of States parties to the Convention and that the annual session of the Committee has been the shortest of all the annual sessions of the human rights treaty bodies,

thus creating a considerable backlog of reports submitted but not considered,

1. Urges all States that have not yet ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women to do so as soon as possible, so that universal ratification of the Convention can be achieved by the year 2000;

2. Emphasizes the importance of full compliance by States parties with their obligations under the Convention;

3. Urges States to limit the extent of any reservations they lodge to the Convention, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, to review their reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;

4. Invites States parties to the Convention to make all possible efforts to submit their reports on the implementation of the Convention in accordance with article 18 thereof and with the guidelines provided by the Committee on the Elimination of Discrimination against Women and to cooperate fully with the Committee in the presentation of their reports;

5. Urges States parties to the Convention to take appropriate measures so that acceptance of the amendment to article 20, paragraph 1, of the Convention by a two-thirds majority of States parties can be reached as soon as possible in order for the amendment to enter into force;

6. Approves the request made by the Committee and supported by the States parties to the Convention for additional meeting time so as to allow the Committee to hold two sessions annually, each of three weeks' duration, preceded by a pre-session working group, for an interim period starting in 1997;

7. Welcomes the report of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of the Commission on the Status of Women;

8. Decides to authorize the Open-ended Working Group to meet for ten working days, in parallel with the Commission on the Status of Women at its forty-first session;

9. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the status of the Convention and the implementation of the present resolution.

General Assembly resolution 51/68

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/612) without vote, 20 November (meeting 46); 80-nation draft (A/C.3/51/L.21), orally revised; agenda item 103.

Meeting numbers. GA 51st session: 3rd Committee 13-18, 29, 35, 46; plenary 82.

### Commission on Status of Women

The fortieth session of the Commission on the Status of Women (New York, 11-22 March) [E/1996/26], which focused mainly on follow-up to the Fourth (1995) World Conference on Women

(see above) and the elaboration of a draft optional protocol to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, adopted 10 resolutions, one decision and three agreed conclusions. The Commission recommended to the Economic and Social Council two draft resolutions for adoption, concerning Palestinian women and follow-up to the Fourth World Conference, and two draft decisions, one on the mandate of the Working Group to elaborate a draft optional protocol to the 1979 Convention and the other on the report on the Commission's fortieth session and documentation for its forty-first (1997) session.

On 22 July, by **decision 1996/241**, the Council took note of the report on its fortieth session and approved the provisional agenda and documentation for the forty-first session.

### Communications on status of women

On 21 March, the Commission, at a closed meeting, considered and adopted the report of its Working Group on Communications on the Status of Women [E/1996/26], established in 1993 [YUN 1993, p. 1050] to consider ways of making the communications procedure more transparent and efficient. The Working Group considered three confidential communications received directly by the UN Division for the Advancement of Women, which concerned violations of the rights of freedom of expression and of movement, and discrimination in the right to citizenship. It also took note of 16 communications taken from the confidential list of communications received from the UN Centre for Human Rights, including allegations of forced abortion and other violations of women's human rights in situations of war and armed conflict, such as the systematic practice of rape and abuse as a tactic of war; rape, sexual molestation and torture by security and armed forces; rape, torture and murder in detention; and alleged cases of discriminatory treatment of female babies and rape and abuse of migrant women workers. Regarding a non-confidential list of communications prepared by the Secretariat, the Working Group took note of alleged cases of violence against women; the lack of women in decision-making, particularly as regards war and conflict resolution; and communications relating to the right to inheritance and ownership of land and property. The Working Group concluded its report by noting that the communications procedure of the Commission was not sufficient and should be further improved.

### UN Development Fund for Women (UNIFEM)

During 1996, the United Nations Development Fund for Women (UNIFEM) began to shift from its more traditional approach of being a broad-based grant-awarding organization to providing strategic and technical know-how and support as a catalyst and mediator within the UN system. To strengthen its operational work and maximize the impact of its projects, UNIFEM concentrated and consolidated its programme focus for 1996 around two main areas of action: economic and political empowerment. UNIFEM's programme on political empowerment concentrated on women in governance and decision-making at all levels; human rights and violence against women; and peace-building and conflict resolution. The economic empowerment programme focused on globalization and economic restructuring; women and enterprise development; and natural resources management.

During the year, UNIFEM increased its coordination and collaboration with other UN and international agencies. Its activities revolved around five strategies towards the economic and political empowerment of women, which included building the capacity and leadership of women's organizations to advocate for gender-sensitive development; undertaking advocacy activities to leverage political and financial support for women; facilitating effective partnerships between women's organizations, Governments, the UN system and the private sector; undertaking pilot and demonstration projects for mainstreaming to benefit women; and documenting and disseminating information on best practices and lessons learned.

**UNDP action.** In a February report [DP/1996/14], the UNDP Administrator discussed a 1995 evaluation of UNIFEM conducted by the Office for Evaluation and Strategic Planning. Concerning the evaluation of UNIFEM as a special programme resources (SPR)-funded programme, the recommendations stressed the need for clearer programme guidelines, greater emphasis on gender in development rather than on women in development, improved communication between the gender-in-development programme and the regional bureaux; the integration of gender-in-development activity into country programmes through SPR allocation; and encouraging country office interest and ownership of gender programmes. As to evaluations undertaken by UNDP-administered funds and programmes, the Administrator cited two projects, one in Latin America and one in Africa, which reconfirmed the important role played by civil-society institutions in ensuring delivery of development assistance. In both instances, the Administrator noted,

the intermediary organizations were able to reach large numbers of women more efficiently than UNIFEM would have been able to directly.

In July [DP/1996/34], the Administrator circulated to the UNDP Executive Board a report describing an evaluation of UNIFEM conducted by an external consulting firm. The evaluation covered UNIFEM's activities from 1990 to 1995 and recommended that UNIFEM remain an autonomous and separate organization with the United Nations; increase its resource base; continue its current programme directions in the light of the Fourth World Conference; continue to improve the conditions and minimize the discrimination faced by women, especially poor women; continue to play a strong brokering role between Governments, the women's movement, and women's organizations and networks; continue to work with women's organizations and networks; strengthen project design and management systems; continue to document and disseminate its own experiences as well as women's experiences and encourage the sharing of experiences across regions; continue to bring its experience and technical capacity into international conferences and forums; find mechanisms to leverage UNDP's financial resources to benefit women; summarize, publish and widely disseminate its advocacy tools, approaches and methods; maintain flexibility and accountability in its administrative procedures; strengthen its staff and human resources; increase its number of regional programme advisers; strengthen and increase the number of training programmes it offered yearly for Women-in-Development Focal Point persons; align its organizational structure to enhance inter- and intra-regional collaboration and communication; upgrade its work space and computer software and hardware; and institute a management information system to track all activities, programmes and projects from design to completion. Other recommendations proposed that UN agencies be encouraged to recognize the value of the experience and expertise accumulated in UNIFEM, and to consider devising mechanisms to pay for it when it was accessed, and that UNDP should prescribe specific levels of resources in each country for the implementation of the Platform for Action, as well as UNIFEM's technical assistance and guidance in the process.

**Note by Secretary-General.** By a September note [A/51/391], the Secretary-General transmitted to the General Assembly information describing initiatives taken by UNIFEM and its initial response to the recommendations of the external evaluation. The Consultative Committee of UNIFEM at its thirty-sixth session (New York, 31 January-2 February) approved the reformula-

tion of UNIFEM's work around two thematic areas, economic and political empowerment, as called for in the Platform for Action. UNIFEM, formerly the Voluntary Fund for the United Nations Decade for Women [YUN 1976, p. 626], was created to support innovative activities benefiting women in line with national and regional priorities, as well as to serve as a catalyst within the UN system for ensuring the appropriate involvement of women in mainstream development activities and cooperation. The Consultative Committee also provided policy guidance to and approved UNIFEM efforts to participate in and support activities of the UN system-wide coordinated initiatives in the implementation of gender aspects of recommendations emanating from recent UN conferences. It approved a programme that enabled UNIFEM to analyse, publish and disseminate findings and lessons learned from both its own work and experiences gathered in partnership with international, UN system, regional and national organizations on promoting women's political and economic empowerment.

On 16 December, the General Assembly, by **decision 51/447**, took note of the Secretary-General's note.

**UNDP Executive Board action.** On 13 September [E/1996/33 dec. 96/43], the UNDP Executive Board, welcoming the report of the external evaluation, took note with appreciation of the initial actions being taken by UNIFEM. It asked UNIFEM to prepare in 1997 a response to the evaluation. The Board decided that UNIFEM should produce a concise strategy and supporting business plan, for submission in 1997, that emphasized its catalytic, mainstreaming and advocacy roles and demonstrated the Fund's intention to work increasingly with strategic and capacity-building activities. It also decided that the strategy should give due consideration to activities in the least developed countries and low-income countries, particularly in Africa, and recommended that UNIFEM continue to focus its programme and strengthen programme design and performance. As to coordination, the Board requested UNIFEM to cooperate closely with the relevant UN bodies and organs to ensure that the Fund's advocacy activities formed part of the UN system-wide efforts in the follow-up to the Fourth World Conference on Women. The Board decided to consider in 1997 the access to funds by UNIFEM from the support to policy and programme development facility, and that arrangements be explored regarding access by UNIFEM to UNDP resources for purposes within the Fund's mandate and in accordance with the UNDP mandate and objectives.

#### UNIFEM financing

In a July report [DP/1996/33], the UNDP Administrator provided information on the financial situation of UNIFEM and on steps it proposed to take to re-establish its operational reserve. In addition, he discussed UNIFEM programme strategies since the 1995 World Conference.

As a result of strict monitoring of income and expenditures and diligent management, actual general resource expenditures totalled \$12,367,000, which amounted to \$4,693,000 less than the amount projected in 1995. As a result of those savings, the unexpended general resource balance at 31 December 1995 amounted to \$4,101,000, thus providing a significant step towards the resources needed to rebuild the required operational reserve.

**UNDP Executive Board action.** On 19 January [E/1996/33 (dec. 96/08)], the UNDP Executive Board authorized UNIFEM, on an exceptional basis in view of the positive balance of resources, to formulate additional new projects in 1996 for a total amount not exceeding \$2 million. It asked that UNIFEM in the future submit in writing all proposals requiring the Board's action, in accordance with the established rules for the submission of documentation.

On 13 September [(dec. 96/43)], the Executive Board agreed to the re-establishment of the operational reserve at the initial level of \$3 million and asked UNIFEM to submit in 1997 a detailed proposal for the methodology for calculating both the annual approval ceilings and the maintenance of the operational reserve level, in preparation for the re-establishment of the partial funding system. It asked the General Assembly to review the role of the Consultative Committee of UNIFEM, and asked UNIFEM to continue its efforts to diversify its resource base by, among other things, fund-raising from the private sector. The Board decided that UNIFEM should resume biennial reporting on its work to the Board, preferably at its annual session.

**Pledging conference.** A pledging conference held in November 1996 resulted in \$6.4 million in pledges for 1997 from 28 donors, an increase of \$674,000 over 1996 pledges.

#### International Research and Training Institute (INSTRAW)

The Board of Trustees of the International Research and Training Institute for the Advancement of Women held its sixteenth session at INSTRAW headquarters in Santo Domingo, Dominican Republic, from 19 to 23 February 1996 [E/1996/56]. INSTRAW, which began work in 1979 [YUN 1979, p. 901], is an autonomous institu-

tion undertaking research and training programmes for the advancement and mobilization of women in development, and aims to raise awareness of women's issues worldwide.

During its 1996 session, the Board reviewed the proposed programme budget for the 1996-1997 biennium and preparations for INSTRAW's participation at the second United Nations Conference on Human Settlements (Habitat II) (see PART THREE, Chapter VIII). The Board noted that, in compliance with General Assembly resolution 50/163 [YUN 1995, p. 1181], INSTRAW would start reporting to the Second (Economic and Financial) Committee of the General Assembly on agenda items relating to its research and training activities.

Concerning INSTRAW's overall programme of action, the Board stated that the programme of work should continue to focus on and establish priorities in areas where INSTRAW had already acquired expertise, such as the political and economic empowerment of women; statistics and indicators in gender issues; natural resources and sustainable development; water and waste management; renewable sources of energy; access to credit; women and the media; and issues related to different population groups, especially the elderly and displaced, refugees and migrant women. It was proposed that the girl child be included as a priority area. The Board requested that INSTRAW update its communication technologies and stressed the importance of strengthening communications and networking mechanisms between INSTRAW and its focal points. Recommendations also dealt with strengthening collaboration between INSTRAW, the regional commissions and the Division for the Advancement of Women, and addressing the Platform for Action's 12 critical areas of concern relevant to INSTRAW's research and training programme.

The Board adopted a series of recommendations regarding operational and budgetary matters.

In a June note with later addenda [E/1996/79 & Add.1,2], the Secretary-General circulated biographical material on candidates submitted by Governments to replace three Board members whose terms of office were expiring on 30 June. The Commission on the Status of Women, in March, adopted a resolution [40/5] emphasizing the unique function of INSTRAW as the only entity within the UN system devoted exclusively to research and training for the advancement of women. It recognized the special role that INSTRAW must play in implementing the Platform for Action, and stressed the need for it to further develop active and close cooperation with the

specialized agencies and related organizations of the UN system and with other institutions.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/39**.

#### International Research and Training Institute for the Advancement of Women

The Economic and Social Council,

Recalling its resolution 1995/45 of 27 July 1995, in which it took note of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its fifteenth session,

Recognizing also General Assembly resolution 50/163 of 22 December 1995, in which the Assembly took note of the same report,

Taking note of the analysis done by the Board of Trustees and its recommendation that the Institute not only report to the Third Committee of the General Assembly, but also to the Second Committee of the General Assembly, under the relevant agenda items, in order to improve the coordination and synergy of its programmes with other economic and social issues,

Recognizing the important role played by the Institute at the Fourth World Conference on Women and in the follow-up to that Conference,

Also recognizing the equally important contributions that the Institute is making in its area of expertise to activities related to the International Conference on Population and Development, the World Summit for Social Development, the fiftieth anniversary of the United Nations, the United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, and the International Year of Older Persons,

Reaffirming the original mandate and distinct capacity of the Institute to carry out research and training for the advancement of women, as stipulated in General Assembly resolution 3520(XXX) of 15 December 1975,

1. Takes note of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its sixteenth session and the decisions contained therein;

2. Commends the work of the Institute on the issues addressing the process of the economic and political empowerment of women; statistics and indicators in gender issues; women, natural resources and sustainable development: water, waste management and renewable sources of energy; and issues related to different groups, such as elderly, displaced, refugee and migrant women;

3. Also commends the Institute for its efforts to further develop active and close cooperation with the specialized and related agencies of the United Nations system, and with other organs, programmes and institutions, so as to promote programmes that contribute to the advancement of women;

4. Reiterates the importance of maintaining the level of resources devoted to independent research and related training activities that are crucial for the empowerment of women;

5. Calls upon States and intergovernmental and non-governmental organizations to contribute through voluntary contributions and pledges to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women, thus enabling the Institute to continue to respond effectively to its mandate.

Economic and Social Council resolution 1996/39  
26 July 1996 Meeting 51 Adopted without vote  
Draft by Guatemala, for Latin American and Caribbean Group, and 10 other States (E/1996/L.36), orally revised; agenda item 5 (e).  
Meeting numbers. ESC 43, 44, 47, 50, 51.

### Human rights mechanisms

Pursuant to a 1995 request [YUN 1995, p. 1191] of the Commission on the Status of Women, the Secretary-General, in a February report [E/CN.6/1996/9] on the extent to which violations of women's human rights had been addressed by human rights mechanisms, reviewed progress in mainstreaming the human rights of women into the UN human rights programme. The report concluded that, although impressive progress had been made, more remained to be done. Accordingly, the Secretary-General presented various recommendations for action by treaty bodies, non-treaty human rights mechanisms, including the Centre for Human Rights, and through the UN Decade for Human Rights Education (1995-2004) [YUN 1994, p. 1039].

To facilitate the mainstreaming of women's human rights, the Commission had also asked the Secretary-General in 1995 [YUN 1995, p. 1191] to prepare a joint work plan for the Centre for Human Rights and the Division for the Advancement of Women. In March, he presented a joint work plan for 1996 [E/CN.6/1996/13], which identified areas in which the two bodies could jointly promote the mainstreaming of women's human

rights in the human rights regime, in terms of development of norms and standards, monitoring of and reporting on human rights, advisory services and institutions and human rights education, as well as special themes.

**Commission action.** In March, the Commission on the Status of Women adopted a resolution [40/3] welcoming both reports and emphasizing the need to develop and enhance the role of focal points on the human rights of women, in both the Centre and the Division. The Commission also stressed the need to intensify efforts of cooperation and coordination to ensure that the equal status and the human rights of all women and the girl child were integrated into the mainstream of UN system-wide activities and were addressed regularly and systematically in relevant UN bodies and mechanisms.

### Other matters

#### Education for peace

A January report [E/CN.6/1996/6] of the Secretary-General contained information reflecting changes which occurred in approaches to the role of women in education for peace during the past decade, particularly after the end of the cold war. The Secretary-General examined efforts to move towards a culture of peace in the new political environment and suggested a set of questions that might be addressed by the Commission. Annexed to the report were recommendations made by an expert group meeting (Manila, Philippines, April 1995) on women's contribution to a culture of peace, organized by UNESCO in cooperation with the UN Division for the Advancement of Women.

## Chapter XI

## Children, youth and ageing persons

During 1996, the year of its fiftieth anniversary, the United Nations Children's Fund (UNICEF) continued to focus on improving the situation of children worldwide. In December, the General Assembly commended the Fund for its contribution in promoting child survival, development and protection. A new statement on the mission of UNICEF was adopted by the Executive Board in January, sending out a strong message of support and consensus on the core of the organization's work in the year of its anniversary.

UNICEF cooperated in programmes in 161 countries, the majority of which were in Africa. Total programme expenditures amounted to \$684 million, of which the biggest share was spent on child health, including the expanded programme on immunization and oral rehydration therapy. Approximately one fifth of the Fund's expenditures went into emergency operations.

In 1996, UNICEF continued to encourage adherence to the 1990 Convention on the Rights of the Child (see also PART TWO, Chapter I). UNICEF also developed a framework for its emergency operations, including strategies regarding children in need of special protection. Its Executive Board reviewed the mid-decade goals of the 1990 World Summit for Children and urged all countries to develop strategies and programmes to achieve national goals for children by the year 2000. In December, the General Assembly welcomed the progress by most countries in achieving the goals.

In 1996, steps were also taken to implement the World Programme of Action for Youth to the Year 2000 and Beyond, adopted by the Assembly in 1995.

The Economic and Social Council established an informal open-ended support group to assist the Commission for Social Development in the preparations for the International Year of Older Persons, to be observed in 1999.

### Children

#### UN Children's Fund

In 1996, the United Nations Children's Fund cooperated in programmes in 161 countries, the

majority of which were in Africa (46), followed by the Americas and the Caribbean (37), Asia (33), Central and Eastern Europe, the Commonwealth of Independent States (CIS) and the Baltic States (27) and the Middle East and North Africa (18).

Programme expenditures totalled \$684 million, of which \$232 million (34 per cent) was spent on child health, including the expanded programme on immunization and oral rehydration therapy; \$151 million (22 per cent) on planning, advocacy and programme support; \$87 million (13 per cent) on water supply; \$79 million (12 per cent) on education; \$46 million (7 per cent) on child nutrition; and \$2 million on emergency operations. The remainder of \$87 million (13 per cent) was spent on other programme areas.

Total expenditure on emergency activities was \$145 million, of which 34 per cent was for health; 18 per cent for planning, advocacy and programme support; 12 per cent for water; 12 per cent for nutrition; 8 per cent for education; and 14 per cent for other areas. UNICEF operations in 1996 were described in the 1997 UNICEF Annual Report and the report of the Executive Director [E/ICEF/1997/10 (Parts I&II)].

The UNICEF Executive Board held its first regular session from 22 to 25 January, the second from 9 to 12 April, its annual session from 17 to 21 June and the third regular session from 16 to 19 September, all in New York [E/1996/32/Rev.1].

The September session was authorized by General Assembly **decision 51/403 A** of 17 September. During those sessions, the Board adopted 36 decisions. Its deliberations were reflected in the UNICEF annual report to the Economic and Social Council [E/1996/69].

#### Programme policies

During 1996, the Executive Board took a number of decisions pertaining to UNICEF programme policies.

In January, the Board adopted the UNICEF mission statement and requested the secretariat to present a conceptual framework, including guiding principles and methodologies, for UNICEF emergency operations. It also endorsed the framework for follow-up to the 1995 Fourth World Conference on Women (see PART THREE, Chapter X). In April, the Board requested the Executive Director to present an information and



publication policy. In June, it endorsed the perspectives, policies and strategies regarding children in need of special protection measures.

#### UNICEF mission statement

In January, the Executive Board adopted a statement on the mission of UNICEF [E/1996/32/Rev.1 (dec. 1996/1)]. It declared, among other things, that UNICEF was guided by the 1989 Convention on the Rights of the Child [GA res. 44/25] and strove to establish children's rights as enduring ethical principles and international standards of behaviour towards children. UNICEF was non-partisan and its cooperation free of discrimination; it was committed to ensuring special protection for the most disadvantaged children—victims of war, disasters, extreme poverty, all forms of violence and exploitation, and those with disabilities. It worked with all partners towards the attainment of the sustainable human development goals by the world community and the realization of peace and social progress.

#### Emergency conceptual framework

The Executive Board considered a report on the mission and strategies of UNICEF emergency services [E/ICEF/1996/4], which summarized the purpose of UNICEF, the guiding principles which underpinned its emergency response strategies, and the initiation of measures to ensure UNICEF capacity as an effective humanitarian partner in emergency cooperation.

In January [dec. 1996/2], the Board took note of the report and requested the secretariat to present a conceptual framework, including guiding principles and methodologies, for UNICEF emergency interventions to be presented to the Board at its annual session. It also requested the secretariat to formulate operational papers on the issues listed in the annex to the decision, to be presented to relevant sessions of the Board in 1996 and 1997.

In May, in response to the Board's request, the secretariat presented a report on a conceptual framework for UNICEF emergency interventions [E/ICEF/1996/16]. It discussed the well-being of the child; emergencies and armed conflict as threats to child welfare; principles of emergency action for UNICEF; and implications for UNICEF action. The report stated that the rights and well-being of the child were best assured within a stable and nurturing framework. Armed conflicts, or emergencies that arose as a consequence of natural disaster, increased exponentially the rapidity of negative social change and disrupted or destroyed the political, economic and social structures that underpinned community cohesion and

the capacity of families to protect and care for their children. UNICEF sought to facilitate and support interventions not only for child survival, but also for a range of protections and developmental outcomes. The family, especially the mother, must be empowered—through direct interventions as well as through community and supportive social structures—with the knowledge, skills and resources to care for and protect the child. At all levels of society, basic principles which placed value on children were promoted and reinforced by UNICEF. UNICEF emergency programme actions, therefore, were a mixture of advocacy, capacity-building and support to service provision, directed towards mothers, families, communities and the national social and economic environment. While the primary role of UNICEF was to assist government authorities in meeting their obligations towards children, it also might collaborate with and through non-governmental organizations (NGOs) working at community and family levels for child care and protection.

In June, the Board took note [dec. 1996/28] of the conceptual framework for UNICEF emergency interventions and requested the secretariat to finalize all the operational papers identified in its January decision for presentation in a consolidated form to the Board at its first regular session in 1997, reflecting a clear conceptual framework together with its operational implications.

#### Follow-up to 1990 World Summit for Children

In April, UNICEF submitted a progress report [E/ICEF/1996/15] on follow-up to the 1990 World Summit for Children. It described the mid-decade review of progress in the implementation of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action [A/45/625]; presented the Secretary-General's review of progress since the World Summit; described the goals of the Summit and the 1989 Convention on the Rights of the Child; and outlined progress at mid-decade. The report was a preview of the Secretary-General's report, which would compile the reports received from Governments and UN agencies.

**Report of Secretary-General.** In July, the Secretary-General submitted a report [A/51/256] on progress at mid-decade on implementation of General Assembly resolution 45/217 on the World Summit for Children. The report was based on the results of national mid-decade reviews, including reviews from industrialized countries. It discussed the significance of the World Summit and trends at mid-decade; described the Summit follow-up process; examined progress towards the mid-decade goals at the

global and regional levels; and gave a goal-by-goal review.

The report concluded that the goals of the World Summit had generated a renewed level of activity on behalf of children around the world, creating new partnerships between Governments, NGOs, donors, the media, civil society and international organizations in pursuit of a common purpose. The most striking progress had been made in immunization coverage, control of diarrhoeal diseases, polio, Guinea worm disease, and iodine deficiency disorders (IDDs), access to safe drinking water and promotion of breastfeeding. Already, 89 countries had reached the end-of-decade target of over 90 per cent coverage of immunization, and the goal of eradication of polio by the year 2000 was promising. In the context of diarrhoeal disease, major progress on the spread of oral rehydration salt/recommended home fluid treatment had been achieved. In iodine deficiency control, almost all countries with an IDD health problem were iodizing salt and about 1.5 billion more people were consuming iodized salt in 1995 than in 1990. The population without access to safe drinking water had fallen by about one third since 1990. The mid-decade goal of promoting breastfeeding by implementing "baby-friendly" regimes in maternity facilities was also effectively met. On the other hand, the lack of progress made in the achievement of certain other goals had to be acknowledged. While under-five mortality had declined in all regions, progress had been too slow to meet the end-of-decade goal, particularly in sub-Saharan Africa and South Asia. There had also been weak, uncertain or even negligible progress towards achieving malnutrition, maternal mortality, sanitation and girls' education goals. However, the overall message was not one of discouragement but the opposite.

The main challenge ahead was the achievement of the goals by the year 2000. That would entail country-level adjustment and mid-course correction on the basis of lessons learned over the past five years. The reviews had generated ideas about new directions, requiring adjustments to national programmes of action or reformulation of goals and strategies in some countries, or paying special attention to capacity-building to ensure sustainability of achievements in others. In the second half of the decade, there would be increasing emphasis on the prioritization of goals and adaptations to suit local situations. Newly created partnerships would have to be strengthened and expanded, inter-agency collaboration built up and support by NGOs, the media and civil society developed to their full potential. In that regard, continued advocacy by UNICEF was im-

portant. Fulfilment of the goals would also require continued mobilization of resources at all levels and their cost-effective use to achieve sustainability of universal access to basic social services. The General Assembly should hold a special session in five years' time to examine how far nations had managed to fulfil their "promises for children" and to implement the 1990 World Summit for Children Declaration and Plan of Action.

In June [dec. 1996/21], the Board urged all Governments that had not completed the national review of progress towards implementation of the Declaration and Plan of Action to do so during 1996, and also urged all countries to develop feasible and sustainable strategies and programmes to achieve the nationally adopted goals for children for the year 2000. It requested the Executive Director to encourage all partners to use the lessons learned from the mid-decade review to develop strategies and actions to achieve the goals for the year 2000.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/186**.

#### **Progress at mid-decade on the implementation of General Assembly resolution 45/217 on the World Summit for Children**

The General Assembly,

Recalling its resolutions 45/217 of 21 December 1990 and 50/120 of 20 December 1995 and its decisions 47/447 of 22 December 1992, 48/446 of 21 December 1993 and 49/439 of 19 December 1994,

Noting with appreciation the near universal ratification of the Convention on the Rights of the Child and the significant progress made in national capacities to plan, implement and monitor progress for children within the framework of the needs and rights of the child,

Recognizing the linkage between the eradication of poverty and the achievement of the goals of the World Summit for Children,

1. Takes note of the report of the Secretary-General, and welcomes the conclusions contained therein;

2. Welcomes the significant progress reported by most countries on achieving the majority of the mid-decade goals and objectives of the World Summit for Children, particularly in immunization, the control of diarrhoeal diseases, poliomyelitis, Guinea worm and iodine deficiency disorders, and access to safe water;

3. Also welcomes the overwhelming response of all countries, especially the developing countries, to the commitments agreed upon at the World Summit for Children;

4. Notes with appreciation the contributions of international and bilateral donors and civil society to the achievement of the goals of the World Summit for Children;

5. Takes note with concern of the considerable variation in the progress made across countries and regions owing to different baseline conditions in 1990 and the varying rates of progress in relation to the goals;

Q. Expresses particular concern that progress on malnutrition, maternal mortality, sanitation, and girls' education has been inadequate, and in some cases negligible;

7. Reaffirms the need for effective follow-up to the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s;

8. Recognizes the need for more intensive efforts to reach the goals for child mortality, the education of children, in particular girl children, maternal mortality, child malnutrition and sanitation;

9. Also recognizes the important role of the United Nations system in providing coordinated support for the implementation, monitoring and evaluation of the World Declaration and the Plan of Action and the leadership role of the United Nations Children's Fund;

10. Invites Governments to increase, as appropriate, their budget allocations to basic social services for covering the special needs of children in order to facilitate the achievement of the goals set out in the World Declaration and the Plan of Action;

11. Urges developed countries to make increased efforts to mobilize additional resources for the fulfilment of the goals and objectives of the World Summit for Children and to ensure, in the context of their development assistance, that programmes to that end will have a priority when resources are allocated;

12. Encourages civil society and the private sector to continue to support generously the implementation of the goals of the World Summit for Children;

13. Stresses the need for according priority to the special needs of children in regions of slow progress, particularly the least developed countries and sub-Saharan Africa, and in other developing countries that have not yet reached the mid-decade goals;

14. Recognizes the need for continued cooperation and partnership and appropriate international support to those developing countries that have already reached the mid-decade goals or the end-of-decade goals, so as to ensure the sustainability of such achievements;

15. Also recognizes the contribution to the achievement of the goals of the World Summit for Children of the mutual commitment of interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of national budgets to basic social programmes;

16. Stresses the need to continue strengthening and expanding effective partnerships between Governments, the United Nations system and other international organizations, international donor agencies, civil society, including non-governmental organizations, the private sector and the media, so as to ensure full achievement of the goals by the year 2000;

17. Also stresses the need for greater efforts to involve children themselves, in accordance with article 12 of the Convention on the Rights of the Child, in all matters affecting them;

18. Further stresses the need for sustainable progress in the attainment of goals through, inter alia, support for national capacity-building, including that of local communities, civil society and non-governmental organizations;

19. Recognizes the importance of fostering exchanges of experience between countries, including South-South cooperation, in order to help disseminate successful programmes;

20. Calls upon all relevant organs, organizations and bodies of the United Nations system to take into account the lessons learned at mid-decade, and invites relevant governing bodies to consider specific measures, within their respective competencies, to address the special needs of children for the achievement of the goals for the year 2000, giving priority to issues and areas where progress has been slow;

21. Also calls upon all relevant bodies and organizations of the United Nations system to strengthen inter-agency collaboration regarding improved protection and assistance for children in especially difficult circumstances, including displaced and refugee children, as well as those suffering from exploitation, and to take the necessary steps to ensure that such collaboration is considered in related policies and programmes;

22. Stresses the necessity and importance of setting measurable indicators and targets and of improving data collection and assessment concerning the implementation of all the goals of the World Summit for Children with regard to the development, protection and survival of children, including the goal of improved protection of children in especially difficult circumstances;

23. Calls upon Governments and their partners, taking into account lessons learned during the mid-decade reviews, to adjust, refine and prioritize, where necessary, their goals and strategies, within the framework of the World Declaration and the Plan of Action and in conformity with the Convention on the Rights of the Child, to respond to local situations;

24. Also calls upon Governments and the United Nations system to promote an active and visible policy of mainstreaming a gender perspective in the implementation of the goals of the World Summit for Children;

25. Urges full integration of the follow-up to the goals of the World Summit for Children into the work of the inter-agency task forces and other mechanisms established to ensure a coordinated and effective follow-up to major United Nations conferences;

26. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children;

27. Decides to convene a special session of the General Assembly in 2001 to review the achievement of the goals of the World Summit for Children, and to consider the arrangements for the special session at its fifty-third session;

28. Requests the Secretary-General to submit to the General Assembly at its special session a review of the implementation and results of the World Declaration and the Plan of Action, including appropriate recommendations for further action;

29. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on the preparations for the special session and on progress on the implementation of the present resolution.

General Assembly resolution 51/186

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/606) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.44), based on informal consultations on draft by Costa Rica (for Group of 77 and China), Mexico and Turkey (A/C.2/51/L.8) and orally revised; agenda item 98. Meeting numbers. GA 51st session: 2nd Committee 7, 9, 22, 37; plenary 86.

**Other action.** On 24 July, the Economic and Social Council, by **resolution 1996/26**, took note of the views of Governments on the elaboration of an international convention on the illicit trafficking in children and the proposals to that effect. It requested the Secretary-General to continue to gather the opinions of Governments on the elaboration of that convention and their suggestions on possible elements to be included in the text of a future binding instrument or instruments on that subject.

Sweden, in cooperation with UNICEF, End Child Prostitution in Asian Tourism and the NGO Group for the Convention on the Rights of the Child, convened the World Congress against Commercial Sexual Exploitation of Children (Stockholm, 27-31 August), at which a Declaration and Agenda for Action were adopted.

On 12 December, the General Assembly, by **resolution 51/76**, urged States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms and to take effective action against violations of those rights and freedoms.

Also on 12 December, the Assembly adopted **resolution 51/77** on the rights of the child (see also PART TWO, Chapter X).

#### Follow-up to the 1995 Fourth World Conference on Women

The Executive Board had before it a follow-up report [E/ICEF/1996/3] on the 1995 Fourth World Conference on Women [YUN 1995, p. 1168]. It stated that UNICEF follow-up action in the implementation of the Beijing Platform for Action would focus on girls' education, adolescent girls' and women's health, and children's and women's rights. Other action included initiatives to help end harmful traditional practices, attention to the gender dimension of emergency programmes and the empowerment of women. UNICEF would support Governments and NGOs and collaborate with other UN agencies and intergovernmental bodies at international, regional and national levels, especially in the implementation of the girl child section of the Platform for Action, focusing on identified priority areas. It would further support the development of networks on those priorities.

In January [dec. 1996/3], the Board endorsed the framework for follow-up to the Conference, emphasizing priorities in advocacy and programming to girls' education, health of the girl child, adolescent girls and women, and children's and women's rights. It encouraged UNICEF to strengthen partnership, coordination and collaboration with UN agencies and entities and NGOs. It requested the Executive Director to report in 1997 on the process undertaken to integrate the Platform for Action into UNICEF country programmes, taking into account the UN commitment to an integrated follow-up of UN conferences (see also PART THREE, Chapter X).

#### Child protection policy review

The Executive Board discussed a report [E/ICEF/1996/14] on a review of UNICEF policies and strategies on child protection. The report described the background of UNICEF's concern with child protection; reviewed UNICEF's experience during the 10 years since the application of its 1986 policy on behalf of children in especially difficult circumstances [YUN 1986, p. 817]; analysed causes and identified circumstances requiring special protection measures for children; addressed programming and advocacy for special child protection; and detailed organizational implications for UNICEF. The review moved beyond the idea of "children in especially difficult circumstances", as describing certain categories of children in need of additional services, to the idea of "especially difficult circumstances" and the need of "special protection measures" as an important perspective for designing UNICEF programmes of cooperation. The circumstances that put children in special disadvantage included: disabling child labour; war and other forms of organized violence; sexual abuse and exploitation of children; childhood disabilities; loss of family and primary caregivers; and deficient laws and juvenile justice systems. The review recognized that gross violations of children's rights often correlated with poverty indicators such as low family income and high child morbidity and illiteracy. It proposed measures for mainstreaming sectoral programmes to reach and serve specially disadvantaged children and suggested that specific targeted programme activities and advocacy measures be designed and implemented.

In June [dec. 1996/27], the Executive Board endorsed the perspective, policies and strategies presented in the review, emphasizing that the special protection measures should be implemented within the framework of the rights of children. It requested the Executive Director to incorporate the policies and strategies in all relevant UNICEF programmes through mainstream-

ing and the further development of preventive and protection programmes for all children, especially targeted towards those in need of special protection measures; to enhance UNICEF capacities to assist member States in analysing the situation of children in need of special protection measures and in implementing policies and strategies to that end, in the context of the country programming process; to monitor UNICEF activities in implementing those policies and strategies at the country level; and to strengthen UNICEF partnerships with UN agencies, NGOs, civil society and others active in the issue of children in need of special protection measures. It also requested the Executive Director to report to the Board at its 1997 annual session and to present a plan and a time-frame for further implementation of those policies and strategies.

#### Maurice Pate Award

The 1996 Maurice Pate Award, established in 1966 [YUN 1966, p. 385] to commemorate the first UNICEF Executive Director, was presented [dec. 1996/9] to the Centre regional pour le développement et la santé (Regional Centre for Health and Development) of Benin for its work in community financing and primary health care.

#### UNICEF programmes by region

##### Africa

During 1996, programme expenditure in Africa amounted to \$256 million, representing 37 per cent of total UNICEF programme expenditure.

One of UNICEF's highest global priorities was to work with African nations in building solid foundations for peace, democracy and equitable development, based on the rights of children.

In Africa, the turmoil in the Great Lakes region cast a shadow on progress made elsewhere. Armed conflict in Zaire late in the year led to the sudden return of more than 1 million refugees to Rwanda, adding enormous pressures to a country which was beginning to recover from the 1994 civil war. Civil strife persisted in Burundi and worsened in northern Uganda, where civilians, especially children, were victims of rebel raids. Sporadic conflict also continued in parts of Somalia.

In Burundi and Rwanda, UNICEF helped rehabilitate basic health and education services and supplied vaccines, drugs and food supplements. It assisted refugees returning to Burundi and Rwanda from the United Republic of Tanzania and Zaire and helped provide transient and conflict-affected communities with safe water,

sanitation, health services, adequate nutrition and the tracing of relatives of unaccompanied children. It also assisted refugees in the United Republic of Tanzania and, with the World Food Programme, provided seeds, tools, health supplies and transportation to some 5,000 displaced persons in Somalia. To assist Mozambique's post-war recovery, UNICEF promoted local and international efforts to clear landmines around schools and health posts.

Joining the United Nations Development Programme (UNDP), the World Bank and other partners, UNICEF worked with several Governments during the year to plan and implement social programmes aimed at meeting basic needs such as health, sanitation and education. The United Republic of Tanzania and Uganda produced broad strategies to combat poverty that emphasized grass-roots delivery of services. Botswana and South Africa began detailed poverty analyses with advice from UNICEF and others. Madagascar made progress in health care reform and revitalization of local health services based on the community-participation approach of the 1987 Bamako Initiative [YUN 1987, p. 859]. Ethiopia and Malawi launched social action funds that provided matching grants to community initiatives. South Africa launched its national programme of action (NPA) for children. UNICEF supported the NPA steering committee in setting national goals for children and in giving provinces a more active role in achieving them. In Uganda, where 12 out of 39 districts had finalized plans of action for children and another 15 had drafted their plans, the Government provided grants directly to districts, mainly for health and education.

A number of countries in the region streamlined basic services by shifting responsibility for their planning and maintenance from central to local authorities. Cost savings provided a bonus to Zambia's community-managed and district-facilitated programmes that since 1995 had brought safe water and sanitation to 10 districts most afflicted by drought and water-borne disease. By the end of 1996, some 500 village management committees had been established and 150 villagers had been trained in handpump installation and repair, latrine construction and hygiene education. In Ethiopia and Uganda, UNICEF helped the Governments test ways of involving community members more closely in the planning of social services.

While all countries in the region had ratified the Convention on the Rights of the Child, only eight had submitted their first reports on implementation of the Convention. Country programmes were placing more emphasis on rights of care and protection for children who lived and

worked on the street or who were affected by violence and HIV/AIDS. Other priorities included protection for children in hazardous employment or in conflict with the law, and the health needs and rights of adolescents.

A broad range of communication projects targeted issues such as HIV/AIDS prevention and female genital mutilation. To combat HIV/AIDS, which was growing in the region, UNICEF assisted programmes that combined communication for behavioural change and prevention with better medical treatment of sexually transmitted diseases.

In the area of education, in addition to providing funds and training, UNICEF helped Governments to design innovative teaching methods and update textbooks. In Madagascar, with the support of UNICEF, over 200 communities so far had drawn up school-improvement contracts. In Uganda, a UNICEF-assisted school project set up one- and two-room "complementary" schools benefiting 3,200 children in areas with limited access to conventional schools. The African Girls' Education Initiative, launched in 1996 and funded by the Canadian International Development Agency (CIDA) and Norway, would expand education opportunities for girls in 19 African countries.

In West and Central Africa, poverty continued to be the silent killer of children. The region was enjoying slow but steady economic growth in most countries, but the benefits were not well distributed and rarely reached the poor.

One of the most important and successful ways communities were helping themselves was through participation in the Bamako Initiative, which aimed to improve the health of women and children through community-level funding and management of essential drugs. As a result of strong community involvement, more than 80 per cent of Bamako Initiative health centres in the region self-financed their operating costs, excluding salaries and vaccines.

Largely through the Bamako Initiative and similar community-based programmes, many countries were able to make substantial progress in achieving several mid-decade and year 2000 goals for children. With regard to immunization, in some two thirds of the countries, 60 per cent of children were vaccinated against tuberculosis. Almost half of the region's countries provided more than 60 per cent of their children with immunization against diphtheria, pertussis and tetanus, while only a third managed that level of immunization against polio and measles. With regard to Guinea worm disease (dracunculiasis) eradication, in just 10 years (1986-1996), the region reduced the number of cases from 3 million

to a little over 30,000. In the area of iodine deficiency disorders, every country in the region had passed or was drafting laws requiring salt iodization.

Efforts to improve access to education presented mixed results in the region. In Central Africa, the numbers of children enrolling in primary school had stagnated or fallen, while in West Africa the numbers had risen, especially for girls. The once bleak education prospects for girls had brightened recently as a result of several new initiatives aimed at making school a more inviting, rewarding place. Ten countries in the region (Benin, Burkina Faso, Cameroon, Cape Verde, Chad, Guinea, Guinea-Bissau, Mali, Niger, Senegal) stood to benefit from the Girls' Education Initiative. UNICEF assisted Governments to set up programmes that would benefit girls, especially in Burkina Faso, Mali and Senegal. Programmes were also carried out to raise girls' self-esteem.

Armed conflict profoundly affected the region during 1996. At a two-day mini-summit held in July (Yaounde, Cameroon), 100 children from 10 countries affected by conflict discussed UNICEF'S Anti-war Agenda and presented government officials with proposals for action. To help meet the needs of children and women in fast-deteriorating situations, UNICEF in 1996 strengthened its field office capacity to forecast emergencies by establishing easily accessible indicators to analyse socio-economic and political conditions in countries, many of which were becoming increasingly tense and unstable.

#### Asia and the Pacific

In 1996, programme expenditure in Asia totalled \$210 million, or 31 per cent of UNICEF's total programme expenditure for the year.

In East Asia and the Pacific, while economic growth had increased resources that could be channelled into programmes for children's rights and had pushed awareness of social and political issues to a new high in some countries, the rapid development had widened the gap between rich and poor and weakened the traditional social fabric. Millions of the region's children were increasingly prey to abuse and neglect, family violence, crime, drugs and HIV/AIDS, trends that were growing along with national economies.

With the exception of the Cook Islands, every country in the region had ratified the Convention on the Rights of the Child. In 1996, UNICEF provided technical support to more than a dozen countries engaged in reviewing and revising legislation and national policies to make them consistent with the Convention. Regional efforts to

implement child rights included the first Asian Summit on Child Rights and the Media held in July 1996 (Manila, Philippines).

Efforts to achieve the year 2000 goals for children established at the 1990 World Summit greatly advanced children's survival and development prospects throughout the region. Between 55 and 75 per cent of children were covered against the six major vaccine-preventable childhood diseases. However, difficult challenges remained in other areas, including maternal mortality, child malnutrition and access to adequate sanitation, with 60 per cent of the population still not covered. To reach the 10 to 20 per cent of children in the region not covered by programmes to improve access to basic services such as health care and nutrition, water and sanitation and primary schooling, UNICEF was working with Governments. For example, Cambodia, China, the Lao People's Democratic Republic, the Philippines and Viet Nam began reducing gender inequalities that could hinder access to services for girls and women. In addition to boosting girls' education, they combined income-generating projects with functional literacy and "Facts for Life" training to increase women's skills, decision-making power and opportunities. In Viet Nam, UNICEF-supported microcredit programmes reached over 43,000 women.

The spread of HIV/AIDS was a major concern in the region, especially among young children, teenagers and those exploited in the sex industry. A three-year \$6.1 million project was launched, with funds from the Netherlands Government and the Netherlands National Committee for UNICEF, targeting the six countries of the Mekong region (Cambodia, China, Lao People's Democratic Republic, Myanmar, Thailand, Viet Nam) to support awareness-raising, training and information-sharing activities, and the introduction of life-skills training into formal and non-formal educational curricula.

In South Asia, major successes had been achieved with little means, especially when communities had become motivated to effect profound and lasting change. Bangladesh, for example, had achieved the majority of its mid-decade goals for children, doubled the percentage of households with access to sanitary facilities and increased measles immunization coverage from 54 per cent to nearly 80 per cent of children.

Every country in the region had ratified the Convention on the Rights of the Child. Several had taken steps to incorporate those rights into laws, programmes and national policies. Child protection issues received unprecedented attention at the Third Ministerial Conference on South Asian Children held in August (Raw-

alpindi, Pakistan). The Conference agreed to work towards the elimination of hazardous child labour by the year 2000 and of all other forms of child labour by the year 2010.

Regional achievements in meeting mid-decade goals for children included the virtual elimination of Guinea worm disease, significant progress in the promotion of breastfeeding and the reduction of measles deaths. In addition, about 80 per cent of the region's population had access to safe water, but the rapid decrease in the underground water supply, with the lowering of water-tables, could pose severe problems in the future.

In Afghanistan, Bangladesh, Maldives, Nepal, Pakistan, Sri Lanka and several states in India, UNICEF supported household surveys on vital aspects of the situation of children and women and, in Bangladesh, assisted the collection of comparable data on child health annually in 39,000 households for the last four years.

Unfortunately, strategies to combat malnutrition had largely failed, with tragic consequences for South Asia's children, especially in urban areas where it was on the increase. Addressing malnutrition was a top priority for UNICEF, whose initiative was aimed at improving caring practices of families and planning community-wide action. The success of nutrition and other UNICEF programmes depended on strong community involvement. Among the many efforts to support opportunities for girls and women and increase their involvement in community life, UNICEF expanded the Meena communication initiative, an animation and multimedia project that offered positive solutions to discrimination against girls in family and community life.

#### Americas and the Caribbean

Programme expenditure in the Americas and the Caribbean totalled \$95 million in 1996, or 14 per cent of total expenditure.

The resources of many countries of the region were strained by poverty, debt or the lingering effects of violent conflict, which made the realization of children's rights difficult. Economic growth was a modest 3 per cent in 1996, well short of the 6 or 7 per cent the World Bank estimated countries would need to reduce poverty.

Nevertheless, child rights found vital expression in the region's activities, which had widened to include not only protection for children in difficult circumstances but also the survival, protection and development of all children. Nine countries (Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Peru) reformed legislation to incorporate the rights set forth in the Convention on the Rights of the Child. At the Caribbean Confer-

ence on the Rights of the Child (Belize, October 1996), 16 heads of State or Government agreed to harmonize national laws with the principles of the Convention. Thirty countries signed the Santiago Accord, which identified new priorities for the realization of child rights.

An assessment of progress made towards achieving the World Summit goals highlighted positive results on several fronts, but indicated the need for redoubled efforts on others, especially in the areas of infant and maternal mortality. Immunization against the six basic vaccine-preventable diseases of childhood, with the exception of measles, reached well over 80 per cent of children under one year old by mid-decade. In 1996, Rotary International agreed to work with UNICEF to eliminate measles in the region by the year 2000. The region achieved notable success with programmes fortifying common foods with micronutrients to counter widespread deficiencies of vitamin A, iodine and iron:

In maternal and child health, Bolivia launched a UNICEF-assisted National Insurance System for Maternity and Childhood, a programme of basic health services, and made substantial progress in tackling diarrhoea. The use of oral rehydration therapy increased from 32 per cent in 1989 to 84 per cent in 1996, while the regional average was 64 per cent. Haiti began a nationwide project to upgrade the training of skilled birth attendants and to renovate 12 maternity units.

Access to primary education in the region was almost universal and most countries had more than 50 per cent of students reaching grade 5; the regional average was 73 per cent. Those numbers, however, masked hidden and lingering problems, such as low-quality education and lack of access for marginalized children and the poor, especially in remote areas. More than 30 million children in Latin America had no access to basic education.

#### Middle East and North Africa

Programme expenditure in 1996 totalled \$69 million in the Middle East and North Africa, or 10 per cent of total expenditure.

Children's needs in much of the region, which devoted a higher proportion of its national budgets to defence than any other region, were hostage to military budgets and poverty. One third of its children were directly affected by war or civil strife, which disrupted food production, health services, water and sanitation systems and schooling, adding to the burdens of growing numbers of people already living in poverty. Among the region's challenges were providing children with care and protection during and after armed conflict, and ensuring that girls' rights

to equality were taken seriously by families, communities and Governments.

All countries of the region had ratified the Convention on the Rights of the Child, and it was endorsed by the Palestinian Authority in 1996. Nine countries (Egypt, Jordan, Lebanon, Libyan Arab Jamahiriya, Morocco, Oman, Sudan, Syrian Arab Republic, Yemen) had also established special task forces or councils for children.

Most countries had already achieved or exceeded the year 2000 goals for education, which meant that at least 80 per cent of their primary school-age children had reached grade 5. However, persistent problems included low quality of materials and curricula, poor teacher training, insufficient understanding of material being taught, and cultural ideas and practices favouring the success of boys. To increase girls' enrolment and achievement in school, Egypt, Morocco, the Sudan, Tunisia and Yemen set up innovative, community-based programmes, many of which relied on non-formal schooling centres set up close to girls' homes. One indicator of the low priority given to the rights of females was the fact that only 9 out of 19 countries in the region had ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women [GA res. 34/180], and many of those countries had attached reservations. To promote the rights of girls and women in Egypt, a UNICEF-supported credit programme for women, based on the highly successful Grameen Bank model in Bangladesh, provided credit to some 4,000 women by the end of 1996, with 1,000 new loans given out during the year.

To help reduce the region's high maternal death rate, UNICEF broadened its approach to safe motherhood to incorporate human rights, communication, education and gender programmes, with a special focus on the rights and needs of adolescents. In Iraq, 1,500 health workers and midwives received training in how to identify high-risk pregnancies and make timely referrals to clinics and hospitals. In Yemen, a country with one of the highest maternal death rates in the world (1,400 per 100,000 births), the Ministry of Health launched a five-year plan to upgrade the skills of 4,000 community midwives and strengthen local health services for women.

For most countries, immunization rates in 1996 were substantially higher than in 1990. Polio immunization reached 87 per cent of children, up from 79 per cent in 1990. Measles coverage increased from 70 to 86 per cent in the same period. No polio cases had been reported in the past two years in Jordan, Morocco, Oman, Qatar, Tunisia and the West Bank and Gaza. In Djibouti, Egypt, Iraq, Oman, the Sudan and the West Bank and



Gaza, vitamin-A supplements became a part of primary health care and nutrition programmes. During the year, the Sudan reached 4.5 million children under two years old with vitamin-A supplements.

In the region's several emergency countries, especially Iraq and the Sudan, UNICEF helped provide communities with the means to operate and maintain programmes covering health, nutrition, water and sanitation and primary education.

#### Central and Eastern Europe, CIS and the Baltic States

Programme expenditure in Central and Eastern Europe, CIS and the Baltic States totalled \$50 million in 1996, or 7 per cent of total programme expenditure.

UNICEF focused most of its support activities on strengthening local health services, which had seriously deteriorated along with many families' income. To address the problem of high death rates among infants and women, UNICEF was placing strong emphasis on preventive measures, such as upgrading local health services and improving infant and child nutrition. Diphtheria, which had reached epidemic proportions in all 15 of the newly independent States in the early 1990s, was one of the first targets of emergency vaccination. As a result of a mass campaign undertaken by UNICEF, the World Health Organization (WHO), the United States Centers for Disease Control and Prevention and the International Federation of Red Cross and Red Crescent Societies from July 1995 to June 1996, 145 million people between the ages of 3 and 50 were immunized against diphtheria. Thirteen countries continued national immunization days against polio, started in 1995, and six others concentrated their medical resources on groups or areas at special risk. Emergency campaigns immunized 3 million children and adults in Albania and 230,000 under-five-year-olds in the Federal Republic of Yugoslavia (Serbia and Montenegro). Polio vaccines and other assistance were provided by UNICEF in conjunction with WHO, Rotary International and local NGOs.

UNICEF launched a winter emergency programme in Kyrgyzstan to provide heating fuel, blankets, basic drugs and school supplies to remote rural areas. Two surveys in Kyrgyzstan identified serious vitamin-C deficiencies and a high incidence of goitre, a problem in nearly every country in the region. UNICEF worked with Belarus, the Russian Federation and Ukraine to promote salt iodization and help salt manufacturers meet standards. A survey in the Republic of Moldova found that between 20 and 50 per cent

of under-two-year-olds had rickets. In March, experts and policy makers in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan mapped out strategies for increasing breastfeeding promotion and child nutrition research, among other goals.

The situation of children living in institutions (orphaned, abandoned or imprisoned for juvenile offences) demanded urgent attention throughout the region. UNICEF's Romania office evaluated the country's institutions in 1996, recommending that State funds be shifted from institutionalizing children to strengthening foster care and adoption services. Azerbaijan launched a pilot programme with the Ministry of Education to improve living conditions in orphanages. UNICEF assisted the Federal Republic of Yugoslavia to train teams of psychologists, teachers and social workers in procedures for placing children in foster care.

All countries in the region had ratified the Convention on the Rights of the Child, and 12 had submitted their initial reports on its implementation.

#### UNICEF programmes by sector

##### Strengthening health systems

UNICEF continued to be a key partner in health systems reforms. A major review of the Bamako Initiative [YUN 1987, p. 859] was undertaken in several African and Asian countries, and operations research activities were completed in 1995-1996. Results of the studies had been disseminated widely, and lessons learned from the process were applied by country programmes involved in health reform and strengthening of essential health services. Experiences in health reform in Bangladesh, Botswana, Ecuador, Indonesia, Zambia and Zimbabwe were reviewed, leading to recommendations and the formulation of a two-year plan of action to be approved by the Executive Board.

UNICEF and WHO launched the State of World's Vaccines and Immunization, which highlighted the current development of a range of new and improved vaccines, while drawing attention to their unavailability and unaffordability for developing countries. In 1996, UNICEF continued to play a major role in vaccine procurement, with 1.2 billion doses procured, more than half of which were oral polio vaccines for the global polio eradication programme. In April [dec. 1996/17], the Executive Board approved an extension of the programme of cooperation with the PolioPlus programme of Rotary International from 1996 to 2000; it also approved extension of the Vaccine Independence Initiative for the same period.

UNICEF and WHO promoted an integrated approach to the prevention and management of childhood diseases (Integrated Management of Childhood Diseases) and strengthened their support to the implementation of a Geographical Information System (GIS) at the country level to better monitor the health status of children and women. Initially implemented for the monitoring of Guinea worm disease in 20 African countries, GIS had been gradually expanded to other programmes, such as immunization surveillance and maternal mortality monitoring, and to other regions, such as Asia.

In September [dec. 1996/31], the Executive Board took note of the outline of an implementation plan for the health strategy [E/ICEF/1996/19].

### Maternal mortality

In 1996, UNICEF released new estimates for maternal mortality which indicated a worldwide total of 585,000 deaths per year, almost 20 per cent higher than previously thought. Those figures had served to raise awareness and reinvigorate activities to reduce maternal mortality. In response, UNICEF programmes gave heightened attention to the goal of maternal mortality reduction. There was a common understanding of the major immediate causes of maternal deaths and of health interventions required to significantly reduce women's risk of dying during childbirth or of pregnancy-related causes, including increased access to family planning services, pregnancy-related health care and emergency obstetric service in the case of complications. UNICEF reinforced cooperation with several agencies working towards the reduction of maternal mortality. A number of countries, notably Bangladesh, Indonesia, Mali, Romania and Viet Nam, initiated programmes that combined training of midwives, better access to family planning and women's health services, and improved emergency obstetric care.

### Adolescent health

Young people's health was a relatively new priority for UNICEF, but it had been identified as a UNICEF priority in a growing number of countries such as Benin, the Caribbean countries, Cote d'Ivoire, Honduras, Myanmar, the Philippines, South Africa, Thailand, Uganda, Zambia and Zimbabwe. Programme priorities included national planning and policies for youth health, school health programmes, youth-friendly health services, youth NGOs, and news and entertainment. To address the issue of adolescents seriously affected by HIV/AIDS, UNICEF reinforced its involvement in AIDS prevention world-wide

through the coordination mechanism of the Joint and Co-sponsored UN Programme on HIV/AIDS, and at the country level through the implementation of multisectoral approaches, including HIV/AIDS prevention and care activities targeted at women and young people. In particular, UNICEF supported several school-based interventions in Thailand, Uganda and Zimbabwe; had been involved in a major communication project on HIV/AIDS in South Africa; and was working on that issue at a subregional level in the Mekong project in South-East Asia.

### Nutrition and household food security

All but 15 developing countries in the world had introduced programmes to iodize all edible salt to combat iodine deficiency, and some of those 15 countries were expected to do so in the near future. During 1996, due to the worldwide increase in the use of iodized salt, it was estimated that up to 12 million newborns were spared from any risk of mental retardation based on iodine deficiency. Based on iodized salt usage, the number of babies born in 1996 who would suffer from cretinism due to iodine deficiency was likely to be less than 40,000 worldwide. Many countries had also dramatically reduced the incidence of severe vitamin-A deficiency. However, the prevalence of mild and moderate vitamin-A deficiency, which had no obvious clinical signs, had been recognized to be far more widespread and to have more serious consequences for child survival. Therefore, the goals had been modified to focus on ensuring that all children received an adequate intake of vitamin A rather than eliminating clinical deficiency. Linking vitamin-A supplementation with national immunization days had been a highly successful strategy and had resulted in very high "coverage" of vitamin A in several large countries, including Bangladesh. In Mauritania, an innovative "health and nutrition day" immunized children and, at the same time, administered both vitamin-A capsules and an anti-helminthic drug. In Bolivia, UNICEF supported the introduction of vitamin-A-fortified sugar as a cost-effective way of increasing vitamin-A intake in the medium term; similar approaches were being considered in the Philippines and Uganda.

Several UNICEF country offices in Latin America and the Middle East were working with Governments and the food industry to support the introduction of iron fortification programmes. In Venezuela, an evaluation of legislation which required all wheat and maize flour to be fortified with iron and B vitamins concluded that the programme had halved the prevalence of anaemia in children between the ages of 7 and 15 years at a

time when economic conditions were deteriorating.

During 1996, the number of baby-friendly hospitals almost doubled, from 4,282 to 8,319, as a result of a strong partnership with Governments, NGOs and individual hospitals.

#### Basic education

UNICEF consolidated its major initiative in girls' education, focusing on efforts to make education affordable for Governments and parents; revising curricula and learning materials to eliminate stereotypes; transforming the learning environment to attract and retain girls in schools; recruiting more women teachers; ensuring that teacher-education curricula included gender discrimination issues; and encouraging greater community participation. CIDA, Norway and the Rockefeller Foundation were among the partners for the girls' education initiative. A programme to strengthen NGOs in Africa to support and provide girls' education was initiated; 34 countries had already committed to the programme.

The mid-decade review of educational achievement took place in Amman, Jordan, in 1996. UNICEF organized two meetings regarding mid-decade reviews of education for Africa, one in Yaounde, Cameroon, for West and Central Africa and the other in Johannesburg, South Africa, for eastern and southern Africa. African ministers of education attending the reviews pledged to give priority to the collection and analysis of education statistics and to use them in planning. They also committed themselves to examine issues related to the cost and financing of education, especially to ensure girls' education. During the mid-decade period, there was little improvement in closing the gender gap and in advancing the quality of learning in primary education. UNICEF assisted in re-establishing education programmes in Bosnia and Herzegovina and Rwanda after the disruptions caused by the civil conflicts. The "edukit", developed for education in emergency situations, was being expanded to combine the provision of basic materials for teaching and learning with in-service teacher training for community teachers.

#### Water supply and sanitation

During 1996, country programmes in Bangladesh, Costa Rica, Ecuador, Guinea, Honduras, Mali, Panama and Viet Nam demonstrated renewed emphasis on promoting sanitation and hygiene education at the primary-school level. In Burkina Faso and Guinea-Bissau, new approaches to health and sanitation at the community level were being developed in collaboration

with the London School of Hygiene and Tropical Medicine and the International Water and Sanitation Centre in the Netherlands. The Swedish International Development Authority helped UNICEF to strengthen sanitation programmes in southern Africa and to introduce appropriate sanitation technology in West and Central Africa. Consensus was reached with the World Bank on collaboration in several countries in Africa to accelerate progress in household water security and environmental sanitation in the context of the United Nations System-wide Special Initiative on Africa (see PART THREE, Chapter III). A joint strategy for water supply and sanitation was developed with WHO.

#### UNICEF finances

In 1996, UNICEF income totalled \$944 million, compared to \$1,011 million in 1995. Contributions from Governments and intergovernmental organizations accounted for 64 per cent of total income, with the remainder coming from non-governmental sources and UN agencies. Of the total, \$551 million went to general resources, \$287 million to supplementary funds, and \$106 million to emergency funds.

#### Budget appropriations

In April [dec. 1996/7], the UNICEF Executive Board approved the following respective amounts for general resources and supplementary funding: Africa, \$841,000 and \$490,000; the Americas and the Caribbean, \$18,479,000 and \$92,301,000; Asia, \$117,470,000 and \$234,138,000; Central and Eastern Europe, CIS and the Baltic States, \$16,900,000 and \$54,150,000; and the Middle East and North Africa, \$156,000 for general resources.

In September [dec. 1996/29], it approved additional amounts for Africa, \$198,900,000 and \$333,344,000; for the Americas and the Caribbean, \$53,750,000 and \$145,602,000; for Asia, \$43,257,649 and \$74,689,000; for Central and Eastern Europe, CIS and the Baltic States, \$8,670,000 and \$12,600,000; and for the Middle East and North Africa, \$43,010,000 and \$61,000,000.

In April, the Board also approved, under the general resources programme budget for 1996-1997, \$29,540,000 for allocation to field offices, in view of the integrated budget proposed for headquarters and regional offices [dec. 1996/12], and \$81.7 million under the supplementary-funded programme budget for the same biennium [dec. 1996/13].

Also in April, the Board considered the proposed integrated UNICEF budget for 1996-1997 for headquarters and regional offices

[E/ICEF/1996/AB/L.5 & Corr.1] and the recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [E/ICEF/1996/AB/L.7]. On 12 April [dec. 1996/10], the Board requested the Executive Director to consider how further progress could be made towards greater transparency in the UNICEF budget and greater clarity in the budget document. It took note of the report of ACABQ, and approved a commitment of \$346 million for the headquarters and regional offices budget for the 1996-1997 biennium. It affirmed UNICEF's policy commitment to sustain implementation of the Bamako Initiative in the field and to preserve professional assistance.

The Board approved [dec. 1996/14] an additional allocation of \$715,900 for administrative and programme support, to be added to the \$174.8 million approved for field offices, for additional offices in Central and Eastern Europe, CIS and the Baltic States for 1996-1997, and authorized the secretariat to establish liaison offices in Minsk (Belarus), Moscow (Russian Federation) and Kiev (Ukraine).

In September [dec. 1996/34], the Board took note of proposals for the allocation of general resources. It reaffirmed the principles of eligibility, and that the modified allocation system should continue to be based on the core criteria of child population, the under-five mortality rate and per capita gross national product; reflect the need to give higher priority to the low-income countries, in particular the least developed; and be sufficiently flexible to accommodate evolving needs of children in recipient countries and in countries in special circumstances.

In June [dec. 1996/26], the Board approved a medium-term plan [E/ICEF/1996/AB/L.10] as a framework of projections for 1996-1999.

#### Harmonization of budgets

In April, the Executive Board heard an oral progress report on the harmonization of budget presentations by UNDP, the United Nations Population Fund (UNFPA) and UNICEF, in response to General Assembly resolution 49/216 E [YUN 1994, p. 1370]. The report said a preliminary comparison of the three organizations' budgets covering headquarters activities had been completed and a comparison of field activities would be undertaken in 1997. More work was needed to present a comprehensive picture of the substantive issues involved.

On 12 April [dec. 1996/16], the Board asked for a comparison of budget presentations, definitions of terms used by the three organizations, and an indication of steps needed for further harmonization.

At its annual session in June, UNICEF stated that the organizations had agreed on the development of a common resource plan and the related definitions or components to be included under each heading. The plan would have three sections: total resources available to the organization; use of resources under programme activities, programme support activities and management and administration of the organization; and a reconciliation between estimates included under the use of resources and the budget estimates.

On 26 July, the Economic and Social Council, in **resolution 1996/42**, urged the funds and programmes of the UN system to finalize work on the harmonization of their budget presentations in time for a final decision to be made by their respective Boards in advance of the 1998-1999 biennium, and to include in that work a common presentational framework for the budget based on agreed definitions and usage of budget terms and the identification of additional steps required for further harmonization and improved transparency.

#### Greeting Card Operation

In a financial report for the year ended 30 April 1996 [E/ICEF/1997/AB/L.9], the Executive Director stated that in 1995 the contribution of the Greeting Card Operation (GCO) to UNICEF general resources was \$150 million with 158 million cards sold, about the same as in 1994. However, gross proceeds increased from \$153.6 million in 1994 to \$166.5 million in 1995.

In June [dec. 1996/22], the Board approved budgeted expenditures of \$99.8 million for the fiscal year 1 May 1996 to 30 April 1997 and noted that, for the fiscal year 1 May 1996 to 30 April 1997, GCO net proceeds were budgeted at \$274.4 million, as set out in the budget document [E/ICEF/1996/AB/L.11]. It also approved changes in posts with a net increase of eight posts. It renewed the Fund-raising Development Programme with \$7.8 million established for 1996; the Market Development Programme with \$4 million; and the Central and Eastern European National Committees Development Programme, which included 10 countries, with a budget of \$1.5 million. The Board further approved the change of the GCO fiscal year from 1 May-30 April to 1 January-31 December and authorized the Executive Director to incur expenditures in the 1996 fiscal year related to costs of goods delivered (production/purchase of raw materials, cards and other products) for the 1997 fiscal year up to \$45 million. It encouraged GCO to work with National Committees to ensure that a larger

portion of funds raised by them were channelled to UNICEF general resources.

### Organizational and administrative questions

#### Joint Committees

At its fifth meeting (Paris, 6-7 May), held in the context of the mid-decade review of Education for All (EFA), the United Nations Educational, Scientific and Cultural Organization/UNICEF Joint Committee on Education reviewed the implementation of the recommendations of its last (1994) meeting [YUN 1994, p. 1212]. While recognizing the significant progress made in the common efforts for achieving EFA goals, the meeting underlined the formidable obstacles that were faced in that regard. The need for even greater synergy and complementarity in the work of the two organizations was strongly emphasized by all participants. The Joint Committee made recommendations on, among other things, continued collaboration in the area of capacity-building for planning and management of basic education, educational statistics, monitoring learning achievement, teachers, education of girls and women and education in emergency situations, as well as collaboration in relation to the Rights of the Child Convention.

In June [dec. 1996/23], the Board took note of the Joint Committee's report and its recommendations [E/ICEF/1996/P/L.63].

The UNICEF/World Health Organization (WHO) Joint Committee on Health Policy held a special session (Geneva, 15-16 May), during which it reviewed WHO resolutions and UNICEF decisions; considered the progress made at mid-decade and the preparation for the year 2000 as a follow-up to the 1990 World Summit for Children; and discussed the UN System-wide Special Initiative on Africa.

In April [dec. 1996/19], the Executive Board elected to the Joint Committee on Health Policy for the remainder of the 1995-1996 biennium from the Asian group of States: Suyono Yahya, as member, and Nyoman Kumara Rai, as alternate, both from Indonesia.

In June [dec. 1996/24], the Board took note of the Committee's report and recommendations [E/ICEF/1996/P/L.64].

#### International Child Development Centre

In July, the Executive Director presented a progress report [E/ICEF/1996/20] and proposed activities for 1997-1999 for the International Child Development Centre in Florence, Italy. It summarized the work carried out by the Centre during 1994-1996 and, in an annex, provided an

estimated breakdown of expenditures for 1997-1999.

In September [dec. 1996/30], the Executive Board authorized a three-year extension for the Centre for the period 1997-1999, with a total allocation of \$10.5 million in supplementary funding, of which 10.5 billion lire (approximately \$6.7 million) had been pledged by Italy, for the Centre's core activities, with the remainder to be sought from other donors for specific activities.

#### Strengthening accountability and oversight

In January [dec. 1996/4], the Executive Board noted a November 1995 report on the audit of the Kenya country office [YUN 1995, p. 1207], revealing irregularities, mismanagement and fraud. In March [E/ICEF/1996/CRP.10], the secretariat submitted to the Board for comment the draft report of the Secretary-General on enhancing the internal oversight mechanisms in operational funds and programmes.

A further report on the audit of the Kenya office by the Office of Internal Audit [E/ICEF/1997/AB/L.2] stated that UNICEF internal auditors undertook a follow-up audit in September 1996.

The follow-up confirmed that efforts to implement the auditors' 67 recommendations and to establish a strong internal control environment within the Kenya office had secured positive results. Until the strengthened controls could be fully tested, the UNICEF Regional Office for Eastern and Southern Africa would be undertaking quarterly checks to ensure that internal controls were operating effectively. More generally, oversight of all field offices had been strengthened, and UNICEF internal auditors, when selecting field offices to visit, were taking into account the type of risk factors that had been evident in the case of the Kenya office.

#### Management excellence programme

In January, the Executive Board considered a progress report on the management excellence programme in UNICEF [E/ICEF/1996/AB/L.3]. The report discussed the mission statement of UNICEF (see above), external consultancies on supply, information resources and financial management, and staff participation.

A February report [E/ICEF/1996/AB/L.6] outlined staff participation; described consultation with the Board; and presented proposals for further action. An annex contained UNICEF guiding principles for staff commitment and conduct. A report in May [E/ICEF/1996/AB/L.9] discussed the convergence of management excellence recommendations and their linkages to a Booz-Allen & Hamilton study. An annex to the report con-

tained a timetable for management excellence recommendations.

A July progress report [E/ICEF/1996/AB/L.13] contained recommendations on the roles of country, regional and headquarters offices and responsibility for managing relations with National Committees for UNICEF. It described recent progress in UNICEF organizational reform in the areas of strengthening accountability, streamlining of headquarters, strengthening operations systems, improving human resources management and strengthening cooperation with UN agencies, and provided background information for policy discussions. In an annex, follow-up action in response to the Booz-Allen & Hamilton study was presented.

In September [dec. 1996/33], the Board endorsed the future roles of National Committees and the UNICEF-wide integrated strategy to manage the relationship in partnership with them, including the required structure and accountability, and encouraged UNICEF to consider ways in which it could work with the civil society in each country. The Board noted that the establishment of a new National Committee in a country where there was a UNICEF office and an approved country programme would depend on the mutual agreement between UNICEF, the respective Government and the potential organizers of the National Committee. It requested the Executive Director to present an oral report on the implementation of that policy to its 1998 annual session.

Also in September [dec. 1996/32], the Board endorsed the incremental approach of the secretariat to implement the management excellence programme. It requested the secretariat to submit at its 1997 second regular and annual sessions an oral report and a paper reflecting the status of the organizational changes and the lines of communication and responsibility for UNICEF as a whole and individually at the headquarters, regional and country levels. The UNICEF secretariat was to report on oversight in 1997. The Board welcomed the intention of the secretariat to develop systems for finance, supply functions, improved information technology and management information resources, including the Programme Manager System.

#### Communication and information

In April [dec. 1996/15], the Executive Board reaffirmed the importance of public information and advocacy measures to promote increased awareness and better understanding of the activities of UNICEF. It requested the Executive Director to take into consideration accessibility and linguistic balances in the development of elec-

tronic dissemination of information and encouraged her to present an information and publications policy, taking account of the need to prioritize UNICEF's publications, with special attention to the risk of duplication with other UN publications and the financial and human constraints of UNICEF.

#### Documentation

In 1996 UNICEF, UNDP and UNFPA established a working group on document distribution issues.

In May [E/ICEF/1996/17], the Working Group on Documentation made recommendations on length of documents, submission of documents to the UN Office of Conference and Support Services, electronic distribution of documentation and translation and processing of documents outside the UN system.

In September [dec. 1996/35], the Board established page limits for documents.

#### Annual reports

In April [dec. 1996/8], the Executive Board took note of the Executive Director's annual report to the Economic and Social Council [E/ICEF/1996/10 (Part II)] and decided to transmit it to the Council, together with its comments.

The Council, by **decision 1996/228** of 10 July, took note of the Board's reports on its first and second regular sessions and the extract from its report on its 1996 annual session [E/1996/L.19]. It also took note of the UNICEF annual report to the Council [E/1996/69].

In April [dec. 1996/20], the Board approved dates for its 1997 sessions: first regular session, 20-24 January; second regular session, 17-21 March; annual session, 2-6 June; and third regular session, 8-12 September.

#### Fiftieth anniversary of UNICEF

In 1996, UNICEF commemorated its fiftieth anniversary under the overall theme "Children First".

In January [dec. 1996/4], the Executive Board took note of the report on preparations for commemorating the anniversary [YUN 1995, p. 1209].

In April [dec. 1996/18], the Board recommended to the General Assembly that it allocate a plenary meeting during its fifty-first (1996) session to the commemoration of the fiftieth anniversary of UNICEF and requested the Executive Director to make all the preparations for that event on the understanding that there were no financial implications.

The Economic and Social Council, by **decision 1996/226** of 10 July, endorsed the Board's deci-

sion and recommended its approval by the Assembly.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/192**.

#### **Commemoration of the fiftieth anniversary of the operations of the United Nations Children's Fund**

The General Assembly,

Recalling its resolutions 57(I) of 11 December 1946, by which it established the International Children's Emergency Fund, 417(V) of 1 December 1950, by which it affirmed the Fund's decision to devote a greater share of its resources to programmes outside Europe, 802(VIII) of 6 October 1953, by which it changed the name of the organization to the United Nations Children's Fund and removed the time limits from its mandate, 1391 (XIV) of 20 November 1959, in which it saw aid provided by the Fund as a practical way to carry out the aims proclaimed in the Declaration on the Rights of the Child, 2057(XX) of 16 December 1965, in which it applauded the award of the Nobel Peace Prize for 1965 to the United Nations Children's Fund, and 2855(XXVI) of 20 December 1971, in which it commended the Fund for its very substantial and significant achievements during its twenty-five years of operation,

Also recalling its resolutions 33/83 of 15 December 1978 on the International Year of the Child, 44/25 of 20 November 1989 on the Convention on the Rights of the Child and 45/217 of 21 December 1990 on the World Summit for Children,

1. Congratulates the United Nations Children's Fund on the occasion of its fiftieth anniversary;

2. Commends the Fund for the important contribution it has made during its first fifty years in promoting the survival, development and protection of children and as an advocate of children's rights, and all who helped to contribute to its substantial achievements, including the staff of the United Nations Children's Fund, the National Committees for the Fund and other partners.

General Assembly resolution 51/192

16 December 1996 Meeting 86 Adopted without vote

142-nation draft (A/51/L.59 & Add.1); agenda item 98.

Meeting numbers. GA 51st session: plenary 80, 86.

## Youth

### **Implementation of the World Programme of Action for Youth**

During 1996, the World Programme of Action for Youth to the Year 2000 and Beyond, adopted by General Assembly resolution 50/81 [YUN 1995, p. 1211], was officially launched at the Global Indigenous and Youth Cultural Olympics/Summit for Peace and Sustainable Development (Manila, Philippines, 24 February-4 March). The meet-

ing, whose theme was "Partnership in action with youth for peace and sustainable development", adopted the Manila Declaration [A/51/2931, in which youth confirmed the need for them to play an active part in all aspects of social, economic, political, educational, cultural, spiritual and moral life as partners in the development of society. A section of the Declaration focused on youth in relation to education and health, human rights and responsibilities, participation, peace and sustainable development, and the arts, media and sports. It outlined a new partnership for achieving peace and people-oriented development.

The major event in 1996 for promoting implementation of the Programme of Action for Youth was the holding of the World Youth Forum of the United Nations System (second session, Vienna, 25-29 November), pursuant to Assembly resolutions 44/59 [YUN 1989, p. 685] and 50/81. Convened by the Department for Policy Coordination and Sustainable Development of the Secretariat, in partnership with the Austrian Federal Youth Council, the Forum brought together some 400 representatives of non-governmental youth organizations, UN youth-related agencies and organizations and other intergovernmental organizations. The main objective of the Forum was to promote implementation of the World Programme of Action for Youth through the identification and promotion of joint youth policies and projects. The outcome of the Forum consisted of a report [A/52/80-E/1997/14] and networking arrangements based on the recommendations adopted by the Forum for joint action regarding youth policy, youth communications, youth training and youth projects proposed by the Forum's 12 working groups on the priority issues of the Programme of Action. A system of co-management was agreed upon, bringing together representatives of non-governmental youth and youth-related organizations and UN agencies to co-chair the working groups and to form a bureau to provide overall direction of those organizations and agencies.

In its specific recommendations, the Forum affirmed education to be a "universal right" and recommended development of a multicultural curriculum to be used worldwide in formal and informal education. It stressed that education and leisure required new methods of organization, financing and conceptualization to respond to the emerging challenges of the twenty-first century. Concerning employment, the Forum emphasized the seriousness of the employment problems confronting world youth and called for UN funding for youth groups involved in programmes for the promotion of self-employment.

It affirmed the need to invest in young people's health and called on the media and entertainment industry to promote positive role models and images that supported health and development. In the area of poverty, the Forum recommended action for Governments and the UN system to enhance participation of youth in projects on eradication of hunger and poverty. The Forum called for channels of communication to echo youth concerns on the environment and sustainable development and for a "Youth Project Contract" to empower young people to forge partnerships with UN entities, organizations, governmental institutions, local authorities, NGOs and scientific institutions. The recommendations of the second United Nations Conference on Human Settlements (Habitat II) in the areas of shelter and urban planning should be given higher priority in all UN programmes. Concerning drug abuse, the Forum proposed the development of "youth-friendly" methods to communicate anti-drug-abuse messages to young people at risk. It called on the United Nations to support youth projects on drug prevention, encourage training in drug prevention for youth leaders and support workshops and youth groups on drug prevention and youth programmes to enable young people to make informed choices in relation to substances. In the area of juvenile delinquency, the Forum called for training seminars for juvenile justice professionals, parents and concerned adults. It called for the promotion of increased knowledge to counter intolerance, and asked that intolerance be identified as an additional priority area to be included in the World Programme of Action for Youth. It also called for better dissemination of information to all women concerning international issues that affected women and girls, including disaffected groups. The Forum proposed the creation of a UN "Youth Rights Charter" and the appointment by the Assembly

of a special rapporteur to monitor youth rights. Governments should include human rights education in school curricula, and training courses should be established for trainers in human rights and for the development of training material to enhance youth participation and rights. The Forum suggested a number of research projects to identify channels of communication favoured by youth and the establishment of an information centre for conflict areas. Particular emphasis should be placed on the need to incorporate mass media education in school curricula.

At the regional level, the United Nations Asia-Pacific Meeting on Human Resources Development for Youth (Beijing, China, 22-26 October) adopted the Beijing Statement on Human Resources Development for Youth as a contribution of Asia and the Pacific to the World Youth Forum of the UN System (see PART THREE, Chapter V, for details.) Other regional activities included the convening of the Pan-African Conference on Youth and Development (Addis Ababa, Ethiopia, 18-22 March) by the Organization of African Unity, in cooperation with the Economic Commission for Africa.

## Ageing persons

### International Year of Older Persons (1999)

The International Year of Older Persons, to be held in 1999, was declared by the General Assembly in 1992 [YUN 1992, p. 889, GA res. 47/5].

On 22 July, the Economic and Social Council, by **decision 1996/242**, established an ad-hoc informal open-ended support group to assist the Commission for Social Development in the preparations for the Year.

The support group held an organizational meeting in October and a substantive meeting in December.



## Chapter XII

## Refugees and displaced persons

In 1996, individuals being assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) totalled about 26 million. Of those, about half—13.2 million—were refugees, the number of whom had decreased somewhat from 14.5 million the year before. Others of concern to UNHCR included 3.3 million repatriated refugees in the early stages of reintegration, 4.7 million internally displaced persons, and 4.9 million others affected by humanitarian crises.

During the year, more than 1 million refugees returned to their country of origin, reflecting the increasing focus on voluntary repatriation. The conflict in eastern Zaire and the sudden and large-scale return of Rwandans from Zaire and the United Republic of Tanzania posed unprecedented challenges.

Africa hosted some 9 million refugees, internally displaced persons and other people of concern to UNHCR in early 1996, of whom there were some 1.8 million in the Great Lakes region. The crisis in the region led to the return of over 1.2 million Rwandan refugees between July and December. In Mozambique, the repatriation and reintegration programme was successfully concluded, and, as a result of peace accords, Sierra Leone requested UNHCR assistance to repatriate some 380,000 Sierra Leoneans. Unfortunately, renewed fighting in Liberia led to new refugee flows.

In Central America, the successful conclusion of peace negotiations in Guatemala and the launching of a migratory stabilization plan for Guatemalan refugees in Mexico paved the way for definitive solutions to the last major group of Central American refugees.

In Asia and Oceania, the Comprehensive Plan of Action for Indo-Chinese Refugees was successfully concluded, while UNHCR gradually reduced its programmes in Western Europe, shifting resources to the Baltic and the Commonwealth of Independent States (CIS). In Eastern Europe, it assisted refugees in Armenia, Azerbaijan, Georgia and Chechnya (Russian Federation). A regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in CIS countries and relevant neighbouring States was held in Geneva on 30 and 31 May. The General Assem-

bly, in December, welcomed the Programme of Action adopted by the Conference, as well as the Joint Operational Strategy for 1996-2000, which continued the practical dimensions of implementing the Conference results.

In October, the UNHCR Executive Committee considered such topics as comprehensive approaches within a protection framework, conclusion of the CIS Conference on refugees, and coordination of emergency humanitarian assistance, as well as the budget structure and governance of UNHCR, and its working methods. The annual theme for the general debate was the pursuit and implementation of durable solutions to the problems of refugees.

The General Assembly urged States to ensure access for all asylum-seekers to fair procedures for the determination of refugee status and the granting of asylum. It deplored the fact that in certain situations, refugees, returnees and displaced persons had been subjected to armed attack, murder, rape and other human rights violations and threats to their personal security. It called on States to ensure respect for the principles of refugee protection, urged them and international organizations to support the High Commissioner's search for durable solutions to refugee problems and, underlining the interrelationship between protection and solutions, reiterated its support for the role of UNHCR in exploring further measures to ensure international protection to all who needed it. The Assembly called on Governments and donors to contribute to UNHCR programmes and to assist the High Commissioner in securing additional and timely income from government sources and the private sector to ensure that the needs of refugees, returnees and displaced persons were met.

### Office of the United Nations High Commissioner for Refugees

#### Programme policy

**Executive Committee action.** At its forty-seventh session (Geneva, 7-11 October 1996) [A/51/12/Add.1], the Executive Committee of the

UNHCR Programme recognized that the complexity of the current refugee problems underlined both the importance of the High Commissioner's function of international protection and the difficulties inherent in the exercise of that function. The Committee called on Governments and UNHCR to continue to respond to the assistance needs of refugees until durable solutions were found. It appealed to States to ensure that measures adopted to discourage the abuse of asylum procedures had no detrimental effect on the fundamental principles of international protection, including the institution of asylum. The Committee called on UNHCR to organize informal consultations on measures to ensure international protection, and encouraged it to continue the process. The High Commissioner was asked to expand and strengthen the promotion and training activities of the Office, including in the area of prevention and reduction of statelessness and related nationality issues, with the support of States and through increased cooperation with other international organizations, academic institutions and non-governmental and other relevant organizations. The Committee encouraged UNHCR to strengthen its efforts for the protection of women having a well-founded fear of persecution and called on States to adopt an approach sensitive to gender-related concerns, which ensured that those women were recognized as refugees. It encouraged the regular exchange of information as part of the ongoing consultations of UNHCR with Governments and non-governmental organizations (NGOs) on resettlement, and recommended to States that strategies for facilitating the return of persons not in need of international protection be examined within the framework of international cooperation. In that context, the Committee encouraged UNHCR, in cooperation with other international organizations, to continue the consultative process initiated in 1995 on ways of facilitating the return process. It called on UNHCR to continue supporting national legal and judicial capacity-building and to cooperate with the UN High Commissioner for Human Rights and relevant organizations.

Concerning comprehensive and regional approaches within a protective framework, the Executive Committee encouraged States, in cooperation with each other and with international organizations, to adopt protection-based comprehensive approaches to particular problems of displacement, and identified the principal elements of such approaches. It invited UNHCR to provide support and expertise in formulating the comprehensive approaches and in assisting States to explore where and how such approaches might be appropriate or feasible.

In her opening statement to the Committee, the High Commissioner referred to the UNHCR change process, announced in 1995 [YUN 1995, p. 1228], known as Project Delphi, designed to give the Office better tools to perform its mission of ensuring international protection and achieving durable solutions, in an ever more complex and critical environment. Its programmes and operational structures would be based on better-defined objectives tailored to the needs of each situation, but consistent with the overall strategic dimensions of the Office. A new operational orientation, the "situational" approach, was introduced, aimed at finding and exploiting openings for solutions. Greater delegation and support should enable managers to take greater responsibility, while more finely tuned and expanded oversight from the centre should allow the Office to hold them accountable for reaching their objectives. The senior management structure had been reorganized and progress was made in developing clear policy directives. A global strategy paper was issued to provide better information about the content of the policy- and decision-making process, while planning and evaluation capacities were also strengthened.

By **decision** 1996/238 of 19 July, the Economic and Social Council took note of the High Commissioner's report for 1995/96 [A/51/12].

### **Coordination of emergency humanitarian assistance**

In response to Economic and Social Council resolution 1995/56 [YUN 1995, p. 927] on strengthening the coordination of emergency humanitarian assistance, which urged the governing bodies of relevant UN organizations to review their role and operational responsibilities, as well as their operative and financial capacities to respond in the context of broad and comprehensive humanitarian programmes, UNHCR was involved in an intensive process of inter-agency consultations within the Inter-Agency Standing Committee (IASC) and its working group.

The Office was of the view that those consultations had made significant progress in a number of important areas. However, it expressed reservations about recommendations made by IASC with respect to a unitary field coordination model based on the resident coordinator system. The Office believed that the lead agency model should be retained among the options available to the Secretary-General and the Emergency Relief Coordinator for ensuring a coordinated response to complex emergencies. That approach had the advantage of avoiding multiple layers of coordination, minimizing costs, avoiding diffused accountability and ensuring the flexibility

to cover cross-border and regional dimensions of complex emergencies. In addition, clearer terms of reference for the Emergency Relief Coordinator, the UN Department of Humanitarian Affairs (DHA) and IASC, as well as for the relationship among them, was an essential element of improved coordination.

In 1996, UNHCR continued to develop linkages with other members of the UN system by concluding and updating memoranda of understanding. A memorandum of understanding was signed with the United Nations Children's Fund (UNICEF) in March, and a local memorandum of understanding was concluded with the United Nations Development Programme (UNDP) for Rwanda, defining joint activities in the continuum from humanitarian assistance to development. Another memorandum was signed with the Southern African Development Community to address regional humanitarian, social, economic and human rights issues. Staff of other UN bodies participated in UNHCR training courses.

In an October conclusion [A/51/12/Add.1], the Executive Committee emphasized the importance to UNHCR of greater predictability and timeliness on the part of the UN system in emergency response and the pursuit of solutions, and of inter-agency coordination in that respect. It called on UNHCR to ensure the effectiveness of its emergency preparedness and response mechanisms and urged it, in its relations with other intergovernmental and non-governmental agencies, to develop common standards and practices for responding to emergencies. The Committee underlined the leadership role of the Emergency Relief Coordinator in ensuring a coordinated response and called on UNHCR to participate actively in IASC as the primary mechanism for inter-agency decisions on system-wide policy issues relating to humanitarian assistance. It urged the Office to play its part in ensuring that IASC fully developed its institutional role, to work within IASC to examine priority options and proposals to improve the functioning of IASC and its working group, to strengthen IASC's role in reaching decisions and providing inter-agency guidance to the UN system, and to increase the effectiveness of the IASC secretariat. Recommendations to those ends should be included in the Secretary-General's report to the 1997 substantive session of the Economic and Social Council. The Committee called on UNHCR to participate in IASC's analysis of various coordination models to ascertain their comparative effectiveness. It underscored the importance of establishing memoranda of understanding with intergovernmental agencies, including at the level of field

operations, as a mechanism to ensure that operations were effective, complementary and practicable, and urged UNHCR to establish predictable operational relationships through the conclusion or enhancement of memoranda of understanding and other agreements with relevant partners, notably UNDP and the World Health Organization. The Committee called on the High Commissioner to report to it on lessons learned from such inter-agency agreements. UNHCR should continue to participate actively in the consolidated appeals process, ensuring that they reflected priorities established through joint needs assessments and strategic planning and were effectively coordinated with other resource mobilization efforts, including round tables and consultative group mechanisms. The Committee stressed the importance to UNHCR of the timely issuance of appeals, their alignment with the calendar year and their responsiveness to the regional dimensions of complex emergencies. It underlined the importance of inter-agency training in preparing personnel for a coordinated approach to emergencies and of contingency planning as a prerequisite for effective emergency response. It encouraged efforts to establish common guidelines and joint contingency planning activities, including through the DHA focal point for preparedness and response measures related to the use of government assets in support of humanitarian operations. The Committee emphasized the importance of joint needs assessments and of joint monitoring and evaluation of the collective response of the UN system, and looked forward to their becoming a regular feature of emergency operations. It urged UNHCR, with IASC, to develop ways of implementing effective and predictable linkages between humanitarian assistance, rehabilitation and development in countries of origin and to analyse lessons learned in that regard. UNHCR should continue, with DHA, to ensure that humanitarian agencies had access to early information regarding potential flows of refugees and displaced persons and, with IASC, establish an effective and predictable division of labour in respect of internally displaced persons.

The Committee reaffirmed that UNHCR's involvement with returnees in their countries of origin must be limited in scope and duration and should include, from the outset, a clearly defined strategy, in cooperation with the Government concerned and in consultation with the donor community and relevant UN agencies, to ensure the sustainability of reintegration after UNHCR's withdrawal. UNHCR should continue, at the request of Governments concerned and in collaboration with other relevant actors, in particular the

High Commissioner for Human Rights, as well as regional organizations, to reinforce national legal, judicial and administrative capacity, including training opportunities, and should collaborate with concerned Governments and agencies with specific competence in the fields of development and human rights. The Committee called on UNHCR to continue its initiatives to resolve the problem of statelessness in the prevention of refugee movements. It emphasized DHA's role in bridging and integrating the discussions in various governmental forums and in IASC, and underscored the need for intensified efforts to ensure that those discussions converged into a commonly held and comprehensive set of objectives and proposals. It called on UNHCR, in coordination with DHA, to report to the January 1997 IASC meeting on progress made in the inter-agency consultations on the formulation of a comprehensive set of proposals, recommendations and options for submission to the 1997 substantive session of the Economic and Social Council. (See also PART THREE, Chapter III.)

### Evaluation of UNHCR

Pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General transmitted to the Committee for Programme and Coordination (CPC) a March report by the Office of Internal Oversight Services (OIOS) [E/AC.51/1996/4] on the triennial review of the implementation of the recommendations on the evaluation of UNHCR, made by CPC. The report examined the implementation of recommendations related to international protection and programmatic, administrative and financial matters. The evaluation showed that a concerted effort had been made to follow through on the recommendations of CPC. Progress was reported on new approaches to international protection and the search for durable solutions, external relations strategies, budgetary questions and emergency response capacity. With regard to other recommendations, particularly those relating to NGOs, progress was somewhat mixed, and in a few instances, due to external circumstances, there was little progress to report or a different approach had been taken from that recommended.

CPC, in June [A/51/16 (Part I)], expressed appreciation for the comprehensive report and noted that its recommendations had helped UNHCR to improve its effectiveness. CPC recommended that the review, together with its own discussion and conclusions, be submitted to the UNHCR Executive Committee for action. An oversight review of follow-up action by UNHCR and other organizations should be undertaken by OIOS.

UNHCR inspection and evaluation activities were outlined in an August report [A/AC.96/870] to its Executive Committee. In October [A/51/12/Add.1 (dec. D)], the Committee noted the evaluation report, as well as other reports, i.e., of the Board of Auditors on the accounts of the Voluntary Fund administered by UNHCR for the year ended 31 December 1995 [A/AC.96/869] and of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on UNHCR activities financed from voluntary funds [A/AC.96/865/Add.4]. The Executive Committee requested that it be kept informed on the measures taken to address the recommendations and observations raised in those oversight documents.

### UNHCR/NGO Partnership in Action

In 1996, UNHCR continued to follow up on the UNHCR/NGO Partnership in Action (PARINAC) process, launched in 1993 [YUN 1993, p. 1072] to establish a common agenda for field activities, and to implement the recommendations of the Oslo Declaration and Plan of Action, adopted at the 1994 PARINAC Global Conference [YUN 1994, p. 1217]. To respond more effectively to NGO needs, UNHCR made the NGO Coordinator the focal point for all policy issues concerning NGOs at Headquarters and appointed NGO focal points in the Regional Bureaux. In late 1996, UNHCR began a review of progress made under PARINAC to assess achievements and to identify outstanding priorities. At the CIS Conference in May (see below), 136 NGOs were accredited. The involvement of NGOs was considered key to the implementation of the decisions of the Conference. During the year, UNHCR concluded 974 sub-agreements with NGOs in 128 countries for operational activities with refugee and other populations. Under those agreements, some 606 projects were implemented by national and 368 by international NGOs. In 1996, some 6,370 members of NGOs benefited from UNHCR training in protection, refugee law, people-oriented planning, programme management and emergency management and resettlement. Several technical workshops were also held.

### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/75**.

### Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office and the report of the Executive Committee of the Programme of the United Nations High Com-

missioner for Refugees on the work of its forty-seventh session,

Recalling its resolution 50/152 of 21 December 1995, Reaffirming the fundamental importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of those instruments, and noting with satisfaction that one hundred and thirty-two States are now parties to one or both instruments,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities,

Paying tribute to those staff members who have endangered or lost their lives in the course of their duties, and emphasizing the urgent need for effective measures to ensure the security of staff engaged in humanitarian operations,

Distressed at the widespread violations of the principle of non-refoulement and of the rights of refugees, in some cases resulting in the loss of their lives, and seriously disturbed at reports indicating that large numbers of refugees and asylum-seekers have been subjected to refoulement and expulsion in highly dangerous situations,

1. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees and the need for States to cooperate fully with the Office in order to facilitate the effective exercise of that function;

2. Calls upon all States that have not yet done so to accede or succeed to and to implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and relevant regional refugee instruments, as applicable, for the protection of refugees;

3. Reiterates that everyone, without distinction of any kind, has the right to seek and to enjoy in other countries asylum from persecution, and calls upon all States to uphold asylum as an indispensable instrument for the international protection of refugees and to respect scrupulously the fundamental principle of non-refoulement, which is not subject to derogation;

4. Urges States to ensure access, consistent with relevant international and regional instruments, for all asylum-seekers to fair and efficient procedures for the determination of refugee status and the granting of asylum to eligible persons;

5. Deplores the fact that in certain situations refugees, returnees and displaced persons of concern to the Office of the High Commissioner have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights, and calls upon States to take all measures necessary to ensure respect for the principles of refugee protection and the humane treatment of asylum-seekers in accordance with internationally recognized human rights and humanitarian norms;

6. Emphasizes the importance of ensuring access by the Office of the High Commissioner to asylum-seekers, refugees and other persons of concern in order to enable it to carry out its protection functions in an effective manner, expresses deep concern at conditions in a number of countries or regions that seriously

impede the delivery of humanitarian assistance and protection, and calls upon States to take all necessary measures to ensure such access and to ensure the security of staff engaged in humanitarian operations;

7. Reiterates its support for the role of the Office of the High Commissioner in exploring further measures to ensure international protection to all who need it, consistent with fundamental protection principles reflected in international instruments, and supports the United Nations High Commissioner for Refugees in continuing further consultations and discussions in this regard;

8. Encourages the Office of the High Commissioner to continue and strengthen its efforts for the protection of women having a well-founded fear of persecution, and calls upon States to adopt an approach that is sensitive to gender-related concerns and ensures that women whose claims to refugee status are based upon a well-founded fear of persecution, including persecution through sexual violence or other gender-related persecution, are recognized as refugees for reasons enumerated in the 1951 Convention and its 1967 Protocol;

9. Urges all States and relevant United Nations, intergovernmental and non-governmental organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, and welcomes in particular the ongoing efforts of the Office of the High Commissioner to pursue, whenever possible, opportunities to promote conditions conducive to the preferred solution of voluntary repatriation;

10. Underlines the interrelationship between protection and solutions, as well as the desirability of prevention, including through respect for human rights and the implementation of relevant instruments and standards, and emphasizes the responsibility of States to resolve refugee situations and to ensure conditions that do not compel people to flee in fear, to uphold the institution of asylum, to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

11. Acknowledges the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;

12. Emphasizes the value of comprehensive, regional approaches in which the High Commissioner has played a significant part both in countries of origin and countries of asylum, encourages States, in coordination and cooperation with each other and with international organizations, if applicable, to consider adopting protection-based comprehensive approaches to particular problems of displacement, and endorses, in this connection, the conclusion on comprehensive and regional approaches within a protection framework adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its forty-seventh session;

13. Recalls that the Office of the High Commissioner may be called upon by the appropriate organs of

the United Nations and with the consent of the State concerned to extend its assistance to other groups, such as internally displaced persons, recognizing that such involvement may contribute to the prevention or mitigation of refugee situations, yet emphasizing that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and to enjoy in other countries asylum from persecution;

14. Reiterates the relationship between safeguarding human rights and preventing refugee situations, recognizes that the effective promotion and protection of human rights and fundamental freedoms, including through institutions that sustain the rule of law, justice and accountability, are essential for States to fulfil their humanitarian responsibilities in reintegrating returning refugees, and, in this connection, calls upon the Office of the High Commissioner, within its mandate and at the request of the Government concerned, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in co-operation with the United Nations High Commissioner for Human Rights;

15. Also reiterates that development and rehabilitation assistance is essential in addressing some of the causes of refugee situations and in the context of the development of prevention strategies;

16. Reaffirms that voluntary repatriation is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and dignity;

17. Reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity, and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum but have been determined not to be refugees;

18. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, as well as her responsibilities under General Assembly resolutions 3274(XXIV) of 10 December 1974 and 31/36 of 30 November 1976, and calls upon States to assist the High Commissioner in fulfilling her responsibilities and to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

19. Reaffirms that the Inter-Agency Standing Committee is the primary mechanism for inter-agency decisions on system-wide policy issues relating to humanitarian assistance, for formulating a coherent and timely response to major disasters and complex emergencies and for inter-agency decisions of an operational nature, and calls upon members of the Standing Committee to continue to examine, as a matter of priority, options and proposals to improve its functioning;

20. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne

by States that have received large numbers of refugees, in particular developing countries and those with limited resources, to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and other displaced persons of concern to the Office of the High Commissioner are met.

#### General Assembly resolution 51/75

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 8 November (meeting 29); 70-nation draft (A/C.3/51/L.20), orally revised; agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29; plenary 82.

Singapore expressed reservations on paragraph 3, stating that it had never recognized an unrestricted or automatic right to asylum. Moreover, a more restricted and qualified interpretation of that right had been developed in recent years, which was not accurately reflected.

The Sudan said it had been unable to join the resolution's sponsors in view of its relations with UNHCR and the language used in the text with regard to UNHCR.

### Enlargement of UNHCR Executive Committee

At its organizational session, the Economic and Social Council had before it a letter [E/1996/5] from Ireland requesting membership in the Executive Committee of UNHCR. By **decision 1996/212** of 9 February, the Council recommended that the General Assembly take a decision at its resumed fiftieth session on the question of increasing the membership of the Executive Committee from 50 to 51 States. The Assembly acted on that recommendation on 7 June (see below).

By **decision 1996/221** of 2 May, the Council took note of the requests for membership of Poland [E/1996/20] and South Africa [E/1996/21], and recommended that the Assembly take a decision at its fifty-first session on increasing the Committee's membership to 53. The Assembly did so on 12 December (see below).

By **decision 1996/298** of 25 July, the Economic and Social Council elected Ireland to the Executive Committee.

#### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/228**.

### **Enlargement of the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees**

The General Assembly,

Taking note of Economic and Social Council decision 1996/212 of 9 February 1996 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the request regarding the enlargement of the Executive Committee contained in the letter dated 23 November 1995 from the Minister for Foreign Affairs of Ireland to the Secretary-General,

1. Decides to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from fifty to fifty-one States;

2. Requests the Economic and Social Council to elect the additional member at its substantive session of 1996.

General Assembly resolution 50/228

7 June 1996 Meeting 120 Adopted without vote

Draft by Ireland (A/50/L.74); agenda item 109.

On 12 December, the Assembly adopted **resolution 51/72**.

### **Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees**

The General Assembly,

Taking note of Economic and Social Council decision 1996/221 of 2 May 1996 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the note verbale dated 11 April 1996 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General and the note verbale dated 12 April 1996 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General,

1. Decides to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from fifty-one to fifty-three States;

2. Requests the Economic and Social Council to elect the additional members at its organizational session of 1997.

General Assembly resolution 51/72

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 11 November (meeting 31); 2-nation draft (A/C.3/51/L.14); agenda item 105.

Sponsors: Poland, South Africa.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31; plenary 82.

### **Financial and administrative questions**

In 1996, UNHCR's final budget was \$1.3 billion [A/52/12], compared to \$1.17 billion in 1995. Donors contributed some \$970 million in voluntary contributions towards the General and Special Programmes, slightly less than the \$1 billion the

previous year. The upward trend in the funding of General Programmes continued. Those programmes represented core activities for refugees and provided the High Commissioner with considerable flexibility to deal with emergencies and voluntary repatriations, in addition to some \$25.3 million from the UN regular budget which went towards administrative support.

UNHCR expenditures in 1996 amounted to \$1.14 billion. Disbursements under General Programmes amounted to \$423.5 million and those under Special Programmes to \$720.5 million. Some 36.3 per cent of Special Programme expenditure pertained to UNHCR's Programme for Humanitarian Assistance in the Former Yugoslavia and a further 33.4 per cent to the operation in the Great Lakes region of Africa. Other important expenditures related to the Comprehensive Plan of Action for Indo-Chinese Refugees and repatriation programmes in the Horn of Africa and Afghanistan.

Regional apportionments were as follows: Africa, \$474.4 million; Europe, \$320.3 million; Central Asia, South-West Asia, North Africa and the Middle East, \$98.3 million; Asia and Oceania, \$83.9 million; and the Americas, \$32.6 million.

Special operations accounted for some two thirds of UNHCR operational activities in 1996. Appeals were launched, in conjunction with DHA, for operations in the territory of the former Yugoslavia, the Afghan repatriation programme and the emergency in the Great Lakes region, as well as in the Horn of Africa and the republics of the former Soviet Union (see PART THREE, Chapter III). UNHCR issued its own appeals for Central America, repatriations in Angola and Myanmar, and a number of other operations. The lack of funding and the timing of pledges for operations in the Great Lakes region and in the territory of the former Yugoslavia were the Office's greatest challenges in 1996. The shortage of funding sometimes hampered field operations. The Office raised some \$618 million for special operations, repatriations and emergencies, in addition to amounts under General Programmes.

A General Programmes budget target of \$452.6 million was set for 1997, with Special Programme requirements estimated at \$737.8 million, of which \$230 million pertained to the operation in the Great Lakes region and \$235.9 million to the territory of the former Yugoslavia.

In an October decision [A/51/12/Add.1], the Executive Committee approved the revised 1996 General Programmes budget amounting to \$445,327,000. It also approved a 1997 total General Programmes budget of \$452,612,000, i.e., country/area programmes, other programmes and the headquarters budgets amounting to

\$370,556,900, \$25 million for the Emergency Fund, \$20 million for the Voluntary Repatriation Fund and a Programme Reserve of \$37,055,100. The Committee requested UNHCR to report on the increased total programme delivery and administrative support-costs measures, including a more precise definition of the various categories of costs, illustrating how they were reflected in the 1996 and 1997 budgets. UNHCR was also requested to prepare a consolidated paper on the proposed rental of its new headquarters premises in Montbrillant, Switzerland, for a decision by the Standing Committee before 31 December 1996.

The Standing Committee, on 11 December, endorsed [A/AC.96/879] the High Commissioner's proposal to enter into a formal agreement with the Swiss authorities, which would be re-examined in the final year of the initial five-year lease.

#### **Accounts (1995)**

The audited financial statements on funds administered by UNHCR for the year ending 31 December 1995 and the report of the Board of Auditors [A/51/5/Add.5] showed total expenditures of \$1,142.9 million and total income of \$1,034 million, with a reserve balance of \$346.2 million.

The Board of Auditors noted that actual expenditures varied substantially from the budget estimates, sometimes more than 25 per cent in respect of field offices. There was also substantial underutilization of appropriations. Programme planning was deficient due to inaccurate estimations of availability of funds and of caseloads and inadequate needs assessment of refugees. There was insufficient preparatory work, the basis for the selection of beneficiaries was not adequately documented and work plans were not prepared by several field offices. There was widespread failure to include project specifications in sub-agreements with implementing partners. There were several deficiencies in the implementation of a project by an implementing partner in the United Republic of Tanzania, resulting in inefficient programme delivery and substantial financial loss to UNHCR. Project evaluation was also inadequate.

The Board recommended that the accounts of implementing partners be regularly audited and that audit certificates be obtained. The reasons for variations between initial and revised budgets and actual expenditures should be analysed and the findings submitted to the Executive Committee each year; inputs for budget estimation should be more reliable; a factor for inflation multipliers and exchange-rate variations should be included; and the method of computing the

vacancy factor should be refined. The impact of uneven availability of funds on project formulation should be reviewed and criteria established for selecting project beneficiaries. The deficiencies in the implementation of the project in the United Republic of Tanzania should be investigated and remedial measures taken, including recovery of overpayments. Procedures should be established to evaluate programme achievements and outputs and the findings utilized in programme planning and implementation. Annual procurement plans should be obtained from all field offices and procurement planning strengthened.

ACABQ in a September report [A/AC.96/865/Add.4], stated that, given the size of the operational activities of UNHCR, prequalification and internal audits of NGO implementing partners would not be sufficient. It recommended that audit be enhanced and that the adequacy of covering 10 to 15 per cent of the total subprojects in any given area be reviewed. An increase of resources, proper planning and inspections were essential, given the level of resources and the complexity of the UNHCR Programme. ACABQ agreed that the resources for internal audit should be increased significantly. However, the placement of the audit function and the manner of providing audit services were policy issues to be considered by the General Assembly.

In its general decision on programme, administrative and financial matters [A/51/12/Add.1], the Executive Committee requested UNHCR to explore further with the Board of Auditors its proposal for the audit of implementing partners, particularly the scope of the proposed audit certification, taking into account the comments of ACABQ and the proposals of the Under-Secretary-General for Internal Oversight Services. It noted the comments of ACABQ on issues related to internal audit and requested UNHCR to prepare a comprehensive paper on those issues for consideration by the Standing Committee in 1997.

ACABQ in an October report [A/51/533], stated that the situation concerning performance and accountability of implementing partners had not improved and it was essential for the administration to exercise greater oversight and control over those partners. The serious deficiencies identified by the Board of Auditors, especially those in the United Republic of Tanzania, required urgent attention, vigorous investigation and recovery of misused funds. ACABQ requested the Executive Committee to allow representatives of NGOs and other implementing partners to be available when accountability and performance were being discussed. It requested the High Commissioner, in her budget submission, to indicate the extent to which the Board's observations re-



garding budget changes and administrative support and operational delivery costs could be taken into account, particularly with respect to country programme budgets. On the question of training of personnel of implementing partners, it recommended that priority be given to redressing many of the shortcomings identified by the Board, such as administration, finance, procurement, audit and reporting on project implementation.

The General Assembly, in **decision 51/460** of 18 December, decided that the Fifth (Administrative and Budgetary) Committee should continue consideration of the item on the financial reports and audited financial statements and reports of the Board of Auditors at its resumed session in 1997.

### Committee working methods

The Executive Committee had before it a review [A/AC.96/868] of its revised working methods agreed on in 1995 [YUN 1995, p. 1234]. Under a 1995 decision, a Standing Committee, empowered to adopt decisions and conclusions on matters included in the programme of work, replaced the Subcommittee of the Whole on International Protection, the Subcommittee on Administrative and Financial Matters, and the informal meetings of the Executive Committee. According to the review, experience of the new Standing Committee process had been positive, allowing for rationalization of debates, more timely adoption of decisions and conclusions, and better linkage with work of the plenary. There had been a more rational distribution of documentation and streamlining of plenary discussions. Suggestions for amending the Executive Committee's rules of procedure were made, and it was proposed that the Committee establish a process for consultation with NGOs.

In October, the Executive Committee decided [A/51/12/Add.1] that the revised working methods provided a sound basis for the organization of the annual cycle of its meetings and those of the Standing Committee and should be adopted. The rules of procedure should be revised to reflect those changes, and consultations initiated among Executive Committee members on the participation of NGO observers in the work of the Committee and its Standing Committee, bearing in mind revised arrangements for NGO consultation with the Economic and Social Council and further discussions to take place at the fifty-first session of the General Assembly. The Executive Committee authorized the Standing Committee to review the results of those consultations in 1997.

### Standing Committee

The Standing Committee held four meetings in 1996 (30-31 January; 10-11 April; 25-27 June; 16-17 September and 2 October) [A/AC.96/875] prior to the meeting of the Executive Committee and a fifth meeting on 11 December [A/AC.96/879]. It reviewed UNHCR programmes in different regions and adopted decisions on programmes and funding, the medium-term plan, UNHCR property, international procurement, UNHCR financial rules, support cost of international NGO partners, audit follow-up, programme and financial matters, documentation, amendments to its work programme, the annual theme of the 1996 session of the Executive Committee, lessons learned from the Rwanda emergency, internal oversight mechanisms, Project Delphi and the rental of UNHCR premises. The Standing Committee also prepared draft decisions and conclusions for submission to the Executive Committee.

The Standing Committee's programme of work for 1997 was adopted by the Executive Committee in October [A/51/12/Add.1].

## Refugee protection and assistance

### Protection issues

While international protection of refugees meant securing respect for their basic rights, ensuring favourable treatment in countries of asylum and promoting the ratification by States of relevant international instruments, it was also inextricably linked to the search for and attainment of durable solutions to the refugee problem. In addressing the problems of finding solutions and preventing forced displacements, UNHCR continued to be confronted by a number of protection issues, notably the international protection aspects of return and reintegration, particularly in situations emerging from conflict. In that regard, improved cooperation with humanitarian, human rights and development organizations was becoming an increasingly important facet of its operations. There was a growing awareness that lasting solutions to complex emergencies that gave rise to refugees required comprehensive approaches by the international community.

In a July note [A/AC.96/863], the High Commissioner analysed the use of comprehensive approaches in attempting to prevent, redress and resolve refugee situations, examined the positive contribution to such approaches of a consistent legal framework for protection, and explored UNHCR's role in securing and implementing

those protection functions in cooperation with States. The High Commissioner noted that in a year when protection problems of massive refugee populations continued to dominate UNHCR's agenda, global refugee numbers were reduced. However, that was not accompanied by a positive change of perception regarding the scope of the problem, and the pressure to identify solutions was more acute than ever. Over the past year, hundreds of thousands of asylum-seekers were admitted and given refuge in many parts of the world. Elsewhere, however, attitudes to refugee protection and to refugees ranged from indifference to active hostility. Failure to address all aspects of refugee dilemmas led to a range of problems, from refolement at borders of refugees who risked death on their return, to elaborating institutional structures severely restricting admission. Current developments suggested the likelihood of continued ethnic regional conflicts. The need to mitigate refugee-producing conflicts and put in place preventive elements, while ensuring the observance of international standards in respect of persons in need of international protection, made the renewed analysis of comprehensive regional or subregional approaches timely. A protection perspective, emphasizing the basic human rights of individuals, was UNHCR's starting point for the identification of just, effective and permanent solutions. Comprehensive approaches did not necessarily overcome the need for refugee protection; rather, they placed the problem of lack of national protection in its broader context. Protection should govern the entire process towards finding solutions, which was the final purpose of protection. The international rule of law, including human rights and refugee law principles, should be seen as a positive and enabling component of any comprehensive approach.

In an October conclusion [A/51/12/Add.1], the Executive Committee reaffirmed the value of comprehensive approaches to the problems of refugees and displaced persons. It underlined the importance of regional cooperation, as illustrated by those approaches, in addressing involuntary displacement in a manner which encompassed the political dimension of causes. It encouraged States to adopt protection-based comprehensive approaches to particular problems of displacement. The principles of such approaches should be: protection of all human rights; promotion of the rule of law through national legal and judicial capacity-building; respect for the institution of asylum and ensuring international protection to those who needed it; measures to reinforce international solidarity

and burden-sharing; support for long-term sustainable development; integration of developmental approaches into the relief stage by strengthening national capacities; support for rehabilitation, reintegration and reconstruction measures; public information to raise awareness about refugee and migration issues; the establishment and fostering of mechanisms to avoid or reduce the incidence of conflict, and of reconciliation measures to ensure durable solutions; and education for peace and human rights. The Committee invited UNHCR to support States in formulating comprehensive approaches and in exploring more systematically where and how they might be appropriate.

### **International instruments**

As at 31 December 1996, the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477] had 128 States parties, with Kyrgyzstan and South Africa becoming parties to both instruments during the year.

Other intergovernmental legal instruments of benefit to refugees included the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, of the Organization of African Unity (OAU), the 1957 Agreement relating to Refugee Seamen and its 1973 Protocol, the 1959 European Agreement on the Abolition of Visas to Refugees, the 1980 European Agreement on Transfer of Responsibility for Refugees, and the 1969 American Convention on Human Rights, Pact of San Jose, Costa Rica.

As at 31 December 1996, there were 43 States parties to the 1954 Convention relating to the Status of Stateless Persons [YUN 1954, p. 416], with Azerbaijan and Brazil becoming parties during the year, and 19 States parties to the 1961 Convention on the Reduction of Statelessness [YUN 1961, p. 533], following the accession of Azerbaijan and Bosnia and Herzegovina.

### **Promotional activities**

In 1996, UNHCR increased its promotional efforts at the regional level, participating in various seminars and conferences on refugee issues, and organizing refugee law and protection courses for government officials, implementing partners, academic institutions and NGOs. The second part of a training module on human rights and refugee protection was finalized and distributed. The Office continued to monitor the work of the treaty bodies, the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities. Collaboration with the High Commissioner for Human Rights continued, particularly at the

field levels, to enhance complementary action for monitoring human rights and for institution-building. The Office also continued to monitor contacts with human rights working groups, rapporteurs, experts and monitors, as an integral part of its approach to unite human rights concerns with refugee protection.

### Assistance measures

No massive new refugee influxes were experienced in 1996; however, the conflict in eastern Zaire and the sudden and large-scale return of Rwandans from Zaire and the United Republic of Tanzania at the end of the year posed unprecedented challenges for UNHCR, in terms of both providing humanitarian assistance and supporting massive reintegration in a fragile post-conflict environment. While confronting ongoing emergencies in many parts of the world, the Office continued to promote and consolidate solutions to problems of displacement, and to develop and reinforce its emergency preparedness and response capacity.

Overall, UNHCR assisted some 26.1 million persons in 1996, of whom 13.2 million were refugees, 3.3 million were repatriated refugees in the early stages of their integration, 4.7 million were internally displaced persons and 4.9 million others were of humanitarian concern, for the most part victims of conflict.

UNHCR participated in activities to strengthen the coordination of UN emergency humanitarian assistance, while at the same time developing its own emergency preparedness measures through an increased emphasis on contingency planning, guidelines for which were finalized and distributed throughout UNHCR and shared with DHA, the World Food Programme (WFP), UNICEF and partner NGOs. Those guidelines became part of the basis for an inter-agency approach to contingency planning. Another important element in the enhanced emphasis on preparedness was emergency training. Emergency management training programmes were held in Ethiopia (for countries in the Horn of Africa), Guinea (for West Africa) and Kyrgyzstan (for Central Asian republics). A training programme in emergencies for UNHCR headquarters staff was also developed. Total expenditures on emergency assistance amounted to \$77.6 million, of which \$22 million was under General Programmes and \$55.6 million under Special Programmes.

Following the emergency phase of an operation, the basic needs of refugees were covered by care and maintenance activities. In Africa, where the greatest percentage of such activities was implemented, sizeable programmes continued in

Cote d'Ivoire, Ethiopia, the Great Lakes region, Guinea, Kenya and the Sudan. Elsewhere in the world, care and maintenance assistance was provided in South-East Asia to the remaining Vietnamese populations in the South-East Asian camps and Hong Kong, as well as in Algeria, the Central Asian republics, Georgia, the Russian Federation and Pakistan. Total expenditures for such assistance amounted to \$243.2 million, well over half of UNHCR General Programmes expenditure. Some \$400 million was also spent under Special Programmes.

Expenditures on local settlement projects to promote socio-economic self-reliance and local integration of refugees, enabling UNHCR gradually to phase out its care and maintenance, amounted to \$136.8 million.

UNHCR continued to regard voluntary repatriation as the preferable durable solution to refugee situations. To enhance its approach, a Reintegration and Self-Reliance Unit was established to assist in the design of reintegration programmes. A policy and methodological framework for small-scale, community-based reintegration projects was developed and a manual on employment and micro-financing assistance prepared. In 1996, \$ 196 million was spent on voluntary repatriation.

Global expenditures on resettlement in 1996 amounted to \$5,768.8 million.

During the year, some 35,800 refugees were resettled with UNHCR assistance, including 925 women at risk and 560 medical cases.

### Refugees and the environment

In June 1996, as a follow-up to the adoption in 1995 [YUN 1995, p. 1237] by the Executive Committee of its reformulated environmental policy, UNHCR published Environmental Guidelines, which identified measures applicable to all phases of its environmental operations, as well as environmental measures specific to refugee assistance operations. The guidelines elaborated environmental measures in relation to UNHCR activities, including the local environment and the protection of environmentally sensitive areas in site selection and camp planning; energy-saving stoves and cooking methods; economic and educational programmes designed to reduce firewood collection; and controlled firewood harvesting. A number of projects and activities were implemented and progress achieved in incorporating environmental considerations into related sectoral guidelines. A geographical information system environmental database was being developed and testing of other appropriate environmental technologies was under way. A major project was initiated in December to develop training materials for UNHCR and

partner organizations aimed at promoting sound environmental practices in areas affected by refugees. Action to promote implementation of the guidelines was taken specifically in the Great Lakes region of Africa, as well as in Kenya, Uganda and Nepal.

### Refugee women

In 1996, UNHCR integrated activities based on the strategic objectives of the Beijing Platform for Action, adopted at the 1995 World Conference on Women [YUN 1995, p. 1170], into the delivery of its multisectoral programmes for refugee women, particularly with regard to the problems of violence against women, women in armed conflict and the human rights of women. It also established a Reference Group for Refugee Women to advise and assist the High Commissioner in the implementation of UNHCR policy guidelines on refugee women, identifying obstacles to their implementation and recommending solutions. A major effort was under way to integrate the concerns and needs of refugee women into all protection and assistance programmes through training at the field level in people-oriented planning and the recently appointed four regional advisers on refugee women.

In September, activities commenced under the Bosnian Women's Initiative, designed to empower Bosnian women and provide opportunities for self-reliance and self-sufficiency. A similar initiative was started for the economic empowerment of women in Rwanda, thereby strengthening the social structure of the society and facilitating reconciliation and reintegration.

In response to an Executive Committee request that UNHCR support efforts to develop and implement criteria and guidelines on responses to persecution aimed at women, a symposium on gender-based persecution, to highlight the specific situation of female asylum-seekers, was convened (Geneva, 22-23 February). UNHCR also developed a human rights awareness training module targeted at refugee women and was drawing up guidelines on gender-based persecution.

In October [A/51/12/Add.1], the Executive Committee encouraged UNHCR to continue to strengthen efforts for the protection of women having a well-founded fear of persecution. It called on States to adopt an approach that was sensitive to gender-related concerns and that ensured that women whose claims to refugee status were based on a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477], including persecution through sexual violence or other

gender-related persecution, were recognized as refugees.

### Refugee children

In 1996, UNHCR embarked on a comprehensive follow-up plan to the 1995 report on the impact of armed conflict on children [YUN 1995, p. 707], which involved support for the work of the Secretary-General's Special Representative on children and armed conflict (see PART TWO, Chapter II), and the preparation of a first-year work plan with UNICEF, the High Commissioner for Human Rights and other organizations.

In continuing its efforts to address the protection problems of refugee children, UNHCR organized a symposium (Geneva, 19-20 September) to discuss issues relating to unaccompanied children seeking asylum in Europe. Following the symposium, UNHCR finalized guidelines on unaccompanied children seeking asylum.

**Report of Secretary-General.** In response to General Assembly resolution 50/150 [YUN 1995, p. 1239], the Secretary-General submitted a report [A/51/329] in September on assistance to unaccompanied refugee minors. The report reviewed inter-agency cooperation; the provision of emergency kits to unaccompanied children; meeting their psychosocial well-being; their situation in countries practising individual refugee status determination; some persistent protection problems; and a community-based approach to assist them.

The Secretary-General reported that UNHCR and UNICEF had signed a memorandum of understanding in March to strengthen collaboration to develop, coordinate and apply policies, standards and strategies for the care and family reunification of unaccompanied children. Specific operational activities covered by the memorandum included: contingency planning; assessment and monitoring; support for unaccompanied children; promotion of psychosocial activities; and water and sanitation. UNICEF would assist national authorities of the country of origin to develop, coordinate and apply policies, standards and strategies, while UNHCR would take the lead in relation to unaccompanied children in exile. The two agencies would collaborate to develop further and use global programming guidelines and standards, ensure operational coordination and information-sharing between operations in countries of asylum and of origin, and develop guidelines and training materials to address the needs of children traumatized by exposure to armed conflict and extreme violence. In the Rwanda/Burundi emergency, collaboration between the two agencies resulted in more than 33,000 children being reunited with their families by 1 May 1996. They also developed

jointly an emergency kit for unaccompanied children, to be deployed in emergency situations to facilitate coordination and enhance the quality of the response to the needs of separated children. Guidance on how to provide psychosocial support to unaccompanied children was part of the emergency kit. UNHCR included the re-establishment of a family and community-based psychosocial support system within the framework of its community services. In Rwanda and Zaire, UNICEF provided trauma counselling and a system for tracing, and foster care for separated children. In Burundi, it assisted in identifying 14,000 unaccompanied children.

Among persistent problems confronting unaccompanied children, the Secretary-General said, were military recruitment, sexual exploitation and evacuation of children from zones of conflict. Concerning unaccompanied children in countries practising individual refugee status determination, UNHCR prepared a draft position paper advocating a set of principles and recommendations for child care and protection, as contained in the 1989 Convention on the Rights of the Child [GA res. 44/25], to be applied in conjunction with the UNHCR guidelines on refugee children. Advocating a community-based approach, the Secretary-General stated that communities and local authorities had the primary responsibility for assuring children's survival and well-being, and all efforts to assist unaccompanied children should be based on existing, positive cultural mechanisms within the refugee community. The community should be involved in all aspects of the care for and monitoring of unaccompanied children.

The Secretary-General concluded that the particular vulnerability of unaccompanied refugee children was widely recognized. Collaboration between UNHCR and UNICEF had prepared the ground for an improved emergency response, while at the same time ensuring compatibility with long-term solutions. It was hoped that collaboration, involving specialized NGOs, and the momentum created by the final phase of the expert study on the impact of armed conflict on children (see PART TWO, Chapter II) and its recommendations would further contribute to an improved response to the needs of unaccompanied refugee children.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/73**.

#### **Assistance to unaccompanied refugee minors**

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994 and 50/150 of 21 December 1995,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable and at risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Noting the revised Guidelines on Refugee Children issued by the Office of the United Nations High Commissioner for Refugees in May 1994 and the development of an emergency kit to facilitate coordination and to enhance the quality of responses to the needs of unaccompanied minors by the Office of the High Commissioner, the United Nations Children's Fund and non-governmental organizations,

Noting with appreciation the efforts of the Office of the High Commissioner in the identification and tracing of unaccompanied refugee minors, and welcoming its effort in reunifying family members of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees for the reunification of family members of refugees,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child and the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,

1. Takes note of the report of the Secretary-General;
2. Expresses its deep concern at the continued plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;
3. Expresses the hope that adequate resources will be provided for programmes of identification and tracing of unaccompanied refugee minors;
4. Calls upon the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate policies that aim at preventing refugee family separation into its programmes, conscious of the importance of family unity;
5. Calls upon all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families of unaccompanied refugee minors;
6. Urges the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate to the needs and interests of the unaccompanied refugee minors and for their reunification with their families;
7. Condemns all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security;

8. Calls upon the Secretary-General, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund and other United Nations organizations and international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, health and psychological rehabilitation;

9. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/73

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 13 November (meeting 35); 14-nation draft (A/C.3/51/L.15/Rev.1), orally revised; agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31, 35; plenary 82.

In section III of resolution 51/77, the Assembly urged Governments to pay particular attention to the situation of refugee and internally displaced children by designing and improving the implementation of policies for their care and well-being with the necessary international cooperation, in particular that of UNHCR and UNICEF. It called on UN bodies and other organizations to ensure the early identification and registration of unaccompanied refugee and internally displaced children and to give priority to programmes for family tracing and reunification; for the continual monitoring of care arrangements; and on States and other parties to armed conflict to recognize the particular vulnerability of refugee and internally displaced children to recruitment into the armed forces, sexual violence, exploitation and abuse, and to enhance protection and assistance mechanisms.

## Regional activities

### Africa

In a September report [A/51/367], the Secretary-General stated that in early 1996 Africa had hosted some 9,145,400 refugees, internally displaced persons and other people of concern to UNHCR, about one third of the worldwide total. Their number dropped to 7,660,000 at year's end, according to UNHCR statistics quoted in a later report [A/52/360] of the Secretary-General. UNHCR expenditure in Africa totalled \$474,357,600. The situation in the Great Lakes region remained a source of considerable concern, as initiatives to encourage voluntary repatriation did not result in any major return movements in the first part of the year.

The High Commissioner estimated [A/52/12] the number of refugees in the Great Lakes region at some 1.8 million at the beginning of the year. UNHCR activities for most of 1996 were broadly

characterized by the continuous promotion of voluntary repatriation as the only durable solution for Rwandan refugees in the countries of asylum, and the provision of essential care and maintenance assistance in the refugee camps. Despite those efforts, large-scale returns did not occur until the repatriation of all Rwandan refugees from Burundi in July.

The Security Council, in a statement [S/PRST/1996/31] of 24 July, deplored the forced repatriation of Rwandan refugees from Burundi and called on the Government of Burundi to honour its obligations and desist from further refoulement. The Council expressed support for the UNHCR efforts and urged all parties to work with it to ensure that the rights of refugees were respected.

In eastern Zaire, the deteriorating security situation throughout 1996 compelled UN international staff and NGOs to vacate Bukavu on 25 October. On 15 November, fighting at Mugunga camp between the insurgents and the ex-Forces Armées Rwandaises prompted the refugees to leave; most returned to Rwanda, where by the end of December 720,900 had arrived, with more than half a million having returned during the first four days of the movement. Some 220,000 refugees remaining from the former Kivu camps dispersed towards Kisangani and were later located in other camps. A UNHCR office was established to provide emergency assistance and promote repatriation. On 9 November, the Security Council, by **resolution** 1078(1996), urged Member States, in cooperation with the Secretary-General and OAU, to allow the immediate return of humanitarian organizations and the safe delivery of humanitarian aid to displaced persons, refugees and civilians in eastern Zaire, and to help create the conditions for voluntary, orderly and secure repatriation of refugees. It requested the Secretary-General to draw up a concept of operations and a framework for a humanitarian task force, with military assistance to, inter alia, deliver humanitarian assistance and shelter to refugees and displaced persons in eastern Zaire; assist the High Commissioner with the protection and voluntary repatriation of refugees and displaced persons; and establish humanitarian corridors for the delivery of humanitarian assistance and to assist the voluntary repatriation of refugees.

During the massive repatriation of Rwandan refugees from Zaire in November and December, UNHCR worked to ensure the viability of humanitarian corridors from entry points to returnee communes of origin. Despite the scale and speed of the movement, which was in addition to the return of 500,000 Rwandan refugees from the

United Republic of Tanzania in December, UNHCR, with other humanitarian agencies, was able to make arrangements to receive them. That caused a radical expansion of UNHCR assistance in Rwanda and a shift in emphasis towards reintegration and rehabilitation.

Encouraged by the massive repatriation from Zaire, authorities in the United Republic of Tanzania announced 31 December 1996 as the deadline for the repatriation of all Rwandan refugees. A massive return movement started on 14 December, with thousands walking back to Rwanda. However, the influx of Burundian refugees continued as a result of renewed conflict, necessitating the establishment of new camps and the expansion of an existing one. In November, following the rebel advance in eastern Zaire, Zairian refugees also started to arrive, at the rate of 1,000 per day (see PART ONE, Chapter II). Zairian refugees also crossed into Uganda.

In the absence of concrete confidence-building indicators in Angola, UNHCR did not promote or organize voluntary repatriation in 1996, but focused on strengthening basic facilities in returnee areas and building capacities for the reception of the large number of returnees expected to arrive once conditions improved. However, a significant number of Angolan refugees spontaneously and voluntarily returned home. In countries of asylum, primarily Zambia and Zaire, preparatory activities for the eventual repatriation of Angolan refugees were well advanced.

Mid-1996 marked the successful conclusion of the repatriation and reintegration programme that benefited more than 1.7 million Mozambican refugees who returned from six countries of asylum from 1993 to 1996. To make the voluntary repatriation of Mozambican refugees a truly durable solution, UNHCR implemented 1,575 quick-impact projects in water, health, transport and education.

In West Africa, as a result of peace accords concluded in November, the newly elected Government of Sierra Leone requested UNHCR assistance to repatriate some 380,000 Sierra Leonean refugees from the Gambia, Guinea, Liberia and other countries. In Liberia, an outbreak of renewed fighting in April resulted in thousands of Liberians fleeing the country. UNHCR activities were adversely affected by the prevailing insecurity, and access was limited to only 30,000 of an estimated refugee population of 120,000. Security conditions were also the reason that the voluntary repatriation of some 768,000 Liberian refugees in the subregion, scheduled to take place in December, failed to materialize. Food assistance to Sierra Leonean and Liberian refugees in Cote d'Ivoire and Guinea shifted from general

distribution to targeted feeding. With the gradual restoration of peace and security in northern Mali, the rate of return of Malian refugees increased significantly. After the voluntary repatriation of some 80,000, their number in neighbouring countries decreased from 150,000 to 70,000. Having reinforced its presence in northern Mali, UNHCR began broader integration activities in 1996, focusing on the rehabilitation of basic services and launching a programme to support income-generating activities for women. Despite a reintegration programme in Mauritania in favour of local populations and refugees returning from Senegal and Mali, the number of refugees in Senegal and Mali remained at 60,000 and 15,000, respectively.

Following the normalization of the political situation in Togo in the course of 1995, a significant number of Togolese were reported to have returned from Ghana and Benin, reducing the caseload from 300,000 to fewer than 15,000.

In Central Africa, the 28,000 Sudanese refugees in the Central African Republic and the 96,500 in north-eastern Zaire had for the most part achieved self-sufficiency. In eastern Sudan, the number of Eritrean refugees was reduced by over 50 per cent, to 132,907. However, prospects for further repatriation were stalled due to rising tension between the Sudan and Eritrea and differences of approach between the two Governments. On the basis of bilateral arrangements with UNHCR, both countries confirmed their readiness to resume organized voluntary repatriation. Some 27,000 Ethiopian refugees were repatriated between 15 December 1995 and mid-1996. The repatriation of some 23,000 remaining in exile was expected to be completed by the end of 1997. By the end of 1996, the UNHCR-assisted refugee population in Kenya was reduced to 169,813, including 131,278 Somalis, 33,438 Sudanese and 4,533 Ethiopians. Those refugees benefited from care and maintenance programmes, and measures were taken to promote their self-sufficiency and rehabilitation of the environment. Uganda's continued generous policy of land allocation enabled the establishment of local settlements, but integration programmes were adversely affected by deteriorating security conditions in the northern part of the country. The conflict in southern Sudan resulted in an increase of Sudanese refugees in Uganda from 210,000 to 226,000, while the number of Zairian and Rwandan refugees rose from 12,000 to 27,000 and from 6,800 to 16,200, respectively.

In South Africa, there were over 20,000 asylum-seekers from 55 countries. UNHCR focused on activities to enable those who had received refugee status to achieve self-reliance and

to encourage income-generating and vocational training. On 25 July, UNHCR signed a memorandum of understanding with the South African Development Community on cooperation in social, economic and political issues that had a bearing on the root causes of forced population displacement, refugee protection, provision of humanitarian assistance and the search for durable solutions.

The Council of Ministers of OAU (Yaounde, Cameroon, 1-5 July), in a resolution on refugees, returnees and displaced persons in Africa, called for generous assistance from the international community for the integration process in countries where large-scale voluntary repatriation was taking place, and for additional assistance to help alleviate the refugee situation and that of local populations in countries of asylum, especially in West Africa and the Great Lakes region.

On 19 July, by **decision 1996/237**, the Economic and Social Council took note of an oral report by UNHCR on assistance to refugees, returnees and displaced persons in Africa [E/1996/SR.41].

**Report of Secretary-General.** In response to General Assembly resolution 50/149 [YUN 1995, p. 1242], the Secretary-General reported on 25 September [A/51/367] on assistance to refugees, returnees and displaced persons in Africa. While UNHCR had a specific mandate to protect and assist refugees, returnees and displaced persons, he noted, those populations were, nevertheless, a growing proportion of the target beneficiaries of UNDP, UNICEF and WFP programmes, under the coordination of DHA, in countries in crisis or emerging from conflict. On behalf of the UN system, DHA issued coordination appeals for emergency assistance to populations affected by the political and humanitarian crises in Angola, Liberia, Sierra Leone, the Sudan and the Great Lakes region (see PART ONE, Chapter II, and PART THREE, Chapter III). WFP continued to be an essential part of the response to meeting the food needs of refugees, returnees and internally displaced persons in Africa. The memorandum of understanding between WFP and UNHCR was continually upgraded.

In March, UNICEF and UNHCR signed a memorandum of understanding delineating areas of collaboration in assisting refugees, returnees, internally displaced persons and affected host populations. The voluntary repatriation programme in Mozambique was a recent example of cooperation between UNDP and UNHCR. UNHCR and WFP support for care and maintenance continued for refugees and displaced victims of civil conflict in the Rwanda/Burundi regional operation, including the United Republic of Tanzania and Zaire; the Liberia regional operation, includ-

ing Cote d'Ivoire, Guinea and Sierra Leone; Somalia; southern Sudan; Ethiopia; Kenya; and Uganda. Stabilization of the political situation allowed a shift from relief to first-phase reconstruction and rehabilitation activities in Angola, Ghana, Mauritania, Mozambique, Rwanda and Somalia and repatriation from Benin, Burkina Faso, Djibouti, Eritrea, Ghana, Mauritania and the Sudan. UN agencies were continually adapting their structures to respond better to needs for rehabilitation and development in areas where internally displaced persons and refugees returned or settled. Other areas of cooperation included capacity-building, demobilization, mine clearance and environment.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/71**.

#### Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 50/149 of 21 December 1995,

Having considered the report of the Secretary-General and the report of the United Nations High Commissioner for Refugees,

Convinced of the necessity of strengthening the capacity within the United Nations system for the implementation of relief programmes for refugees, returnees and displaced persons,

Welcoming the ongoing process of voluntary repatriation of refugees in some parts of Africa,

Taking note of resolution CM/Res.1653(LXIV) on refugees, returnees and displaced persons in Africa, adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, held at Yaounde from 1 to 5 July 1996,

Recalling the provisions of General Assembly resolution 2312(XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recognizing the need for States to create conditions conducive both to the prevention of flows of refugees and displaced persons and to solutions, especially voluntary repatriation,

Bearing in mind that the majority of refugees and displaced persons are women and children,

Noting with great concern that despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Africa, especially in the West African and Great Lakes regions and in the Horn of Africa, remains precarious,

1. Takes note of the report of the Secretary-General and the report of the United Nations High Commissioner for Refugees;

2. Notes with concern that the effects of political instability, internal strife, human rights violations and natural disasters such as drought have led to increased numbers of refugees and displaced persons in some countries of Africa;

3. Expresses deep concern at the serious and far-reaching consequences of large numbers of refugees and displaced persons in the receiving countries and



the implications for security, long-term socio-economic development and the environment;

4. Expresses its appreciation and strong support for those African Governments and local populations which, in spite of the general deterioration of socio-economic and environmental conditions, as well as over-stretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons in compliance with the relevant principles of asylum;

5. Expresses concern at instances where the fundamental principle of asylum is jeopardized by the unlawful expulsion or refoulement, or the threat to life, physical security, integrity, dignity and the well-being of refugees;

6. Commends the Governments concerned for their sacrifices in providing assistance and protection to refugees, returnees and internally displaced persons and for their efforts to promote voluntary repatriation and other durable solutions;

7. Expresses its gratitude to the international community, and to the Office of the United Nations High Commissioner for Refugees in particular, for the humanitarian assistance it has continued to render to refugees and displaced persons as well as to the countries of asylum;

8. Welcomes the strengthening of cooperation between the Office of the High Commissioner and the Organization of African Unity at all levels, and urges the two organizations, in conjunction with United Nations agencies, intergovernmental and non-governmental organizations, the international community and the Governments concerned, to increase efforts aimed at facilitating voluntary repatriation in a dignified and orderly manner, as well as addressing the root causes of the refugee problem and working out modalities for a lasting solution;

9. Reiterates that the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as endorsed by the General Assembly in its resolution 50/149, continues to be a viable framework for the resolution of the refugee and humanitarian problems in that region;

10. Calls upon the Office of the High Commissioner and other concerned entities to intensify protection activities by, *inter alia*, supporting the efforts of African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles and providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees;

11. Appeals to Governments, United Nations, intergovernmental and non-governmental organizations and the international community to create conditions that can facilitate the voluntary return and the early rehabilitation and reintegration of refugees;

12. Appeals to the international community to respond positively to the third-country resettlement requests of African refugees in the spirit of solidarity and burden-sharing;

13. Commends the Governments of the Great Lakes and West African regions and the Office of the High

Commissioner for their initiatives to promote repatriation within the framework of tripartite agreements on voluntary repatriation of refugees in the region;

14. Encourages the Office of the High Commissioner to continue to cooperate with the office of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights and fundamental freedoms in emergency humanitarian situations in Africa;

15. Welcomes the ongoing efforts undertaken by the Office of the United Nations High Commissioner for Refugees, with host Governments, United Nations and non-governmental organizations and the international community, in addressing the negative impact of large-scale refugee influxes and concentrations on the environment and ecosystems of countries of asylum;

16. Notes with satisfaction the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner, with the cooperation and collaboration of many countries hosting refugees, and looks forward to other programmes to assist the voluntary repatriation of all refugees in Africa;

17. Expresses its concern about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review in conformity with its mandate in the host countries, taking into account the increasing requirements there;

18. Urges the international community to continue to fund the general refugee programmes of the Office of the High Commissioner, taking into account the substantially increased needs of programmes in Africa;

19. Calls upon Governments, United Nations agencies, non-governmental organizations and the international community as a whole to strengthen the emergency response capacity of the United Nations system on the basis of the experience of the emergency in the Great Lakes region and to continue to provide needed resources and operational support to refugees and countries of asylum in Africa until a permanent solution can be found;

20. Calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure in areas affected by refugees in countries of asylum;

21. Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children;

22. Calls upon the Secretary-General, the Office of the High Commissioner and intergovernmental, regional and non-governmental organizations to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in general with States and others concerned in respect of asylum, relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including those refugees in urban areas;

23. Requests the Secretary-General to submit a comprehensive and consolidated report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-second session, under the item entitled "Report of the United Nations High

Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and an oral report to the Economic and Social Council at its substantive session of 1997.

General Assembly resolution 51/71

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 15 November (meeting 40); draft by Cameroon, for African Group (A/C.3/51/L.13/Rev.1); agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31, 35, 38, 40; plenary 82.

**In resolution 51/30 H**, the Assembly welcomed the manner in which Rwanda had handled the massive and sudden repatriation of refugees from eastern Zaire and Burundi and stressed the need for Rwanda to continue supporting the voluntary repatriation, resettlement and reintegration of returning refugees. It urged States, UN organizations and specialized agencies, NGOs, and multilateral financial and development institutions to continue assisting Rwanda in the resettlement and reintegration of refugees and other vulnerable groups.

**In resolution 51/30 B**, the Assembly called on States and intergovernmental and non-governmental organizations to provide Liberia with technical, financial and other assistance for the repatriation and resettlement of Liberian refugees, returnees and displaced persons.

**In resolution 51/30 D**, the Assembly noted with satisfaction the successful completion of the repatriation, resettlement and reintegration of Mozambicans and expressed appreciation for the support of international and non-governmental organizations which, in close cooperation with the Government of Mozambique, had played an important role in that programme.

### The Americas and the Caribbean

In a report on UNHCR activities [A/52/12], the High Commissioner stated that refugees, returnees and displaced persons of concern to UNHCR in the Americas and the Caribbean in 1996 stood at over 1.5 million. Of that number, only an estimated 47,000 were being assisted as refugees and some 34,000 as returnees. UNHCR expenditure in the Americas and the Caribbean amounted to \$32,639,600 in 1996.

Two developments had paved the way for definitive solutions for the last major group of Central American refugees: the successful conclusion of the peace negotiations in Guatemala, culminating in the signing of a peace agreement in December (see PART ONE, Chapter III), and the launching of a migratory stabilization plan in respect of Guatemalan refugees in Mexico pur-

suant to a public announcement by the Government in August.

Some 4,086 Guatemalan refugees returned to Guatemala during the year, predominantly from Mexico, although the number of returnees in 1996 fell short of initial projections. UNHCR continued to support repatriation movements and initial socio-economic reintegration through community-based quick-impact projects. Some 30,000 Guatemalan refugees remained in the three southern Mexican states of Chiapas, Campeche and Quintana Roo. By the end of the year, 65 per cent of those who had requested an immigrant document had received it. UNHCR assisted in upgrading the infrastructure of basic services in the settlements and resolving the question of land titles.

In the rest of the subregion, with the exception of Belize, UNHCR promoted the rights of refugees, returnees and other uprooted populations. Support was given to strengthening national commitments and capacities to uphold the principles of asylum and international refugee law. In Belize, a quick-impact project facilitated the local integration of several thousand Central American refugees who had not opted to be repatriated. A regional forum on human rights, refugees and migration in Central America (San Jose, Costa Rica, October), convened by the Central American Council of Human Rights Ombudspersons and organized jointly by the Inter-American Institute for Human Rights, the International Labour Organization, the International Organization for Migration (IOM) and UNICEF, adopted a plan of action for the protection of the human rights of uprooted populations in Central America and a series of recommendations, calling on UNHCR and other organizations for support.

In South America and the Caribbean—of an estimated 50,900 refugees and persons of concern—some 7,100 benefited from UNHCR assistance. The trend in arrival of asylum-seekers stabilized, particularly in Brazil. The focus of UNHCR activities in the region was to strengthen the concept of an international protection framework as a key to both prevention and durable solutions. In October, Chile amended the chapter on refugees of its 1975 Migration Law, and in Brazil a refugee bill was awaiting final legislative approval. The repatriation of 50 Haitians, principally from the Dominican Republic, was assisted by UNHCR in 1996.

In September, the United States enacted new immigration legislation restricting access to asylum procedures, and, in November, Canada announced new measures to regularize the status of some undocumented refugees (Afghan and So-

mali refugees) who had been unable to become landed immigrants (permanent residents). Guidelines on child refugee claimants, issued by the Canadian Refugee Board, took effect on 30 September.

### South Asia and Oceania

In South Asia, voluntary repatriation of refugees from Bangladesh to Myanmar was in its final stages. However, since not all of the remaining persons in the two camps in Bangladesh were expected to return, discussions were held to ensure a durable solution for any residual populations. UNHCR expanded its monitoring of returnees and Muslim populations in northern Rakhine state in Myanmar, and implemented small-scale assistance projects aimed at stabilizing economically vulnerable groups. Since the resumption of the conflict in 1995 between the Sri Lankan military and the Liberation Tigers of Tamil Eelam, there had been no further voluntary repatriation of Sri Lankan Tamils from India. In January, UNHCR opened a field office in Kilinochchi, but a further escalation of the conflict forced it to evacuate its staff from the area. During the year, UNHCR provided over 6,000 earlier returnees from India and nearly 15,000 internally displaced persons with shelter and relief assistance. Some 150,000 to 200,000 internally displaced persons benefited from UNHCR-funded community-based micro-projects. Within the framework of promoting self-reliance, the rationalization of the assistance programmes for over 20,000 refugees and asylum-seekers in India (mostly Afghans) resulted in a reduction of the UNHCR-assisted caseload to a little over 10,000 persons by year's end; a further reduction was envisaged within the first quarter of 1997. New developments in Afghanistan led to a trickle of new arrivals in New Delhi. UNHCR expanded its refugee law promotion and dissemination activities in India, involving governmental bodies, educational institutions and NGOs.

With regard to the situation of some 91,000 Bhutanese refugees and asylum-seekers in Nepal, no significant developments took place in 1996. At the seventh round of bilateral talks in April 1996, the two Governments agreed to continue consultations. UNHCR reiterated its readiness to support the implementation of mutually acceptable durable solutions. During the last quarter of 1996, a number of demonstrations and marches were organized by refugee organizations to solicit support for the refugees' return to Bhutan.

In 1996, UNHCR's expenditure in Asia and Oceania amounted to \$83,929,000.

### Comprehensive Plan of Action for Indo-Chinese Refugees

The seventh and final meeting (Geneva, 5-6 March 1996) of the Steering Committee of the International Conference on Indo-Chinese Refugees reviewed the implementation of the 1989 Comprehensive Plan of Action for Indo-Chinese Refugees [YUN 1989, p. 707]. It noted that the objectives of the Plan of Action had been successfully met; clandestine departures from countries of origin had virtually ceased, the principle of asylum had been preserved, and effective screening procedures had been introduced in countries of first asylum, thus facilitating resettlement of refugees to third countries and the repatriation of those who did not qualify as refugees to their country of origin. The Steering Committee declared the formal completion, as of 30 June, of the Plan of Action in countries of the Association of South-East Asian Nations (ASEAN), noting that solutions for the relatively larger caseload in Hong Kong would take longer. Consequently, UNHCR progressively phased out its assistance in first-asylum camps in ASEAN countries, resulting in the closure of camps in Indonesia, Malaysia and Singapore. The Philippines determined that some 1,600 Vietnamese non-refugees would be permitted to remain, pending future repatriation or other solutions. During the year, some 29,217 Vietnamese non-refugees were repatriated to their country of origin. UNHCR continued to monitor the well-being of returnees, to provide repatriation grants to non-refugees who were voluntarily repatriated to Viet Nam and to support micro-projects to benefit returnee communities.

The Chinese authorities had advised that up to 15,000 of the 288,000 Indo-Chinese refugees in China wished to be repatriated to Viet Nam. A survey was initiated to gauge that number more definitely. UNHCR's assistance focused on the local settlement of refugees through a revolving credit mechanism to create employment opportunities. UNHCR phased out its assistance activities for Cambodian returnees. During 1996, 426 Cambodians were repatriated, mainly from Indonesia. The Office continued to monitor the welfare of some 101,000 refugees from Myanmar residing along the Myanmar/Thailand border.

Two major regional initiatives took place during the year concerning the promotion of refugee law in Asia and the Pacific: Australia and UNHCR co-hosted a conference (28-29 November) on regional approaches to refugees and displaced persons in Asia and the Pacific; and a commemorative seminar on refugees (Manila, Philippines, 11-13 December) was convened by the African-Asian Legal Consultative Committee and UNHCR.

## Europe

According to the High Commissioner [A/52/12], the downward trend in the number of asylum-seekers in Western Europe continued, with 250,000 arriving during the year. While there were significant return movements from European host countries to Bosnia and Herzegovina, they were much smaller than expected, but were facilitated by an initiative among a number of Western European countries to make visa-free travel of refugees easier. UNHCR strategy in Western Europe was directed towards a gradual reduction of programmes and a shift of resources to the Baltic and CIS region.

In the former Yugoslavia, where the number of refugees and displaced persons totalled some 3.1 million at the beginning of 1996, UNHCR focused on promoting and identifying durable solutions. During the year, an estimated 250,000 returned to Bosnia and Herzegovina, but a further 80,000 were displaced after the transfer of territorial authority. A total of some 1.2 million refugees remained outside Bosnia and Herzegovina, principally in Western Europe. UNHCR's programme in Bosnia and Herzegovina was designed to foster significant return movements. That was hampered, however, by a lack of freedom of movement, security problems, housing shortages and significant unemployment. Some 22 target areas were identified where infrastructural capacity could be expanded to receive returnees.

Croatia continued to host 160,000 refugees from Bosnia and Herzegovina and 198,000 internally displaced persons. In Eastern Slavonia, UNHCR worked with the Croatian Government and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to monitor stability and prevent a further overflow of the population. In the Federal Republic of Yugoslavia (Serbia and Montenegro), there were some 560,000 refugees from Bosnia and Herzegovina and Croatia, a sizeable number of whom were expected to require local settlement assistance, while the former Yugoslav Republic of Macedonia and Slovenia hosted 5,000 and 14,000 refugees, respectively.

As a result of the repatriation and resettlement of Bosnians from Bulgaria, the Czech Republic, Hungary and Slovakia, the number of de facto refugees was reduced, but asylum-seekers in Poland increased by 2,300 persons. Temporary protection status for Bosnians in Austria was extended for another year and redefined to include some individuals with no legal status. The lack of affordable housing remained an obstacle to rapid reintegration, encouraging movement towards Western Europe. In its endeavour to assist Governments in Central Europe, UNHCR started

to sensitize institutions to the need to address certain aspects of asylum that were beyond its mandate. To sensitize States to the importance of comprehensively addressing the issue of integration of refugees in Central Europe, it organized a series of seminars. It also assisted some 2,500 Bosnians in Turkey, pending their repatriation.

In Eastern Europe, UNHCR assistance in Armenia aimed at supporting the settlement of some 150,000 particularly vulnerable refugees and promoted the establishment of legal procedures to allow refugees access to Armenian citizenship. In Azerbaijan, UNHCR addressed the needs of some 150,000 refugees and internally displaced persons identified as vulnerable. Another 150,000 internally displaced persons in Georgia, mainly from Abkhazia and South Ossetia, received UNHCR assistance. On 12 July, the Security Council, by **resolution 1065(1996)**, demanded that the Abkhaz side accelerate significantly the voluntary return of refugees and displaced persons, by accepting the timetable proposed by UNHCR, and that it guarantee the safety of those returnees already in the area and regularize their status in cooperation with UNHCR.

UNHCR activities in the border areas of Chechnya (Russian Federation) were suspended in December for security reasons, but continued in neighbouring areas through local implementing partners. UNHCR expenditure in Europe totalled \$320,264,200 in 1996.

## Conference on refugees of CIS countries and neighbouring States

In a September report [A/51/341], the Secretary-General discussed the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (Geneva, 30-31 May 1996). The Conference, which was held pursuant to General Assembly resolution 50/151 [YUN 1995, p. 1235], was attended by 87 States, 27 international organizations, 2 governmental organizations and 77 NGOs. Preparations were coordinated by UNHCR, IOM and the Organization for Security and Cooperation in Europe (OSCE). The three main objectives of the Conference were to provide a reliable forum for the countries of the region to discuss problems of population displacement in a humanitarian and non-political manner; review population movements in the region, and clarify categories of concern; and devise an integrated strategy to enable CIS countries to cope better with and prevent population displacement, as well as

manage and regulate other types of migratory movements.

The Conference adopted a Programme of Action, which had been endorsed by a Preparatory Conference held in Minsk, Belarus, on 8 May. The Programme of Action consisted of two parts: a chapter on principles and a sequence of chapters on action (institutional framework, operational framework, prevention, cooperation and implementation/follow-up) to provide guidance to CIS countries in their handling of complex migratory movements and a basis for UNHCR's work there. Shortly after the Conference, UNHCR and IOM submitted to the international community for financial support a package of projects in three of the CIS countries. A wider review of priorities in all 12 countries was to form the basis for the formulation of the 1997-1998 programmes of those two organizations, which would be presented to the international community. UNHCR activities were to include those already approved under the 1997 General Programmes and Special Programmes and new activities designed through the Conference follow-up consultative process. As a result of the Conference, UNHCR activities would include assistance to solve the problems of formerly deported persons and those involuntarily relocating, both of which were highlighted by the Conference as groups of concern. The Programme of Action also provided for the establishment of a Steering Group to monitor the follow-up process. As part of the follow-up mechanism, UNHCR created a unit at headquarters to ensure implementation of the Programme of Action. On 31 October, a preliminary meeting of the Steering Group took place to set up modalities and procedures.

National implementation plans for 1997, reflecting the priorities of CIS Governments and the roles of various actors, were drawn up and formed the basis for UNHCR and IOM programmes for 1997, which were presented jointly in an appeal for funds in November 1996.

In an October conclusion [A/51/12/Add.1], the UNHCR Executive Committee approved the steps taken by the High Commissioner, in cooperation with IOM, to promote implementation of the Programme of Action. It underlined the urgent need to address the problems of those displaced, to implement measures to prevent situations leading to further involuntary population displacements and to manage other types of migratory flows in the region. The Committee urged CIS countries that had not done so to accede to and implement the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477], and to strengthen their commit-

ment to the principles underpinning the Programme of Action and ensure progress in its implementation. It called on other interested States to reaffirm their commitment to those principles and to support implementation of the Programme of Action. The Committee encouraged CIS countries and international organizations to strengthen cooperation with NGOs and to involve them in the Conference follow-up, and called on the High Commissioner to cooperate with IOM and OSCE in coordinating ongoing and future activities in CIS countries and in steering and monitoring progress through follow-up mechanisms.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/70**.

#### **Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States**

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994 and, in particular, 50/151 of 21 December 1995,

Taking note with satisfaction of the successful conclusion of the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, held at Geneva on 30 and 31 May 1996,

Aware that involuntary, mass displacement, in addition to the human suffering involved, imposes significant economic and social burdens and may affect security and stability at the regional level,

Reaffirming the view of the Conference that, while the primary responsibility for tackling population displacement problems lies with the affected countries themselves, the serious challenges cannot be met by the limited resources and experience of the countries of the Commonwealth of Independent States individually,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful that effective implementation of the recommendations contained in the Programme of Action adopted by the Conference should be facilitated and can be ensured only through cooperation and co-ordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

Welcoming the spirit of international solidarity and cooperation that made the preparatory process of the Conference and the Conference itself a success,

Reaffirming the importance of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol,

1. Takes note of the report of the Secretary-General;

2. Expresses its gratitude to the Government of Switzerland and other host States that made it possible to convene the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States and a series of preparatory meetings, as well as to those States that made voluntary contributions for this purpose;

3. Welcomes the Programme of Action adopted by the Conference on 31 May 1996;

4. Also welcomes the innovative approach and close cooperation of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, in initiating and supporting a multilateral constructive dialogue among a wide range of countries concerned that has brought agreement on guidelines for practical action;

5. Expresses its satisfaction with the work of the Conference, which laid down a solid foundation for further action by countries of the Commonwealth of Independent States and States concerned and relevant international, intergovernmental and non-governmental organizations;

6. Underlines the urgent need to address the problems of those displaced, implement measures to prevent situations leading to further involuntary population displacement and effectively manage other types of migratory flows in the region;

7. Urges all States and intergovernmental and non-governmental organizations concerned to take further action with a view to the full implementation of the recommendations of the Conference;

8. Invites all countries that have not yet done so to accede to and implement fully the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

9. Calls upon the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underlying the Programme of Action and to ensure progress in its implementation;

10. Recognizes that implementation of the Programme of Action requires additional financial resources, and calls for international cooperation in order to assist the countries of the Commonwealth of Independent States in the field of migration and related matters;

11. Welcomes the readiness of States and interested international organizations to provide appropriate forms and levels of support for the practical implementation of the Programme of Action in a spirit of solidarity and burden-sharing;

12. Invites international financial and other institutions to contribute to financing projects and programmes within the framework of the implementation of the Programme of Action;

13. Requests the Office of the United Nations High Commissioner for Refugees, and invites the International Organization for Migration and the Organization for Security and Cooperation in Europe, to continue to steer in close coordination the ongoing and future activities ensuring progress in the implementation of the Programme of Action;

14. Calls upon all relevant United Nations organs, bodies and organizations to promote, within their respective mandates, the implementation of the Programme of Action of the Conference;

15. Recognizes the important role to be played by non-governmental organizations in the implementation of the Programme of Action, and encourages the Governments of the countries of the Commonwealth of Independent States and international organizations to strengthen their cooperation with non-governmental organizations and to involve them actively in the follow-up to the Conference;

16. Reaffirms the necessity for effective follow-up mechanisms to the Conference;

17. Highly appreciates the initial steps undertaken by the Office of the United Nations High Commissioner for Refugees in cooperation with the International Organization for Migration to promote the implementation of the Programme of Action;

18. Invites the Organization for Security and Cooperation in Europe to demonstrate similar initiative in contributing to the effective implementation of the Programme of Action;

19. Welcomes the Joint Operational Strategy for 1996-2000 of the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration in the countries of the Commonwealth of Independent States, which outlines the practical dimensions of implementing the results of the Conference;

20. Emphasizes the necessity of fulfilling the recommendations of the Programme of Action relating to ensuring respect for human rights as an important factor in the management of migration flows, the consolidation of democracy, the rule of law and stability;

21. Urges the United Nations High Commissioner for Human Rights, in coordination with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to take into account those elements of the Programme of Action that are relevant to his mandate;

22. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the measures taken and proposed and on progress achieved in the implementation of the present resolution;

23. Decides to continue examination of this question at its fifty-second session.

General Assembly resolution 51/70

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 15 November (meeting 40); 27-nation draft (A/C.3/51/L.12/Rev.1), orally corrected; agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31, 35, 38, 40; plenary 82.

### **Central Asia, South-West Asia, North Africa and the Middle East**

Continuing fighting and the change of authority in various regions of Afghanistan affected the rate of repatriation of Afghan refugees. In 1996, some 120,000 Afghan refugees were repatriated from Pakistan, where about 1.2 million Afghans

remained. After Kabul came under Taliban control, some 50,000 Afghan refugees arrived in that country's north-west frontier province. UNHCR and WFP assisted a third of that group in Nasir Bagh village. UNHCR's reintegration programme in Afghanistan assisted local communities in receiving returnees, mainly in the fields of education, health, drinking water, irrigation, agriculture, road and bridge repair, income-generation and credit. Although UNHCR continued to facilitate voluntary repatriation, there was a need to envisage solutions other than repatriation, which had declined since 1993, as part of a comprehensive approach towards solutions.

UNHCR's work in the cities of Jalalabad and Kabul was disrupted, slowed down or cancelled as a result of regulations imposed by the new authorities in September 1996 abolishing the employment of women and the education of girls. At the end of the year, fighting north of Kabul created the displacement of some 110,000 persons, and in the north-west province of Badghis the fighting caused substantial displacements, including 27,000 persons relocated to Herat city. UNHCR responded to those emergency situations by providing expertise to the local authorities and relief to the displaced persons, in cooperation with other UN agencies and the International Committee of the Red Cross. Fewer than 10,000 Afghans returned from Iran, which continued to give asylum to some 1.4 million Afghan refugees and 500,000 Iraqi refugees. After fighting broke out in the Sulemaniya area of Iraq in September and October, 65,000 Iraqi refugees arrived in the western part of Iran.

Political instability in northern Iraq affected programmes and operations of UNHCR, which, nevertheless, assisted the refugees and return-

ees, as in the aftermath of the recapture of the town of Sulemaniya by the Patriotic Union of Kurdistan on 16 October, when most of those who had fled to Iran returned to northern Iraq. In November, UNHCR constructed a transit site at Muqibla to stimulate and assist the voluntary repatriation of Turkish refugees from Atroush camp in northern Iraq. However, efforts to resolve difficulties created by a group of activists in the camp continued to be of concern, and UNHCR announced on 21 December that it would phase out its assistance to Atroush.

The overall UNHCR strategy in Central Asia was to enhance the capacity of Governments in the region to manage refugee and forced population movements effectively. In addition, it promoted and facilitated voluntary repatriation to Tajikistan where, owing to the ongoing conflict, only 1,334 persons were repatriated during the year, and assisted needy and vulnerable refugees and asylum-seekers throughout the region. UNHCR advised Kazakhstan, Turkmenistan and Uzbekistan on draft legislation related to refugees and on the establishment of national administrative structures and procedures to manage refugee protection and assistance matters.

In 1996, UNHCR reviewed and updated the 1991 repatriation plan to prepare for the voluntary repatriation of some 105,000 refugees to Western Sahara. It continued its assistance programme for 80,000 vulnerable refugees in the Tindouf area, where its field office became operational.

UNHCR also assisted some 200 Palestinians stranded at Salloum on the border between Egypt and the Libyan Arab Jamahiriya since September 1995, following the termination of their work contracts and rights of residence in Libya (see also PART ONE, Chapter VI).

## Chapter XIII

## Health, food and nutrition

The United Nations continued in 1996 its work in promoting human health, delivering and co-ordinating food aid and monitoring trends in nutrition.

United Nations efforts to combat AIDS were co-ordinated by the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, which became fully operational on 1 January. Its main function was to strengthen national capacity to plan and implement financial and technical assistance in response to HIV/AIDS. Malaria became a more serious problem in 1996, particularly in sub-Saharan Africa, where a resistance to drugs had developed. The World Health Organization (WHO) led UN efforts to elaborate malaria control strategies. The situation of disabled persons, another major health concern of the United Nations, was reviewed in 1996, in particular the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted in 1993.

Food security for all was the main goal of the World Food Summit, convened by the Food and Agriculture Organization of the United Nations (FAO) and held in Rome, Italy, in November. The Summit adopted a Plan of Action outlining a strategy for eradicating hunger in the world and ensuring universal food security. Welcoming the outcome of the Summit, the General Assembly called for implementation and follow-up of the Plan.

The World Food Programme (WFP)—a joint undertaking of the United Nations and FAO—continued to provide food aid to developing countries. In 1996, WFP provided 2.2 million tons of food to a total of 45.3 million people. With the support of donors, food aid was supplied to 84 countries at a cost of \$1.2 billion, most of which went to relief operations in the Great Lakes region of Africa, Afghanistan, Angola, Iraq, Liberia, Sierra Leone and the nations of the former Yugoslavia.

Studies on nutrition were carried out by the Administrative Committee on Coordination's Subcommittee on Nutrition and the United Nations University, an autonomous academic institution within the UN system. The Subcommittee served as a point of harmonization for nutrition policies and activities of the system.

## Health

### AIDS prevention and control

The Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS) became fully operational on 1 January 1996, following the 1994 endorsement of the Programme's establishment by the Economic and Social Council [YUN 1994, p. 1126]. The objectives, function, structure and organization of the Programme were developed by the six co-sponsors: the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the World Bank and the World Health Organization (WHO). Its main function was to strengthen national capacity to plan, coordinate, implement and monitor the overall response to HIV/AIDS, including technical and financial assistance, and to collaborate with Governments to mobilize a wide range of sectors and institutions, together with the most affected communities.

The Economic and Social Council, by **decision 1996/211** of 9 February, decided to postpone to its 1996 substantive session the consideration of the report of the Executive Director of UNAIDS, as requested by the Council in 1995 [YUN 1995, p. 1252].

By a May note [E/1996/42], the Secretary-General transmitted to the Council the report of the UNAIDS Executive Director describing recent developments in the activities of the Programme.

The Programme Coordinating Board, at its first meeting (Geneva, 13-14 July 1995), reviewed indicative budgetary proposals for the 1996-1997 biennium and requested that an overall budget be developed within an indicative range of \$ 120 million to \$140 million for the first biennium. It also authorized the Executive Director to proceed with the recruitment of staff. At its second meeting (Geneva, 13-15 November 1995), the Board adopted the strategic plan for UNAIDS for 1996-2000. It approved the proposed programme budget of the Programme for 1996-1997 in the amount of \$120 million. In addition, the Board established two informal working groups, one to discuss innovative



methods of resource mobilization, the other to work on indicators and evaluation. The Board's third meeting was scheduled to be held in Geneva on 10 and 11 June 1996 to discuss the UNAIDS 1996-1997 work plan, measures to minimize administrative costs, financial information and the reports of the two working groups, as well as the Executive Director's current report.

The Committee of Co-sponsoring Organizations, comprising the heads of the co-sponsoring organizations or their designated representatives, first met on 22 September 1995, and had since convened six more meetings, the most recent on 24 April 1996. At those meetings a memorandum of understanding was drafted and approved, the text of which was appended to the Executive Director's report.

Other legal and administrative arrangements concerned a letter of agreement between WHO and the Programme for the provision of administrative and financial services, and a working arrangement between UNDP and the Programme covering the provision of administrative support services by UNDP for the UNAIDS country-level activities, including the disbursements of funds for national HIV/AIDS activities.

As of mid-April 1996, 90 theme groups covering 107 countries had been established, compared with 35 at the end of 1995. The theme groups comprised, in any given country, representatives of the six co-sponsors, and other UN organizations active in HIV/AIDS activities. In addition, Governments were represented in most theme groups. Some 78 per cent of theme groups were chaired by WHO representatives and some 16 per cent by UNDP resident representatives. UNICEF and UNFPA held the Chair or the interim Chair in five countries, while none of the theme groups were currently chaired by either UNESCO or the World Bank. In approximately half of the theme groups, the office of Chairperson would be rotated.

Professional staff and country programme advisers were placed in specific countries after discussions with the theme groups. By mid-April 1996, advisers had been selected for 19 countries (7 in Africa and the Middle East and 10 in Asia and the Pacific, with 2 intercountry technical advisers in Europe). In countries where there would be no UNAIDS-funded advisers, the nomination of focal points would be encouraged. A series of country visits to over 50 countries, to take place over a six-month period, was started in the first quarter of 1996 with the aim of working with theme groups to clarify their action plans for supporting national efforts, administrative arrangements, staffing issues and the work of advisers and UNAIDS focal points. Such visits were conducted in collaboration with co-sponsors' staff

and the representatives of bilateral agencies and national programmes. In addition, several subregional meetings with representatives of national programmes, non-governmental organizations (NGOs) and UN partners were planned so as to develop methods of working in subregions in which a United Nations presence or strategic issues of common concern were limited.

**UNDP/UNFPA action.** At its second regular session of 1996 (New York, 25-29 March) [E/1996/33], the Executive Board of UNDP/UNFPA considered support for and collaboration with UNAIDS, and discussed 1995 reports [YUN 1995, p. 1252] of UNDP and UNFPA on the subject. The UNDP Assistant Administrator and Director of the Bureau for Policy and Programme Support stated that country-level activities were focused primarily on capacity-building, tailored to each country's needs. UNDP and UNAIDS were finalizing their working arrangements at the country level, in particular logistical and administrative support and financial services to be provided by UNDP. At the regional level, the first study of HIV/AIDS and development implications in the Pacific had been published in Fiji, under the title "Time to Act: the Pacific Response to HIV/AIDS".

For its part, UNFPA had supported HIV/AIDS prevention activities, including supply and distribution of condoms and HIV/AIDS training, and would continue to provide support in line with national AIDS prevention and control programmes and within the content of the theme group mechanisms being set up at the country level by UNAIDS. At the global level, UNFPA would not propose additional activities but rather looked to UNAIDS, in collaboration with the Reproductive Health Programme of WHO, to address the key policy, strategy, technical, research and development and training issues in regard to HIV/AIDS in the broader framework of reproductive health.

On 28 March [E/1996/33 (dec. 96/16)], the Executive Board requested UNDP to conclude arrangements with UNAIDS on financial, administrative and logistical support to work in the area of HIV/AIDS and to clarify the role and function of national programme officers appointed to support UNAIDS.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/47**.

#### **Report of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome**

The Economic and Social Council,

Recalling its resolution 1994/24 of 26 July 1994, by which it endorsed the establishment of the Joint and Co-sponsored United Nations Programme on Human

Immunodeficiency Virus/Acquired Immunodeficiency Syndrome,

Taking note of the report of the Executive Director of the Programme,

Noting with satisfaction the progress achieved since 1 January 1996 in the implementation of the activities of the Programme,

Noting with concern that human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) has devastating social, economic and other related impacts on the population of the affected countries,

Noting also with concern the need for adequate resources to be made available by the six co-sponsoring organizations and the international community in the fight against HIV/AIDS,

Noting the need for more focused and in-depth consideration by the Council of the issue of HIV/AIDS and its impact,

1. Invites the Secretary-General to play an active advocacy role in regard to the serious threat posed by the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) in order to raise global awareness and thus help to prevent the further spread of HIV/AIDS;

2. Urges the Secretariat to be fully and effectively involved in the fight against HIV/AIDS;

3. Decides to review the operations and activities of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome by including in its agenda in alternate years, beginning in 1997, the item entitled "Report on the work of the Joint and Co-sponsored United Nations Programme on the Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome";

4. Requests the Secretary-General to transmit to the Council, at its substantive session of 1997, a concise initial report of the Executive Director of the Programme, prepared in collaboration with all relevant specialized agencies, the Secretariat and other organizations and bodies of the United Nations system, and to submit thereafter to the Council, on a biennial basis, a comprehensive report on the progress made in the fight against HIV/AIDS and its impact on the countries affected, including the implementation of the present resolution;

5. Recommends that HIV/AIDS and its social, economic and related impacts on the overall development process be considered a possible future theme for the high-level segment of the Council;

6. Appeals to the six co-sponsoring organizations, the international community and the countries affected to increase substantially their contribution to the Programme and to the resources needed for the fight against HIV/AIDS.

Economic and Social Council resolution 1996/47  
26 July 1996 Meeting 52 Adopted without vote  
Draft by Vice-President (E/1996/L.46), based on informal consultations on  
38-nation draft (E/1996/L.34); agenda item 9 (c).  
Meeting numbers. ESC 37, 45, 52.

## Malaria

In September 1996, the Secretary-General transmitted to the General Assembly a progress report [A/51/379] prepared by the WHO Director-General on preventive action and the struggle

against malaria in developing countries, particularly in Africa, as requested in Assembly resolution 50/128 [YUN 1995, p. 1255].

According to the report, malaria continued to be a serious health problem especially in developing countries and a major obstacle to their social and economic development. Nearly 25 per cent of all childhood deaths in Africa were attributable to malaria. Major contributing factors to the increase in the incidence of malaria were land degradation and deforestation. Military conflicts, civil unrest and movements of populations into malarious areas were also factors. The global estimate of malaria mortality and morbidity was from 1.5 million to 2.7 million deaths and from 300 million to 500 million sick annually. The problem was greatest in sub-Saharan Africa, which accounted for an estimated 90 per cent of the total cases. Almost all those cases were in the *Plasmodium-falciparum* form, the parasite species associated with acute severity and mortality.

The situation had worsened owing to increasing drug resistance and the growing number of epidemics. Chloroquine-resistant *Plasmodium-falciparum* was intensifying and spreading in Africa, and rapid development of resistance to sulfadoxine/pyrimethamine had been documented in Malawi and the United Republic of Tanzania. The cost of treating malaria with anti-malarial drugs other than chloroquine, amodiaquine and sulfonamide-pyrimethamine was prohibitive for the majority of the population in Africa. New drugs were developed to treat malaria, and research continued in the use of pesticide-impregnated bednets and the development of a vaccine. Recently malaria had reappeared in areas where it had been practically eradicated, such as Azerbaijan and Tajikistan, and epidemics were reported in areas where the disease had been well under control, such as Iraq and Turkey. Those epidemics were the result of deterioration of malaria prevention and control operations owing to military conflicts followed by economic crisis.

Within the UN system, the Global Malaria Control Strategy had been formulated by WHO and endorsed by the Ministerial Conference on Malaria in 1992 (Amsterdam, Netherlands) [YUN 1992, p. 1120] and by the General Assembly in resolution 49/135 [YUN 1994, p. 1129]. The strategy emphasized the strengthening of local and national capabilities to analyse the malaria situation; to plan, implement and evaluate control interventions; and to contribute to health development in the context of primary health care. UN organizations were urged to ensure technical assistance to malaria endemic countries, and to help develop realistic and affordable plans of action. The WHO Action Plan for Malaria Control continued to serve as the basic

document guiding international cooperation in malaria control for 1995-2000.

Preventive action at the national level included capacity-building, training and drug and vaccine development. The presence of a core group of health professionals in each malaria endemic country was considered a requirement for implementing national control programmes, and WHO had developed training materials and held international training courses for thousands of such professionals. WHO collaborated with UNDP and the World Bank in strengthening malaria programmes in a number of African countries. It helped prepare project proposals for submission to donors and provided technical and financial support. The funded activities included training of health workers at district level, production and distribution of health education materials, surveys to monitor efficacy of anti-malarial drugs and promotion of bednets impregnated with insecticide. A meeting on insecticide-impregnated materials was held at the WHO Regional Office for Africa in March. Results of studies on the use of bednets were reviewed and draft guidelines prepared on policy, technical, managerial and operational issues. Initial focus in implementation would be in six countries which had already incorporated that method in their malaria control plans. WHO, in cooperation with other organizations, provided technical and emergency assistance to countries/population groups facing epidemic/emergency situations. In 1996, WHO published guidelines concerning malaria control among refugees and displaced populations for use by organizations.

As to global policy developments, within the UN system of organizations, the Administrative Committee on Coordination launched in March 1996 the System-wide Special Initiative on Africa (see PART THREE, Chapter III) which, among other goals, aimed to strengthen the capacity of health systems and communities to reduce major causes of morbidity and mortality, including malaria, and to intensify coordination of activities between UN organizations for malaria control. Cooperation intensified between WHO and UNICEF in malaria control. In addition, the Director-General established a task force to review the WHO Malaria Prevention and Control Programme and to recommend how the Programme could be strengthened.

The report stated that, while the Action Plan for Malaria Control was being implemented and coordination in the area had improved, malaria control remained vastly underfunded despite a political commitment to malaria control and development of national capacities aimed at reduc-

ing the disease. The objective of reducing malaria mortality by the year 2000 by 20 per cent compared with 1995, in at least 75 per cent of affected countries, would be seriously jeopardized without funding. The report concluded that at the intergovernmental level, especially regionally and globally, the commitment to a coordinated approach for combating malaria needed to be strengthened. It suggested that the General Assembly could help in that process by confirming the priority of malaria control.

### **Disabled persons**

#### **Standard Rules on Equalization of Opportunities**

In December 1996, the Secretary-General transmitted to the General Assembly the final report [A/52/56] by Special Rapporteur Bengt Lindqvist (Sweden), who was appointed in 1994 [YUN 1994, p. 1130] to monitor implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which were adopted in 1993 [GA res. 48/96]. The Special Rapporteur had first reported in 1995 [YUN 1995, p. 1257]. The Secretary-General noted that the mandate of the Special Rapporteur would expire in 1997, and the Commission for Social Development, which monitored the Rules, would examine the possibility of either renewing the mandate, appointing a new Special Rapporteur or considering another monitoring mechanism, and make recommendations to the Economic and Social Council thereon. A key element in the monitoring exercise was a panel of experts, established by six major international NGOs in the disability field. The panel held its second meeting in June 1996, the first having been held in 1995 [YUN 1995, p. 1257], and discussed the outcome of a survey carried out by questionnaires (see below).

The final report emphasized recent activities, noting how widespread the Rules had become, and described UN actions to promote them. It highlighted the findings of a 1995-1996 survey carried out principally by questionnaires to which 83 Governments and 163 NGOs responded, providing information on 126 countries. The questionnaire covered general policy and legislation; accessibility to the physical environment and public information; organizations of persons with disabilities; coordination of work; education; and employment.

The Special Rapporteur described the Rules as very progressive and, in his view, no country had fully implemented them. Nonetheless, the Rules had been widely accepted and were being used as the main policy guidelines in disability by both

Governments and NGOs. Governments used the Rules as a source for new legislation, guidelines for national plans of action and a basis for evaluating policies and programmes. The survey showed that a majority of Governments (85 per cent of those providing information) indicated that the Rules had led to a rethinking of policies. Among NGOs, the Rules were being used for advocacy, for new initiatives and in training programmes. The results indicated that measures to make the Rules known needed to be strengthened at both the national and international levels. At the international level, the role of the UN Secretariat as focal point in support of the Rules' implementation should be enhanced, the report stated, and cooperation between the Secretariat and the specialized agencies in efforts to guide Member States in policy development should be better coordinated.

The most telling confirmation of success in disability policy would be the achievement of employment rates similar to those for the general population, but that did not occur in any country. The employment situation indicated that current policies failed to create equal job opportunities.

The Rules were a useful tool in efforts to achieve full participation and equality for disabled persons. While not legally binding, they suggested principles while allowing for measures to adjust to varying conditions in countries. However, there were also shortcomings—Governments had no obligation to provide information to the United Nations for monitoring, and consequently little was known about several countries. Other areas that needed to be addressed were human rights of persons with disabilities (see PART TWO, Chapter II), the child and gender perspective, and housing and shelter.

#### UN Voluntary Fund on Disability

During 1996, the United Nations Voluntary Fund on Disability appraised some 50 project proposals. It approved co-financing grants to 10 projects in the amount of \$207,600. Total expenditure on projects, from all sources, amounted to \$1,978,590. Two grants involved support from the Arab Gulf Programme for UN Development Organizations. Nine of the grants were implemented by NGOs in cooperation with the Government concerned.

#### Interagency coordination in health policy

In 1996, UNDP and UNFPA considered whether their joint Executive Board should become a member of the UNICEF/WHO Joint Committee on Health Policy (JCHP). UNFPA prepared a background note [DP/FPA/1996/5] on possible member-

ship, reviewing the operation of JCHP and examining the issues it had addressed and actions taken. Having identified some advantages of the UNDP/UNFPA Executive Board becoming a member, it was recommended that the Board initiate actions towards that end. In the report, the UNFPA Executive Director advocated for a high-level, intergovernmental advisory mechanism that could address health policy issues common to all three organizations and recommend collaborative action. Such a mechanism would ensure agreement and a common understanding and commitment to an overall health policy framework, which in turn would ensure that policy strategies were complementary, in harmony and had a synergistic effect, especially at the country level. Common policy advice would help Governments to build sustainable health systems.

The governing bodies of UNICEF, WHO and UNFPA had stressed the importance of close collaboration and recognized that WHO provided leadership in, and set overall health policy on, all matters relating to health in the UN system and that WHO had a primary responsibility to support countries in implementing their national health programmes. In the areas of child health and of reproductive health, the objectives of WHO, UNICEF and UNFPA converged in relation to goals for women and children. UNICEF and UNFPA supported many similar activities in the health area, most notably at the country level, and both drew upon the technical and policy guidance provided by WHO. Collaboration at the headquarters level had taken place through a joint WHO/UNICEF/UNFPA working group, which had had only limited success in addressing pertinent issues in health policy and in sharpening the focus of collaborative activities.

JCHP could recommend mutual actions and policy to the respective Executive Boards but did not have decision-making power. Its principal areas of interest focused on strengthening child health activities. Examples of past activities included setting measurable and achievable goals in health care for children and proposing childhood immunization policy.

A tripartite intergovernmental committee on health policy would provide the only venue where all three Executive Boards could discuss common health policy issues. It would sharpen the focus of collaborative activities in the areas of child and reproductive health and enhance inter-agency collaboration in achieving the health and related social goals of recent international conferences and summits, including the 1990 World Summit for Children [A/45/625] and the 1994 International Conference on Population and Development [YUN 1994, p. 955]. Another advantage would

be an improvement in efficiency and effectiveness in the use of programme resources by using existing field structures and technical expertise to plan, deliver and monitor child and reproductive health services. No significant costs would be involved.

At its first regular 1996 session, the UNDP/UNFPA Executive Board considered membership in JCHP and, by a decision of 28 March [E/1996/33 (dec. 96/17)], reaffirmed the need for close collaboration among UNICEF, WHO and UNFPA on matters of mutual interest, including issues relating to ICPD follow-up. It encouraged the UNFPA Executive Director to explore ways to further strengthen inter-agency coordination in the area of health policy and programming, in particular with UNICEF and WHO, in order to develop coordinated health policies and programmes, including reproductive health.

In September, the UNFPA Executive Director, reporting orally to the Executive Board on inter-agency coordination in health policy, cited examples of strengthened cooperation at the operational level and proposed that, in order to strengthen coordination at the policy and strategy level, the Executive Board should join JCHP. She noted that at its special session in May 1996, JCHP had taken up topics such as maternal health and mortality, adolescent health, reproductive health and HIV/AIDS, which were of direct relevance to UNFPA.

The Executive Board, by a decision of 13 September [E/1996/33 (dec. 96/17)], reaffirmed the need for close collaboration among UNICEF, WHO and UNFPA in health policy and programming, including reproductive health, and invited JCHP to ensure that UNFPA could participate in its meetings. The President of the Board was requested to ascertain the views of the Executive Boards of WHO and UNICEF on possible membership, and to take action to enable the UNFPA secretariat to participate as an observer in JCHP in January 1997. The UNFPA Executive Director was requested to report in 1997 on JCHP observations and to make recommendations on action needed for the Executive Board of UNDP/UNFPA to obtain full membership.

## Food and agriculture

### Food aid

#### World Food Programme

On 1 January 1996, the Executive Board of the World Food Programme (WFP) became the

decision-making body of the organization, having been reconstituted from the Committee on Food Aid Policies and Programmes (CFA), the body that had been responsible for intergovernmental supervision and direction of WFP, including matters of policy, administration, operations and financing. That action was made in accordance with parallel 1995 resolutions adopted by the Conference of the Food and Agriculture Organization of the United Nations (FAO) [YUN 1995, p. 1260] and the General Assembly [GA res. 50/8]. Another organizational change involving FAO and WFP was finalized in 1996. By **resolution** 50/227 of 24 May, the Assembly decided that the functions of the World Food Council would be absorbed by FAO and WFP, and consequently the Council was discontinued. In June 1996 [E/1996/73], the WFP Executive Board issued its annual report to the Economic and Social Council and the FAO Council on activities of CFA in 1995. By **decision** 1996/228 of 10 July, the Economic and Social Council took note of the report.

In 1996 [E/1997/34], the newly established 36-member Executive Board, elected by the Economic and Social Council and the FAO Council, held four sessions, all at WFP headquarters in Rome, as follows: the first regular session on 22 and 23 January, the second from 22 to 24 May and on 29 May, the annual session from 27 to 30 May and the third regular session from 21 to 24 October. The Board reviewed country strategy outlines (CSOs), country programmes (CPs) and projects. During the year, eight new CSOs were submitted to the Board for review and advice, bringing the number of CSOs considered by WFP's governing body to 22. The first four CPs (Bangladesh, Bolivia, India, Pakistan) were submitted to and approved by the Board; another 21 were planned or under preparation. The Board approved seven development projects and seven protracted relief operations, to assist 6.6 million people. A total of 726,500 tons of food was committed, at a cost of \$366 million. In addition, the Board was informed of six development projects, six emergency operations and seven protracted relief operations approved by the WFP Executive Director. Ten emergency operations were jointly approved by the Executive Director and the Director-General of FAO. A total of 988,500 tons of food, at a cost of \$542.3 million, assisting 12 million people, was committed for the 29 projects and operations.

Concerning policy issues, the Executive Board emphasized the importance of: ensuring that adequate resources were available, particularly for development activities but also for relief operations; continuing to focus on the poorest people in the neediest countries, particularly in coun-

tries emerging from disasters; developing further WFP partnerships with other UN agencies, bilateral donors, NGOs and local institutions; preserving the multilateral nature of WFP; giving greater importance to health and nutrition issues in WFP's development activities; and continuing its efforts in disaster prevention and preparedness.

Other matters considered by the Board included its methods of work and rules of procedure; the revision of WFP's General and Financial Regulations; WFP follow-up on the implementation of relevant General Assembly and Economic and Social Council resolutions; resource and financial matters; and WFP reform and revitalization measures.

#### WFP activities

During the year, WFP provided food to a total of 45.3 million people worldwide. With the support of its donors, the organization delivered 2.2 million tons of food aid to 84 countries at a cost of \$ 1.2 billion. Seventy-three per cent of the funds went to relief operations, with more than two thirds of the aid going to the Great Lakes region of Africa, Afghanistan, Angola, Iraq, Liberia, Sierra Leone and the nations of the former Yugoslavia.

#### Relief and rehabilitation activities

In 1996, WFP supported 57 relief operations worldwide, providing relief assistance to 24.6 million people, about the same number of beneficiaries as in 1995. Of the total, 14.8 million were reached through emergency operations and 9.8 million through protracted relief operations. Eighty-four per cent of the recipients were victims of man-made disasters; the balance were affected by natural disasters such as droughts, floods and crop failure. Of the total of 2.2 million tons of food aid delivered by WFP in 1996, 1.5 million tons went to relief activities.

**Africa.** Africa received the largest proportion of WFP relief aid, as WFP increasingly concentrated resources on the poorest people in the neediest countries. More than half of its assistance went to sub-Saharan Africa, much of it in the form of emergency food aid. The Great Lakes region received 18 per cent of all WFP relief food distributed in 1996, Liberia 9 per cent and Angola 7 per cent. Faced with the increasingly dramatic situation of refugees in the Great Lakes region (see PART ONE, Chapter II, and PART THREE, Chapters III and XII), WFP provided some 300,000 tons of food assistance to more than 2 million refugees in Burundi, Rwanda, Uganda, the United Republic of Tanzania and eastern Zaire during the year, often under complex and dangerous conditions. In the second half of 1996, a major humanitarian crisis arose with the outbreak of

conflict in eastern Zaire and the dispersal of hundreds of thousands of people from refugee camps. WFP assisted in efforts to assess the dispersed populations and distributed food rations in the towns of Goma and Bukavu in Zaire. When more than 1 million refugees from Burundi, the United Republic of Tanzania and Zaire returned to Rwanda, WFP provided high-energy biscuits to people on both sides of the borders and at strategic way stations within Rwanda. Once refugees reached their home villages, WFP provided them with two-month food packages. By November, the focus of the relief effort in Rwanda had shifted, and 65 per cent of the WFP programme there was devoted to rehabilitation and reconstruction.

In Monrovia, Liberia, fighting that had erupted in April halted demobilization and resettlement activities in the country and created new emergency needs. WFP had a leading role in humanitarian relief operations, providing emergency assistance to more than 1 million internally displaced persons and 400,000 refugees. Working with the Office of the United Nations High Commissioner for Refugees, NGOs and donors, WFP developed a strategy focused on saving lives and sustaining assistance to vulnerable groups. At the same time, it cut stores of food to the barest minimum to lessen the danger of expropriation and theft by armed gangs. Once stability returned to Liberia in November, WFP resumed efforts to help faction members, including child soldiers, readjust to civilian life.

In Angola, the emphasis was on long-term rehabilitation and resettlement. Programmes aimed at mine clearance, reconstruction and rehabilitation, raising agricultural output, improving nutrition and health and increasing food security. Beneficiaries were mostly returnees, displaced people and demobilized soldiers and their families, who received family rations for three months as they resettled.

Similar efforts were made in Mozambique where small farmers were able to produce again, but the economy was still suffering from the destruction of rural infrastructure as a result of many years of civil strife.

**Asia and the Pacific.** WFP provided emergency relief assistance to Asian and Pacific countries in 1996, especially to the Democratic People's Republic of Korea (DPRK), where a second year of flooding left agricultural land unproductive and damaged river embankments, irrigation systems, roads and bridges. WFP delivered some 18,200 tons of rice during the first half of 1996. In May, WFP and FAO issued a special alert, reporting that the food supply situation had deteriorated even more seriously than expected. WFP increased its assistance during the second half of the year,

providing 41,600 tons of food aid to 1.6 million flood victims, children under 5 years of age, participants in food-for-work projects in flood-damaged areas, and farmers and their families. Having established an office in Pyongyang in November 1995, WFP was able to monitor food aid deliveries and provide information on the food security situation. Despite relief efforts, an FAO/WFP assessment made in December 1996 of the crop and food supply situation found that the DPRK faced an overall food deficit of 2.3 million tons and that food could run out in June 1997.

#### **Mediterranean, Middle East and CIS region.**

Twenty-eight per cent of WFP's operational expenses were directed to the region of the Mediterranean, the Middle East and the Commonwealth of Independent States (CIS). The nations of the former Yugoslavia received 16 per cent of WFP's relief food in 1996, second only to the Great Lakes region. In 1996, WFP provided emergency rations to 2.6 million refugees, returnees, displaced persons and other vulnerable groups, most of them in Bosnia and Herzegovina.

With reports that health and nutrition had deteriorated throughout Iraq in 1996, WFP increased its emergency assistance to that country to cover 2.15 million people in vulnerable groups. Under a Memorandum of Understanding signed by the Government of Iraq and the United Nations in May 1996 (see PART ONE, Chapter IV), general procedures were laid out for implementing Security Council resolution 986 (1995) [YUN 1995, p. 475], which allowed for the sale of up to \$2 billion of Iraqi oil for a six-month period in exchange for its purchase of humanitarian items, including food, during a period when sanctions were imposed against the country. The oil-for-food arrangement was approved by the Secretary-General in July 1996, and WFP was given the responsibility of putting in place an observation system to assure the equity, efficiency and adequacy of food distribution to the Iraqi people on a countrywide basis. It also received food at selected hand-over points to transport and distribute to the populations in the three northern governorates.

In Afghanistan, WFP carried out rehabilitation activities for 1.2 million returnees and internally displaced persons, many of them war widows and orphans, in most of the country's war-affected communities. Under one programme, WFP supplied wheat flour to bakeries in urban areas, which then provided subsidized bread to some 350,000 people from the most vulnerable groups during the winter when bread was the mainstay of the diet. The proceeds were reinvested in the communities, mainly in programmes to teach trades to the handicapped, war widows and single heads of households. The fall of Kabul in Sep-

tember to the Taliban forces (see PART ONE, Chapter IV) and the restrictions they placed on women's activities outside their homes impaired WFP's rehabilitation work, most of which involved women and children. WFP's revised strategy in Afghanistan concentrated on humanitarian relief and life-sustaining rehabilitation activities in areas where both national and international WFP and NGO female staff were allowed to work and to monitor activities.

#### **Development activities**

By year's end, WFP had operational activities in 84 countries. The development portfolio comprised 174 projects, valued at \$ 1.9 billion and representing a total commitment of 5.5 million tons of food. WFP development assistance reached 20.7 million people—58 per cent through infrastructure, agricultural or rural development projects and 42 per cent through human resource development projects. Some 40 per cent of the beneficiaries were in sub-Saharan Africa (18.4 million), 31 per cent in Asia and the Pacific (14.3 million), 17 per cent in the Mediterranean, Middle East and CIS region (8.4 million), and 8 per cent in Latin America and the Caribbean (4 million).

Development projects in Asia and the Pacific, aimed at helping poor rural people to improve their food security, included self-help training and credit schemes for poor women in Bangladesh; helping rural communities in China, India and Nepal to implement local infrastructure and income-generating schemes; and nutrition and health programmes for targeted vulnerable groups in India and Viet Nam. In Viet Nam, food-for-work projects included rehabilitation of sea dikes that protected farm land from the effects of cyclones and permitted planting of high-yielding rice. Most of WFP assistance to Cambodia was for development of rural infrastructure, including such projects as mine clearing and repairing or building roads, irrigation canals, small dams, dikes and wells.

In Latin America and the Caribbean, WFP provided dietary assistance through interventions in primary health care and pre-school and primary education. Assistance for resettlement of war-affected people was provided in Nicaragua and Guatemala. In Haiti, food assistance was provided for young children in areas where there was evidence of malnutrition. In Peru, a watershed management project in the Andean highlands benefited more than 56,000 families.

#### **Resources and financing**

For the 1995-1996 biennium, pledges for WFP activities were received from 57 countries totalling \$829 million, which represented only 55 per

cent of the approved target of \$1.5 billion. The 1995-1996 figure confirmed the downward trend for development assistance experienced by WFP. For the 1997-1998 biennium, the target set was \$1.3 billion, a reduction made to adjust the pledging target to the prevailing situation in which some major donors were experiencing economic constraints and budgetary cutbacks, resulting in lower levels of assistance for development.

By a January note [E/1995/131/Add.1], the Secretary-General transmitted to the Economic and Social Council a report of the CFA Formal Working Group on resource options and long-term financing of WFP. The Working Group was set up in 1994 [YUN 1994, p. 1133] to analyse the causes of the financial situation, identify constraints to resource mobilization, make proposals regarding a long-term solution to the resourcing situation, and make recommendations regarding bilateral services. The Working Group noted that the secretariat had undertaken various initiatives designed to overcome constraints to full cost recovery, such as improved strategic and financial planning processes; increased staff capacity in key areas (follow-up of audit recommendations, oversight, cash management); improved information (cost study, resource tracking system); and improved procedures (responsibility in budgeting, delegation of authority, performance management systems). In addition, WFP had initiated the Financial Management Improvement Programme, a multi-year project which would redesign key processes within WFP and enhance information systems to support those processes. The Group recommended a resource model aimed at overcoming external constraints, providing more predictable, flexible resources and ensuring full cost recovery, while preserving the multilateral nature of WFP over the long term.

The proposed resource model consisted of three dimensions: funding windows, programme categories and costs. The funding windows were multilateral, directed multilateral and bilateral. The programme categories were development/rehabilitation/disaster preparedness (development), protracted relief operations, emergencies and special operations. The costs arising from each programme category would be calculated separately. In the case of a sudden emergency, WFP would "lend" development resources to the emergency, provided that pledges had been confirmed to reimburse the development activities.

The Economic and Social Council, by **decision 1996/213** of 9 February, took note of the Secretary-General's note on options for resource policies and long-term financing of WFP.

## Food security

### World Food Summit

The World Food Summit, convened by FAO (Rome, 13-17 November) [WFS 96/REP], adopted the Rome Declaration on World Food Security and a Plan of Action, which aimed at laying the foundation for diverse paths to a common objective—food security at the individual, household, national, regional and global levels. Of the 186 participating countries, 41 were represented at the level of head of State.

In the Declaration, the participating countries reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger. They pledged their commitment to eradicating hunger, with an immediate view to reducing the number of undernourished people to half the current level no later than 2015. Affirming that a peaceful and stable political, social and economic environment was essential to enable States to give priority to food security and poverty eradication, they stated that democracy, promotion and protection of human rights and fundamental freedoms, including the right to development, and the full and equal participation of men and women were essential for achieving sustainable food security for all.

The participants outlined seven commitments in the Declaration, and elaborated on specific objectives and actions to achieve those commitments in the Plan of Action. Those commitments were: to ensure an enabling political, social and economic environment designed to create conditions for the eradication of poverty; to implement policies aimed at eradicating poverty and inequality and improving access by all to nutritionally adequate food; to pursue participatory and sustainable food, agriculture, fisheries, forestry and rural development policies, which were viewed as essential to reliable food supplies; to ensure that food and trade policies were conducive to fostering food security through a fair and market-oriented world trade system; to endeavour to prevent and be prepared for natural disasters as well as man-made emergencies and to meet transitory requirements in ways that encouraged recovery and rehabilitation; to promote optimal allocation and use of investments to foster human resources, sustainable food, agriculture, fisheries and forestry systems, and rural development, in high- and low-potential areas; and to implement, monitor and follow-up the Plan of Action in cooperation with the international community.

In the Plan of Action, the participants recognized that Governments were responsible for cre-



ating an enabling environment for the attainment of sustainable food security. Poverty, hunger and malnutrition were some of the causes of migration from rural to urban areas in developing countries, and those problems needed to be addressed. Availability of enough food for all could be attained, the Plan of Action stated. It noted that harmful seasonal and inter-annual instability of food supplies could be reduced by minimizing vulnerability to, and the impact of, climate fluctuations and pests and diseases. To effect the timely transfer of supplies to deficit areas, use should be made of climate early-warning systems, transfer and utilization of appropriate agricultural (including livestock), fishery and forestry technologies, production and reliable trade, storage and financial mechanisms.

The follow-up to the World Food Summit included action at the national, intergovernmental and inter-agency levels. The FAO Committee on World Food Security would be responsible for monitoring the implementation of the Plan of Action.

### **Food and agricultural production**

In response to General Assembly resolution 49/103 [YUN 1994, p. 1135], the Secretary-General submitted a September report [A/51/431] on the use of freshwater resources for food and agricultural production, as well as the implications of the results of the Uruguay Round of multilateral trade negotiations, concluded in 1994 [YUN 1994, p. 1474], for food production, including agro-industrial products, and for global food security in developing countries.

Worldwide, almost 70 per cent of water consumption was used in agriculture. However, the share of agriculture was constantly declining due to rising demands from other sectors. Per capita water utilization varied widely between continents, from 1,692 cubic metres in North America to 244 cubic metres in Africa per year. In many irrigation systems, water was lost at every stage between the source and the crop, with losses in irrigation projects estimated at between 5 and 50 per cent. When annual internal renewable water resources were less than 1,000 cubic metres per capita, water availability was considered a severe constraint on socio-economic development and environmental protection. More than 230 million people living in 26 countries—11 in Africa and 9 in the Near East—fell into that category. By the end of the 1990s, water availability was expected to fall below 2,000 cubic metres per capita in more than 40 countries. Africa and Asia were showing signs of a decline in freshwater availability, and water quality was also deteriorating. In contrast, South America was well supplied. The development of

irrigated agriculture had provided most of the increase in production necessary to meet population demands during the previous four decades, and estimates suggested that the potential for irrigation expansion was considerable. Sustained production on both irrigated and rain-fed lands required optimal use of the physical environment in each soil-crop-climate ecosystem. In rain-fed areas, water conservation measures, such as fallow management, control of run-off and water harvesting, were of primary importance. Complementary practices included the selective development of high-yielding, drought-tolerant crop varieties; the efficient use of herbicides and fertilizers; crop rotation; and the use of optimal planting dates to maximize the probability of rainfall during critical periods of crop growth.

A growing need for measures to address urgent water problems that were often related to agricultural water uses, such as water scarcity and environmental degradation, had increased the demands for clear water policies and adequate institutional frameworks at the national level. FAO, together with UNDP and the World Bank and in collaboration with Governments, developed a methodology and published frameworks on approaches, processes and practices for water sector policy review at the national level. The purpose of the guides was to stimulate countries to undertake national water sector reviews; to elucidate water management measures available; and to promote national policy and legislative reform, planning and institutional development in the water sector. FAO established a programme on water-use efficiency, which focused on improving farm water management, improving irrigation scheme management, and assessing and disseminating intermediate water development techniques.

The report highlighted the problems arising from inappropriate soil and water management. Soil erosion, nutrient depletion, salinization and waterlogging all reduced productivity and jeopardized long-term sustainability. Understanding of the causes of those problems had increased and corrective measures were possible.

The Secretary-General concluded that population growth, migration and urbanization would continue to impact all aspects of development, including the demand for food. Water policies needed to be continually reviewed. The major challenge, however, was building capacity at all levels to achieve the efficient, highly productive management of water needed to secure sustainable, sufficient and low-priced food for the projected population.

Regarding the Final Act of the Uruguay Round of multilateral trade negotiations, by

which Governments agreed to fundamental reform and liberalization of world trade in agricultural products, the Secretary-General discussed its probable effects on global production of food and agricultural products, global food security, and the income and food import costs of developing countries. Studies attempting to quantify the impact of the Uruguay Round had yielded varying and not always compatible estimates, but quantitative studies suggested certain outcomes. It was expected that effects would include higher prices for affected agricultural products and shifts in production from subsidized production to competitive production, from which developing countries could benefit. The volume of trade would not rise significantly, and the net trade gains in the agricultural sector of some of the economically weaker developing countries were likely to be very small or even negative.

Trade liberalization was not likely to affect significantly the global availability of food because reduced output in high-cost countries would be generally replaced by increased output in other countries. The effect of trade liberalization on the stability of world food prices was uncertain. Provided domestic policies were in place to spread around the gains and/or to compensate the losers, trade liberalization could contribute to improving food security even though there might be problems of adjustment to the new trade regime. The difficulties that countries could face during the reform process had been recognized by the Uruguay Round and developing countries had been given special and differential treatment, mainly in the form of granting them longer periods to make adjustments and lower reduction commitments. The Secretary-General concluded that the Uruguay Round had many implications for national and international agricultural policy, which needed to be studied further to identify appropriate policy responses at both levels.

#### GENERAL ASSEMBLY ACTION

The General Assembly, by **decision 51/443** of 16 December, took note of the Secretary-General's report. Also on 16 December, it adopted **resolution 51/171**.

#### Food and sustainable agricultural development

The General Assembly,

Recalling its resolution 50/109 of 20 December 1995 and Economic and Social Council resolution 1995/1 of 10 February 1995,

Expressing deep concern at the widespread phenomenon of chronic undernourishment, in particular among women and children in the developing countries,

Expressing concern that the scarcity of freshwater in developing countries, in arid and semi-arid regions, has hampered development efforts, especially agricultural development, which is necessary for food security,

Reaffirming the right of everyone to have access to safe and nutritious food consistent with the right to adequate food and the fundamental right of everyone to be free from hunger,

Recognizing the contributions made by the major United Nations conferences of the 1990s to an international consensus on food security and related issues,

Recalling Economic and Social Council resolution 1996/36 of 26 July 1996 on follow-up to the major international United Nations conferences and summits, including the implementation of their respective programmes of action,

1. Welcomes the outcome of the World Food Summit, held at Rome from 13 to 17 November 1996;

2. Urges all members of the international community, as well as relevant bodies within the United Nations system, including international and regional financial institutions, to cooperate actively in a coordinated manner in the implementation of the World Food Summit Plan of Action adopted at the Summit;

3. Recommends that, at its special session for the purpose of an overall review and appraisal of the implementation of Agenda 21, the General Assembly give due attention to the follow-up to the World Food Summit Plan of Action;

4. Invites the Secretary-General to ensure that the Administrative Committee on Coordination decides on the inter-agency mechanism for the implementation of the World Food Summit Plan of Action and the incorporation of the mechanism into existing arrangements, and to report to the Economic and Social Council at its substantive session of 1997 in the context of Council resolution 1996/36;

5. Requests the Secretary-General to ensure that a coordinated follow-up at the field level to the World Food Summit is undertaken in the context of the resident coordinator system, taking into account the coordinated follow-up to United Nations major international conferences;

6. Also requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the World Food Summit Plan of Action, in the context of the follow-up to the major United Nations conferences of the 1990s, including the implementation of their respective programmes of action;

7. Reiterates its invitation to the Director-General of the Food and Agriculture Organization of the United Nations to submit to the General Assembly at its fifty-second session, through the Economic and Social Council, a report on the outcome of the World Food Summit, including actions to be taken to follow up the outcome of the Summit at all appropriate levels.

General Assembly resolution 51/171

16 December 1996      Meeting 86      Adopted without vote

Approved by Second Committee (A/51/603) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.47), based on informal consultations on draft by Costa Rica (for Group of 77 and China) and Colombia (for Non-Aligned Movement) (A/C.2/51/L.38); agenda item 95(b).

Meeting numbers. GA 51st session: 2nd Committee 16, 17, 27, 36, 37; plenary 86.

## Nutrition

### ACC activities

The Administrative Committee on Coordination (ACC) Subcommittee on Nutrition held its twenty-third session from 24 February to 1 March [ACC/1996/5], hosted by FAO at its regional office in Accra, Ghana. As part of the session, a symposium on the theme "Effective programmes in Africa for improving nutrition, including household food security, following the International Conference on Nutrition" [YUN 1992, p. 830] was held. Seven cross-cutting themes emerged from the presentation and discussion at the symposium which covered activities in different parts of Africa: community involvement and participation; capacity-building; the necessity of long-term investment; expanding small successes; the necessity of intersectoral and inter-agency collaboration and action; networking and regional cooperation; and advocacy and raising awareness on nutrition issues at all levels.

The Subcommittee, which served as a point of convergence and harmonization for nutrition policies and activities of the UN system, discussed preliminary results of analyses for the third Report on the World Nutrition Situation. The Technical Secretary stated that the two regions of greatest concern in regard to the prevalence and number of underweight children were sub-Saharan Africa, where there had been no improvement on average in the 1980s and an actual increase in prevalence between 1990 and 1995, and South Asia, which had the highest prevalence with little or no improvement seen from 1990 to 1995. Those trends had been corroborated by FAO reports.

The Subcommittee heard reports of its working groups, which presented results of their work on: the nutrition of refugees and displaced persons; household food security; nutrition education and behavioural change; nutrition and the school-age child; breastfeeding and complementary feeding; iodine deficiency disorders; iron, the most widespread nutritional deficiency; the control of vitamin-A deficiency; networks for research and training to improve nutrition programmes; and nutrition as a risk factor in the global burden of disease.

The Subcommittee proposed that its twenty-fourth session be held from 17 to 21 March 1997 in Asia, hosted by the UNICEF Regional Office for

South Asia in Kathmandu, Nepal. In March [ACC/1996/7], the ACC Consultative Committee on Programme and Operational Questions approved the agenda, date and venue of the Subcommittee's 1997 session.

### UNU activities

In 1996, the United Nations University (UNU), an autonomous academic institution within the UN system, continued its food and nutrition programme aimed at solving human nutrition problems, as reported by the UNU Council on its 1996 activities [E/1997/7]. The International Network of Food Data Systems (INFOODS) project, developed by UNU and FAO, came close to achieving its goal of involving every country in the world in its network of regional food composition databases. The project developed standards and guidelines for generating, reporting and complying with food composition data. It would provide countries with access to information on food's nutritional content.

Researchers working on the "Overcoming Critical Micro-nutrient Deficiencies" project determined that a weekly dose of iron supplement was adequate to prevent iron-deficiency anaemia, whereas earlier a daily supplement had been recommended. UNU, UNICEF and WHO worked together to solve iron-deficiency and Vitamin-A problems through sustained preventive measures that included dietary changes and food fortification. Researchers worked on the "International Dietary Energy Consulting Group" project to determine how much lysine (an important amino acid) adults required daily; preliminary results suggested that the daily requirement was double the amount recommended in a 1985 FAO/WHO/UNU amino acid project. The research was particularly important for assessing the predominately cereal-based diets found in many developing countries.

Another project, aimed at preventing the problem of energy and protein malnutrition, resulted in the publication of a report on under-nutrition and behavioural development in children, as well as a workshop in Louisiana, United States, on causes and consequences of intra-uterine growth retardation. UNU and the International Union of Nutritional Sciences organized a workshop on capacity-building for research and training in food and nutrition in developing countries in Manila, Philippines, at which participants reached a consensus on two issues: that future assistance should be directed at university food and nutrition departments; and that priority must go to African institutions.

## Chapter XIV

## International drug control

During 1996, the General Assembly renewed its commitment to further strengthening international cooperation and substantially increasing efforts against the cultivation for illegal purposes, illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances, including synthetic drugs, and to controlling and preventing the diversion of precursors and essential chemicals used in the illicit manufacture of narcotic and psychotropic substances.

The Assembly also decided that it would hold a special session on drug control in 1998. The Economic and Social Council's high-level segment in 1996 was devoted to international cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities.

A well-founded framework for government action and international cooperation to combat drug abuse continued to be provided by drug control treaties and the 1990 Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances. The United Nations International Drug Control Programme, established in 1991, continued to pursue subregional, regional and interregional cooperation between Governments to generate and strengthen the transnational political commitment essential to effective action to counter the drug problem. It supported comprehensive programmes dealing with different aspects of the global drug scourge, as well as advisory services through its technical cooperation programmes.

The International Narcotics Control Board continued to oversee the implementation of the three major international drug-control conventions and analysed the drug abuse situation worldwide, drawing attention to gaps and weaknesses in national control and treaty compliance, and assisting Governments in implementing treaty obligations.

The UN Commission on Narcotic Drugs—the Organization's main policy-making body on drug control matters—addressed a number of issues, primarily the reduction of both the demand and the supply of illicit drugs, and issues of illicit trafficking.

## International and regional cooperation

### Conventions

Central to the international control system of narcotic drugs are three global conventions: the 1961 Single Convention on Narcotic Drugs, [YUN 1961, p. 382] which, with some exceptions of detail, replaced earlier narcotics treaties and was amended in 1972 by a Protocol [YUN 1972, p. 397] intended to strengthen the role of the International Narcotics Control Board (INCB); the 1971 Convention on Psychotropic Substances [YUN 1971, p. 380]; and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [YUN 1988, p. 690], which entered into force in 1990.

As at 31 December 1996, 142 States were parties to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol. During the year, eight States—Bulgaria, Estonia, Gambia, the Russian Federation, Sao Tome and Principe, Switzerland, Turkmenistan and Yemen—became parties.

The Convention, as amended by the Protocol, established a dual drug-control obligation for Governments: to ensure adequate availability for narcotic drugs, including opiates, for medical and scientific purposes, while at the same time preventing the illicit production of, trafficking in and the use of such drugs. To implement those responsibilities, Governments enact laws and take administrative and enforcement measures. Each Government estimates annually the amount of narcotic drugs needed to satisfy all medical and scientific requirements in the country for the coming year. INCB evaluates, confirms and publishes the amount of narcotic drugs for each Government. Each Government may then manufacture or import narcotic drugs within that amount and distribute them to medical facilities for the treatment of patients. In case of unforeseen increases in medical demand, Governments may submit supplementary estimates to the Board at any time; requests for supplementary estimates are acted on expeditiously.

Under the Convention, INCB is responsible for ensuring that the supply of narcotic drugs for

licit purposes is limited to the amount required for medical and scientific needs. To prevent and detect diversion of drugs from licit to illicit channels, the Board monitors the cultivation, manufacture, import, export and consumption of such drugs throughout the world. If the treaty requirements for drug control are implemented consistently, the potential for diverting narcotic drugs to illicit channels is reduced to a minimum without interfering with their availability for treatment of patients who need them. Given the large number of national and international transactions, the number of incidents involving diversion of narcotic drugs is considered to be small.

The number of parties to the 1971 Convention on Psychotropic Substances stood at 147 as at 31 December 1996. Seven States became parties during the year: Estonia, the Gambia, Indonesia, Sao Tome and Principe, Switzerland, Turkmenistan and Yemen.

As at 31 December 1996, 138 States and the European Union (EU) were parties to the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Seventeen States—Belize, Botswana, Cuba, the Gambia, Hungary, Ireland, Lebanon, the Libyan Arab Jamahiriya, Malta, the Philippines, Sao Tome and Principe, Tajikistan, Tonga, Turkey, Turkmenistan, the United Republic of Tanzania and Yemen—became parties during 1996.

In April, the Commission on Narcotic Drugs urged [E/1996/27 (res. 3 (XXXIX))] all States to accede to the international drug-control treaties before the end of the United Nations Decade against Drug Abuse (1991-2000), proclaimed by the General Assembly in 1990. In its 1996 report, INCB noted with appreciation that the Secretary-General had sent letters to heads of States that had not ratified or acceded to the international drug-control conventions, encouraging them to do so. With regard to the 1971 Convention on Psychotropic Substances, the Board noted that Austria was the only highly industrialized State that had not become a party to the Convention. It took note of the April 1996 decision by the Government of Austria to accede to the Convention and urged the country to implement that decision and introduce an effective control system for all psychotropic substances. The Board welcomed the rapid growth of parties to the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and noted that all the States in the Americas were parties to the Convention.

To encourage adherence and implementation of the international drug-control treaties, the United Nations International Drug Control Pro-

gramme (UNDCP) continued to provide States with legal assistance.

As requested by the General Assembly in 1994, the Secretary-General, in September, presented a report [A/51/437] on implementation of the 1988 Convention. The report reviewed activities undertaken by UNDCP and recommendations by the Commission on Narcotic Drugs for the implementation of the Convention, as well as activities undertaken by the United Nations Department of Public Information to disseminate information about the Convention.

In a March note [E/CN.7/1996/17], the Secretariat on Maritime Cooperation presented a report on the implementation of the international drug-control treaties and UNDP action to assist States. It also summarized the discussions and recommendations of an expert group convened by UNDCP in February to consider and advise on training and other forms of technical cooperation needed to strengthen the capability of Governments to combat illicit drug trafficking by sea.

### International Narcotics Control Board

The International Narcotic Control Board met twice in 1996, for its sixtieth (13-24 May) and sixty-first (31 October-15 November) sessions. Its activities, observations and recommendations were reflected in its report for 1996 [E/INCB/1996/1].

The Economic and Social Council, by **decision** 1996/247 of 23 July, took note of the summary [E/1996/38] of the report of the Board for 1995.

In carrying out its responsibilities under the international conventions, the 13-member Board maintains a continuous dialogue with Governments. The information provided by Governments enables the Board to study the licit movement of narcotic drugs, thereby ensuring that the provisions of the drug conventions are strictly observed. That information, published annually by the Board, is used by Governments to verify whether or not they have adequately applied the conventions' provisions. In its annual report, the Board draws attention to gaps and weaknesses in national control and treaty compliance, and makes suggestions and recommendations for improvements at both national and international levels.

The Board also cooperates with UNDCP, of which its secretariat forms a part, and with international bodies concerned with drug control, including the Commission on Narcotic Drugs and UN specialized agencies, particularly the World Health Organization (WHO), and other international bodies such as the International Criminal Police Organization (Interpol) and the World Customs Organization (WCO).

On 6 November, UNDCP and WCO signed a memorandum of understanding establishing the basic principles of cooperation between the two organizations, aimed at enhancing the support provided to Governments in combating drug trafficking.

In 1996, the Board called on all Governments, when determining their national drug-control policies, to recognize the important contribution of criminal justice systems in preventing and controlling the illicit supply and consumption of drugs. The Board noted a significant increase in the amount of opiates, amphetamines, other psychotropic substances and cocaine seized in recent years, reflecting the increased efforts and resources devoted by many States to fighting the growing problem of illicit drug trafficking and drug abuse. Since 1980, global seizures of opiates had increased more than fivefold and seizures of cocaine had increased over tenfold.

Despite increased law enforcement efforts, illicit drug production, trafficking and abuse had expanded into regions not previously affected. A more strategic approach to tackling drug trafficking was needed to reduce supply more efficiently and to free the stretched resources of national criminal justice systems. The aim should be not only to arrest and try individuals suspected of having committed drug-related crimes, but also to disrupt the operations of entire drug trafficking gangs and eventually put them out of business. The report further addressed enhancing international cooperation against drug trafficking; strengthening national legislation; effective use of criminal justice systems; treatment of drug offenders; and professional training. It called on all Governments to address the problems faced by their criminal justice systems and to develop strategies and practical measures to make their systems more efficient. The impact that the criminal justice system could have on combating illicit trafficking and drug abuse justified Governments and the rest of the international community giving their full attention to those measures.

The Board concluded, among other things, that Governments should keep their laws under constant review to ensure compliance with the international drug-control conventions; adopt a more strategic approach to preventing and combating illicit trafficking, along with more severe penalties for serious offences, in order to disrupt the operations of trafficking groups; use legislation to target the investigation, prosecution and conviction of participants in organized trafficking groups, while balancing due process and democratic protections; and in the case of parties

to the 1988 Convention [YUN 1988, p. 690], should use the Convention as an extradition and mutual legal assistance treaty.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/20**.

#### **Strengthening of the role of the International Narcotics Control Board and development of a unified information system for the collection and analysis of data concerning the nature, patterns and trends of the global problem of drug abuse**

The Economic and Social Council,

Recalling General Assembly resolutions S-17/2 of 23 February 1990, 47/99 of 16 December 1992, 48/12 of 28 October 1993 and 50/148 of 21 December 1995, Economic and Social Council resolutions 1991/48 of 21 June 1991 and 1994/3 of 20 July 1994 and Commission on Narcotic Drugs resolutions 7(XXXVII) of 20 April 1994 on the role of the International Narcotics Control Board and 12(XXXVIII) of 23 March 1995 on scientific and technical cooperation in the control of drug abuse and illicit trafficking,

Reaffirming the global nature of the problem of drug abuse and the principles of shared responsibility and solidarity accepted by the international community that have characterized the action taken by the United Nations to deal with that problem,

Reaffirming also the principles of sovereignty, equality of States, non-intervention in internal affairs and territorial integrity as the basis for individual and collective action to deal with drug abuse,

Taking into account that, in order to achieve the objectives of the international drug control treaties, there must be effective international cooperation between countries in combating the illicit consumption, production, traffic and distribution and in controlling the licit manufacture and marketing of narcotic drugs, psychotropic substances and precursors, as well as in preventing their diversion,

Concerned about the increasing magnitude and extent of the drug problem worldwide and the fact that the international community needs a comprehensive, dynamic and continuously updated statistical system which would enable it to monitor global illicit demand, supply, traffic and distribution of drugs, whether of plant origin or synthetic, and the diversion of chemical substances that are frequently used in the illicit manufacture of such drugs, as well as the trends in, and evolution of, the situation, and which would assist the International Narcotics Control Board and the United Nations International Drug Control Programme in their periodic analysis of the problem and in preparing recommendations,

Considering that, in the context of the globalization of the drug problem and the principle of shared responsibility, the International Narcotics Control Board is the competent independent international authority, as specified in the international drug control treaties, for the evaluation, in an objective and balanced manner, of the efforts of States to facilitate the consolidation of a worldwide policy on drug control and the development of effective international cooperation,

Acknowledging the fundamental role of the Board as the control organ, recognized as such by the international community, for restricting the cultivation, production, manufacture and use of narcotic drugs and psychotropic substances to medical and scientific needs and also for preventing the illicit cultivation, production, manufacture, traffic and use of such substances, in accordance with the Convention on Psychotropic Substances of 1971, the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and other relevant instruments,

Highlighting the work done by the Board to achieve the objectives set out in the international drug control treaties, by indicating the gaps and deficiencies in the control system and recommending solutions to improve control nationally and internationally, including the strengthening of international cooperation,

Noting the Report of the International Narcotics Control Board for 1995 and Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1995 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

1. Encourages the International Narcotics Control Board to continue to ensure the more effective implementation of the international drug control treaties, and in so doing, to evaluate the global drug problem and to cooperate with Governments in an ongoing dialogue;

2. Invites the Board, when monitoring the implementation of the international drug control conventions, also to take into account the related elements of the Global Programme of Action adopted by the General Assembly at its seventeenth special session, on 23 February 1990;

3. Requests States that have not already done so to accede to the international drug control treaties and to adopt the necessary measures to ensure their implementation and the strengthening of international cooperation;

4. Encourages the Executive Director of the United Nations International Drug Control Programme to support the Board in its efforts to hold periodic consultations with Governments and to provide the Board with information on progress achieved and deficiencies noted in programmes to reduce the illicit demand for and supply of narcotic drugs and psychotropic substances, as well as in control measures governing their transit, in order to focus efforts and to promote the development of a more effective global drug-control strategy;

5. Requests the Executive Director to report to the Commission on Narcotic Drugs at its fortieth session on current efforts to collect and analyse information on the nature and patterns of, and trends in the illicit consumption, cultivation, manufacture, traffic and distribution of drugs, whether of natural or synthetic origin, to improve the formulation of prevention and control policies both nationally and internationally in those fields, to enhance public awareness of the international drug control situation and to ensure that the activities of the Programme are based on comprehensive

and relevant information and knowledge, with a view to unifying and simplifying the collection system for use by the Governments and the Programme, including the Board;

6. Also requests the Executive Director, when presenting the report referred to in paragraph 5 above, to take into account the experience gained by other information networks and the knowledge developed in this field by other international agencies and governmental and non-governmental organizations;

7. Further requests the Executive Director, in consultation with the Board, to present the information needs of the Programme, including the Board, to the Commission at its fortieth session;

8. Encourages the Board to intensify its programme of country missions, the objective of which is to monitor the implementation of the international drug control conventions, with the agreement of Governments, in order to gain a more comprehensive and direct awareness of the drug-control policies and programmes being carried out in the countries concerned, as well as to improve consultation with the national drug control authorities;

9. Requests the General Assembly to allocate sufficient resources, within the regular budget, to enable the Board to carry out the functions assigned to it, in accordance with the international drug control conventions;

10. Requests the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions to take note of the present resolution when considering programme 17 (International drug control) of the medium-term plan for the period 1998-2001.

Economic and Social Council resolution 1996/20

23 July 1996

Meeting 45

Adopted without vote

Draft by Commission on Narcotic Drugs (E/1996/27); agenda item 5 (h).

## United Nations action

### High-level segment of the Economic and Social Council

In accordance with **decision 1996/202 of 9** February, the Economic and Social Council held its high-level segment in New York (24-27 June), the theme of which was international cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities. It included a high-level policy dialogue on major issues in the world economy between the Council, the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) and representatives of the World Bank and the International Monetary Fund (IMF). The Council noted with regret the absence of a representative of the World Trade Organization (WTO).

The Council had before it the June report [E/1996/57] of the Secretary-General on international cooperation against the illicit production,

sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities. The Secretary-General described the economic dimensions of illicit drug production, trafficking and abuse; the social impact of drug abuse; and the global dimensions of drug abuse and trafficking. The report provided an overview of the extent of drug trafficking and abuse worldwide, as well as links to the problems of organized crime and money-laundering. It also reviewed critical issues facing the international community in its fight against drug abuse and illicit trafficking; focused on the threat to the world economy posed by international drug trafficking and the impact of drug abuse on societies; recommended action to improve international cooperation in drug control; and examined the work of the United Nations in this field.

The Secretary-General stated that a true sense of global ownership of and participation in UNDCP could be ensured only if more countries assumed greater responsibility for funding the essential elements of the UNDCP mandate. He suggested that the Council might wish to recommend that all States in a position to do so implement a 1996 Commission on Narcotic Drugs resolution [10(XXXIX)] which supported the proposal by UNDCP's Executive Director to extend the basis of the financing system to a much broader group of contributing States.

Summarizing the high-level segment, the Council President, in a July report [E/1996/89], stated that the policy dialogue with UNCTAD, the World Bank and IMF focused on trends in the world economy, the issue of globalization, trade, debt, resource flows, and cooperation and coordination within the UN system. It emphasized the need for a comprehensive and multidimensional approach to drug abuse control and the need to integrate the problem in the national and global policy agenda. The report also summarized the high-level segment's debate on international cooperation against illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities.

In its conclusions, the high-level segment confirmed the high priority assigned by States to international drug control; reaffirmed the commitment to retain drug control as one of the top priorities of the UN medium-term plan for the period 1998-2001; and reconfirmed the leadership and coordination role of UNDCP, especially within the UN system, and the provision to UNDCP of the resources required to fulfil its leadership and coordination function. The conclusions also supported improvement and enhancement of the intergovernmental system for

evaluating the implementation of the drug control instruments; mobilization and forging of strong partnerships with all actors of civil society, particularly non-governmental organizations (NGOs), community-based and sports organizations and associations and the private sector; and adoption of national drug-control master plans.

#### **Preparation for special session of General Assembly on drug control**

In 1996, consideration of a special General Assembly session on drug control continued, with action taken by the Economic and Social Council and the General Assembly.

A February report [E/CN.7/1996/3] of the Executive Director of UNDCP discussed the implementation of General Assembly resolution 48/12 [YUN 1993, p. 1095] on strengthening international cooperation against illicit drug production, trafficking and demand. Recommendations related to the functioning of the international drug-control treaties, intergovernmental review of drug-control matters, activities of UNDCP and action by States.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 23 July, the Economic and Social Council adopted **resolution 1996/17**.

#### **Special session of the General Assembly devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities**

The Economic and Social Council,

Recalling Commission on Narcotic Drugs resolution 13(XXXVIII) of 23 March 1995, in which the Commission decided to keep under consideration the proposal for the convening of an international conference to review progress made by Governments and the United Nations system in combating drug abuse and illicit trafficking,

Recalling its resolution 1995/40 of 27 July 1995, in which it recommended that the General Assembly and the Commission give priority consideration to the proposal to convene an international conference for the purpose of evaluating the international situation and the status of international cooperation against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities,

Taking into account General Assembly resolution 50/148 of 21 December 1995, in section IV of which the Assembly requested the Commission on Narcotic Drugs to discuss the proposal to hold a second international conference on drug abuse and illicit trafficking fully, as a matter of priority, at its thirty-ninth session, and to present its conclusions and suggestions through the Economic and Social Council to the Assembly at its fifty-first session,

Having considered the report of the Executive Director of the United Nations International Drug Control



Programme containing recommendations regarding the implementation by the Commission of General Assembly resolution 48/12 of 28 October 1993, as requested in paragraph 7 of its resolution 13(XXXVIII),

Having considered drug-control issues at its high-level segment of 1996 and having stressed the need for the United Nations International Drug Control Programme to take a leadership role in reaffirming the political commitment to the present resolution,

Conscious of the role of the Commission on Narcotic Drugs as the principal United Nations policy-making body on drug-control issues,

Reaffirming the leadership role of the Programme as the main focus for concerted international action for drug abuse control and as international coordinator for drug-control activities, especially within the United Nations system,

Fully sharing the deep concern expressed by the General Assembly in its resolution 50/148 about the magnitude of the rising trend in all manifestations of the drug problem despite the efforts of the international community,

Noting that in resolution 50/148 the General Assembly once again renewed its commitment to further strengthening international cooperation and substantially increasing efforts against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances, based on the principle of shared responsibility and taking into account the experience gained,

Noting with satisfaction the support expressed in several regional and international conferences and meetings for the convening of an international conference to strengthen international cooperation against the scourge of drug abuse and illicit trafficking,

Taking into account the opinions expressed by different Governments regarding the proposal to convene an international conference for that purpose,

Fully taking into account the fact that the General Assembly, in its resolution 50/148, stressed, *inter alia*, that when considering the proposal for holding an international conference, the Commission should take into account international drug-control priorities as well as ways and means to increase the implementation of existing international conventions and other international instruments for cooperation on drug control,

Stressing the importance of the General Assembly as the most democratic and representative organ of the United Nations, and, in this context, of the role that it is called upon to play in addressing global and interdependent questions of universal concern,

Convinced that the holding of a special session of the General Assembly devoted to the strengthening of international cooperation against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities could make a significant contribution to the effectiveness of the actions of the United Nations and its Member States in the fight against this global threat,

1. Decides to recommend that the General Assembly convene a special session in order to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, and to propose new strategies, methods, practical activities and specific

measures to strengthen international cooperation in addressing the problem of illicit drugs;

2. Recommends that the General Assembly, at its special session devoted to assessing the existing situation, within the framework of a comprehensive and balanced approach that includes all aspects of the problem, with a view to strengthening international cooperation to address the problem of illicit drugs, and within the framework of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and other relevant conventions and international instruments, should have the following objectives:

(a) To promote the adherence to and full implementation by all States of the Convention of 1988, the Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971;

(b) To adopt measures to increase international cooperation to contribute to the application of the law;

(c) To adopt measures to avoid the diversion of chemicals used in illicit drug production, and to strengthen control of the production of and traffic in stimulants and their precursors;

(d) To adopt and promote drug abuse control programmes and policies and other measures, including those at the international level, to reduce the illicit demand for drugs;

(e) To adopt measures to prevent and sanction money-laundering, in order to implement the Convention of 1988;

(f) To encourage international cooperation to develop programmes of eradication of illicit crops and to promote alternative development programmes;

(g) To adopt measures to strengthen coordination within the United Nations system in the fight against drug trafficking and related organized crime, against terrorist groups engaged in drug trafficking and against illicit arms trade;

3. Also recommends that the General Assembly, at its special session, review its resolution S-17/2 of 23 February 1990, in particular the progress made in implementing the Global Programme of Action annexed thereto;

4. Further recommends that the General Assembly, at its special session, address the issues on the basis of the principle of shared responsibility and with full respect for the principles enshrined in the Charter of the United Nations and international law, particularly respect for the sovereignty and territorial integrity of States;

5. Decides to propose that the special session of the General Assembly be held for three days in 1998, immediately after all the necessary preparatory work has been done to ensure its success and ten years after the adoption of the Convention of 1988;

6. Requests that the Commission on Narcotic Drugs act as the preparatory body for the special session of the General Assembly, open to the participation of all States Members of the United Nations and of observers, in accordance with established practices;

7. Encourages the participation of developing countries and assistance to the least developed countries, in order to work actively towards the attainment of the objectives and goals of the special session;

8. Requests that the Commission on Narcotic Drugs, in its capacity as preparatory body for the special ses-

sion, be mandated to present proposals, through the Economic and Social Council, for consideration by the Assembly regarding all organizational matters, including the agenda, dates, expected outcomes and other issues relevant to the successful preparations for, outcome of and follow-up to the special session;

9. Recommends that the preparatory process for the special session be funded through the regular budget of the United Nations, bearing in mind the need to keep the financial costs to a minimum, and that Governments be invited to make extrabudgetary contributions to meet those costs;

10. Recommends also that organs, organizations and the specialized agencies of the United Nations system, as well as multilateral development banks, contribute fully to the preparations for the special session of the General Assembly, in particular by submitting to the Commission on Narcotic Drugs, through the Executive Director of the United Nations International Drug Control Programme, concrete recommendations on the issues to be addressed by the Assembly at that session;

11. Requests the Secretary-General to submit to the General Assembly at its fifty-first session a report containing recommendations on the possible outcome of and organizational matters relating to the proposed special session of the General Assembly.

Economic and Social Council resolution 1996/17  
23 July 1996 Meeting 45 Adopted without vote  
Draft by Commission on Narcotic Drugs (E/1996/27); agenda item 5 (h).

**Report of Secretary-General.** Pursuant to the Council's request, the Secretary-General, in October, presented a report [A/51/469] on preparations for and possible outcome of a special session of the General Assembly on international drug control. The Secretary-General discussed the possible outcome of a special session and its contribution to the effectiveness of international efforts to combat drug abuse and illicit trafficking. He illustrated measures to strengthen international cooperation against drug abuse and illicit trafficking that could emerge from the special session. The Secretary-General provided an outline of preparatory work necessary to achieve the desired outcome, as well as proposals for the draft provisional agenda and a work plan for the sessions of the preparatory body.

The Secretary-General stated that high-level discussion of drug control issues could result in Governments reaffirming the political importance of drug control and in Member States renewing their commitment to the fight against drug abuse and illicit trafficking. The special session would present an opportunity to review and assess the current status of international drug control and could lead to the adoption of practical measures to strengthen the effectiveness of international action against drug abuse and illicit trafficking. He discussed the possible outcome of the special session in terms of its impact on: re-

viewing international drug-control instruments; preventing diversion of chemicals used in the illicit manufacture of drugs; strengthening measures against the abuse of and trafficking in stimulants; reduction of the illicit demand for drugs; preventing and taking action against money-laundering; eradication of illicit crops and alternative development; judicial cooperation; coordination in the fight against drug trafficking and related organized crime against terrorist groups engaged in drug trafficking and against illicit arms trade; and strengthening of UN drug-control machinery.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/64**.

#### **International action to combat drug abuse and illicit production and trafficking**

The General Assembly,

Recalling its resolutions 49/168 of 23 December 1994 and 50/148 of 21 December 1995,

Gravely concerned that, despite increased efforts by States and relevant international organizations, there is a global expansion of illicit demand for, production of and trafficking in narcotic drugs and psychotropic substances, including synthetic and designer drugs, which threatens the health, safety and well-being of millions of persons, in particular young people, in all countries, as well as the political and socio-economic systems and the stability, national security and sovereignty of an increasing number of States,

Deeply alarmed by the growing violence and economic power of criminal organizations and terrorist groups engaged in drug trafficking activities and other criminal activities, such as money-laundering and illicit traffic of arms and precursors and essential chemicals, and by the increasing transnational links between them, and recognizing that enhanced international cooperation and effective strategies are required to achieve results against all forms of transnational criminal activities,

Convinced of the desirability of closer coordination and cooperation among States in combating drug-related crimes, such as terrorism, illicit arms trade and money-laundering, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Fully aware that States, the relevant organizations of the United Nations system and multilateral development banks need to accord a higher priority to dealing with this scourge, which undermines development, economic and political stability and democratic institutions, and the combat against which entails increasing economic costs for Governments and the irreparable loss of human lives,

Reaffirming and stressing the need for increased efforts to implement the comprehensive framework for international cooperation in drug control provided by the existing drug control conventions, the Declaration of the International Conference on Drug Abuse and Illicit Trafficking and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Con-

trol, the Political Declaration and Global Programme of Action adopted by the General Assembly at its seventeenth special session devoted to the question of international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic and psychotropic substances, the Declaration adopted by the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, the United Nations System-wide Action Plan on Drug Abuse Control, the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and other relevant international standards,

Recognizing the efforts of countries that produce narcotic drugs for scientific, medicinal and therapeutic uses to prevent the diversion of such substances to illicit markets and to maintain production at a level consistent with licit demand in line with the Single Convention on Narcotic Drugs of 1961,

Convinced that civil society, including non-governmental organizations, can make an effective contribution to address the illicit drug problem,

Acknowledging that there are links, under certain circumstances, between poverty and the increase in the illicit production of and trafficking in narcotic drugs and psychotropic substances and that the promotion of the economic development of countries affected by the illicit drug trade requires appropriate measures, including strengthened international cooperation in support of alternative and sustainable development activities in the affected areas of those countries, which have as their objectives the reduction and elimination of illicit drug production,

Stressing that respect for human rights is and must be an essential component of measures taken to address the drug problem,

Emphasizing the need for an analysis of transit routes used by drug traffickers, which are constantly changing and expanding to include a growing number of countries and regions in all parts of the world,

Underlining the role of the Commission on Narcotic Drugs as the principal United Nations policy-making body on drug control issues, the leadership role and commendable work of the United Nations International Drug Control Programme as the main focus for concerted international action and the important role of the International Narcotics Control Board as an independent monitoring authority as set out in the international drug control treaties,

Recalling the important and central role of relevant United Nations bodies in evaluating the implementation by States parties of their obligations under the United Nations drug control treaties, as set out in those treaties,

Convinced that the holding of a special session of the General Assembly devoted to the strengthening of international cooperation against the illicit production, sale, demand, trafficking and distribution of narcotic drugs and psychotropic substances and related activities could make a significant contribution to the effectiveness of the United Nations and its Member States in the fight against this global problem,

## I

Respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit production and trafficking

1. Reaffirms that the fight against drug abuse and illicit trafficking must be carried out in full conformity with the purposes and principles enshrined in the Charter of the United Nations and international law, particularly respect for the sovereignty and territorial integrity of States and the non-use of force or the threat of force in international relations;

2. Calls upon all States to intensify their actions to promote effective cooperation in the efforts to combat drug abuse and illicit trafficking, so as to contribute to a climate conducive to achieving this end, on the basis of the principles of equal rights and mutual respect;

## II

International action to combat drug abuse and illicit production and trafficking

1. Renews its commitment to further strengthening international cooperation and substantially increasing efforts against the cultivation for illegal purposes, illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances, including synthetic drugs, and to controlling and preventing the diversion of precursors and essential chemicals used in the illicit manufacture of narcotic and psychotropic substances, in accordance with obligations of States under the United Nations drug control conventions, based on the principle of shared responsibility and taking into account experience gained;

2. Urges all States to ratify or accede to and implement all the provisions of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

3. Calls upon all States to adopt adequate national laws and regulations, to strengthen national judicial systems and to carry out effective drug control activities in cooperation with other States in accordance with those international instruments;

4. Requests the United Nations International Drug Control Programme:

(a) To continue to support the focus on regional, subregional and national strategies for drug abuse control, particularly the master-plan approach, and to complement those strategies with effective interregional strategies;

(b) To seek to strengthen the dialogue and cooperation with multilateral development banks so that they might undertake lending and programming activities related to drug control in interested and affected countries and to inform the Commission on Narcotic Drugs on further progress made in this area;

(c) To continue to provide legal assistance to Member States that request it in adjusting their national laws, policies and infrastructures to implement the international drug control conventions, as well as assistance in training personnel responsible for applying the new laws;

(d) To continue providing assistance to Member States requesting support in establishing or strengthening national drug detection laboratories;

(e) To continue to include in its report on illicit traffic in drugs an assessment of worldwide trends in illicit traffic and transit in narcotic drugs and psychotropic substances, including methods and routes used, and to recommend ways and means for improving the capacity of States along those routes to deal with all aspects of the drug problem;

5. Reaffirms the danger and threat posed to civil society by drug trafficking and its links to terrorism, transnational crime, money-laundering and the arms trade, and encourages Governments to deal with this threat and to cooperate to prevent the channelling of funds to and between those engaged in such activities;

6. Acknowledges that there are links between the illicit production of, demand for and traffic in narcotic drugs and psychotropic substances and the economic and social conditions in the affected countries and that there are differences and diversity in the problems of each country;

7. Calls upon the international community to provide increased economic and technical support to Governments that request it for programmes of alternative and sustainable development, which have as their objectives the reduction and elimination of illicit drug production and which take fully into account the cultural traditions of peoples;

8. Recalls that the World Programme of Action for Youth to the Year 2000 and Beyond, adopted by the General Assembly on 14 December 1995, stresses the importance of participation of youth organizations and youth in decision-making processes, in particular in relation to demand reduction programmes for illicit drugs;

9. Stresses the need for effective government action to prevent the diversion to illicit markets of precursors and essential chemicals, materials and equipment used in the illicit manufacture of narcotic drugs and psychotropic substances;

10. Commends the International Narcotics Control Board for its valuable work in monitoring the production and distribution of narcotic drugs and psychotropic substances so as to limit their use to medical and scientific purposes, and urges increased efforts to implement its mandate under article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 concerning the monitoring of the movement of precursors and essential chemicals;

11. Notes that the International Narcotics Control Board needs sufficient resources to carry out its mandate, including under article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and therefore urges Member States to commit themselves in a common effort to assign adequate and sufficient budgetary resources to the International Narcotics Control Board, in accordance with Economic and Social Council resolution 1996/20 of 23 July 1996;

12. Calls upon States to increase efforts, with international cooperation, to reduce and eliminate illegal crops from which narcotics are obtained, as well as to prevent and reduce the demand for and the consumption of illicit drugs, in accordance with their obligations under the Single Convention on Narcotic Drugs of 1961 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

13. Underlines the need for Governments, with international cooperation, to increase and implement alternative development programmes with the objective of reducing and eliminating the production of illicit drugs, taking into account the economic, social, cultural, political and environmental aspects of the area concerned;

14. Emphasizes the need to maintain the capacity of the International Narcotics Control Board, including through the provision of appropriate means by the Secretary-General, within existing resources, and adequate technical support by the United Nations International Drug Control Programme;

15. Reaffirms the importance of achieving the objectives of the United Nations Decade against Drug Abuse 1991-2000, under the theme "A global response to a global challenge", by Member States, the United Nations International Drug Control Programme and the United Nations system;

16. Calls upon Member States to continue to cooperate with the United Nations International Drug Control Programme by providing relevant information and their views on the draft declaration on the guiding principles of demand reduction being developed by the Executive Director of the United Nations International Drug Control Programme in consultation with Member States, with due regard to the linkages between demand and supply reduction activities, and reaffirms the importance of Economic and Social Council resolutions 1996/18 of 23 July 1996 on the draft declaration on the guiding principles of demand reduction and 1995/16 of 24 July 1995 on integration of demand reduction initiatives into a cohesive strategy to combat drug abuse;

17. Welcomes Economic and Social Council resolution 1996/29 of 24 July 1996 on action to strengthen international cooperation to control precursors and their substitutes used in the illicit manufacture of controlled substances, in particular amphetamine-type stimulants, and to prevent their diversion, and calls upon Member States to strengthen their efforts to control precursors and their substitutes in cooperation with the International Narcotics Control Board;

18. Welcomes with satisfaction resolution 5 (XXXVIII) of the Commission on Narcotic Drugs on strategies for illicit supply reduction, reaffirming the need to apply effective strategies for supply reduction, based on the implementation of plans and programmes for alternative development, which have as their objectives the reduction and elimination of illicit drug production;

19. Stresses the importance of the high-level segment of the 1996 session of the Economic and Social Council, at which Member States reaffirmed their political will and commitment to adopt concrete actions for enhanced international cooperation at all levels;

### III

#### Global Programme of Action

1. Reaffirms the importance of the Global Programme of Action as a comprehensive framework for national, regional and international action to combat illicit production of, demand for and trafficking in narcotic drugs and psychotropic substances;

2. Calls upon States to implement the mandates and recommendations of the Global Programme of Action, with a view to translating it into practical action for

drug abuse control at the national, regional and international levels;

3. Urges all Governments and competent regional organizations to develop a balanced approach within the framework of comprehensive demand reduction activities, giving adequate priority to prevention, treatment, research, social reintegration and training in the context of national strategic plans to combat drug abuse;

4. Calls upon the relevant United Nations bodies, the specialized agencies, the international financial institutions and other concerned intergovernmental organizations and all actors of civil society, notably non-governmental organizations, community-based organizations, sports associations and the private sector, to co-operate with and assist States in their efforts to promote and implement the Global Programme of Action;

5. Welcomes the efforts made by the Commission on Narcotic Drugs and the United Nations International Drug Control Programme to facilitate reporting by Governments on the implementation of the Global Programme of Action, and encourages them to pursue those efforts so as to increase the number of Governments that respond;

6. Notes the efforts being made by the United Nations International Drug Control Programme and other United Nations bodies to obtain reliable data on drug abuse and illicit trafficking, including the development of the International Drug Abuse Assessment System, encourages the Programme, in cooperation with other United Nations bodies, to take further steps to facilitate the efficient collection of data so as to avoid duplication of effort, and encourages also the increased and timely provision of updated information by Member States;

7. Takes note of Economic and Social Council resolution 1996/20 of 23 July 1996 on strengthening of the role of the International Narcotics Control Board and development of a unified information system for the collection and analysis of data concerning the nature, patterns and trends of the global problem of drug abuse;

8. Invites the United Nations International Drug Control Programme to consider ways of providing assistance to Member States that request it in their efforts to establish appropriate mechanisms to collect and analyse data and to seek voluntary resources for this purpose;

9. Underlines the importance of precise and reliable information on the impact of the drug problem on the world economy;

10. Calls upon Member States to continue to make efforts to provide systematic, precise and updated information to the United Nations International Drug Control Programme on the various ways in which the drug problem affects their economies;

#### IV

Special session of the General Assembly devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities

1. Welcomes Economic and Social Council resolution 1996/17 of 23 July 1996, and notes with satisfaction the support expressed at the high-level segment of the Economic and Social Council of 1996 for the proposal to

convene a special session of the General Assembly in 1998;

2. Decides to convene a special session in order to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities and to propose new strategies, methods, practical activities and specific measures to strengthen international co-operation in addressing the problem of illicit drugs;

3. Stresses that the special session should, as noted in Economic and Social Council resolution 1996/17, be devoted to assessing the existing situation within the framework of a comprehensive and balanced approach that includes all aspects of the problem, with a view to strengthening international cooperation to address the problem of illicit drugs within the framework of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and other relevant conventions and international instruments;

4. Reaffirms that, at its special session, it will address the issues on the basis of the principle of shared responsibility and with full respect for the principles enshrined in the Charter of the United Nations and international law, particularly respect for the sovereignty and territorial integrity of States;

5. Decides that the special session will be held for three days in June 1998, immediately after all the necessary preparatory work has been done to ensure its success and ten years after the adoption of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

6. Decides also that the Commission on Narcotic Drugs should act as the preparatory body for the special session of the General Assembly and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations and members of specialized agencies and observers, in accordance with established practice;

7. Invites the Commission on Narcotic Drugs to take appropriate measures to prepare for the special session, as early as possible, including the possibility of establishing working groups;

8. Notes with appreciation the initiatives by Member States aimed at providing input to the Commission on Narcotic Drugs in its capacity as a preparatory forum for the special session, including the convening of groups of high-level governmental experts;

9. Recognizes the important role played by non-governmental organizations in the implementation of the Global Programme of Action contained in the annex to resolution S-17/2 of 23 February 1990, and recognizes the need for their active involvement in preparations for the special session in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996, as well as the need to ensure appropriate arrangements for their contribution during the special session;

10. Decides that the preparatory process for the special session of the General Assembly should be funded through the regular budget of the United Nations, bearing in mind the need to keep financial costs to a minimum, and that Governments should be invited to make extrabudgetary contributions to meet those costs;

11. Decides also that, as recommended by the Economic and Social Council, the special session shall have the following objectives:

(a) To promote the adherence to and full implementation by all States of the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) To adopt measures to increase international cooperation to contribute to the application of the law;

(c) To adopt measures to avoid the diversion of chemicals used in illicit drug production and to strengthen control of the production of and traffic in stimulants and their precursors;

(d) To adopt and promote drug abuse control programmes and policies and other measures, including those at the international level, to reduce the illicit demand for drugs;

(e) To adopt measures to prevent and sanction money-laundering, in order to implement the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(f) To encourage international cooperation to develop programmes of eradication of illicit crops and to promote alternative development programmes;

(g) To adopt measures to strengthen coordination within the United Nations system in the fight against drug trafficking and related organized crime, against terrorist groups engaged in drug trafficking and against illicit arms trade;

12. Decides further, at its special session, to review resolution S-17/2, particularly the progress made in implementing the Global Programme of Action annexed thereto;

13. Takes note of the report of the Secretary-General on preparations for, possible outcome of and organizational matters relating to the special session of the General Assembly, and invites the Commission on Narcotic Drugs, while undertaking preparations for the special session, to bear in mind the recommendations contained in that report;

14. Invites the Commission on Narcotic Drugs to report to the General Assembly at its fifty-second session, through the Economic and Social Council, on the progress in the preparations for the special session;

15. Stresses the importance of taking into account a gender perspective in preparing the outcome of the special session;

16. Encourages the participation of developing countries and assistance to the least developed countries, in order to work actively towards the attainment of the objectives and goals of the special session;

17. Invites organs, organizations and the specialized agencies of the United Nations system, including multilateral development banks, to contribute fully to the preparations for the special session of the General Assembly, in particular by submitting to the Commission on Narcotic Drugs, as the preparatory body for the special session, through the Executive Director of the United Nations International Drug Control Programme, concrete recommendations on the issues to be addressed by the special session;

## V

Implementation of the United Nations system-wide action plan on drug abuse control: action by organizations of the United Nations system

1. Supports the United Nations System-wide Action Plan on Drug Abuse Control as a vital tool for the coordination and enhancement of drug abuse control activities within the United Nations system, and requests that it be updated and reviewed on a biennial basis with a view to continuing efforts to improve its presentation and usefulness as a strategic tool of the United Nations for the drug problem;

2. Reaffirms the role of the Executive Director of the United Nations International Drug Control Programme in coordinating and providing effective leadership for all United Nations drug control activities, so as to increase cost-effectiveness and ensure coherence of action within the Programme as well as coordination, complementarity and non-duplication of such activities throughout the United Nations system;

3. Urges the United Nations organizations associated with the United Nations System-wide Action Plan on Drug Abuse Control to collaborate further with the United Nations International Drug Control Programme to integrate the drug control dimension and assistance into their programming and planning processes to ensure that the drug problem is being addressed in all its aspects in relevant programmes;

4. Takes note of the recent action taken by the Administrative Committee on Coordination to ensure the increased commitment by the specialized agencies, programmes and funds, as well as international financial institutions, to include the drug control dimension in their programmes of work;

5. Invites Member States to engage United Nations agencies and multilateral development banks in addressing the drug problem in all its aspects and to promote due consideration by governing bodies of requests for assistance for drug control programmes at the national level;

## VI

United Nations International Drug Control Programme

1. Welcomes the efforts of the United Nations International Drug Control Programme to implement its mandates within the framework of the international drug control treaties, the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Global Programme of Action and relevant consensus documents;

2. Notes with concern the decline of available resources for the Fund of the United Nations International Drug Control Programme;

3. Endorses Commission on Narcotic Drugs resolution 10(XXXIX) regarding a new system of financing activities of the United Nations International Drug Control Programme, and urges all Governments to provide the fullest possible financial and political support to the organization by widening the donor base of the Programme and increasing voluntary contributions, in particular general-purpose contributions, to enable it to continue, expand and strengthen its operational and technical cooperation activities;

4. Invites Governments and the United Nations International Drug Control Programme to consider ways

and means of improving the coordination of United Nations drug control related activities;

5. Notes with appreciation the efforts made by the Executive Director of the United Nations International Drug Control Programme to comply with the approved format and methodology of the programme budget of the Fund, in accordance with relevant resolutions of the Commission on Narcotic Drugs and the General Assembly and the recommendations of the Advisory Committee on Administrative and Budgetary Questions, and encourages the Executive Director to continue his efforts to improve the presentation and transparency of the budget;

6. Stresses the importance of the meetings of heads of national law enforcement agencies, and encourages them to consider ways to improve their functioning and to strengthen their impact so as to enhance cooperation in the fight against drugs at the regional level;

## VII

1. Takes note of the reports of the Secretary-General submitted under the item entitled "International drug control";

2. Requests the Secretary-General, taking into account the promotion of integrated reporting:

(a) To submit comments to the General Assembly at its fifty-second session, if necessary, on the report of the Commission on Narcotic Drugs regarding the preparations for the 1998 special session of the General Assembly;

(b) To include in his annual report on the implementation of the Global Programme of Action recommendations on ways and means to improve implementation and provision of information by Member States;

(c) To submit to the General Assembly at its fifty-third session an updated report on the status of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

General Assembly resolution 51/64

12 December 1996 Meeting 82 Adopted without vote

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## World drug situation

The International Narcotics Control Board (INCB) in 1996 provided an analysis [E/INCB/1996/1] of world drug abuse trends and current control efforts, so that Governments would be kept aware of existing and potential situations that might endanger the objectives of international drug-control treaties. A summary of the 1996 INCB report [E/1997/56] was also made available for consideration by the Economic and Social Council.

## Africa

According to INCB, the cultivation of, illicit traffic in and abuse of cannabis were widespread in Africa, where it grew wild and was illicitly cultivated in many countries. Widespread cannabis abuse was reported in every subregion of the continent. While Morocco remained the main supplier of cannabis resin in illicit markets of Europe, there were reports of such activity in many parts of the continent. The extent of illicit cannabis cultivation in South Africa was estimated to be 82,000 hectares in 1995. Eastern and southern African seaports were often used for the transshipment of cannabis resin originating mainly in Asia and destined for Europe and North America. In 1995, destruction of some illicit cannabis fields was reported in several countries of the region, and 110 tonnes of cannabis resin were seized by the authorities in Morocco. In Egypt, increasing illicit cannabis and poppy cultivation was reported in the Sinai, but successful eradication campaigns were carried out by national authorities.

Africa continued to be used for the transshipment of large amounts of Asian heroin. Heroin transported to African seaports and airports and from there to Europe and North America contributed to the spread of heroin abuse in a few capital cities in Africa. Heroin abuse was already considered a serious problem by the authorities in Mauritius, Namibia and South Africa.

Increasing amounts of cocaine were smuggled out of South America (mainly Brazil) and transshipped through eastern, southern and western Africa to Europe. It was estimated that 60 per cent of the cocaine shipped to South Africa passed through that country and the rest was consumed locally. Crack was manufactured locally in South Africa and in some countries in western Africa, and its abuse was on the rise.

Large-scale illicit trafficking and abuse of stimulants appeared to continue in Africa, where the lack of proper control over the pharmaceutical supply system and the existence of street markets facilitated the free availability of stimulant tablets. The abuse of methaqualone was more prevalent in southern and eastern Africa than in other parts of the continent.

## Americas

### Central America and the Caribbean

Countries in Central America and the Caribbean suffered from increased transit traffic in illicit drugs. Cannabis, cocaine and heroin were transported from South America to North America through the region. The territories of the

Caribbean States were used as transshipment points for cannabis and cocaine consignments from South America for Europe. These countries were also used to transship chemicals originating mainly in Europe or the United States to clandestine cocaine laboratories in South America, as well as for the smuggling of methamphetamine precursors out of Asia and Europe and into Mexico and the United States. Illicit traffickers often benefited from the relatively weak drug control structures in many countries in the region and the lack of experience in monitoring chemicals. Increasing drug-related crime, corruption, drug abuse and money-laundering were side effects and consequences of large-scale illicit drug trafficking.

The Board noted that cannabis continued to be cultivated in varying degrees for domestic abuse in most countries in Central America and the Caribbean. Eradication was regularly carried out in most Central American countries. In the Caribbean, 13 million cannabis plants covering more than 1,000 hectares were destroyed, and 127 tonnes of cannabis were seized in 1995. Illicit opium poppy cultivation and the eradication of cultivation sites were reported only in Guatemala. Despite the increasing illicit traffic in heroin through the region, there were no signs of heroin abuse. Large-scale illicit traffic in cocaine remained the biggest drug problem in the region. After cannabis, cocaine was the most frequently abused drug. In the Caribbean, laboratories engaged in the transformation of coca base or coca paste into crack had been detected in several countries. The abuse of psychotropic substances was not considered a major problem in most countries of the region.

#### North America

According to the Board, the extent of drug abuse was different in each of the three countries in North America: the prevalence of drug abuse cases was lowest in Mexico and highest in the United States, which had the biggest illicit drug market in the world. Efforts to reduce illicit drug demand and supply and the comprehensive drug strategy had led to positive results in the 1980s and early 1990s, but recently the incidence of abuse of cocaine, cannabis and hallucinogens among youth in the United States had been increasing. Illicit manufacture of amphetamine derivatives and increasing indoor cannabis cultivation affected the United States and Canada. In Mexico, the illicit cultivation of cannabis, manufacture of methamphetamine and transit traffic in cocaine and other drugs were problems to a large extent connected with the drug abuse situation in the United States.

Cannabis was cultivated to a large extent in the three North American countries and remained the main drug of abuse. The Board appreciated the successful efforts of the Government of Mexico, which in 1995 resulted in the eradication of about 21,600 of an estimated 32,000 hectares of cannabis in that country, and the report from the United States of the eradication of 373 million cannabis plants. The Board expressed its concern about the increase in domestic cannabis cultivation in Canada and the United States. About 50 per cent of the cannabis supply in Canada appeared to be from domestic, mainly hydroponic, cultivation.

Abuse of cannabis was most prevalent in the United States. According to estimates, 77 per cent of monthly abusers of illicit drugs were cannabis abusers, a figure 50 per cent lower than in 1979. The monthly abuse rate among youth, however, increased from 8.2 per cent in 1994 to 10.9 per cent in 1995.

In two states in the United States, referendums were approved in November 1996 which would, if implemented, permit a broad use of cannabis for alleged medical purposes. The Board noted with appreciation the firm stand of the authorities in the United States against such attempts to legalize cannabis and expressed its concern that well-financed non-profit organizations sponsored institutions that were developing strategies for the legalization of drugs.

The Board appreciated the eradication in 1995 of more than 15,000 hectares of poppy fields by Mexican authorities; total illicit poppy cultivation was estimated at 22,900 hectares. In the United States, 1,146 kilogrammes of heroin were seized in 1995, a significant decline from more than 2 tonnes in 1994. There were an estimated 200,000 monthly heroin abusers in the United States in 1995. This estimate was significantly higher than that for 1994, and did not include the marginalized population of the country, where the incidence of heroin abuse was the highest. The abuse of synthetic opioids was also reported.

In 1995, about the same amount of cocaine was seized as in the previous years in Mexico (approximately 22.5 tonnes) and the United States (approximately 100 tonnes). Some 1.45 million people abused cocaine on a monthly basis in the United States, a low figure compared with the 1979 figure of 5.7 million abusers. There was a significant increase in the monthly cocaine abuse rate among youth. Crack supplies remained abundant everywhere in the United States and an increase in the number of cocaine-related emergency cases was recorded.

The illicit manufacture and abuse of methamphetamine continued to create problems in Can-



ada and the United States. Seizure of methamphetamine precursors more than tripled in 1995 in the United States, to more than 35 tonnes. Illicit methamphetamine manufacture also took place in Canada, where one of the largest and most sophisticated clandestine laboratories ever discovered in North America was dismantled by authorities in 1996; it had been producing substantial amounts of MDMA ("ecstasy") and lysergic acid diethylamide (LSD) for at least four years. In the United States, increasing abuse of LSD and other hallucinogens was reported; almost two thirds of LSD abusers seeking treatment in 1995 were under the age of 20. Widespread abuse of MDMA by young adults continued to be reported in many cities throughout the United States. The Board further noted that abuse of certain tranquilizers, particularly flunitrazepam and clonazepam, was rapidly spreading in the United States.

### South America

In South America, illicit coca bush cultivation, illicit coca leaf production, the illicit manufacture of coca base, coca paste and cocaine hydrochloride, and cocaine abuse continued. South America remained the only region supplying cocaine to other parts of the world, above all the United States and Europe. In addition, large amounts of heroin were smuggled out of Colombia, where illicit opium poppy cultivation and the clandestine manufacture of opiates had become serious problems. Cannabis, the main drug of abuse, was cultivated mainly in Brazil and Colombia, and primarily for domestic consumption; however, substantial amounts of cannabis were smuggled out of South America into Europe and North America.

The Board encouraged countries of the region to ratify and implement as soon as possible the Inter-American Convention against Corruption, which was adopted at Caracas in March by the Specialized Conference of the Organization of American States against Corruption. It noted with satisfaction that in June the authorities of Bolivia, Colombia, Ecuador, Peru and Venezuela agreed upon the creation of an Andean anti-drug intelligence unit, the exchange of information on precursor shipments and support for alternative development projects in South America.

Opium poppy was increasingly cultivated in Colombia after the late 1980s; in 1995, the area under poppy cultivation was estimated at 6,500 hectares, of which more than 5,000 hectares were subsequently eradicated. The amount of illicit opium produced in Colombia in 1995 was estimated at 65.5 tonnes, which was converted into

morphine and heroin in clandestine laboratories. The abuse of opiates seemed to be limited in Colombia; most of the heroin was smuggled out of the country, mainly to the United States, where heroin of Colombian origin accounted for the main share of heroin seized.

Illicit coca bush cultivation continued in Bolivia, Colombia and Peru. Eradication efforts continued in all three countries. In the opinion of the Board, Peru, where coca bush eradication efforts focused almost exclusively on seedlings, needed to expand its efforts to include mature plantations as well. Peru remained the main producer of coca leaves.

Coca paste and coca base were produced mainly in Bolivia and Peru, but the illicit manufacture of cocaine hydrochloride was on the increase in those countries. A significant proportion of coca paste and base continued to be smuggled into Colombia for further processing. In 1995, more than 60 tonnes of coca base and cocaine were seized in Colombia.

The abuse of cocaine, mainly in the form of cocaine base, continued to create problems in South America. An increase of cocaine abuse was reported in Brazil and Chile.

The abuse of amphetamine-type stimulants continued in Brazil. The abuse of sedatives was reported in Brazil and Colombia only, but the Board estimated that it might be more widespread in the region.

### Asia

#### East and South-East Asia

Illicit opium poppy cultivation, opium production, heroin manufacture and large-scale illicit trafficking in opiates constituted the greatest drug problems of South-East Asia. Myanmar remained one of the largest opium producers and heroin suppliers in the world. The surrender of Myanmar insurgent leader Khun Sa, considered the key person in the illicit trade in opiates, created a new situation in the Golden Triangle (Lao People's Democratic Republic, Myanmar and Thailand), particularly in the Shan state, where most of the region's opium was produced. Opium smoking was diminishing but was being replaced by the far more dangerous practice of injecting heroin, a trend accompanied with increased needle-sharing and human immunodeficiency virus (HIV) infection. Illicit manufacture of amphetamine and traffic in that substance and its precursors were widespread in the region, as was abuse of amphetamine-type stimulants.

Cannabis grew wild and was also cultivated in many countries in South-East Asia, and its abuse

was reported in most countries of the region. Some illicit opium poppy cultivation and opium production, mainly for domestic markets, was reported in Cambodia and in China along its borders with the Lao People's Democratic Republic, Myanmar and Viet Nam. A slight increase in opium production was reported in the northern part of the Lao People's Democratic Republic and a further decline in Viet Nam. No reliable estimates were available for Myanmar.

Illicit heroin laboratories were concentrated in the border areas between China, the Lao People's Democratic Republic, Myanmar and Thailand, which continued to supply most of the world's illicit heroin. The recent discovery of clandestine laboratories far from Shan state, the heroin shortage on the black market in Thailand and the drastic increase in the price of heroin along the border between Myanmar and Thailand might indicate that some clandestine heroin laboratories had discontinued their activity, INCB said. Eleven heroin laboratories were destroyed in Shan state and large quantities of chemicals used in illicit heroin manufacture were seized. The Board expected that those events would enable the Government of Myanmar to substantially reduce the illicit heroin manufacture in the country.

China reported the seizure of large consignments of acetic anhydride, the key chemical used in the illicit manufacture of heroin. Heroin was smuggled through China, though the most frequently used route continued to be through Thailand.

Illicit manufacture of, traffic in and abuse of amphetamines, particularly methamphetamines, were among the major drug problems in the region. There were reports in several countries of former heroin laboratories converting to methamphetamine production. Japan noted further propagation of methamphetamine abuse, even among teenagers; methamphetamine abuse was also reported in the Republic of Korea. Abuse of "ecstasy" and other hallucinogenic amphetamine derivatives was on the rise in Hong Kong, Indonesia and Singapore. The abuse of cough syrups containing codeine, especially in combination with ephedrine, was creating problems in South-East Asia, particularly in Malaysia and Myanmar.

### South Asia

Drug abuse trends in 1996 reflected a shift from opium to heroin, and, more recently, to buprenorphine, a potent synthetic opioid manufactured in India. Ninety per cent of injecting drug abusers in Bangladesh abused buprenorphine. The Board reiterated its appeal to the World

Health Organization (WHO) and the Commission on Narcotic Drugs to review the status of international control of buprenorphine without further delay. Inhalation was the most frequent route of administration used by heroin abusers in Bangladesh, Nepal and Sri Lanka, while in India there were signs of increased use of injection techniques, which were a major factor contributing to the spread of HIV infection among drug abusers.

The abuse of codeine-based cough syrups reached substantial proportions in several parts of the region. The increase in the abuse of opioids (buprenorphine and codeine) was facilitated by weaknesses in the control over the licit drug supply system: pharmaceutical preparations containing narcotic drugs or psychotropic substances were available without medical prescription. Despite strengthened regulatory and control measures and law enforcement successes, the illicit manufacture of methaqualone and the smuggling of that substance into Africa continued.

Cannabis grew wild and was also illicitly cultivated in South Asia, where its abuse was widespread. Cannabis resin was produced mainly in Nepal and smuggled into India.

Licit opium poppy cultivation and opium production was under governmental control in India. Controls over production were strengthened after some diversion had occurred. Indian authorities detected and destroyed a number of laboratories manufacturing crude heroin. In 1995, there was an increase of more than 50 per cent in the total amount of heroin seized in India, while the amount of seized heroin originating in South-West Asia increased by over 300 per cent. Traditional abuse of opium still continued in some Indian provinces, while in many others the abuse of heroin or synthetic opioids was increasing, with continuing reports on an alarming increase in opiate dependence in the north-eastern part of the country.

India was the only country in South Asia in which the abuse of psychotropic substances was considered a major problem. The clandestine manufacture of methaqualone continued, and in 1995 four laboratories were destroyed, and 20 tonnes of methaqualone seized. Substantial amounts of methaqualone were smuggled out of India into eastern and southern Africa. There were a few reports in India on the abuse of amphetamine derivatives, including some cases involving the abuse of "ecstasy" in the tourist resort of Goa. The abuse of locally manufactured barbiturates and benzodiazepines was on the rise.

### West Asia

The main sources of supply for illicit traffickers and local drug abusers in West Asia were: the

illicit cultivation of cannabis and opium poppy in Afghanistan, and to some extent in central Asia, in the Caucasus and in Pakistan; the illicit production of cannabis resin in Afghanistan; and the clandestine manufacture of heroin in Afghanistan, Pakistan and Turkey. Due to the political turmoil and civil war in Afghanistan (see PART ONE, Chapter IV), implementation of drug control measures was impossible in that country, which was the main source of illicit opiates in the region. Combating drug smuggling out of Afghanistan depended mainly on the efforts of the law enforcement services of neighbouring States. The prevention of heroin manufacture was hindered by the flow of large amounts of acetic anhydride into the region, and several countries suffered from large-scale illicit trafficking in cannabis resin and heroin, destined for countries in the region or in Europe.

The Board noted with satisfaction the launching of a cooperation programme between Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan adopted at a ministerial summit held at Tashkent, Uzbekistan, in May, and welcomed a subregional arrangement between Lebanon, the Syrian Arab Republic and Turkey to promote cross-border cooperation among their drug law enforcement agencies.

Cannabis grew wild in many countries in the region, above all in central Asia, and the abuse of cannabis was widespread. In central Asia, the Middle East and the Caucasus, cannabis was the most popular drug of abuse. Afghanistan and Pakistan continued to be major suppliers of the cannabis resin found in Europe, and significant seizures of cannabis resin in transit in Iran and Turkey illustrated the large extent of such traffic in those countries.

Opium poppy was illicitly cultivated and opium produced mainly in Afghanistan, in central Asian members of the Commonwealth of Independent States (CIS), in Pakistan and, to a small extent, in Armenia and Azerbaijan. The Board noted with satisfaction the drastic decrease in illicit opium poppy cultivation in Pakistan and encouraged the Government of that country to continue its efforts to eliminate illicit opium production.

Heroin manufacture was taking place in Afghanistan, Pakistan and Turkey on a small scale, in Lebanon. In Kazakhstan, crude heroin was manufactured in clandestine laboratories; huge amounts of acetic anhydride were smuggled into the region from Asian countries and Europe.

Various routes for smuggling opiates were also used for smuggling cannabis resin. The most traditional route for heroin smuggling led from Afghanistan or Pakistan across Iran and Turkey to

Europe. In the opinion of the Government of Turkey, 75 per cent of the heroin passing from the region to Europe transited Turkey.

Continuing opium abuse was reported in Iran. Heroin smoking was considered a major problem in the region, mainly in Pakistan, with reports of heroin abuse also coming from countries in the Persian Gulf and Israel. Injection of poppy straw extracts was a problem in the central Asian republics of the former USSR and Armenia. Cocaine abuse in the region was reported to be negligible but some increase had been observed recently.

The clandestine manufacture of, illicit trafficking in and abuse of stimulants constituted problems in several countries in West Asia. Stimulant abuse appeared to be on the rise in central Asia and the Caucasus. Some precursors for stimulants were smuggled out of Asia and Europe, through Israel, Lebanon and the United Arab Emirates, into countries outside the region. The Board reiterated that the Governments concerned should analyse the drugs seized, investigate drug trafficking routes and cooperate closely in investigations. Cases involving the abuse of LSD and "ecstasy" were reported in Israel.

The Board was aware of reports from CIS member States of the illicit manufacture of "synthetic drugs" and invited those States to forward more precise information about those drugs so that countermeasures might be developed.

## Europe

The Board observed that although large amounts of heroin, cocaine and hashish were smuggled into the region from other continents, the prevalence of heroin and cocaine abuse in most Western European countries was declining. However, a rapid increase in the number of heroin abuse cases was reported in some Eastern European countries. There was a steady increase in the illicit traffic in and abuse of synthetic drugs manufactured in clandestine laboratories in Europe. Such laboratories supplied illicit drug markets in and outside Europe with amphetamines, with stimulant amphetamine derivatives (such as methamphetamine) and, above all, with hallucinogenic amphetamine derivatives (such as MDMA, or "ecstasy"). Besides illicit manufacture, illicit cultivation had become an important element of the European drug scene, including hydroponic indoor cultivation of potent cannabis varieties.

The Board noted that in CIS member States, and, to some extent, in the Baltic States (Estonia, Latvia and Lithuania) and some central and Eastern European countries, the new socio-economic

frameworks required more rapid development of administrative and legal structures to prevent drug-related crime and to ensure more effective border controls.

Cannabis remained the main drug of abuse in Europe, with increasing abuse by young people in most countries of the region. Large-scale indoor cultivation of cannabis was limited to the Netherlands, but small-scale cultivation was spreading to other European countries, driven by the export of cannabis seeds. The Board noted the recent initiatives of the Government of the Netherlands to address more effectively illicit cannabis cultivation and the export of seeds. In more and more European countries, cannabis plants were being licitly cultivated for industrial purposes, encouraged by subsidies in member States of the European Union (EU). The Board reiterated its request to EU to provide information on the functioning of its requirements, including safeguards, and invited Governments to inform the Board of their experiences with the system, since it might lead to insurmountable problems regarding detection and elimination of illicit cannabis cultivation.

Illicit poppy cultivation was reported in Belarus, Latvia, Lithuania, the Russian Federation and Ukraine and the abuse of poppy straw extracts continued in countries of the former USSR and some countries in central and Eastern Europe. The most frequent form of administration of poppy straw extracts was intravenous injection, a major source of HIV infection among drug abusers in the region.

Reports on the availability of heroin hydrochloride in several States in Central and Eastern Europe and in CIS member States indicated a lower prevalence of abuse than in Western Europe. The Board noted that in most countries of Western Europe seizures had declined in recent years, while purity of seized heroin had increased as prices fell.

The Board stated that the Russian Federation was becoming a crossroads for illicit drug trafficking. The activity of organized criminal groups and the removal of customs barriers between CIS member States had made it possible for traffickers to transport illicit shipments from the Golden Crescent through central Asia, the Russian Federation and Belarus without being checked.

Illicit trafficking in and abuse of synthetic opioids were reported in several countries in Europe and increasing manufacture of such substances was reported in the Russian Federation, where clandestine laboratories were detected in Moscow and St. Petersburg.

In Europe as a whole, a decrease in seizures of cocaine was observed, while an increase in cocaine seizures was reported in Eastern European countries and CIS member States.

Illicit amphetamine laboratories were detected in several countries, including a laboratory in the United Kingdom capable of producing 600 kilograms per week. According to Interpol, the average increase in amphetamine seizures from 1994 to 1995 was about 18 per cent, but a greater increase was reported in some countries, including the two most important source countries, the Netherlands and Poland. The Board noted a drastic increase in the illicit manufacture and abuse of "ecstasy" in Europe. In the Netherlands, where most of the drug was manufactured, 20 clandestine laboratories were dismantled. In Austria, 10 times more "ecstasy" was seized in 1995 than in the previous year. The Board noted with concern that there had been very few reports on the seizures of precursors for MDMA in Europe. In the opinion of the Board, the link of "ecstasy" to a certain type of pop music, the toleration by national authorities of ambiguous messages about the apparent virtues of "ecstasy" and even the use of its name throughout Europe for an energy drink launched in Liechtenstein might have contributed to the rapid spread of its abuse.

Increasing abuse of LSD, which continued to be smuggled out of the United States and into countries in Europe, mainly the Netherlands, was noted in many countries of the region. There were few reports on the abuse of sedatives, but the Board believed that it continued to be underestimated in most countries.

## Oceania

Most drug problems in Oceania were reported in Australia and New Zealand. The Pacific island countries did not appear to be seriously affected by illicit drug production, trafficking and abuse, with the exception of a few countries where illicit cannabis cultivation took place or whose territories were used as transit points for trafficking.

Cannabis grew wild in several countries in Oceania and was illicitly cultivated in Fiji, Papua New Guinea and Samoa. It was the most widespread drug of abuse in Australia, Fiji, New Zealand and Papua New Guinea. According to the Government of Australia, 15 per cent of the male population and 7 per cent of the female population were smoking cannabis on a weekly basis.

Only sporadic cases of abuse of cocaine or heroin were reported in countries of the region, except Australia, where the seriousness of the extent of heroin abuse was clearly reflected in the fact that there were more than 500 heroin-related

deaths recorded in 1995. The illicit manufacture of amphetamine derivatives was also reported in Australia. The increasing abuse of stimulants (mainly methamphetamine), hallucinogenic amphetamine derivatives (such as MDMA and para-methylamphetamine) and LSD was reported in Australia and New Zealand. A large proportion of the hallucinogens reportedly originated in European countries or in the United States.

## **UN programmes to combat drug abuse**

### **United Nations International Drug Control Programme**

In 1990, the General Assembly had asked the Secretary-General to create a single drug control programme to be called the United Nations International Drug Control Programme (UNDCP), based in Vienna, integrating within it the Division of Narcotic Drugs of the UN Secretariat, the secretariat of the International Narcotics Control Board (INCB) and the UN Fund for Drug Abuse Control [GA res. 45/179].

UNDCP, considered the main focus for concerted international action for drug abuse control, was established in 1991 [YUN 1991, p. 723, GA res. 46/104], with four main substantive components: treaty implementation and legal services, operational activities, technical services, and inter-organizational cooperation.

During 1996, UNDCP served as both an instrument of and reference for the international community in pursuing its drug control objectives under the international drug-control treaties. To support Governments in formulating policies and strategies, UNDCP consolidated its position as a centre of competence in drug control matters, generating and sharing knowledge on the evolving trends and nature of the drug problem. It supported the efforts of Governments to counter the drug problem by providing advisory services through its technical cooperation programmes. UNDCP led the implementation of an agreed strategy whose fundamental principles included a balanced approach whereby demand reduction and supply reduction were considered mutually reinforcing elements. The strategy also emphasized implementing the international drug-control treaties, suppressing illicit drug trafficking and mobilizing civil society, particularly NGOs, with a view to preventing and reducing drug abuse.

### **UNDCP activities**

Activities of UNDCP in 1996 were under way at the national, regional and international levels. Efforts focused on the development of a global approach to drug control giving priority to the main regions affected by illicit cultivation, trafficking and abuse. The pursuit of subregional, regional and interregional cooperation between Governments remained one of the cornerstones of the UNDCP strategy.

Comprehensive programmes dealing with the different aspects of the drug problem were tailored to meet specific situations. To generate and strengthen the political commitment essential to counter the drug problem, UNDCP fostered subregional agreements and arrangements, particularly memoranda of understanding, between Governments in vulnerable areas, and galvanized political support for mutually supportive action. UNDCP furthered bilateral cooperation and understanding in the field of drug control by playing the role of an honest "broker", sponsoring direct consultations between concerned Governments, such as the programme for drug law enforcement cooperation in the border areas being carried out jointly by Iran, Pakistan and UNDCP, or the renewed cooperation between India, Pakistan and UNDCP.

Through its technical cooperation activities, mainly coordinated by its network of field offices, UNDCP continued to act as both catalyst and advocate in the area of drug control at the national level. In 1996, it supported national efforts and initiatives, giving particular attention to the establishment of coordinating and planning capacities, the adoption of legal frameworks to ensure implementation of the international drug-control treaties, and the strengthening of national capacities in demand reduction and law enforcement. In cooperation with INCB, UNDCP also assisted Governments in their efforts to prevent the diversion of drugs and their precursors into the illicit market. With the Crime Prevention and Criminal Justice Division of the Secretariat, UNDCP launched a global programme valued at \$ 4.3 million to support Governments in their efforts to counter money-laundering.

The operational focus of UNDCP included the development of a global approach and the strengthening of interregional links between ongoing regional and subregional cooperation programmes, particularly between programmes in countries in central and South-West Asia. In order to engage civil society in countering the drug problem, UNDCP strengthened its ties with NGOs; over 11 per cent of allocations from the Programme's Fund was disbursed through NGOs in 1996.

The Executive Director of UNDCP, in a report [E/CN.7/1997/2] to the Commission on Narcotic Drugs, outlined UNDCP activities in 1996 on a regional basis, summaries of which follow.

#### Africa

In 1996, as a follow-up to a memorandum of understanding signed by UNDCP and the Organization of African Unity (OAU), UNDCP assisted the OAU secretariat in the preparation of the Plan of Action for Drug Control in Africa, through which African Governments reaffirmed their commitment to combat the drug problem. An expert forum on demand reduction in northern Africa was organized by UNDCP in Hammamet, Tunisia (1-5 July).

At the country level, UNDCP cooperated with 16 countries in western Africa, providing training, advisory assistance and equipment to support their national drug-control institutions. All but one of the western African countries had established inter-ministerial coordinating bodies entrusted with policy planning and coordination of national efforts, and more than 200 senior national officers benefited from training in legislation, law enforcement, health, social work and demand reduction. In eastern and southern Africa, UNDCP provided support to Kenya, Mauritius, Mozambique, Seychelles, Zambia and Zimbabwe in establishing or improving the functioning of national coordinating bodies or inter-ministerial bodies. In cooperation with the World Customs Organization (WCO), it provided training and equipment to Kenya, Madagascar, Malawi, Namibia, Swaziland and Zimbabwe to ensure the effective operation of the regional intelligence liaison office (RILO) network, which covered 15 countries in the subregion of eastern and southern Africa and improved the sharing and exchange of drug intelligence and the detection of new drug trafficking trends. UNDCP also provided support to Governments to enhance the effectiveness and capacity of law enforcement services, with particular emphasis given to Botswana, Malawi, Mozambique, South Africa, Swaziland and the United Republic of Tanzania.

In Ethiopia, a comprehensive drug abuse prevention pilot programme was launched, and in Zimbabwe, a UNDCP project on the development of a resource centre on drug and alcohol problems provided training to social workers and health-care personnel. To galvanize the support and involvement of civil society in drug control in Africa, UNDCP launched a special initiative to mobilize NGOs in eastern and southern Africa; to enhance the capacities of NGOs, a workshop was organized in Arusha, United Republic of Tanzania.

UNDCP contributed to the development of national drug-control master plans in Botswana, Burkina Faso, Ghana, Malawi, South Africa, Swaziland, the United Republic of Tanzania and Zambia. Morocco and Namibia approved their master plans in March.

#### Asia

A memorandum of understanding on drug control cooperation was signed in May by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, together with UNDCP, on the occasion of an inter-ministerial conference to establish drug control cooperation in central Asia.

Activities to strengthen surveillance capabilities of law enforcement agencies in the border areas of Iran and Pakistan were undertaken during the second year of a joint programme with UNDCP. The Governments of Iran and Pakistan proposed that the programme be extended to cover the border areas of Afghanistan, China and Pakistan and the border areas of Afghanistan, Iran and Turkmenistan.

As a follow-up to the memoranda of understanding signed by UNDCP and the South Asian Association for Regional Cooperation (SAARC), a regional workshop was held at the policy level in May in Sri Lanka, during which agreement was reached on a subregional strategy and on collaboration in the fields of drug law enforcement and demand reduction.

In its efforts to establish interregional linkages between subregional and regional cooperation programmes, UNDCP initiated a strategic link-up of five central Asian republics (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) with South-West Asia.

In 1996, national drug-control master plans were implemented by 11 States; UNDCP provided support to Bangladesh, the Lao People's Democratic Republic, Nepal, Pakistan, Sri Lanka and Viet Nam in the preparation and finalization of their master plans.

In August, at a UNDCP/INCB workshop for precursor control in Delhi, India, representatives of 13 countries in South and South-West Asia and the central Asian republics reviewed measures to prevent the diversion of precursors and considered ways to set up control and cooperation measures and procedures at the regional level.

UNDCP completed its second survey in Afghanistan on illicit opium cultivation and concluded that, with 55,000-58,000 hectares under opium poppy cultivation during the growing season 1995/96, the country continued to be one of the world's major producers of illicit opiates. UNDCP developed a four-year, \$15.9 million drug control programme to provide assistance to Af-

ghanistan and continued to assist the Government of Pakistan in the implementation of an alternative development programme to eliminate illicit poppy cultivation in the North-West Frontier province. Efforts to enhance the law enforcement capacities of Governments and support for national capacity-building programmes in the field of drug demand reduction in Bangladesh, India, Nepal and Pakistan continued.

Senior officials from Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam met with representatives of UNDCP at Yangon, Myanmar, in May to review the progress made in implementing a 1995 sub-regional plan [YUN 1995, p. 1280]. UNDCP successfully completed its project on precursor control in South-East Asia in April, and initiated a sub-regional project to reduce drug abuse in the highlands of East Asia. It also provided assistance in law enforcement to China, the Lao People's Democratic Republic, Myanmar and Thailand.

Myanmar remained one of the world's major sources of illicit opiates, with opium production estimated to range from 1,000 to 2,500 tonnes in 1995/96. UNDCP approved a five-year alternative development programme, which included a strong mechanism for monitoring and verifying poppy cultivation and agreed drug control objectives.

Opium consumption in the rural areas of the Lao People's Democratic Republic decreased from 80 tonnes in 1995 to 50 tonnes in 1996; however, among resettled Lao refugees coming mainly from Thailand, a high rate of opium abuse was observed.

In Viet Nam, two of the six programmes referred to in the national drug-control master plan were launched with UNDCP support in 1996.

During the year, UNDCP supported the drug law enforcement training programme implemented by the South Pacific Forum. Training was provided to 100 police and customs officials from the area.

#### Europe and the Middle East

Following the signing of a memorandum of understanding in 1995 [YUN 1995, p. 1281], UNDCP provided assistance to strengthen the operational cross-border cooperation among drug law enforcement agencies in the Czech Republic, Hungary, Poland, Slovakia and Slovenia. At a follow-up meeting in October in Bratislava, Slovakia, ministers of those countries adopted a declaration in which they recognized the importance of the legal assistance provided by UNDCP.

At the country level, UNDCP promoted the upgrading of national licit drug control structures in 27 States. In the Balkans, where weakened ju-

diciary and law enforcement agencies were facing strong pressure from criminal groups seeking to exploit the post-conflict situation by re-establishing drug trafficking routes, UNDCP provided, as a matter of priority, assistance to Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia.

In the Russian Federation, UNDCP initiated technical consultations on drug control cooperation in order to assess the current drug situation in the country, identify its priority needs and select areas for possible assistance.

An agreement on a two-year multi-sectoral drug control assistance package, aimed at upgrading the legal and institutional framework for drug control and enhancing operational drug law enforcement capacities, was signed by UNDCP and the Palestinian Authority in April. The second phase of an integrated area development programme in Lebanon's Beqa'a valley was initiated in October as part of a government programme which included the provision of large-scale assistance to the area following the successful eradication of illicit crops for four consecutive years.

UNDCP assisted Armenia, Georgia, Latvia and Lithuania in finalizing their drug control master plans.

#### Latin America and the Caribbean

In May, a number of Governments in Central America, including those of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama, together with UNDCP, signed a memorandum of understanding on subregional drug-control cooperation. The parties agreed on the adoption and implementation of a common legal framework, the strengthening of the Permanent Central American Commission for the Eradication of the Illicit Production, Traffic, Consumption and Use of Drugs and Psychotropic Substances and the development of common subregional drug-abuse information systems.

As a follow-up to the memorandum of understanding adopted in 1994 [YUN 1994, p. 1237] by UNDCP and Argentina, Bolivia, Chile and Peru, advanced training courses were organized for senior law enforcement and judiciary officials from signatory States and observers from other countries. In May, the Regional Meeting on Drug Control Coordination in the Caribbean, organized by UNDCP, in conjunction with the Governments of Barbados and the EU, was held in Bridgetown, Barbados.

In the law enforcement sector, UNDCP supported operative and investigative training, providing equipment to law enforcement agencies

and assisting in establishing and improving the functioning of national drug-control coordinating bodies, particularly in Brazil, Cuba and Ecuador. UNDCP provided support to Ecuador, Nicaragua, Paraguay, Peru and Uruguay in developing their national master plans.

In 1996, UNDCP continued to carry out its role as advocate, technical partner, coordinator and source of partial funding of alternative development interventions in the Andean subregion. UNDCP support contributed to the eradication of about 6,000 hectares of coca bush and the provision of services and alternative income-generating activities for about 30,000 farmers involved in illicit crop cultivation. In areas under coca bush cultivation in Bolivia and Peru, UNDCP was assisting in the formation of comprehensive alternative development activities.

With respect to preventive education programmes, in 1996 some 1.5 million youth in Latin America and the Caribbean were reached through campaigns to create awareness and the development of school curricula funded by UNDCP. In Colombia, UNDCP provided support to set up long-term national demand-reduction programmes within the ministries of health and education.

In the course of implementing the national demand-reduction plan of Brazil, five key areas (Ceara, São Paulo, Rio de Janeiro, Santa Catarina and Rio Grande do Sul) elaborated comprehensive demand-reduction plans, which emphasized drug abuse prevention among street children, intravenous drug abusers and women in urban slums.

In Mexico, there was further integration of programmes for the prevention of drug and alcohol abuse among workers and their families in the workplace. In the Bahamas, Barbados, Bolivia, the Dominican Republic, Ecuador, Jamaica, Trinidad and Tobago and Venezuela, UNDCP made demand reduction programmes aimed at high-risk groups a priority, particularly children in especially difficult circumstances, street children, women in urban slums and intravenous drug abusers in major cities.

### **UNDCP cooperation with other bodies**

#### **Drug control in western and central Asia**

The Commission on Narcotic Drugs, in an April resolution [E/1996/27 (res. 9(XXXIX))], requested UNDCP and donor countries to consider providing technical assistance in the development of special programmes, through bilateral and multilateral arrangements, for transit States in subregions affected by drug trafficking. It also re-

quested them to consider further supporting their efforts to eliminate the illicit traffic in narcotic drugs, psychotropic substances and chemical precursors through their territories, by extending to other countries of South-West Asia and to member States of CIS in central Asia the ongoing project designed to strengthen law enforcement in border areas of South-West Asia. It underlined the need to implement alternative development and crop substitution programmes to eliminate the production of illicit drugs, and requested UNDCP to seek the assistance of donor countries and to encourage multilateral development banks and international financial institutions to continue to assist countries producing drugs or affected by the drug problem to implement supply reduction programmes.

By the same resolution, the Commission welcomed the progress achieved by UNDCP in the development and implementation of regional strategies through close cooperation with regional and subregional organizations, including the 1995 memorandum of understanding between UNDCP and the Economic Cooperation Organization (ECO) [YUN 1995, p. 1282], as well as various other memoranda of understanding between UNDCP and subregional organizations and groups of countries.

### **System-wide Action Plan**

In 1989, the General Assembly asked [GA res. 44/141], the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination (ACC), to coordinate, at the inter-agency level, the development of a United Nations system-wide action plan on drug abuse control, aimed at the full implementation of all existing mandates and subsequent decisions of intergovernmental bodies throughout the UN system, and using as a guide the Declaration of the International Conference on Drug Abuse and Illicit Trafficking, and the recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, both adopted in 1987 [YUN 1987, p. 902, GA res. 42/112].

Following the consultations with UN bodies and agencies, the UN System-wide Action Plan on Drug Abuse Control was established in 1990 [E/1990/39, Corr.1,2]. It consisted of two main parts. Part One dealt with operational activities, in particular those of the United Nations Fund for Drug Abuse Control (UNFDAC). Part Two outlined the role of the substantive drug control units of the UN Secretariat and of other UN entities and the specialized agencies. It focused on five areas: strengthening the licit drug control



system; prevention and reduction of illicit demand for drugs; treatment and rehabilitation; elimination of the supply of drugs from illicit sources; and suppression of illicit drug traffic.

The Commission on Narcotic Drugs in April [E/1996/27 (res. 8(XXXIX))] took note of the UNDCP Executive Director's report [E/CN.7/1996/14] on monitoring of the United Nations System-wide Action Plan on Drug Abuse Control and other co-ordination matters. It noted with satisfaction the approach adopted by the Subcommittee on Drug Control of ACC in addressing the task of elaborating a revitalized System-wide Action Plan, as reflected in the initial version of the revised System-wide Action Plan, and requested the Executive Director of UNDCP to ensure that the work initiated by the Subcommittee was carried forward with as much determination and speed as possible.

In a May report [A/51/129- E/1996/53] on the implementation of the System-wide Action Plan, the Secretary-General presented a condensed version of the first six plans of action constituting the new Plan and addressing various aspects of demand reduction. The plans of action were: drug abuse prevention in the school environment; drug abuse prevention among children and youth in especially difficult circumstances; drug abuse prevention among rural youth; drug abuse prevention in the workplace; women and drug abuse: the gender dimension; and assessment of drug abuse: data collection.

The Secretary-General stated that the initial plans of action were all on demand reduction; themes on supply reduction and other sectors would follow in due course as the Plan developed. The constant updating of the Action Plan in the future would ensure that it became a living document rather than merely a status report. The plans of action reflected the different perspectives and priorities of the agencies involved, resulting in a blend that went beyond the mandates of UNDCP and the Commission on Narcotic Drugs and would eventually contribute to a complete picture of drug abuse control, enriched by reference to related phenomena. The plans of action constituted the embryo of the new System-wide Action Plan; it was expected that agencies would use the Action Plan as a planning tool, helpful in assessing the level of activities in a given area and identifying priorities to be jointly addressed. As subsequent plans pertaining to various sectors were prepared, they would be grouped within a framework reflecting the areas of substantive concentration in international drug control. An annex to the report contained an overview of the interests and mandates of participating agencies.

On 23 July, the Economic and Social Council, by **decision** 1996/250, took note of the report of the Secretary-General.

The ACC Subcommittee on Drug Control, at its fourth session in Vienna (4-6 September) [ACC/1996/17], stated that considerable progress had been made in implementing the 1995 ACC decisions [YUN 1995, p. 1283] on system-wide cooperation and involvement in drug control matters, and emphasized the importance of agency involvement in preparing the envisaged special session of the General Assembly on drug control in 1998 (see above). More efforts would nevertheless be required, it reported, especially with regard to the establishment of country-level thematic groups on drug control and the integration of drug-related matters in the agendas of the agencies. The Subcommittee took note of the satisfaction expressed by Member States on progress made in implementing the revised arrangements for the Action Plan, and drew the attention of ACC to the low-cost methodology employed in the process.

The Subcommittee identified the themes to be developed in the second round of individual plans of action, and decided to ask the task force managers of the six individual plans of action of the first round to update them for fund-raising purposes. The new themes were: alternative development in zones of illicit crop cultivation; information management and data collection systems: their role in providing indicators of sustainable reductions in the production of illicit crops; drugs, imprisonment and alternative sentences; and drug abuse and trafficking in conflict and post-conflict situations. It also decided that the themes for the International Day against Drug Abuse and Illicit Trafficking in 1997 and 1998, respectively, would be "Mobilizing communities to prevent drug abuse" and "Youth uniting to prevent drug abuse".

The Subcommittee further dealt with a global overview of the situation regarding the illicit production of, trafficking in and demand for drugs; drug abuse and control issues related to major meetings and conferences; conclusions and decisions of the Commission on Narcotic Drugs at its thirty-ninth (1996) session; review of progress in developing thematic plans of action; integration of drug abuse control issues into country strategy notes and other agency country programmes; collaboration with NGOs; and accessibility and exchange of information.

### Global Programme of Action

The General Assembly, at its seventeenth special session in 1990, had adopted the Political

Declaration and the Global Programme of Action on international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances [GA res. S-17/2]. The Programme set out a comprehensive list of measures and activities to be undertaken by States and United Nations entities collectively and simultaneously in the fight against all aspects of drug abuse and illicit trafficking.

In the Political Declaration, the Assembly had declared the period from 1991 to the year 2000 as the United Nations Decade against Drug Abuse, to be devoted to effective and sustained national, regional and international actions to promote the implementation of the Global Programme.

**Report of Secretary-General.** In September, the Secretary-General reported [A/51/436] on the implementation of the Global Programme of Action, evaluating the progress made with regard to prevention and reduction of drug abuse with a view to eliminating the illicit demand for narcotic drugs and psychotropic substances; treatment, rehabilitation and social reintegration of drug addicts; control and supply of narcotic drugs and psychotropic substances; suppression of illicit trafficking in narcotic drugs and psychotropic substances; measures against the effects of money derived from, used in or intended for use in illicit drug trafficking, illegal financial flows and illegal use of the banking system; strengthening of judicial and legal systems, including law enforcement; measures against the diversion of arms and explosives and illicit drug trafficking by vessels, aircraft and vehicles; UN resources and structure for drug abuse control; and the UN Decade against Drug Abuse.

With respect to reducing the demand for illicit drugs, most Governments reported prevention and information campaigns on the dangers of drug abuse, most of which targeted young people. Although the number of Governments reporting the existence of a national strategy aimed at preventing and reducing the illicit demand for drugs was increasing, their overall number remained low. It was recommended that States draw up comprehensive and sustainable national demand-reduction strategies, carefully monitor their implementation and effectiveness and share their experiences with other States, either through UNDCP or bilaterally. The report said States should continue to count on NGOs as partners in drug abuse control, and, where feasible, extend cooperation to include other sectors of civil society. The report noted that the Economic and Social Council, in **resolution 1996/18**, had requested that the UNDCP Executive Director continue to develop, in consultation with Mem-

ber States, a draft declaration on the guiding principles of demand reduction (see below).

The Secretary-General stated that, while many Governments provided treatment for drug abusers, the number of facilities was often still insufficient, because of an upsurge in drug abuse, an increase in the number of abusers willing to undergo treatment or the absence of a national policy for the treatment, rehabilitation and social integration of drug abusers. He stated that States that were in the process of establishing specialized treatment facilities for drug abusers should ensure that programmes for treatment and rehabilitation were embedded in national policies. Governments should continue to involve NGOs in providing counselling and long-term support to former drug abusers.

Although some progress had been reported in certain areas, the eradication of illicit crops remained a daunting challenge, as illicit cultivation sites were often located in remote and mountainous areas. States should increase their efforts to eradicate illicit crops and, if necessary, request assistance for that purpose. There was a need to strengthen control mechanisms and operating procedures, particularly with a view to ensuring the timely relay of information relating to suspicious movements or transactions involving such substances.

Many States had concluded bilateral and regional agreements to facilitate operational cooperation in law enforcement matters, including cooperation in the execution or implementation of judicial processes such as extradition or mutual legal assistance, as set out in the 1988 United Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [YUN 1988, p. 690]. States were invited to review their legislation with a view to ensuring that drug trafficking offences were defined as extraditable offences and included in existing or contemplated extradition treaties. States should also consider simplifying extradition proceedings.

In spite of efforts to strengthen interdiction capabilities in terms of resources allocated to suppression of illicit drug trafficking, there remained a need to strengthen the intelligence capacity of States. Governments should build intelligence systems and consider establishing a central entity responsible for the collection, analysis, research and dissemination of drug-related intelligence.

Several Governments reported preparing or enacting penal provisions on drug-related money-laundering offences and comprehensive legislation to enable investigation of such offences and provide for the confiscation of proceeds derived from illicit trafficking, in accord-

ance with articles 3 and 5 of the 1988 Convention. In addition, States had implemented numerous measures to prevent criminal use of the banking system. As other institutions that handled large volumes of money were not always subject to the same stringent measures, States were encouraged to extend the measures to those institutions. Consideration should be given, the report said, to establishing systems to detect suspicious imports of cash at border crossings and to the possibility of using forfeited proceeds for drug control activities, including contributing to drug-related UN projects.

### Implementation of resolution 48/12

In 1993, the General Assembly, at its forty-eighth session, convened four high-level plenary meetings on international cooperation in drug control, culminating in the adoption of resolution 48/12, which set out measures to strengthen international cooperation against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances [YUN 1993, p. 1095].

**Report of Executive Director.** In response to a 1995 Commission on Narcotic Drugs request [YUN 1995, p. 1284], the Executive Director of UNDCP in February presented recommendations [E/CN.7/1996/3] on measures to strengthen international cooperation, reflecting comments and information provided by Governments. As at 1 February, substantive replies had been received from Australia, Austria, Belgium, Brazil, Colombia, Peru, South Africa and the United Kingdom. The recommendations emanating from the Executive Director's first report [YUN 1995, p. 1289] in 1995 were regrouped into four categories, taking into account, inter alia, the substantive content and the magnitude of programme budget implications. The recommendations concerned matters related to the functioning of the international drug control treaties, the convening of conferences or other meetings, additional activities undertaken by UNDCP and recommendations addressed to States or contained in reports of subsidiary bodies.

## Commission on Narcotic Drugs

The Commission on Narcotic Drugs held its thirty-ninth annual session in Vienna from 16 to 25 April. It adopted 10 resolutions on various drug control issues.

The Economic and Social Council, by **decision 1996/249** of 23 July, took note of the Commis-

sion's report [E/1996/27] on its thirty-ninth session.

On the same date, by **decision 1996/246**, the Council approved the provisional agenda and documentation for the Commission's fortieth (1997) session.

## Major issues in 1996

### Demand reduction

The Commission on Narcotic Drugs, at its thirty-ninth session, considered reports concerned with the reduction of illicit demand for drugs. The Commission was informed, in a report [E/CN.7/1996/5] on the world drug abuse situation, that drug abuse was continuing to rise. Even in the few instances where a decrease had been reported, there was usually a commensurate rise in the abuse of another drug used as a substitute because its price was lower or the drug of choice was not available. Opiate abuse had continued to spread in Asia, was a problem in southern Africa and Europe and appeared to be gaining ground in many countries. While cocaine abuse continued to be a problem in countries in the Americas and some European countries, there were some reports of a decrease in its abuse; in some cases, amphetamines seemed to be replacing cocaine. Cannabis was abused virtually throughout the world. Patterns of abuse showed that the practice of abusing drugs by injection had continued to spread, together with the human immunodeficiency virus (HIV). The report also described problems in estimating the extent, patterns and trends of drug abuse, as data were derived from many different bases, making direct comparison difficult. Different countries had adopted different approaches in attempting to solve the problem.

The Commission had before it a report [E/CN.7/1996/7] by the UNDCP secretariat on regional cooperation in demand reduction. It informed the Commission regarding five subregional expert forums on demand reduction and two international private-sector conferences on drugs in the workplace and the community, held in accordance with Economic and Social Council resolution 1993/35 [YUN 1993, p. 1101], which encouraged the establishment of a regional and international system for the regular exchange of information, experiences, training programmes and new ideas on demand reduction programmes and policies. The forums concluded that regional cooperation was a fundamental requirement for confronting the problem of drug abuse and that the business sector needed to be in

partnership with the community if it was to be successful.

In February, the UNDCP Executive Director submitted, in response to Economic and Social Council resolution 1995/16 [YUN 1995, p. 1286], a note [E/CN.7/1996/4] to the Commission on the draft declaration on the guiding principles of reduction of illicit demand for drugs. The Executive Director consulted with Governments and international organizations, and invited them to indicate the key elements and priorities for international drug demand reduction, which might, in their view, be usefully included in the draft declaration on the guiding principles of demand reduction. Action by the UNDCP secretariat and action required by the Commission on Narcotic Drugs in preparing a draft declaration were described. A proposed outline of the draft declaration as well as preliminary comments and proposals for consideration in the preparation of the draft declaration were annexed to the note.

Pursuant to Council resolution 1995/16, the UNDCP Executive Director, in a March report [E/CN.7/1996/8], defined the UNDCP strategy for demand reduction. He identified three main objectives of the strategy: to provide Governments with information on the nature, patterns and trends in drug abuse, for use in formulating drug-control policy; to identify effective methodologies and programmes for demand reduction in different socio-economic and cultural contexts; and to increase the effectiveness of measures undertaken at the national level to prevent and reduce drug abuse. The report described implementation strategies for each objective.

The Commission also had before it an April report [E/CN.7/1996/6] by the UNDCP secretariat on primary and secondary prevention of drug abuse. Primary prevention approaches included awareness campaigns, perinatal and pre-school developmental interventions, in-school education, youth programmes and drug testing. Secondary prevention consisted of reducing drug abuse through different forms of treatment and rehabilitation. In many States, aspects of both primary and secondary prevention often operated parallel to, or in conjunction with, tertiary prevention approaches aimed at reducing health risks to persistent drug abusers. Evidence suggested that the efficacy of primary prevention was increasingly being called into question, while there appeared to be evidence that secondary prevention could reduce demand, and, under some conditions, result in abstinence.

A Commission resolution [4(XXXIX)] invited member States to take steps to draw up national plans on demand reduction which would be balanced with programmes on supply reduction and

to enhance their primary and secondary prevention programmes directed at youth, who were the group most at risk, including by the establishment of national committees on "Sports against drugs". It requested the UNDCP Executive Director to consider organizing forums on demand reduction at the regional level, the agendas of which could include items dealing with the sharing of expertise, information on demand reduction, treatment and training arrangements, developing national databases and cooperation with law enforcement agencies in the region, as well as to examine the possibility of parallel but separate meetings of heads of national drug law enforcement agencies.

In another resolution [res. 2(XXXIX)], the Commission invited UNDCP, in cooperation with the International Olympic Committee, to finalize a global programme on "Sport against drugs", designed to promote the use of sports to prevent drug abuse, and to that end, to adopt adequate measures to ensure the implementation of a February 1995 agreement between UNDCP and the International Olympic Committee. It encouraged Governments to establish national committees on "Sport against drugs", involving NGOs, national sports federations, national Olympic committees and individual athletes. It also requested UNDCP to consider extending its support and expertise to such committees, in the framework of the 1995 agreement with the International Olympic Committee. UNDCP was invited to disseminate messages related to the theme "Sport against drugs" at the Atlanta Olympic Games in the United States and at other major international sports events.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/18**.

#### **Draft declaration on the guiding principles of demand reduction**

The Economic and Social Council,

Recalling its resolution 1995/16 of 24 July 1995 on the integration of demand reduction initiatives into a cohesive strategy to combat drug abuse,

Recalling the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control adopted by the International Conference on Drug Abuse and Illicit Trafficking, and its resolution 1991/46 of 21 June 1991,

Acknowledging the Political Declaration and Global Programme of Action adopted by the General Assembly at its seventeenth special session, on 23 February 1990,

Reaffirming the importance of its resolution 1993/35 of 27 July 1993 on demand reduction as part of balanced national strategic plans to combat drug abuse and the need to ensure its implementation,

Recognizing that demand reduction encompasses prevention, treatment and rehabilitation, as well as social reintegration,

Believing that optimum effectiveness in drug abuse control would best be achieved through a balanced approach, applying the appropriate emphasis and resources to initiatives involving both demand and supply reduction and integrating such initiatives into a cohesive and comprehensive strategy,

Also believing that effectiveness in combating drug abuse is enhanced by cooperation and the combined efforts of all sectors of society, including those of voluntary and non-governmental organizations,

1. Requests the Executive Director of the United Nations International Drug Control Programme to continue to develop a draft declaration on the guiding principles of demand reduction in consultation with Member States, with due regard to the linkages between demand and supply reduction activities;

2. Also requests the Executive Director to further develop such a draft declaration and, if necessary, to convene a working group with expertise in demand reduction to assist him in this task, using voluntary resources made available by Member States expressly for that purpose;

3. Further requests the Executive Director to report to the Commission on Narcotic Drugs at its fortieth session on the progress made in developing the draft declaration and to submit a timetable leading to its adoption.

Economic and Social Council resolution 1996/18

23 July 1996

Meeting 45

Adopted without vote

Draft by Commission on Narcotic Drugs (E/1996/27); agenda item 5 (h).

## Supply reduction

### Availability of opiates for licit needs

In 1996, INCB monitored the availability of opiates for medical and scientific needs, and published a special report entitled *Availability of Opiates for Medical Needs* [Sales No. E.96.XI.6], based on the findings of its study [YUN 1995, p. 1287] initiated in 1995. The report also evaluated the extent to which the recommendations contained in its 1989 report [E/INCB/1989/1/Suppl.] on the availability of narcotic drugs, including opiates, had been implemented.

Based on responses from Governments, the World Health Organization (WHO) and professional organizations, the Board concluded that the recommendations contained in its 1989 special report were far from having been implemented, and though there had been efforts by some Governments to ensure the availability of narcotic drugs for medical and scientific purposes, it appeared that many others had yet to focus on that obligation.

The Board believed that an efficient national drug-control regime should involve not only a programme to prevent illicit trafficking and diversion, but should also ensure the adequate

availability of narcotic drugs for medical and scientific purposes. Governments that had done little or nothing to remove obstacles to the legitimate use of narcotic drugs should, in line with the recommendations contained in the Board's 1989 report, critically examine their methods for assessing medical needs for narcotic drugs and take measures to ensure their availability. It maintained that, if the recommendation contained in its special report on the availability of opiates for medical needs were implemented, significantly more progress would be achieved towards ensuring adequate availability of narcotic drugs for medical and scientific purposes.

The Board noted that among those Governments that did not respond to its survey questionnaire were most of the developing and least developed countries (LDCs), as well as those Governments that frequently failed to submit their annual estimates of narcotic drug requirements as required by the 1961 Single Convention on Narcotic Drugs [YUN 1961, p. 382]. While fully aware of the difficulties facing LDCs in meeting basic health-care needs, the Board encouraged Governments of such countries to make efforts to examine their medical needs for narcotic drugs, as well as the impediments to their availability, to advise the Board of the results of those efforts and to inform it of any assistance required.

## ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/19**.

### Demand for and supply of opiates for medical and scientific needs

The Economic and Social Council,

Recalling its resolutions 1979/8 of 9 May 1979, 1980/20 of 30 April 1980, 1981/8 of 6 May 1981, 1982/12 of 30 April 1982, 1983/3 of 24 May 1983, 1984/21 of 24 May 1984, 1985/16 of 28 May 1985, 1986/9 of 21 May 1986, 1987/31 of 26 May 1987, 1988/10 of 25 May 1988, 1989/15 of 22 May 1989, 1990/31 of 24 May 1990, 1991/43 of 21 June 1991, 1992/30 of 30 July 1992, 1993/37 of 27 July 1993, 1994/5 of 20 July 1994 and 1995/19 of 24 July 1995,

Emphasizing that the need to balance the global licit supply of opiates against the legitimate demand for opiates for medical and scientific purposes is central to the international strategy and policy of drug abuse control,

Noting the fundamental need for international cooperation and solidarity with the traditional supplier countries in drug-abuse control in general and in the universal application of the provisions of the Single Convention on Narcotic Drugs of 1961 in particular,

Having considered the Report of the International Narcotics Control Board for 1995, in which it is stated that in 1994 global consumption of opiates exceeded the production of opiate raw materials, and that in 1995 increased licit production in the two traditional producing countries, India and Turkey, maintained, together with the

other producing countries, the balance between supply and demand,

Noting the importance of opiates in pain relief therapy as advocated by the World Health Organization,

1. Urges all Governments to continue contributing to the maintenance of a balance between the licit supply of and demand for opiates for medical and scientific needs, the achievement of which would be facilitated by maintaining, in so far as their constitutional and legal systems permit, support to the traditional supplier countries, and to cooperate in preventing the proliferation of sources of production and manufacture for export;

2. Urges Governments of all producing countries to adhere strictly to the provisions of the Single Convention on Narcotic Drugs of 1961 and to take effective measures to prevent illicit production or diversion of opiate raw materials to illicit channels;

3. Urges consumer countries to assess and communicate to the International Narcotics Control Board their real needs for opiates to ensure easy supply;

4. Commends the International Narcotics Control Board for its efforts in monitoring the implementation of the relevant resolutions of the Economic and Social Council and, in particular:

(a) In urging the Governments concerned to adjust global production of opiate raw materials to a level corresponding to the actual licit needs and to avoid any proliferation of production;

(b) In convening meetings during sessions of the Commission on Narcotic Drugs to enable the main States importing and producing opiate raw materials to discuss maintaining a balance between licit demand for and supply of opiates;

5. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

Economic and Social Council resolution 1996/19  
23 July 1996 Meeting 45 Adopted without vote  
Draft by Commission on Narcotic Drugs (E/1996/27); agenda item 5 (h).

#### Diversion of psychotropic substances for illicit use

In its 1996 report [E/INCB/1996/1], INCB stated that significant quantities of psychotropic substances were diverted from licit domestic distribution channels into illicit traffic. The substances were sold by traffickers for local abuse or were smuggled into other countries where illicit markets for the substances existed. In 1996, for example, several million tablets containing diazepam and chlordiazepoxide manufactured in Asia were seized in Nigeria during smuggling attempts. Similarly, large quantities of flunitrazepam tablets originating in some countries in Latin America were seized in the United States.

The Board encouraged all Governments to cooperate closely to identify the companies and individuals involved in the diversion of psychotropic substances from domestic distribution channels. Governments of countries where large seizures were made should always provide relevant infor-

mation to the Government of the country where the diversion originally took place, in conformity with the provisions of article 21 of the 1971 Convention on Psychotropic Substances [YUN 1971, p. 380]. Governments should endeavour to obtain the cooperation of pharmaceutical manufacturers and distributors in the prevention of diversion and the investigation of diversion cases.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/30**.

#### **Measures to combat diversion of psychotropic substances and to establish effective control over operations carried out by intermediaries in international trade in psychotropic substances**

The Economic and Social Council,

Recalling the need to give full effect to the Convention on Psychotropic Substances of 1971, in order to effectively combat diversion and abuse of psychotropic substances,

Noting that difficulties encountered by certain countries in introducing control measures provided for in the 1971 Convention have been central to the problem of diversion of psychotropic substances involving intermediaries,

Recalling its resolutions 1991/44 of 21 June 1991 and 1993/38 of 27 July 1993 on measures to enhance controls of international trade in psychotropic substances,

Noting that intermediaries have been involved in major cases of diversion and attempted diversion of psychotropic substances,

Noting also that the situation is further exacerbated by the fact that some countries complying with the requirements of the 1971 Convention and of its resolutions are allowing the export of psychotropic substances to countries in which effective import or export controls have not yet been implemented,

Recalling that in its resolution 1993/38 on measures to prevent substances listed in Schedules III and IV of the 1971 Convention from being diverted from international trade into illicit channels, it invited Governments, inter alia, to exercise continuing vigilance to ensure that operations of brokers and transit operators are not used for the diversion of psychotropic substances into illicit channels,

Noting with satisfaction the relevant activities carried out jointly by the International Narcotics Control Board and the Pompidou Group of the Council of Europe and, in particular, the conclusions and recommendations of the International Narcotics Control Board/Pompidou Group Expert Consultation on Control of Brokers and Transit Operators Handling Psychotropic Substances and Precursors, held at Vienna from 3 to 5 May 1995, as well as those of their Conference on Control of International Trade in Psychotropic Substances in Europe, held at Strasbourg, France, from 18 to 20 October 1995,

Recognizing the increasingly important role of the International Narcotics Control Board in facilitating the detection and interdiction of the suspected diversion of psychotropic substances,

1. Invites Governments that have not already done so to establish, as a matter of priority, competent authorities for the control of psychotropic substances and to notify the Secretary-General of the identity of those authorities, including details of addresses;

2. Also invites Governments to take appropriate measures, with the assistance of the International Narcotics Control Board, to prevent shipments of psychotropic substances in excess of the annual domestic requirements for licit purposes to countries which have not yet implemented effective controls over international trade in those substances;

3. Requests the International Narcotics Control Board to establish assessments of annual licit domestic requirements of psychotropic substances for countries that have not yet submitted such assessments;

4. Invites Governments of exporting countries to exercise the utmost vigilance over import orders for psychotropic substances received from countries considered to have deficient control regimes, particularly in order to prevent uncontrolled re-exports, and to ensure that exports to free ports and free trade zones are avoided if controls over re-exports have not been established;

5. Calls upon all Governments which do not yet control international trade in all psychotropic substances listed in Schedules III and IV of the Convention on Psychotropic Substances of 1971 by using the system of import and export authorizations urgently to consider the establishment of such a system;

6. Also calls upon all Governments for which it is not immediately feasible to control the export of substances listed in Schedules III and IV of the 1971 Convention by means of the system of export authorizations to make use of other mechanisms, such as the system of pre-export declarations;

7. Calls upon all Governments to consider the establishment of control measures for intermediaries, including registration on licensing and record-keeping requirements, as well as the enactment of regulatory and criminal sanctions for intermediaries facilitating diversions;

8. Requests the International Narcotics Control Board to study, in consultation with Governments, the feasibility of formulating specific guidelines for use by Governments on the control of intermediaries involved in international trade in psychotropic substances, on the basis of the conclusions and recommendations of the International Narcotics Control Board/Pompidou Group Expert Consultation on Control of Brokers and Transit Operators Handling Psychotropic Substances and Precursors, held at Vienna from 3 to 5 May 1995;

9. Invites Governments of exporting countries, in seeking to verify the legitimacy of suspicious export transactions, to establish or reinforce bilateral contacts with Governments of importing countries and, if necessary, to request the assistance of the International Narcotics Control Board;

10. Invites all Governments and relevant international bodies to ensure the rapid flow of communications, including the use of electronic means of data exchange;

11. Requests the Secretary-General to propose to the General Assembly, in order to implement the present resolution, any modification in the programme of work of the Secretariat that may be necessary for the al-

location of adequate resources to the United Nations International Drug Control Programme in the programme budget for the biennium 1996-1997;

12. Also requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

Economic and Social Council resolution 1996/30

24 July 1996 Meeting 48 Adopted without vote

Draft by Commission on Narcotic Drugs (E/1996/27); agenda item 5 (h).

Meeting numbers. ESC 45, 48.

### Stimulants and the use of their precursors in the illicit manufacture of and trafficking in drugs

**Expert meetings.** Pursuant to a 1995 Economic and Social Council resolution 1995/20 [YUN 1995, p. 1289] requesting a thorough study of stimulants and the use of their precursors in illicit trafficking, two expert meetings were held in 1996 on amphetamine-type stimulants (ATS), one in Vienna (16-25 April) and the other in Shanghai, China (25-29 November). In April, the UNDCP secretariat issued a report [E/CN.7/1996/12] outlining the first phase of implementation of the resolution, describing approaches adopted in the study by UNDCP, as well as an overview of the principal findings of the study and the Vienna expert meeting.

The first meeting was conceived as a technical fact-finding exercise, aimed at defining the problem in terms of its magnitude, characteristics, trends and social and economic implications, and at comparing it to problems involving opiates and heroin. The approach was determined by the complex scientific nature of the subject-matter to be covered. The expert group considered a study by the UNDCP secretariat entitled "Amphetamine-type stimulants; a global review". One of the principal findings of the study was that the control system worked well on the licit side of the equation. On the illicit side, by contrast, the control system was far more limited, since illicit production of and trafficking in ATS had increased over the last two decades and had even surpassed the corresponding rates for cocaine and heroin in the 1990s. That general trend was an aggregation of trends for individual substances within the group and for different parts of the world. The report concluded that it was apparent that traditional drug-control approaches to this enormously flexible clandestine industry offered limited chances of success, and even might have contributed, quite inadvertently, to the shifts from the licit to the illicit areas of manufacture, as well as to the capacity of illicit markets to stay one step ahead of controls. It appeared that synthetic drugs, particularly ATS, would be a problem of the twenty-first century. The evidence in the study seemed to show that synthetic drugs had

the potential to become a global problem of a magnitude greater than that posed by the plant-based narcotic drugs.

The second meeting [E/CN.7/1997/6] was conceived as a policy-oriented undertaking. It reviewed national and international regulatory regimes pertaining to ATS and their precursors and recommended policies and countermeasures. The meeting's conclusions and recommendations focused on four main issues: reversing the trend of ATS abuse becoming a part of mainstream consumer culture; the dilemma of controlling the exchange of information about ATS; reducing economic incentives and limiting the availability of precursors for clandestine manufacture; and closing legislative and regulatory gaps.

The meeting recognized and drew attention to the grave threat posed by the abuse of ATS, which had begun as a localized phenomenon but had spread to all regions of the world. Several factors contributed to the surge in ATS abuse. On the supply side, economic incentives were powerful. In some countries, clandestine manufacture of methamphetamine could lead to profits of nearly 3,000 per cent of the cost of raw material. Such profitability derived from several factors: the accessibility and abundance of precursors, which suggested that clandestine manufacture could be carried out by non-specialists and close to the points of final consumption; fewer stages in the chain of distribution and the involvement of fewer individuals; and shorter distances, reducing the scope for effective interdiction. In addition, detailed information about the manufacture of ATS was available to the public through the Internet and other such networks. In nearly every region of the world, demand was strongly driven by social, cultural and economic forces that had come together during the past few decades. Compared with cocaine, ATS was less expensive, had a longer effect and carried a relatively benign image. That image was not only common among the general public, but also in institutions handling substance-abuse problems. The drug control focus at both the national and international levels was still overwhelmingly on the plant-based narcotic drugs, and the threat of ATS was often underestimated.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July, the Economic and Social Council adopted **resolution 1996/29**.

**Action to strengthen international cooperation to control precursors and their substitutes used in the illicit manufacture of controlled substances, in particular amphetamine-type stimulants, and to prevent their diversion**

The Economic and Social Council,

Deeply concerned about the economic and social consequences of the rapid and widespread increase in

illicit manufacturing, trafficking and use of amphetamine-type stimulants throughout the world,

Concerned about the continued availability of chemicals listed in tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to drug traffickers for use in the illicit clandestine production of controlled substances,

Alarmed that in some cases traffickers have swiftly and successfully sought non-scheduled substitute chemicals for those scheduled chemicals that have become more scarce as a result of international control,

Concerned that clandestine laboratory operators are seeking international sources for substances listed in table I of the 1988 Convention, which are often contained in tablets and capsules, thus undermining the effectiveness of international controls of those products and thwarting the goals of article 12 of the Convention and of the international community,

Dismayed that, despite concerted international control efforts, listed chemicals continue to be accessible to traffickers through the activities of producers of illicit drugs or unscrupulous brokers and intermediaries, who facilitate trade but are not themselves end-users,

Aware that many Governments lack adequate resources to enable them to conduct the in-depth investigations that may be needed to determine the legitimate need for an intended export or import of a listed chemical,

Aware of the progress in control of chemical shipments resulting from cooperation between competent national authorities in a number of countries, and with the assistance of the International Narcotics Control Board,

Recognizing the need for the international community to strengthen countermeasures against the illicit manufacturing, trafficking and use of amphetamine-type stimulants and their precursors,

Noting with appreciation the results of the expert forum on amphetamine-type stimulants held at Vienna from 12 to 16 February 1996,

Recognizing the important role of the Board in monitoring and facilitating implementation of the measures to strengthen international cooperation to prevent diversion of substances listed in table I of the 1988 Convention and used in the illicit manufacture of stimulants and other psychotropic substances, as detailed in its resolution 1995/20 of 24 July 1995,

Noting also with appreciation the publications entitled Report of the International Narcotics Control Board for 1995 and Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1995 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

Recalling its resolution 1995/20,

Realizing that it may not be practical to schedule all chemicals and substances used to produce illicit drugs,

#### I

Special surveillance of scheduled and non-scheduled substances

1. Calls upon all States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to enact any legis-



lation necessary to provide their competent authorities with the legal basis fully to implement the chemical controls required or recommended by the Convention and all related resolutions;

2. Calls upon the United Nations International Drug Control Programme and the International Narcotics Control Board, drawing upon the expertise of competent national authorities as needed, to establish a limited international special surveillance list of non-scheduled substances for which substantial information exists of their use in illicit drug trafficking, in order to allow, according to the nature and trade patterns of each product, for appropriate measures to prevent use by traffickers of those substances;

3. Urges all States parties to the 1988 Convention to establish arrangements, whether voluntary, administrative or legislative, whereby their domestic exporters, importers and distributors of the chemicals and substances included in the special surveillance list will report suspicious orders or thefts of such chemicals and cooperate with national enforcement and control authorities with regard to those chemicals and substances;

4. Urges States parties to the 1988 Convention, subject to their legal provisions, to take civil, criminal or administrative action, as appropriate, against suppliers of scheduled substances or, where possible, substances included in the special surveillance list for failure to cooperate with the authorities with regard to those substances;

5. Strongly urges States that export scheduled chemicals not to permit exports of such chemicals listed in tables I and II of the 1988 Convention in sensitive cases which may be identified by the Board, or to brokers or intermediaries who facilitate trade, but are not themselves end-users, unless prior identification of any genuine consignee and such inquiries as may be appropriate are also made;

6. Further urges States, in accordance with their legal provisions, not to permit the importation of chemicals listed in tables I and II of the 1988 Convention where a risk of diversion exists, until evidence establishes the legitimacy of the importer and the purpose of the chemical import;

7. Urges States, except in cases where a known risk of diversion exists, and prior to permitting the importation of chemicals listed in tables I and II of the 1988 Convention, to require, in accordance with their legal provisions, evidence of legitimacy of importers and domestic distributors of those chemicals which are intended for subsequent sale or delivery to bulk domestic distributors;

8. Urges Governments to consider ways of reinforcing international cooperation, including, where appropriate, bilateral and multilateral arrangements or agreements against the diversion of scheduled substances and their substitutes;

9. Invites Governments that have not yet done so to designate, as a matter of priority, authorities competent for the control of scheduled substances, to inform the Secretary-General that they have taken such action and to enhance the establishment of bilateral relations between importing, exporting and transit countries.

## II

### Recommendations for action

1. Urges Governments to implement specific actions to control scheduled chemicals as requested in its resolution 1995/20;

2. Requests the International Narcotics Control Board to collect and compile data that would establish a pattern of trade in chemicals listed in tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, including any significant volume of transactions, to draw the attention of the competent authorities of countries concerned to any irregularities that the Board, in its judgement, may identify, and to invite those authorities to provide the Board with any additional information, as necessary, and to take appropriate action, especially preventive action; such action by Governments, both importing and exporting, ought to include:

(a) Consulting with and providing relevant data to the Board in conformity with legal requirements of confidentiality and data protection, where concern exists that an export or transshipment of such chemicals or substances may be diverted to the illicit traffic;

(b) Verification by the importing country of the legitimacy of transactions on the basis of pre-export notifications of such substances to be sent by the exporting countries as provided for in article 12 of the Convention of 1988;

(c) Not permitting the export of substances listed in tables I and II of the 1988 Convention, and, where possible, substances included in the special surveillance list, to areas of special risk where it is known that they are commonly used to produce illicit drugs, until information is available to establish the legitimate purpose of the chemicals or substances to be imported;

3. Requests that, pursuant to the initiatives taken by the International Narcotics Control Board in accordance with paragraph 2 above, the Governments of exporting and importing countries and territories verify the legitimacy of the individual transactions concerned and prevent the release of such shipments until the competent authority of the importing country or territory has, in compliance with the time constraints of the exporting country, indicated that it has no objection to the transaction in question;

4. Recommends that, wherever possible, Governments should obtain early notification from operators of all proposed transactions of substances listed in table I of the 1988 Convention in order to check their legitimacy, and inform other countries and territories accordingly, in compliance with the provisions of that Convention;

5. Requests all Governments of countries and territories to alert other Governments, as appropriate, through the Board, as soon as diversion attempts are identified, and to cooperate in controlled deliveries, if necessary, in order to prevent traffickers from turning to other countries or regions to obtain the precursors they require;

6. Urges Governments with free ports and free trade zones to closely monitor, in particular, the movement of amphetamine-type stimulants and scheduled substances under the 1988 Convention through such trading centres, pursuant to the Convention, and to provide

for a mechanism to seize consignments when adequate grounds for suspicion have been established;

7. Requests Governments with free ports and free trade zones to provide information as requested by the Board in order to strengthen measures to monitor the movement of the amphetamine-type stimulants and scheduled substances under the 1988 Convention in those ports and zones;

8. Encourages Governments of countries and territories to examine the scope of their current controls over domestic distribution in order to prevent internal diversion of scheduled substances under the 1988 Convention, which could be subsequently smuggled to neighbouring countries where illicit manufacture of drugs takes place;

9. Invites Governments to consider monitoring the intermediaries and brokers who facilitate trade but are not themselves end-users by appropriate measures, such as applying the current control procedures and resorting to the sanctions applicable to other operators that handle or use controlled substances;

10. Requests the Secretary-General to convene, in accordance with the mandate established in Council resolution 1995/20, a second expert meeting of drug-control authorities and policy-making representatives of interested Governments in order to propose comprehensive countermeasures against illicit manufacturing, trafficking and use of amphetamine-type stimulants and their precursors;

11. Requests the Secretary-General, with the assistance of the Executive Director of the United Nations International Drug Control Programme and in consultation with the International Narcotics Control Board, to seek the views of interested Governments on the nature and content of the comprehensive countermeasures prior to the second expert meeting;

12. Requests the Commission on Narcotic Drugs to examine the proposed comprehensive countermeasures at its fortieth session, on the basis of the results of the second expert meeting;

13. Requests the Secretary-General to propose to the General Assembly, in order to implement the present resolution, any modification in the programme of work of the Secretariat that may be necessary for the allocation of adequate resources to the United Nations International Drug Control Programme in the programme budget for the biennium 1996-1997;

14. Also requests the Secretary-General, having in mind the recommendations of the Chemical Action Task Force established by the heads of State or Government of the seven major industrialized countries and the President of the Commission of the European Communities to consult in writing with the parties concerned:

(a) To examine to what extent those recommendations have been implemented;

(b) To suggest further measures to prevent diversions to the illicit manufacture of stimulants;

15. Further requests the Secretary-General to prepare a summary of the replies received and to submit a report, if possible, to the Commission on Narcotic Drugs at its fortieth session;

16. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

Economic and Social Council resolution 1996/29

24 July 1996

Meeting 48

Adopted without vote

Draft by Commission on Narcotic Drugs (E/1996/27); agenda item 5 (h). Meeting numbers. ESC 45, 48.

### Crop-based drugs

The Commission on Narcotic Drugs had before it a report [E/CN.7/1996/11] on crops from which drugs were extracted and appropriate strategies for their eradication. It described trends in hectareage of global illicit cultivation, examined eradication efforts and their impact on illicit cultivation at the national and global levels and provided figures on illicit cultivation and eradication. The report also reviewed the distinction between alternative development efforts, on the one hand, and both crop substitution and more general economic development efforts on the other. The report stated that only two instances of absolute reductions in illicit cultivation had been recorded at the national level, in Thailand and Turkey, both cases occurring prior to recent severalfold increases in global cultivation of opium poppy. The reduction in opium poppy cultivation in Turkey coincided with increases in the opium supply from Mexico (for the heroin market in the United States) and from parts of Asia. The reduction in opium cultivation in Thailand was more than accounted for at the global level by increases in neighbouring Myanmar. Hence, even the impact of those cases of absolute reduction at the national level was greatly diluted at the global level. The other major supplier that came close to absolute reductions at the national level due to intense eradication efforts was Mexico in the mid-1970s, which by 1994 had substantial areas of illicit cultivation. Large increases in illicit cultivation in Afghanistan might partly account for reductions in illicit cultivation in Pakistan. At both the national and global levels, the adaptability of the illicit market caused by robust economic incentives was reflected in the "balloon effect", or the displacement or replacement of illicit crops, and had served to reduce the overall efficacy of measures to reduce illicit cultivation. Nevertheless, successful efforts at the national level to eliminate or reduce illicit cultivation might have helped to curb the rise in total global production.

In three of the five Asian countries where opium cultivation was tackled by UN alternative development efforts, partial reductions were recorded in some instances. In Thailand, the major reduction occurred before the bulk of UN drug-control investment in alternative development was made, and decreases in Pakistan were largely due to law enforcement and reduced opium prices, although alternative development might

have sustained reduction efforts in some areas. Of the two programmatic activities in the Lao People's Democratic Republic, one recorded no reduction in illicit cultivation, and the other recorded some decrease within the context of general reductions for the country as a whole.

There was no evidence that the progressive limited reduction of coca bush within project areas in Latin America had had an effect in the aggregate. In Lebanon, illicit cultivation of opium poppy and cannabis was reduced in the 1990s through eradication, whereas alternative development efforts in Morocco did not reduce cannabis cultivation. Lack of a clear emphasis on drug control at the project level until the early 1990s, combined with the lack of parallel implementation of drug control legislation, might have contributed to the failure to achieve measurable success in some areas.

The report concluded that the last two decades had seen significant progress in developing an understanding of the dynamics of illicit crop cultivation and related drug control strategies. Experience had shown that some programmes might be effective in promoting development, encouraging the growth of licit agricultural and other economic activities, and reducing the level of illicit cultivation in targeted areas. In addition to implementing the provisions of the international drug-control treaties, such programmes might benefit from having a national and regional focus which could improve the prospect of their achieving a substantial reduction in the cultivation of illicit crops over the long term.

### **Illicit trafficking**

The Commission on Narcotic Drugs continued in 1996 to consider various aspects of illicit drug trafficking. It examined a report [E/CN.7/1996/9] concerning global trends and recent developments regarding illicit traffic in opiates, cocaine, cannabis, psychotropic substances and precursors. The report stated that trafficking in both heroin and cocaine had increased rapidly in the 1980s, appeared to stabilize in the early 1990s, but increased again in 1993 and 1994. While trafficking in cannabis herb still dominated the global situation with regard to trafficking in cannabis, trafficking in cannabis resin had been increasing and indoor cannabis cultivation continued to rise in many developed countries. It was possible that international trafficking in cannabis could decline if indoor hydroponic cultivation of cannabis for domestic consumption continued to increase. In other areas, there had been a strong increase in trafficking in stimulants in the 1990s. Trafficking in certain precursors might have declined in recent years, perhaps as a result of im-

proved drug control efforts since the adoption of the 1988 Convention [YUN 1988, p. 690]. There was a strong possibility, however, that the apparent decline reflected a shift towards the use of substitute products or other manufacturing techniques. Regarding action against drug trafficking, the report stated that the global interdiction rate for cocaine was significantly above that for heroin, reversing the pattern for the early 1980s, a development almost certainly due to greater law enforcement efforts. However, the mechanisms of the illicit market were such that the high seizure rate did not cause a proportionate reduction in consumption. Further investigation of such issues might assist the Commission on Narcotic Drugs in its efforts to monitor the implementation of those aspects of the international drug-control treaties that related to illicit drug trafficking. There had been a dramatic increase in seizures of methaqualone and other depressants, which might indicate increased trafficking in those substances. The seizures were concentrated among a small number of countries. In 1994, India reported having seized 45 tonnes of methaqualone, 85 per cent of the total amount reported seized worldwide. The Philippines reported having seized 7 tonnes of methaqualone in 1994, 13 per cent of the global total. The remainder of the world accounted for only 2 per cent of the methaqualone seized worldwide. For depressants other than methaqualone, in 1994 the United States reported the most units seized: over 25 million units, or 95 per cent of the total number of units seized worldwide. While the extent to which different illicit drugs competed with one another was largely unknown, it was possible that increasing trafficking in substances in the ATS group could have an impact upon cocaine trafficking in the longer term.

Emphasizing that the 1988 Convention required each party to make money-laundering a criminal offence, the Commission, in April [res. 5(XXXIX)], urged States to prohibit banks and other financial institutions from offering accounts identified only by number, anonymous accounts or accounts in obviously false names, and recommended that States require banks and other financial institutions to take reasonable measures to determine the true identity of persons on whose behalf an account was opened or a transaction was conducted. It urged States to broaden money-laundering countermeasures, combined with various effective administrative, civil and criminal measures, to include the transit, conversion or other disposition of illegal proceeds from serious crime.

### Subsidiary bodies

The Commission on Narcotic Drugs had before it a note by the UNDCP secretariat [E/CN.7/1996/10] on reports from subsidiary bodies, containing a synopsis of recent action by Governments to improve regional and subregional cooperation in drug control activities in regions where meetings of subsidiary bodies had been held since the thirty-eighth (1995) session of the Commission on Narcotic Drugs. The following meetings of the heads of national drug law enforcement agencies (HONLEA) took place in 1995: Eighth Meeting of HONLEA, Africa (Kampala, Uganda, 23-27 October); Twentieth Meeting of HONLEA, Asia and the Pacific (Jakarta, Indonesia, 18-22 November); and Seventh Meeting of HONLEA, Latin America and the Caribbean (Havana, Cuba, 9-13 October). The working groups established by the Meetings addressed urgent issues arising in each region, and, in line with the objective of countering illicit drug traffic worldwide, recommended measures to facilitate the implementation of specific provisions of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [YUN1988,p.690]. Although some of the topics discussed were specific to particular regions, the working group recommendations reflected two major recurring themes: the need to establish national drug-related intelligence systems and the need for adequate training for drug law enforcement personnel. The traditional agenda item on the current situation and most recent trends in illicit drug traffic in the respective regions was replaced by a new agenda item entitled "Current

situation with respect to regional and subregional cooperation". The HONLEA Meetings also reviewed government action to implement the recommendations adopted at previous Meetings. As had often been the case in the past, only a small number of Governments responded to the UNDCP questionnaires. Considering that the low response rate might be due to the fact that the time-lag between the adoption of the recommendations and their implementation was too limited to permit Governments to commence implementation and to report thereon, HONLEA, Africa, and HONLEA, Asia and the Pacific, decided that the status of implementation would henceforth be examined not one year but two years after the adoption of the recommendations.

A later addendum [E/CN.7/1996/10/Add.1] reflected the situation with respect to agreements and arrangements concerning cooperation in the region of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East, which held its thirty-first session in 1996 (Amman, 9-13 March) [UNDCP/SUBCOM/1996/6]. It also reported on the status of the implementation of the Tehran Declaration [YUN 1993, p. 1092], adopted by the 1993 Ministerial-level Conference held at the Subcommission's twenty-ninth session.

On 23 July, by **decision** 1996/248, the Economic and Social Council, taking note of the relevant part of the report [E/1996/27] of the Commission on Narcotic Drugs on its thirty-ninth session, decided to approve the applications for membership in the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East of Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan.

## Chapter XV

## Statistics

In 1996, the United Nations continued its work programme in the area of statistics. In April, the Working Group on International Statistical Programmes and Coordination reviewed, among other things, the work of the inter-agency task forces established by the Statistical Commission in 1993 in eight subject areas; followed up on the implementation of the System of National Accounts, also adopted in 1993; and discussed proposals on various statistical issues.

In May, the Administrative Committee on Coordination Subcommittee on Statistical Activities considered technical as well as policy and coordination issues. The Statistical Commission, which meets biennially, did not meet in 1996.

### UN statistical bodies

#### Statistical Commission

The statistical activities of the United Nations and its specialized agencies were guided by the Statistical Commission, a functional commission of the Economic and Social Council, which first met in 1947. It was composed of 24 members elected for four-year terms by the Council.

The Commission did not meet in 1996, but was scheduled to hold its twenty-ninth session in 1997. The Council had approved in 1995 [YUN 1995,p.1292]the provisional agenda and documentation for the Commission's 1997 session.

#### Working Group on International Statistical Programmes and Coordination

At its eighteenth session (New York, 16-18 April) [E/CN.3/1997/19], the Working Group on International Statistical Programmes and Coordination was briefed on the implications for statistics of the UN financial crisis; followed up on the implementation of the System of National Accounts, 1993; reviewed the work of the inter-agency task forces that had been established by the Statistical Commission in eight subject matters (national accounts, international trade statistics, services statistics, finance statistics, industrial and construction statistics, environment statistics, price statistics including the International Comparison Programme, and measurement of poverty); considered proposals concerning critical problems in economic statistics;

reviewed proposals concerning the statistical implications of UN summit meetings; examined proposals for future work on international statistical classifications; reviewed work done to measure the flows of technical cooperation in statistics; considered proposals for strengthening the role of the regional commissions in the area of statistics; evaluated efforts made to coordinate statistical data-collection activities; considered proposals for gender-related topics for inclusion in national publications; reviewed a survey of country views on the holding of a world statistics day; and finalized the provisional agenda and documentation for the twenty-ninth (1997) session of the Statistical Commission.

With regard to the work of the task forces, the Working Group expressed regret that several of them had provided only oral reports to it, and requested that, in future, they submit written reports that, while brief, would indicate progress in the tasks that had been assigned to them by the Commission or its Working Group. It restated its previous requests to the Secretariat to submit integrated reports that systematically addressed all the issues relevant to a particular agenda item in a single document, and decided that, for the 1997 session of the Commission, an overall assessment should be carried out of the results of the task force initiative, in relation to the terms of reference of the task forces.

The Working Group recommended that its nineteenth session be held from 10 to 13 February 1998 in New York and approved a provisional agenda for the session.

### Economic statistics

#### Critical problems in economic statistics

The Working Group on International Statistical Programmes and Coordination agreed with the proposal of the Expert Group on Critical Problems in Economic Statistics to initiate informal consultation groups to address issues such as problems that affected the confidence of users in official economic statistics. It also decided that their continued existence would depend on decisions of the Statistical Commission. After assessing the need for a comprehensive review of the International Comparison Programme (ICP), it

asked the UN Statistics Division to work with the World Bank and a number of countries to elaborate suitable terms of reference for one or several consultants to conduct such a review.

The Administrative Committee on Coordination (ACC) Subcommittee on Statistical Activities, at its thirtieth session (New York, 7-9 May) [ACC/1996/9], noted that a number of groups constituted along the lines of the Voorburg Group on Service Statistics, whose members were predominantly national statistical agencies but also included international organizations, had been enlisted by the Working Group to address specific critical issues. The Voorburg Group was a cooperative effort by volunteer statistical agencies to address problems associated with data gaps and conceptual issues. The Subcommittee was informed that those groups had been invited to present progress reports at the 1997 session of the Commission. It also received clarification that the role of the Statistics Division was limited to facilitating the workings of the groups and making their outputs widely accessible.

By a note of 25 October 1996 [E/CN.3/1997/2], the Secretary-General transmitted to the Commission the report of the Expert Group on Critical Problems in Economic Statistics on its 1995 meeting [YUN 1995, p. 1292]. It was submitted in response to a 1996 Working Group request, by which it asked the Expert Group to redraft its report on the 1995 meeting in order to reflect discussions and decisions taken by the Working Group. The report detailed the findings of that meeting and incorporated decisions agreed upon at the 1996 meeting of the Working Group (see above). The Expert Group focused on problems that affected user confidence in official economic statistics; fundamental principles of official statistics; and user confidence in the coverage, periodicity and timeliness and in the quality and relevance of official economic statistics.

The Expert Group elaborated proposals for further activities and recommended mechanisms for carrying them out. The 14 issues and the processes associated with them, as agreed by the Working Group, were: good behaviour on the part of national statistical agencies; effective communication for statistical institutions with providers of basic information and the users of their statistical products; devolution and deregulation policies; balancing the need for data among the regional, State and national levels; the need to measure the informal sector of the economy; the statistical consequences of the globalization of the world economy; measuring capital stocks; resource accounting; measuring price change; the quality of labour; labour and com-

pensation; economics of intangibles; ICP; and short-term economic indicators.

### **National accounts and balances**

In April, the Working Group on International Statistical Programmes and Coordination considered a report by the Inter-Secretariat Working Group on National Accounts (ISWGNA) on national accounts and balances. The Working Group welcomed the elaboration by ISWGNA of a set of milestones as useful criteria against which progress in the implementation of the System of National Accounts, 1993 (1993 SNA) [YUN 1993, p. 1112] at the country level could be judged. It also took note of the work already undertaken by the UN Statistics Division and the regional commissions to use those milestones in assessing the current state of SNA implementation in individual countries. The Working Group asked ISWGNA to provide in its report to the Statistical Commission the updated results of the country assessment exercise to determine the current state of national accounting, paying attention to different needs and priorities of subregional country groupings. It furthermore asked ISWGNA to formulate a range of options for accelerating the process for the Commission to consider; those options would refer to targets for SNA implementation to be pursued at the global and regional levels, thereby identifying more clearly the anticipated implications for statistical support, while recognizing that SNA implementation remained a matter for individual countries.

### **Industrial and construction statistics**

In April, the Working Group on International Statistical Programmes and Coordination considered an oral report by a representative of the Organisation for Economic Cooperation and Development (OECD), Convener of the Task Force on Industrial and Construction Statistics, on the accomplishments in relation to the requests of the Statistical Commission at its 1995 session [YUN 1995, p. 1294].

The Working Group noted the progress of the Statistics Division on drafting operational guidelines to link time-series based on the International Standard Industrial Classification of All Economic Activities, Revision 2 (ISIC, Rev.2) and ISIC, Rev.3, with the help of volunteer countries; and also noted that the Task Force would prepare a progress report on its work, including, if possible, the results of a survey of country practices on the classification of the statistical unit, for submission to the Commission in 1997.

In May [ACC/1996/9], the ACC Subcommittee on Statistical Activities noted the work done by the

Task Force, and agreed with its 1995 conclusion [YUN 1995, p. 1293] on the importance and difficulties of monitoring the implementation of ISIC, Rev.3. The Subcommittee also noted with satisfaction the completion of the draft revision of the International Recommendations for Construction Statistics in accordance with a 1995 Commission request.

### International trade statistics

The Task Force on International Trade Statistics met in Geneva from 19 to 21 March. An oral report was made to the Working Group on International Statistical Programmes and Coordination in April by a representative of the World Trade Organization (WTO), Convener of the Task Force. The Working Group welcomed the results achieved by the Task Force; urged it, in the interest of ensuring more consistent international trade data, to promote greater standardization in the treatment of confidentiality, exchange-rate conversions and the basis for designating partners in international trade; requested the Task Force to identify appropriate and practical ways to present the revised concepts and definitions, and to provide compilation advice to countries; encouraged it to provide input into the revision of the Harmonized Commodity Description and Coding System to ensure that statistical concerns were adequately being taken into account; and endorsed the outline of the proposed report to the Statistical Commission in 1997.

In September [E/CN.3/1997/10], the Secretary-General transmitted to the Commission the report of the Task Force. It outlined actions taken by the Task Force, namely, increased cooperation among its members to share data and reduce reporting burdens on countries; completion of a review of questionnaires and publications by the organizations in international trade statistics; exchange of information by Task Force members on methods used to prepare estimates of trade flows in cases where countries did not report their national data; review of the technical cooperation arrangements that were in place and the continuation of those efforts; agreement on the need for information on international subcontracting and on intra-firm trade; and consideration of its functioning at its 1995 session.

Also in September, the Secretary-General submitted a report on the revised concepts and definitions for international merchandise trade statistics [E/CN.3/1997/11]. It contained, in an annex, the main conclusions of the Expert Group on International Trade Statistics at its 1996 meeting (New York, 20-24 May). The meeting was attended by 33 participants representing 18 countries, including developed and developing coun-

tries and countries in transition, and by six international organizations that were members of the Task Force. In 1995, the Commission had endorsed [YUN 1995, p. 1294] the plan of action and outline proposed by the Task Force for the revision of the 1982 International Trade Statistics: Concepts and Definitions [Sales No. E.82.XVII.14]. The revision was carried out by the Task Force, with the UN Statistics Division as coordinator, and with the involvement of countries at all stages of the work. Following the preparation of an integrated draft of the revision in August 1995, a further draft was completed in January 1996, taking into account the comments of countries and Task Force members, and was circulated to approximately 190 countries for comment; comments were provided by 30 countries.

At its March 1996 meeting, the Task Force engaged in an extensive discussion of the draft revision, considering in particular the principle of "crossing the border" as compared to the principle of "change of ownership" as a basis for international trade statistics; the work on rules of origin that was being carried out in the World Customs Organization and WTO; and the general layout of the draft. To review the draft further, the Task Force held a special meeting in May 1996. The draft revision, along with a document summarizing the 30 country comments, was considered at the May meeting of the Expert Group, which requested the Statistics Division to revise the draft in the light of its recommendations. The resulting revised draft was circulated to members of the Expert Group for comments, and a final draft revision was prepared to reflect those comments as far as possible.

### Finance statistics

In an oral report to the Working Group on International Statistical Programmes and Coordination in April, a representative of the International Monetary Fund (IMF), the Convener of the Task Force on Finance Statistics, reported on progress made in addressing the 1995 recommendations of the Statistical Commission [YUN 1995, p. 1294].

The Task Force, in consultation with countries, had found that problems of overlapping and duplication in the reporting of data by countries to international organizations were limited. Joint reporting of balance-of-payments statistics and coordination between OECD and IMF on government revenue statistics were two areas where that problem had been addressed; the need for consistent standards in methodology between the 1993 SNA and the specialized statistical systems maintained by IMF had been partially met with the revision and publication of the fifth edi-

tion of the IMF Balance of Payments Manual; work by IMF on its new Manual on Monetary and Financial Statistics was at an advanced stage; and harmonization between government finance statistics and the SNA was also a priority, but that work was at a less advanced stage—it involved revising the existing Manual on Government Finance Statistics, which needed to take into account some changes in the basis of recording.

The Working Group approved the work done by the Task Force and requested it to submit a further progress report to the Commission in 1997.

In May, the ACC Subcommittee on Statistical Activities noted the progress report given by the Convener of the Task Force. In particular, the Convener indicated that, in presenting a report at the 1997 session of the Commission, the Task Force would re-examine issues of coordination in finance statistics. If that review demonstrated that the Task Force had fulfilled its mandate, the Task Force would recommend that it be discontinued.

### **Price statistics**

In April, the Working Group on International Statistical Programmes and Coordination considered the discontinuance of the Task Force on Price Statistics, including ICP.

In response to the 1995 Statistical Office of the European Communities (Eurostat) proposal to discontinue the work of the Task Force and the ACC Subcommittee on Statistical Activities agreement thereto [YUN 1995, p. 1295], the Working Group concluded that the Task Force had fulfilled its mandate and agreed that it should be discontinued. It noted that remaining issues of interest in price statistics and the evaluation of progress in ICP had been taken up by the Expert Group on Critical Problems in Economic Statistics.

### **Service statistics**

The Working Group on International Statistical Programmes and Coordination, in April, considered an oral report by a representative of OECD, Convener of the Task Force on Service Statistics.

The Convener reported that the Task Force had decided that current circumstances did not favour proceeding with the production of a year-book on trade in services, but that it would produce instead a manual on the topic and had agreed on an outline. The Working Group welcomed the results achieved by the Task Force and emphasized the need for the manual, stressing that it should be consistent with IMF's Balance of

Payments Manual. It also requested the Task Force to report to the Statistical Commission in 1997 on each of the requests that the Commission had made in 1995, and noted that the Task Force intended to make a recommendation to the Commission on future arrangements for work in its area of expertise.

In May, the ACC Subcommittee on Statistical Activities noted the work accomplished by the Task Force, and welcomed the progress being made by the UN Statistics Division on statistics on the domestic (within country) sector in developing countries.

At the fifth meeting of the Task Force on Service Statistics (Paris, 21-22 May) [E/CN.3/1997/7], an inventory of the activities and requirements of international institutions relating to trade-in-services statistics by WTO, IMF, the World Bank, the United Nations Conference on Trade and Development, the Economic and Social Commission for Asia and the Pacific, the Economic and Social Commission for Western Asia, OECD and Eurostat was presented. It was decided that a regular update of the inventory would be carried out. WTO and OECD were jointly contributing resources to the preparation of a draft manual on trade in services, which would be presented at the 1997 Task Force meeting.

### **Environment statistics**

The second meeting of the Task Force on Environment Statistics, planned for February 1996 to review the Statistics Division's 1995 draft framework on planned activities, as well as common objectives, priorities and cooperation, was cancelled, since the majority of the members of the Task Force were unable to attend. Despite the cancellation, the Statistics Division would continue its efforts to obtain the information requested by the Working Group on International Statistical Programmes and Coordination. An analysis of the priorities and activities of the respective organizations would be prepared by the Division and would be made available to the Working Group, as would an updated version of the synopsis of programmes and activities in environmental statistics, indicators and accounting.

The Working Group, in its discussion of the work of the Task Force, stressed the importance of environment statistics as a high-priority topic. It endorsed the proposed outline for the report to the Statistical Commission in 1997, and stressed that the report should present the work programmes of the different organizations, identify gaps and describe major strategic dimensions or goals of international work in the field of environment statistics. The report should also pro-



vide milestones against which progress could be measured.

In May, the Convener of the Task Force (UN Statistics Division) informed the ACC Subcommittee on Statistical Activities of the efforts under way to obtain information by correspondence from the members of the Task Force on their planned activities and priorities, and, as requested by the Commission, to define and provide milestones against which each organization could measure progress in a particular activity and in the whole programme. The Subcommittee expressed support for those efforts, and requested the members of the Task Force to supply the relevant information for inclusion in its report to the Commission in 1997.

### **International economic and social classifications**

In April, the Working Group on International Statistical Programmes and Coordination, during its consideration of international economic and social classifications, commended the Statistics Division for the work completed, and considered that the initiatives planned were consistent with the decisions taken by the Statistical Commission in 1995 [YUN 1995, p. 1296]. It endorsed the work programme on international economic and social classifications, and requested the Division to submit the report of the second meeting of the Expert Group on International Classifications (see below) to the Commission for its review. The Working Group also agreed that the work of the Division on the revised list of products and materials based on the Classification of the New European Industrial Production Statistics for the collection of industrial commodity production statistics should continue.

In November [E/CN.3/1997/4], the Secretary-General provided an overview of how the 1995 recommendations of the Commission concerning international statistical classifications had been addressed. It described the status of the recommendations and additional work accomplished in the field of international statistical classifications since the Commission's 1995 session, and included points for discussion. An annex to the report contained a list of the family of international economic and social classifications; a further annex contained the report of the second meeting of the Expert Group on International Classifications (New York, 24-26 June).

At that meeting, the Expert Group, in accordance with its 1994 plan for improving the coordination of future work on international classifications [YUN 1994, p. 1261], considered the conceptual linkages of a network of classifications; coordi-

nating mechanisms in a setting of linked and interrelated classifications; and where social statistics fitted into the picture. The Expert Group did not consider it useful or necessary to create a new coordinating body and agreed instead on a new coordinating mechanism in which the Statistics Division would play a pivotal role. It stressed the importance of the Division's coordination role in resolving differences and in harmonizing classifications, including further work on the development of correspondence tables, and, where appropriate, in assisting in the identification of classification commonalities. The Expert Group also stressed the need for increased opportunities for the exchange of information on existing economic and social classifications.

Five major roles were identified for the Statistics Division in the resolution of problems, which would be usefully supported by an inventory of classifications: providing a central point for registering both existing and proposed classifications; increasing access to the classifications by the international community and national statistical offices through a full display and wide provision of information; identifying the custodians of classifications and the official points of contact and encouraging the exchange of information between them; providing notice of the revision process and the implications of changes being made, and assisting in identifying potential problems with proposed modifications with respect to the consistency and harmonization of existing classifications; and proactive signalling to the Commission of issues requiring a larger forum for solutions. The Expert Group recommended that its name be changed to Expert Group on International Economic and Social Classifications so as to reflect the conclusions of the second meeting.

## **Social and demographic statistics**

### **Demographic, social and migration statistics**

In April [E/CN.3/1997/19], the Working Group on International Statistical Programmes and Coordination considered a list of gender-related topics of broad national and international interest that might be covered in national publications on a rotating basis. The topics dealt with population, families and households; political and governmental leaders; decision makers in public and private enterprise, public order and security and violence against women; education; health; housing, human settlements and the environment; working and the economy; and special subjects, including the girl child, aged persons and persons with disabilities. The Working Group expressed its appreciation for the comprehensive-

ness of the topics listed. It noted that the topics would present varying degrees of difficulty and priority in country work, and suggested that any future version of the list might note some of the differences.

In a November report [E/CN.3/1997/15/Add.2.], the Secretary-General transmitted to the Statistical Commission the results of the review of the draft recommendations on statistics of international migration by the joint Economic Commission for Europe (ECE)/Eurostat work session on migration statistics (Geneva, 30 September-2 October). The proposed recommendations were viewed as a major step forward in the development of a new set of recommendations on international migration statistics. They were seen as a valuable tool for improving migration statistics in some countries, and as providing a basis for improving international comparability in the field. The meeting agreed that the important conceptual and measurement difficulties that statistical offices throughout the region encountered in the field of migration statistics warranted that a further meeting be organized to discuss priority topics. It recommended that a further ECE/Eurostat joint meeting be convened, preferably in the last half of 1997.

### **Population and housing censuses**

An Expert Group on the 2000 World Population and Housing Census Programme was convened (New York, 9-13 September) [E/CN.3/1997/14] to review the draft revised Principles and Recommendations for Population and Housing Censuses [ST/ESA/STAT/SER.M/67/Rev.1]. The Group made a number of suggestions to improve the manuscript and strongly supported most of the changes proposed by the Secretariat. It recommended some refinements, clarifications and additions, and stressed the importance of maintaining the right balance between the sometimes conflicting needs for continuity and change in census operations. A new section on strategic objectives was proposed. The Group supported the inclusion of new sections on quality control and databases, and expressed agreement with the revisions to the sections on data processing, dissemination and evaluation of results. It furthermore proposed strengthening and simplifying the section on topics to be investigated, and provided advice on the treatment of the topics proposed.

### **Poverty measurement**

In April, the Working Group on International Statistical Programmes and Coordination agreed with the 1995 conclusion [YUN 1995, p. 1298] of the Task Force on the Measurement of Poverty that it was not the function of the Statistical Commission

to develop international standards for the definition of poverty and therefore accepted the Task Force recommendation that the Task Force be discontinued. It considered, however, that further technical work could and should be done at the regional and international levels on the various methods used to measure poverty and on the data requirements that the various approaches implied. It therefore agreed to recommend the formation of an expert group on poverty statistics, and welcomed the offers of Brazil to serve as chair and of the Economic Commission for Latin America and the Caribbean to serve as secretariat.

### **UN conferences statistics**

Regarding the Expert Group on the Statistical Implications of Recent Major United Nations Conferences, the Working Group on International Statistical Programmes and Coordination supported strengthening national capacities for collecting and reporting social statistics and indicators in general, in the context of ensuring the availability of appropriate statistics and indicators for monitoring implementation of the social programmes of action adopted at recent major UN conferences. It agreed that the Expert Group should submit a report to the Statistical Commission in 1997, and recommended that the Commission adopt the minimum national social data set, which consisted of 15 items: population estimates by sex, age and, where appropriate and feasible, ethnic group; life expectancy at birth, by sex; infant mortality, by sex; child mortality, by sex; maternal mortality; percentage of infants weighing less than 2,500 grams at birth, by sex; average number of years of schooling completed, by sex and, where possible, by income class; gross domestic product per capita; household income per capita (level and distribution); monetary value of the basket of food needed for minimum nutritional requirements; unemployment rate, by sex; employment-population ratio, by sex, and by formal and informal sector, where appropriate; access to safe water; access to sanitation; and number of people per room, excluding kitchen and bathroom. The Working Group requested the Statistics Division to work with the regional commissions to arrange for pilot studies in each region on the availability and quality of the statistics called for in the minimum national social data set. The Division was to report to the Working Group before the Commission's 1997 session on progress towards completing the pilot studies.

### **Technical cooperation**

In April [E/CN.3/1997/19], the Working Group on International Statistical Programmes and Co-

ordination discussed the steps that had been taken to prepare a report on technical cooperation in statistics for the Statistical Commission in 1997. The Working Group noted the difficulties faced by the Statistics Division in preparing the report and was disappointed to learn that the response rate to the request for information had been low. It decided that the Division should continue preparing the report and should submit it to the Commission in 1997. It requested Statistics Canada, Eurostat and IMF to work with the Division to include in that report coverage of crucial issues related to technical cooperation.

### **Other statistical activities**

#### **Inter-agency coordination**

The ACC Subcommittee on Statistical Activities, at its thirtieth session (New York, 7-9 May) [ACC/1996/9], discussed matters arising from its 1995 session [YUN 1995, p. 1299]; coordination tools; coordination of ongoing statistical programmes; coordination of the follow-up of statistical activities related to international conferences; the UN Common Data Systems Task Force; and matters arising from the work of the Statistical Commission and its Working Group on International Statistical Programmes and Coordination.

The Subcommittee brought five matters to the attention of the ACC Consultative Committee on Programme and Operational Questions: the establishment of a firmer basis for discussing the coordination of international statistical work in the Subcommittee in order to promote more effective coordination, and the establishment of an integrated presentation of work programmes along the lines of the approach being used in the ECE region; issues related to the minimum national social data set, for example the formation of an expert group on poverty statistics; the groups that had been established by countries, in cooperation with international organizations, to carry out work on several critical problems in economic statistics; chairmanship of the Committee; and the dates, venue and agenda of its thirty-first session.

The Subcommittee recommended that its thirty-first session be held from 16 to 18 September 1997 in Geneva.

### **Coordination of statistical data collection**

In April, the Working Group on International Statistical Programmes and Coordination noted with satisfaction the work done by the Statistics Division in updating the inventory of statistical data-collection activities, which was important for coordination.

### **UN common data system**

At its 1996 meeting (New York, 14-15 February), the UN Common Data System Task Force adopted the Common Code of Statistical Practice in the United Nations System. The Code constituted a series of guidelines to be voluntarily applied to the extent possible rather than a set of obligatory standards.

In May, the ACC Subcommittee on Statistical Activities endorsed the Common Code and encouraged organizations to distribute it within their organizations, and to apply the practices that it contained to the extent possible. It welcomed the intention of the Statistics Division and IMF to promote coordination between the Common Code and the IMF data dissemination standards.

### **World statistics day**

The Working Group on International Statistical Programmes and Coordination in April considered the holding of a world statistics day and requested the Statistics Division to prepare a document to reflect the range of views expressed during the discussion of the subject and to submit it to the Statistical Commission in 1997.

In May, the ACC Subcommittee reconfirmed its previous conclusion that, while it recognized the value of national statistical days in those countries that had them, it had reservations on the potential value of and support for holding a world statistics day, especially in the light of the resources needed and the absence of well-developed objectives. The Subcommittee noted that the Statistics Division, as requested by the Working Group, would prepare a draft report for the Commission and circulate it to members of the Subcommittee for comments and input.

## PART FOUR

### Legal questions

## Chapter I

## International Court of Justice

In 1996, the International Court of Justice (ICJ) delivered two Judgments, two Advisory Opinions and nine Orders. It had pending before it 10 contentious and two advisory cases. One case was removed from its list. In another, a request for the indication of provisional measures was made.

On 28 February, the General Assembly and the Security Council elected Gonzalo Parra-Aranguren of Venezuela to fill a vacancy resulting from the death in 1995 of Judge Andres Aguilar Mawdsley. On 6 November, the Assembly and the Council extended the terms of three judges and elected two new ones for nine-year terms beginning 6 February 1997.

On 15 October, the President of the Court addressed the General Assembly on "The Limitations on the Contribution by the International Court of Justice to the Maintenance of Peace".

During the year, Paraguay and Poland deposited with the Secretary-General declarations recognizing as compulsory the jurisdiction of the Court; in the case of Poland, to replace and terminate its previous declaration of 25 September 1990. As a result, the number of States which had made such declarations rose to 60.

### Judicial work of the Court

During 1996, the Court rendered Judgments on preliminary objections in the cases concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) and Oil Platforms (Islamic Republic of Iran v. United States of America). It delivered Advisory Opinions in the cases concerning the Legality of the Use by a State of Nuclear Weapons in Armed Conflict and the Legality of the Threat or Use of Nuclear Weapons.

The Court further made an Order indicating provisional measures in the case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria) and an Order recording the discontinuance and directing the removal from the Court's list of the case concerning the Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America). The Court or its President also made several Orders on the conduct of the proceedings in the cases concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bah-

rain), Oil Platforms (Islamic Republic of Iran v. United States of America), Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Fisheries Jurisdiction (Spain v. Canada) and Kasikili/Sedudu Island (Botswana/Namibia).

The activities of ICJ were covered in two reports to the General Assembly, for the periods from 1 August 1995 to 31 July 1996 [A/51/4] and from 1 August 1996 to 31 July 1997 [A/52/4]. By **decision** 51/405 of 15 October 1996, the Assembly took note of the report on the Court's 1995/96 activities.

### Aerial incident of 3 July 1988 (Iran v. United States)

Iran had instituted proceedings against the United States in 1989, referring to the destruction of an Iranian aircraft on 3 July 1988 and the killing of its 290 passengers and crew by missiles launched in Iranian airspace from the United States guided-missile cruiser USS Vincennes. The time-limits for written proceedings, fixed in a December 1989 Court Order [YUN 1989, p. 816], were extended by an Order in June 1990. The Memorial of Iran was filed within the prescribed time-limit.

In March 1991, within the time-limit fixed for its Counter-Memorial, the United States filed certain preliminary objections to the Court's jurisdiction. By an April 1991 Order [YUN 1991, p. 818], the Court fixed 9 December of that year as the time-limit within which Iran might present a written statement of its observations and submissions on those objections. As requested by Iran, and after the view of the United States had been ascertained, the President of the Court, by Orders of 18 December 1991 [YUN 1991, p. 818] and 5 June 1992 [YUN 1992, p. 980], extended the time-limit to 9 June and 9 September 1992, respectively. Iran's written statement was filed within the prescribed time-limit and was communicated to the Secretary-General of the International Civil Aviation Organization (ICAO), together with the written pleadings previously filed. Following the submission of written observations by the ICAO Council within the time-limit of 9 December 1992, fixed by the President of the Court, the

Court announced that hearings in the case would open on 12 September 1994. At the joint request of the Parties, made in 1994, those hearings were postponed sine die.

By a letter of 22 February 1996, the Agents of the two Parties jointly notified the Court that their Governments had agreed to discontinue the case because they had entered into "an agreement in full and final settlement of all disputes, differences, claims, counter-claims and matters directly or indirectly raised by or capable of arising out of, or directly or indirectly related to or connected with, this case". By an Order of the same day [Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America), Order of 22 February 1996, I.C.J. Sales No. 674], the Court placed on record the discontinuance and directed that the case be removed from the list.

#### **Maritime delimitation and territorial questions (Qatar v. Bahrain)**

Qatar instituted proceedings in 1991 [YUN 1991, p. 820] against Bahrain in respect of disputes relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah and the delimitation of the maritime areas of the two States.

In August 1991, Bahrain contested the basis of jurisdiction invoked by Qatar. By an October 1991 Order [YUN 1991, p. 820], the President of the Court decided that written proceedings should first be addressed to the questions of the jurisdiction of the Court to entertain the dispute and of the admissibility of the Application, and fixed the time-limits for the filing of a Memorial by Qatar and a Counter-Memorial by Bahrain, which were filed accordingly in 1992 [YUN 1992, p. 982]. Also in 1992, Qatar and Bahrain filed their respective Reply and Rejoinder within the time-limits fixed by a June 1992 Order [YUN 1992, p. 982]. Qatar chose Jose Maria Ruda and Bahrain chose Nicolas Valticos to sit as judges ad hoc in the case.

Following hearings held in February and March 1994, the Court delivered on 1 July 1994 a Judgment [YUN 1994, p. 1279], by which it found that the exchanges of letters between the King of Saudi Arabia and the Amir of Qatar, dated 19 and 21 December 1987, and between the King of Saudi Arabia and the Amir of Bahrain, dated 19 and 26 December 1987, and the document headed "Minutes", signed in Doha on 25 December 1990 by the Ministers for Foreign Affairs of Bahrain, Qatar and Saudi Arabia, were international agreements creating rights and obligations for the Parties; and that, by the terms of those agreements, the Parties had undertaken to submit to the Court the whole of the dispute between them, as circumscribed by the Bahraini formula. Hav-

ing noted that it had before it only an Application from Qatar setting out that State's specific claims in connection with that formula, the Court decided to afford the Parties the opportunity to submit to it the whole of the dispute. It fixed 30 November 1994 as the time-limit within which the Parties were jointly or separately to take action to that end and reserved any other matters for subsequent decision.

On 30 November 1994, the Court received a letter from Qatar transmitting an "Act to comply with paragraphs (3) and (4) of the operative paragraph 41 of the Judgment of the Court dated 1 July 1994". On the same day, Bahrain transmitted a "Report of the State of Bahrain to the International Court of Justice on the Attempt by the Parties to Implement the Court's Judgment of 1 July 1994". In view of those communications, the Court resumed dealing with the case.

At a public sitting held on 15 February 1995, the Court delivered a Judgment on jurisdiction and admissibility [YUN 1995, p. 1305], by which it found that it had jurisdiction and that the Application of Qatar as formulated on 30 November 1994 was admissible.

Judge ad hoc Valticos resigned as of the end of the jurisdiction and admissibility phase of the proceedings.

By an Order of 28 April 1995 [YUN 1995, p. 1306], the Court, having ascertained the views of Qatar and having given Bahrain an opportunity to state its views, fixed 29 February 1996 as the time-limit for the filing by each of the Parties of a Memorial on the merits. By an order of 1 February 1996 [Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Order of 1 February 1996, I.C.J. Sales No. 673], that time-limit was extended to 30 September 1996. The two Memorials were filed within that extended time-limit. By an Order of 30 October 1996 [Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Order of 30 October 1996, I.C.J. Sales No. 682], the President of the Court fixed 31 December 1997 as the time-limit for the filing by each of the Parties of a Counter-Memorial on the merits.

Bahrain chose Mohamed Shahabuddeen to sit as judge ad hoc.

#### **Questions of interpretation and application of the 1971 Montreal Convention arising from the aerial incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) and (Libyan Arab Jamahiriya v. United States)**

The Libyan Arab Jamahiriya instituted separate proceedings in 1992 [YUN 1992, p. 982] against the United Kingdom and the United States in respect of a dispute over the interpretation and ap-

plication of the 1971 Montreal Convention for the Suppression of Unlawful acts against the Safety of Civil Aviation [YUN 1971, p. 739], which arose from its alleged involvement in the crash of Pan Am flight 103 over Lockerbie, Scotland, on 21 December 1988.

In the Applications, Libya referred to the charging and indictment of two of its nationals, by the Lord Advocate of Scotland and by a United States Grand Jury, with having caused a bomb to be placed aboard Pan Am flight 103. The bomb subsequently exploded, causing the aircraft to crash, killing all persons aboard. Libya requested the Court to adjudge and declare that it had complied fully with all of its obligations under the Montreal Convention, which it claimed to be the only appropriate Convention in force between the Parties, and which required it to establish its own jurisdiction over alleged offenders present in its territory and submit the case to its authorities for prosecution, as there was no extradition treaty between it and the other Parties; that the United Kingdom and the United States were in breach of the Convention by rejecting Libya efforts to resolve the matter within the framework of international law and placing pressure on it to surrender the two Libyan nationals for trial; and that the United Kingdom and the United States were under a legal obligation to cease and desist from such breaches and from the use of force or threats against Libya and from all violations of its sovereignty, territorial integrity and political independence.

It also made two separate requests for an indication of provisional measures in each case. By two Orders of 14 April 1992 [YUN 1992, p. 982], the Court found that the circumstances of the case were not such as to require the exercise of its power to indicate provisional measures. By Orders of 19 June 1992 [YUN 1992, p. 982], the Court fixed 20 December 1993 as the time-limit for the filing of a Memorial by Libya and 20 June 1995 for Counter-Memorials by the United Kingdom and the United States. Libya filed its Memorial within the prescribed time-limit, and chose Ahmed S. El-Kosheri to sit as judge ad hoc in the case.

On 16 and on 20 June 1995, respectively [YUN 1995, p. 1306], the United Kingdom and the United States filed preliminary objections to the jurisdiction of the Court to entertain the Applications of Libya. By virtue of Article 79, paragraph 3, of the Rules of the Court, the proceedings on the merits were suspended when preliminary objections were filed; proceedings then had to be organized for the consideration of those preliminary objections in accordance with the provision of that Article.

Following a meeting on 9 September 1995 between the President of the Court and the Agents of the Parties to ascertain the Parties' views, the Court, by Orders of 22 September 1995 [YUN 1995, p. 1306], fixed, in each case, 22 December 1995 as the time-limit within which Libya might present a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom and the United States, respectively. Libya filed such statements within the prescribed time-limits.

The ICAO Secretary-General, which had, in accordance with article 34, paragraph 3 of the Court's Statute, been informed that the interpretation of the 1971 Montreal Convention was in issue in the two cases, and been communicated copies of the proceedings, informed the Court that ICAO had "no observation to make for the time being", requesting, however, to be kept informed of the developments of the two cases, in order to determine whether it would be appropriate to submit observations at a later stage.

The public sittings to hear the oral arguments of the Parties on the preliminary objections raised by the United Kingdom and the United States, respectively, were scheduled to open on 13 October 1997.

### **Oil platforms (Iran v. United States)**

Proceedings against the United States were instituted by Iran in 1992 [YUN 1992, p. 983] regarding a dispute in which Iran alleged that the destruction by United States warships, on 19 October 1987 and 18 April 1988, of three offshore oil production complexes owned and operated by the National Iranian Oil Company constituted a breach of international law and the 1955 Iran/United States Treaty of Amity, Economic Relations and Consular Rights. Iran requested the Court to rule on the matter.

By an Order of December 1992, the time-limits were fixed at 31 May 1993 for the filing of a Memorial by Iran and 30 November 1993 for a Counter-Memorial by the United States. By an Order of 3 June 1993 [YUN 1993, p. 1138], the time-limits were extended to 8 June and 16 December 1993, respectively. Iran, which chose François Rigaux to sit as judge ad hoc, filed its Memorial within the prescribed time-limit, while the United States filed certain preliminary objections to the jurisdiction of the Court. In accordance with the Rules of the Court (see above, under section on Libya v. United Kingdom/United States), the proceedings on the merits were suspended. By an Order of 18 January 1994 [YUN 1994, p. 1280], the Court fixed 1 July 1994 as the time-limit within which Iran could present a written statement of its observations and submissions.

sions on the United States objections. The written statement was filed within the prescribed time-limit.

After hearings had been held between 16 and 24 September 1996, the Court, at a public sitting on 12 December, delivered its Judgment on the preliminary objection [Oil Platforms (Islamic Republic of Iran v. United States of America), Preliminary Objection, Judgment of 12 December 1996, I.C.J. Sales No. 683], the operative paragraph of which read as follows:

For these reasons,

The Court,

(1) rejects, by 14 votes to 2, the preliminary objection of the United States of America according to which the Treaty of 1955 does not provide any basis for the jurisdiction of the Court;

In favour: President Bedjaoui; Judges Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; Judge ad hoc Rigaux;

Against: Vice-President Schwebel; Judge Oda;

(2) finds, by 14 votes to 2, that it has jurisdiction, on the basis of Article XXI, paragraph 2, of the Treaty of 1955, to entertain the claims made by the Islamic Republic of Iran under Article X, paragraph 1, of that Treaty.

In favour: President Bedjaoui; Judges Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; Judge ad hoc Rigaux;

Against: Vice-President Schwebel; Judge Oda.

Judges Shahabuddeen, Ranjeva, Higgins and Parra-Aranguren and Judge ad hoc Rigaux appended separate opinions to the Judgment of the Court; Vice-President Schwebel and Judge Oda appended dissenting opinions.

By an Order of 16 December 1996 [Oil Platforms (Islamic Republic of Iran v. United States of America), Preliminary Objection, Order of 16 December 1996, I.C.J. Sales No. 684], the President of the Court, taking into account the agreement of the Parties, fixed 23 June 1997 as the time-limit for the filing of the Counter-Memorial of the United States.

### **Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)**

In 1993 [YUN 1993, p. 1138], Bosnia and Herzegovina instituted proceedings against the Federal Republic of Yugoslavia (Serbia and Montenegro) for alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [GA res. 260 A (III)].

Bosnia and Herzegovina requested the Court to adjudge and declare that Yugoslavia had vio-

lated and was continuing to violate several provisions of the Genocide Convention, as well as of the Charter of the United Nations, the 1949 Geneva Conventions for the protection of war victims and their 1977 Additional Protocol I [YUN 1977, p. 706], the 1907 Hague Regulations on Land Warfare and the 1948 Universal Declaration of Human Rights [GA res. 217 A (III)]; that Yugoslavia was using force and the threat of force against Bosnia and Herzegovina; that Bosnia and Herzegovina had the sovereign right under the Charter and customary international law to defend itself and to request assistance of any State in doing so, which was not to be impaired by Security Council resolution 713(1991) [YUN 1991, p. 215] and subsequent resolutions imposing and reaffirming an arms embargo on the former Yugoslavia; that those resolutions should not be construed as imposing an arms embargo on Bosnia and Herzegovina; that, pursuant to the right to collective self-defence, other States had the right to come to the immediate defence of Bosnia and Herzegovina at its request; that Yugoslavia should cease and desist immediately from its breaches of the foregoing legal obligations; and that Yugoslavia should pay reparations for damages sustained by Bosnia and Herzegovina.

Bosnia and Herzegovina also requested the Court to indicate provisional measures to the effect that Yugoslavia should, *inter alia*, cease and desist immediately from all acts of genocide against the people and State of Bosnia and Herzegovina. By an Order of 8 April 1993 [YUN 1993, p. 1138], the Court indicated that Yugoslavia should immediately take all measures within its power to prevent commission of the crime of genocide; and should ensure in particular that any armed units under its control did not commit any acts of genocide or acts leading up to genocide. The Court also indicated that neither of the Parties should in any way aggravate or extend the dispute. The time-limits for the filing of the Memorial by Bosnia and Herzegovina and a Counter-Memorial by Yugoslavia were fixed at 15 October 1993 and 15 April 1994, respectively, by an Order of 16 April 1993 [YUN 1993, p. 1138], and were extended to 15 April 1994 and 15 April 1995, respectively, by an Order of 7 October 1993 [YUN 1993, p. 1139].

In July 1993, Bosnia and Herzegovina made a second request for indication of provisional measures, while Yugoslavia, in August, requested the Court to indicate provisional measures requiring Bosnia and Herzegovina to prevent acts of genocide against the Bosnian Serbs. Acting on those requests, the Court, by an Order of 13 September 1993 [YUN 1993, p. 1139], held that the situation demanded the immediate implementation



of provisional measures indicated in its April 1993 Order rather than an indication of additional measures. In declining Bosnia and Herzegovina's requests related to the partition and annexation of its territory and the means of preventing acts of genocide and partition, the Court pointed out that such claims were beyond the scope of its jurisdiction in that case, conferred on it by the Genocide Convention.

The Memorial of Bosnia and Herzegovina was filed within the prescribed time-limit. Bosnia and Herzegovina chose Elihu Lauterpacht and Yugoslavia chose Milenko Kreca to sit as judges ad hoc in the case.

By an Order of 21 March 1995 [YUN 1995, p. 1307], the President of the Court, upon a request of the Agent of Yugoslavia and after the views of Bosnia and Herzegovina had been ascertained, extended to 30 June 1995 the time-limit for the filing of the Counter-Memorial of Yugoslavia. Within that extended time-limit Yugoslavia filed certain preliminary objections. The objections related, first, to the admissibility of the Application and, second, to the jurisdiction of the Court to deal with the case. By virtue of the Rules of Court (see above, under section on Libya v. United Kingdom/United States), the proceedings on the merits were suspended.

By an Order of 14 July 1995 [YUN 1995, p. 1307], the President of the Court fixed 14 November 1995 as the time-limit within which Bosnia and Herzegovina might present a written statement of its observations and submissions on the preliminary objections raised by Yugoslavia. Bosnia and Herzegovina filed such a statement within the prescribed time-limit.

After hearings had been held between 29 April and 3 May 1996, the Court, at a public sitting on 11 July, delivered its Judgment on the preliminary objections [Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Preliminary Objection, Judgment of 11 July 1996, I.C.J. Sales No. 680], by which it rejected the objections raised by Yugoslavia, finding that, on the basis of article XI of the Genocide Convention, it had jurisdiction; dismissed the additional bases of jurisdiction invoked by Bosnia and Herzegovina; and found that the Application was admissible.

Judge Oda appended a declaration to the Judgment of the Court; Judges Shi and Vereshchetin appended a joint declaration; Judge ad hoc Lauterpacht also appended a declaration. Judges Shahabuddeen, Weeramantry and Parra-Aranguren appended separate opinions to the Judgment; Judge ad hoc Kreca appended a dissenting opinion.

By an Order of 23 July 1996 [Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Preliminary Objection, Order of 23 July 1996, I.C.J. Sales No. 681], the President of the Court fixed 23 July 1997 as the time-limit for the filing of the Counter-Memorial of Yugoslavia.

### **Gabcíkovo-Nagymaros Project (Hungary/Slovakia)**

In 1992, Hungary applied to the Court in a dispute with the Czech and Slovak Federal Republic concerning the projected diversion of the Danube River, inviting the Republic to accept the Court's jurisdiction.

Following negotiations between Hungary and the Czech and Slovak Federal Republic, which dissolved into two States on 1 January 1993, Hungary and Slovakia—the sole successor State of the Czech and Slovak Federal Republic with respect to the project dispute—on 2 July 1993 [YUN 1993, p. 1139], requested the Court to decide whether Hungary had been entitled to suspend and subsequently abandon in 1989 the work on the Nagymaros Project and on the part of the Gabcíkovo Project for which it was responsible under the 1977 Budapest Treaty on the Construction and Operation of the Gabcíkovo-Nagymaros Barrage System; and whether the Czech and Slovak Federal Republic had been entitled to execute, in 1991-1992, the "provisional solution"—a system damming up the Danube on Czechoslovak territory. The Court was also requested to determine the legal effects of the termination of the Treaty by Hungary in 1992 and the legal consequences of the Court's Judgment in that case.

Each Party filed a Memorial and a Counter-Memorial within the time-limits of 2 May and 5 December 1994, respectively, fixed by an Order of 14 July 1993 [YUN 1993, p. 1139]. By an Order of 20 December 1994 [YUN 1994, p. 1281], the President of the Court fixed 20 June 1995 as the time-limit for the filing of a Reply by each of the Parties. Those Replies were filed within the prescribed time-limit. Slovakia chose Krzysztof J. Skubiszewski to sit as judge ad hoc.

### **Land and maritime boundary between Cameroon and Nigeria**

On 29 March 1994 [YUN 1994, p. 1281], Cameroon instituted proceedings against Nigeria in a dispute concerning the question of sovereignty over the peninsula of Bakassi, and requested the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

In its Application, Cameroon referred to "an aggression" by Nigeria, whose troops were "occupying" several Cameroonian localities on the Bakassi peninsula, resulting "in great prejudice to Cameroon", and requested the Court to adjudicate and declare that sovereignty over the Bakassi peninsula was Cameroonian; that Nigeria had violated and was violating the fundamental principle of respect for frontiers inherited from colonization and its obligations under international law by using force against Cameroon and by militarily occupying the Bakassi peninsula; and that Nigeria should withdraw its troops and pay reparation. Cameroon also asked the Court to prolong the course of its maritime boundary with Nigeria up to the limit of the maritime zones of the two States.

On 6 June 1994 [YUN 1994, p. 1281], Cameroon filed an Additional Application for the purpose of extending the subject of the dispute to a further dispute described as relating essentially to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad, while also asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. It further requested the Court to examine the two Applications as one case. On 14 June, Nigeria indicated that it had no objection to that request.

By an Order of 16 June 1994 [YUN 1994, 1282], the Court fixed 16 March and 18 December 1995 as the time-limits for the filing of Cameroon's Memorial and Nigeria's Counter-Memorial, respectively. The Memorial was filed within the prescribed time-limit.

On 13 December 1995, within the time-limit for the filing of its Counter-Memorial, Nigeria filed certain preliminary objections to the jurisdiction of the Court and to the admissibility of the claims of Cameroon. By virtue of the Rules of Court (see above, under section on Libya v. United Kingdom/United States), the proceedings on the merits were suspended.

By an Order of 10 January 1996 [Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Order of 10 January 1996, I.C.J. Sales No. 672], the President of the Court fixed 15 May 1996 as the time-limit within which Cameroon might present a written statement of its observations and submissions on the preliminary objections raised by Nigeria. Cameroon filed such a statement within the prescribed time-limit.

On 12 February 1996, Cameroon, referring to "serious armed incidents" which had taken place between Cameroonian and Nigerian forces in the Bakassi peninsula beginning on 3 February, re-

quested the Court to indicate the following provisional measures:

- "(1) the armed forces of the Parties shall withdraw to the position they were occupying before the Nigerian armed attack of 3 February 1996;
- "(2) the Parties shall abstain from all military activity along the entire boundary until the judgment of the Court is given;
- "(3) the Parties shall abstain from any act or action which might hamper the gathering of evidence in the present case."

After hearings had been held between 5 and 8 March 1996, the Court, by an Order of 15 March 1996 [Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Order of 15 March 1996, I.C.J. Sales No. 675], indicated that "both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it"; that they "should observe the agreement reached between the Ministers for Foreign Affairs in Kara, Togo, on 17 February 1996, for the cessation of all hostilities in the Bakassi Peninsula"; that they "should ensure that the presence of any armed forces in the Bakassi Peninsula does not extend beyond the positions in which they were situated prior to 3 February 1996"; that they "should take all necessary steps to conserve evidence relevant to the present case within the disputed area"; and that they "should lend every assistance to the fact-finding mission which the Secretary-General of the United Nations has proposed to send to the Bakassi Peninsula".

Judges Oda, Shahabuddeen, Ranjeva and Koroma appended declarations to the Order of the Court; Judges Weeramantry, Shi and Vereshchetin appended a joint declaration; Judge ad hoc Mbeye also appended a declaration. Judge ad hoc Ajibola appended a separate opinion to the Order.

### **Fisheries jurisdiction (Spain v. Canada)**

On 28 March 1995, Spain instituted proceedings against Canada in a dispute relating to the Canadian Coastal Fisheries Protection Act, as amended on 12 May 1994, and to the implementing regulations of that Act, as well as to certain measures taken on the basis of that legislation, more particularly the boarding on the high seas, on 9 March 1995, of a fishing boat, the *Estai*, sailing under the Spanish flag.

The Application indicated, inter alia, that by the amended Act "an attempt was made to impose on all persons on board foreign ships a

broad prohibition on fishing in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO), that is, on the high seas, outside Canada's exclusive economic zone"; that the Act "expressly permits (article 8) the use of force against foreign fishing boats in the zones that article 2.1 unambiguously terms the 'high seas'"; that the implementing regulations of 25 May 1994 provided, in particular, for "the use of force by fishery protection vessels against the foreign fishing boats covered by those rules . . . which infringe their mandates in the zone of the high seas within the scope of those regulations"; and that the implementing regulations of 3 March 1995 "expressly permit [. . .] such conduct as regards Spanish and Portuguese ships on the high seas". The Application alleged the violation of various principles and norms of international law and stated that there was a dispute between Spain and Canada which, going beyond the framework of fishing, seriously affected the very principle of the freedom of the high seas and, moreover, implied a very serious infringement of the sovereign rights of Spain.

Spain requested the Court to declare that the legislation of Canada, in so far as it claimed to exercise a jurisdiction over ships flying a foreign flag on the high seas, outside the exclusive economic zone of Canada, was not opposable to Spain; to adjudge and declare that Canada was bound to refrain from any repetition of the acts complained of and to offer reparation to Spain; and to declare that the boarding on the high seas, on 9 March 1995, of the ship *Estai* flying the flag of Spain and the measures of coercion and the exercise of jurisdiction over that ship and over its captain constituted a concrete violation of the principles and norms of international law.

By a letter dated 21 April 1995, the Ambassador of Canada to the Netherlands informed the Court that, in the view of his Government, the Court manifestly lacked jurisdiction to deal with the Application filed by Spain by reason of paragraph 2 (d) of the Declaration, dated 10 May 1994, whereby Canada accepted the compulsory jurisdiction of the Court.

Taking into account an agreement concerning the procedure reached between the Parties at a meeting with the President of the Court, held on 27 April 1995, the President, by an Order of 2 May 1995 [YUN 1995, p. 1309], decided that the written proceedings should first be addressed to the question of the jurisdiction of the Court to entertain the dispute, and fixed 29 September 1995 as the time-limit for the filing of the Memorial of Spain and 29 February 1996 for the filing of the Counter-Memorial of Canada. The

Memorial and Counter-Memorial were filed within the prescribed time-limits.

Spain chose Santiago Torres-Bernárdez and Canada Marc Lalonde to sit as judges ad hoc.

The Government of Spain subsequently expressed its wish to be authorized to file a Reply; the Government of Canada opposed that. By an Order of 8 May 1996 [Fisheries Jurisdiction (Spain v. Canada), Order of 8 May 1996, I.C.J. Sales No. 676], the Court, considering that it was "sufficiently informed, at this stage, of the contentions of fact and law on which the Parties rely with respect to its jurisdiction in the case and whereas the presentation by them, of other written pleadings on that question therefore does not appear necessary", decided by 15 votes to 2 not to authorize the filing of a Reply by the Applicant and a Rejoinder by the Respondent on the question of jurisdiction.

Judge Vereshchetin and Judge ad hoc Torres-Bernárdez voted against; the latter appended a dissenting opinion to the Order.

#### **Kasikili/Sedudu Island (Botswana/Namibia)**

On 29 May 1996, Botswana and Namibia jointly submitted to the Court a dispute concerning the boundary around Kasikili/Sedudu Island and the island's legal status.

A Special Agreement, signed between them for the submission of the dispute, referred to a Treaty between the United Kingdom and Germany respecting the spheres of influence of the two countries, signed on 1 July 1890, and to the appointment, on 24 May 1992, of a Joint Team of Technical Experts "to determine the boundary between Namibia and Botswana around Kasikili/Sedudu Island" on the basis of the Treaty and of the applicable principles of international law. Unable to reach a conclusion on the question, the Joint Team recommended "recourse to the peaceful settlement of the dispute on the basis of the applicable rules and principles of international law". At a summit meeting held in Harare, Zimbabwe, on 15 February 1995, President Masire of Botswana and President Nujoma of Namibia agreed "to submit the dispute to the International Court of Justice for a final and binding determination".

The Special Agreement was signed in Gaborone, Botswana, on 15 February 1996. Under its terms, the Parties asked the Court to "determine, on the basis of the Anglo-Germany Treaty of 1st July 1890 and the rules and principles of international law, the boundary between Namibia and Botswana around Kasikili/Sedudu Island and the legal status of the island".

By an Order of 24 June 1996 [Kasikili/Sedudu Island (Botswana/Namibia), Order of 24 June 1996,

I.C.J. Sales No. 677), the Court fixed 28 February and 28 November 1997, respectively, as the time-limits for the filing by each of the Parties of a Memorial and a Counter-Memorial.

### **Legality of the use by a State of nuclear weapons in armed conflict**

In 1993, the World Health Organization (WHO) requested an advisory opinion from the Court on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law in view of the health and environmental effects.

By an Order of 13 September 1993 [YUN 1993, p. 1139], the Court fixed 10 June 1994 as the time-limit within which WHO and its member States entitled to appear before the Court might submit written statements on the question.

By an Order of 20 June 1994 [YUN 1994, p. 1282], the President of the Court extended the time-limit to 20 September 1994. By the same Order, the President fixed 20 June 1995 as the time-limit within which States and organizations having presented written statements might submit written comments on the other written statements.

Written statements were filed by Australia, Azerbaijan, Colombia, Costa Rica, the Democratic People's Republic of Korea, Finland, France, Germany, India, Iran, Ireland, Italy, Japan, Kazakhstan, Lithuania, Malaysia, Mexico, Nauru, the Netherlands, New Zealand, Norway, Papua New Guinea, the Philippines, the Republic of Moldova, the Russian Federation, Rwanda, Samoa, Saudi Arabia, Solomon Islands, Sri Lanka, Sweden, Uganda, Ukraine, the United Kingdom and the United States.

Written comments were filed by Costa Rica, France, India, Malaysia, Nauru, the Russian Federation, Solomon Islands, the United Kingdom and the United States.

Public sittings to hear oral statements or comments on the request for an advisory opinion made by WHO were held between 30 October and 15 November 1995. The oral proceedings also covered the request for an advisory opinion submitted by the General Assembly on the legality of the threat or use of nuclear weapons (see below). During the hearings, statements were made by WHO, Australia, Costa Rica, Egypt, France, Germany, Indonesia, Iran, Italy, Japan, Malaysia, the Marshall Islands, Mexico, New Zealand, the Philippines, the Russian Federation, Samoa, Solomon Islands, the United Kingdom, the United States and Zimbabwe.

At a public sitting on 8 July 1996, the Court delivered its Advisory Opinion [Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advi-

sory Opinion of 8 July 1996, I.C.J. Sales No. 678], the final paragraph of which was as follows:

For these reasons,

The Court,

By 11 votes to 3,

Finds that it is not able to give the advisory opinion which was requested of it under World Health Assembly resolution WHA 46.40 dated 14 May 1993.

Infavour: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo, Higgins.

Against: Judges Shahabuddeen, Weeramantry, Koroma.

Judges Ranjeva and Ferrari Bravo appended declarations to the Advisory Opinion; Judge Oda appended a separate opinion; Judges Shahabuddeen, Weeramantry and Koroma appended dissenting opinions.

### **Legality of the threat or use of nuclear weapons**

On 15 December 1994 [YUN 1994, p. 157], the General Assembly requested the Court urgently to render its advisory opinion on whether the threat or use of nuclear weapons in any circumstance was permitted under international law. The request was transmitted to the Court by the Secretary-General on 19 December 1994.

By an Order of 1 February 1995 [YUN 1995, p. 1310], the Court decided that States entitled to appear before it and the United Nations might furnish information on the question and fixed 20 June 1995 as the time-limit within which written statements might be submitted, and 20 September 1995 as the time-limit within which States and organizations having presented written statements might present written comments on the other written statements.

Written statements were filed by Bosnia and Herzegovina, Burundi, the Democratic People's Republic of Korea, Ecuador, Egypt, Finland, France, Germany, India, Iran, Ireland, Italy, Japan, Lesotho, Malaysia, the Marshall Islands, Mexico, Nauru, the Netherlands, New Zealand, Qatar, the Russian Federation, Samoa, San Marino, Solomon Islands, Sweden, the United Kingdom and the United States.

Written comments were filed by Egypt, Nauru and Solomon Islands. Nauru subsequently withdrew its comments.

Public sittings to hear oral statements or comments on the request for an advisory opinion were held between 30 October and 15 November 1995. The oral proceedings also covered the request for an advisory opinion submitted by WHO on the question of the legality of the use by a State of nuclear weapons in armed conflict (see above). During the hearings, statements were

made by Australia, Costa Rica, Egypt, France, Germany, Indonesia, Iran, Italy, Japan, Malaysia, the Marshall Islands, Mexico, New Zealand, the Philippines, Qatar, the Russian Federation, Samoa, San Marino, Solomon Islands, the United Kingdom, the United States and Zimbabwe.

At a public sitting on 8 July 1996, the Court delivered its Advisory Opinion [Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of 8 July 1996, ICJ. Sales No. 679], the final paragraph of which was as follows:

For these reasons,

The Court

(1) By 13 votes to 1,

Decides to comply with the request for an advisory opinion;

In favour: President Bedjaoui; Vice-President Schwebel; Judges Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins;

Against: Judge Oda.

(2) Replies in the following manner to the question put by the General Assembly:

(a) Unanimously,

There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;

(b) By 11 votes to 3,

There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such;

In favour: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo, Higgins;

Against: Judges Shahabuddeen, Weeramantry, Koroma.

(c) Unanimously,

A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the Charter of the United Nations and that fails to meet all the requirements of Article 51 is unlawful;

(d) Unanimously,

A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;

(e) By 7 votes to 7, by the President's casting vote,

It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;

However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake;

In favour: President Bedjaoui; Judges Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo;

Against: Vice-President Schwebel; Judges Oda, Guillaume, Shahabuddeen, Weeramantry, Koroma, Higgins.

(f) Unanimously,

There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

President Bedjaoui, Judges Herczegh, Shi, Vereshchetin and Ferrari Bravo appended declarations to the Advisory Opinion of the Court; Judges Guillaume, Ranjeva and Fleischhauer appended separate opinions; Vice-President Schwebel, Judges Oda, Shahabuddeen, Weeramantry, Koroma and Higgins appended dissenting opinions.

## Organizational questions

### Elections

The General Assembly, on 28 February 1996, by **decision 50/319**, and the Security Council, acting on the same date by secret ballot, proceeded independently of one another to elect a member of the Court for a term of office expiring on 5 February 2000, to fill a vacancy resulting from the death in 1995 [YUN 1995, p. 1311] of Judge Andres Aguilar Mawdsley. Gonzalo Parra-Aranguren was elected.

By notes of 6 September, the Secretary-General circulated a list of candidates nominated by national groups for the election of five judges of the Court [A/51/334-S/1996/723 & Rev.1 & Rev.1/Corr.1] and their curricula vitae [A/51/335-S/1996/724 & Corr.1]. The General Assembly, by **decision 51/308** of 6 November 1996, and the Security Council, on the same date, proceeded independently of one another to fill vacancies to occur on 6 February 1997, with the expiration of the terms of office of the following judges: Mohammed Bedjaoui (Algeria), Luigi Ferrari-Bravo (Italy), Mohamed Shahabuddeen (Guyana), Vladlen S. Vereshchetin (Russian Federation) and Stephen M. Schwebel (United States).

Three sitting judges were re-elected for a term of office ending on 5 February 2006: Mr. Bedjaoui, Mr. Schwebel, and Mr. Vereshchetin. Two new judges were elected: Pieter H. Kooijmans (Netherlands) and José Francisco Rezek (Brazil).

As a result, the Court was to be composed, as of 6 February 1997, as follows: Stephen M. Schwebel (United States), President; Christopher G. Weeramantry (Sri Lanka), Vice-President; Shigeru Oda (Japan), Mohammed Bedjaoui (Algeria), Gilbert Guillaume (France), Raymond Ran-

jeva (Madagascar), Geza Herczegh (Hungary), Shi Jiuyong (China), Carl-August Fleischhauer (Germany), Abdul G. Koroma (Sierra Leone), Vladlen S. Vereshchetin (Russian Federation), Rosalyn Higgins (United Kingdom), Gonzalo Parra-Aranguren (Venezuela), Pieter H. Kooijmans (the Netherlands), and José Francisco Rezek (Brazil).

#### **Fiftieth anniversary of the Court**

In April 1996, the Court celebrated its fiftieth anniversary. On 18 April, the anniversary of its inaugural sitting in 1946, a ceremonial sitting was held in the presence of Her Majesty Queen Beatrix of the Netherlands. Addresses were given by Diogo Freitas do Amaral, President of the General Assembly, by Hans van Mierlo, Minister for

Foreign Affairs of the Netherlands and by the President of the Court, Judge Mohammed Bedjaoui. The Prime Minister and the Minister of Justice of the Netherlands also attended the sitting, as well as former members of the Court and judges ad hoc, members of the diplomatic corps, special emissaries of States (including many legal advisers), representatives of UN organs, authorities of the host country and representatives of the press.

Prior to the sitting, a two-day colloquium had been organized in cooperation with the United Nations Institute for Training and Research on the theme "Increasing the effectiveness of the International Court of Justice". During the week of the ceremonial sitting, combined sessions of the Telders Moot Court Competition/Concours Rousseau (for students) were held.

## Chapter II

## International tribunals

During the year, two international courts created by the United Nations to prosecute war criminals—one for the former Yugoslavia, one for Rwanda—continued to indict persons accused of genocide and other violations of international humanitarian law.

The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, located in The Hague, Netherlands, continued to confirm public indictments and issue arrest warrants against the accused. On 7 May, the Trial Chambers commenced its first trial and had two other cases before it in the pre-trial phase.

The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, with its headquarters located in Arusha, United Republic of Tanzania, and its Office of the Prosecutor in Kigali, Rwanda, had indicted 14 suspects and held deferral hearings. In addition, three of the accused had made initial appearances before it.

### International Criminal Tribunal for the Former Yugoslavia

By a note of 16 August [A/51/292-S/1996/665], the Secretary-General transmitted to the General Assembly and the Security Council the third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (International Tribunal for the Former Yugoslavia), which had been established under Security Council resolution 827(1993) [YUN 1993, p. 440]. At that time, the Council reaffirmed that persons who committed or ordered the commission of grave breaches of the 1949 Geneva Conventions for the protection of war vic-

tims were individually responsible in respect of such breaches.

By **decision** 51/409 of 19 November, the General Assembly took note of the report, which covered the activities of the Tribunal from the period 31 July 1995 to 31 July 1996.

The Tribunal comprised three organs: its judiciary, consisting of 11 Judges assigned to two Trial Chambers and one Appeals Chamber; the Office of the Prosecutor; and the Registry. The Appeals Chamber served both the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda. The Prosecutor, who was based in The Hague, also served both Tribunals.

On 1 October 1996, Louise Arbour (Canada) replaced Richard J. Goldstone (South Africa) as Prosecutor. She was appointed by the Security Council on 29 February by **resolution** 1047(1996).

On 6 August, Judge Saad Saood Jan (Pakistan) was appointed to replace Judge Rustam Sidhwa (Pakistan), who had resigned for health reasons on 15 July.

The report of the Tribunal stated that, since its first annual report [YUN 1994, p. 506], the Tribunal had moved from the "drawing board" to the operational stage. It had taken positive steps forward and its procedures had been thoroughly tested. The Trial Chambers had become increasingly active, having forgone the traditional arrangement of three judicial sessions, and had instead been sitting continuously since May 1996. The Tribunal had been created by the Security Council in order to contribute to the restoration of peace and security by putting an end to impunity and bringing to trial those persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia. The report said that it was imperative that the international community impress upon States and Entities the need to support and fully cooperate with the Tribunal; otherwise, the aims of the Security Council pursued in establishing the Tribunal would be defeated. In this context, the President of the Tribunal cited the words of the United Nations High Commissioner for Human Rights, Jose Ayala Lasso, as apt: "We must rid this planet of the obscenity that a person stands a better chance of being tried and judged

for killing one human being than for killing 100,000."

### The Chambers

During the reporting period, 10 public indictments against a total of 33 individuals were confirmed and arrest warrants issued against those accused of war crimes. Six of the newly indicted persons, in addition to one indicted during the previous year, were in the custody of the Tribunal at the UN Detention Unit in The Hague. The first trial, of Dusko Tadic, began on 7 May. Tadic was indicted in 1995 [YUN 1995, p. 1314] on charges that included genocide. The trial lasted for 23 weeks and ended on 28 November; a final judgement was to be rendered in 1997.

Newly indicted persons. The trial of Drazen Erdemovic, one of the six newly indicted persons in custody, began on 31 May. Erdemovic pleaded guilty to one count of a crime against humanity for his participation in the summary execution of approximately 1,200 unarmed civilian Muslim men in eastern Bosnia and Herzegovina in July 1995. On 29 November, the Trial Chamber sentenced Erdemovic to 10 years' imprisonment. On 18 December, Erdemovic appealed the sentencing judgement, requesting that it be suspended or significantly reduced.

In the case of Tihofil Blaskic, the indictee made his first appearance before a Trial Chamber on 3 April. The charges against General Blaskic related to "ethnic cleansing" of the Bosnian Muslim population of the Lasva river valley area in central Bosnia and Herzegovina between May 1992 and May 1993. Pre-trial motions were filed by the accused relating to the indictment, provisional release, modification of his conditions of detention, the protection of victims and witnesses and disclosure of evidence.

The case of the four other newly indicted persons in custody—Zejnil Delalic, Hazim Delic, Esad Landzo and Zdravko Mucic—concerned the issue of command responsibility, and was the first joint trial to be held before a Trial Chamber of the Tribunal. The indictment was confirmed on 21 March; it alleged numerous grave breaches of the Geneva Conventions and violations of the laws and customs of war perpetrated against Bosnian Serb detainees at the Celibaci camp in central Bosnia in 1992. The case was in the pre-trial phase during 1996.

In addition to the 33 persons indicted were two persons indicted a second time during the year. Radovan Karadzic and Ratko Mladic, respectively the President and the Commander of the Army of the Bosnian Serb administration in Pale (Bosnia and Herzegovina), had been indicted in 1995

[YUN 1995, p. 1314] for, *inter alia*, genocide and crimes against humanity, for the atrocities perpetrated against the civilian population of Bosnia and Herzegovina, the sniping campaign against civilians in Sarajevo and other areas [YUN 1995, p. 527], and the taking, in 1995, of UN peacekeepers as hostages and their use as human shields [YUN 1995, p. 536]. On 16 November 1995, an additional indictment was confirmed against them for, *inter alia*, genocide following the takeover of one of the six designated "safe areas"—Srebrenica—in July 1995 [YUN 1995, p. 562].

In total, 18 public indictments had been submitted by the Office of the Prosecutor and confirmed by the Judges of the Tribunal, with a total of 75 indictees. To those 18 indictments was added one which remained subject to an order for non-disclosure, giving a total of 19 indictments. Of the 19 indictments, 8 were confirmed in the period covered by the second annual report [YUN 1995, p. 1313]—covering the period from mid-1994 through mid-1995—and 11 under the third covering mid-1995 through mid-1996. Of the 75 published indictees, 42 had been indicted in 1994/95, and 33, of whom one was deceased, in the reporting period of 1995/96. Annexed to the third annual report of the Tribunal was a list of indictments confirmed prior to and including the reporting period, and a detailed survey of all arrest warrants addressed to the parties concerned, as well as the action, if any, taken by the party on whom an arrest warrant had been served.

The indictments fell into seven broad categories: alleged offences relating to the destruction of the city of Vukovar (Croatia) by Yugoslav People's Army forces in November 1991; alleged offences relating to the occupation of towns or villages in Bosnia and Herzegovina in 1992 by Bosnian Serb forces [YUN 1992, pp. 348 & 797] (the Bosanski Samac, Brcko and Foca indictments), and associated killings, rapes and inhumane acts, and/or the later concentration of Bosnia citizens in camps—the Tadic (Omarska, Keraterm and Trnopolje camps), Nikolic (Susica camp) and Omarska camp and Keraterm camp indictments; offences allegedly committed in a camp in which Serbs were detained in 1992 (the Celebici indictment); offences allegedly committed in 1993 when Bosnian Croat forces had "ethnically cleansed" areas of Bosnia and Herzegovina, notably the Lasva river valley area [YUN 1993, p. 945] (Kordic et al., Mrainic and Kupreskic et al. indictments), as well as the village of Stupni Do [YUN 1993, p. 461] (Rajic indictment); events in the former Serbian Krajina region of Croatia (those involved in the Milan Martić indictment) [YUN 1995, p. 809], namely the firing of Orkan rockets by Croatian Serbs into the centre of Zagreb in May 1995 [YUN 1995, p. 1314]; the Bosnian Serb leadership, which was the focus of the first indict-



ment against Messrs. Karadzic and Mladic [YUN 1995, p. 1314], and included a discontinued case on the siege of Sarajevo [YUN 1995, p. 527], and events surrounding the fall of Srebrenica [YUN 1995, p. 529], which were dealt with in the Karadzic and Mladic indictment, as well as the Erdemovic indictment of 29 May 1996.

The Chambers were also busy with cases in which it had not been possible to serve warrants of arrest issued by the Tribunal on the accused. To remedy the problem, the Chambers, in five cases, issued international arrest warrants sent to each Member State, as well as to other States and Entities, following a procedure under rule 61 of the Tribunal's Rules of Procedure and Evidence. As a result, the charges and evidence against the accused in those cases were made public, international arrest warrants issued and, in most cases, a report made to the Security Council that the failure to execute the warrants was due to the non-compliance of one or other State or Entity.

In addition, the Appeals Chamber ruled on a number of important legal issues, such as the legality of the establishment of the Tribunal and its subject-matter jurisdiction.

During the reporting period, the Appeals Chamber sat for the first time, rendering a judgement on an interlocutory (i.e. pre-trial) appeal in which a defence counsel had argued before the Chamber that the Tribunal had been unlawfully established; did not have primacy over competent domestic courts; and lacked jurisdiction over the subject matter, such as grave breaches of the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977 [YUN 1977, p. 706]. The Appeals Chamber dismissed those grounds of appeal: its decision marked the first time that an international appeals body had made a pronouncement on the current status of international criminal law and humanitarian law.

As to regulatory activities, the Tribunal's Rules of Procedure and Evidence were amended by a plenary of Judges. Rule 70 was amended in order to allow the Prosecutor to use as evidence information provided to him on a confidential basis, while at the same time protecting the source by restricting the power of a Trial Chamber to order the source to produce additional evidence or to summon a representative of the source as a witness. The Judges adopted a new rule—90 bis—which allowed the Tribunal to obtain the transfer of a person who was required by the Tribunal as a witness and who had been detained in criminal proceedings in a State. They also amended the rules relating to arrest warrants, and rule 61 was amended so as to allow the Judge who had confirmed an indictment to invite the Prosecutor to report on the measures taken by him to serve the accused. An-

other newly adopted rule—40 bis—gave the Prosecutor the authority to request an order from a Judge for the transfer and provisional detention of a suspect to the Detention Unit in the Hague. The other amendments adopted were not extensive.

### Office of the Prosecutor

During the period under review, the Office of the Prosecutor continued to submit indictments for confirmation—11 in total, 10 of which were public.

The field work of the Office of the Prosecutor was enhanced by the signing in 1995 by Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) of the Peace Agreement [YUN 1995, p. 544], which gave its staff the freedom of movement necessary to carry out investigations in areas which, until then, had been inaccessible. The Prosecutor's Office coordinated its efforts with the North Atlantic Treaty Organization Implementation Force (IFOR) in such areas as transferring indictees and other individuals and securing mass grave sites and their exhumations. IFOR assisted the Tribunal continuously throughout the year.

On 9 May, a memorandum of understanding between the Tribunal and the Supreme Headquarters Allied Powers Europe was signed by both parties, spelling out the practical arrangements for support to the Tribunal and the detention and transfer of indictees to the Tribunal.

The first exhumations of mass graves began on 7 July 1996, at Cerska, near Srebrenica, where 155 bodies were found, many with their hands and feet tied. The second site, exhumed in late July at Nova Kabasa, revealed fewer bodies, but they were found in a similar condition.

In Rome, on 18 February, it was agreed by the parties to the Peace Agreement that persons other than those already indicted by the Tribunal might be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that had been reviewed and deemed consistent with international legal standards by the Tribunal. It was further agreed that procedures for expeditious decision-making by the Tribunal would be developed and would take effect immediately. The work emanating from the Agreement was referred to as the "Rules of the Road" project.

The Office of the Prosecutor was asked to review 40 cases of individuals who were being held as prisoners of war or suspected war criminals by the parties to the Rome Agreement. Following the review, 11 of the 40 cases were found to contain evidence sufficiently in accordance with international legal standards for the national courts to

continue to investigate, and the remainder were found to contain insufficient evidence or to be outside the scope of the review. In the spring of 1996, the Government of Bosnia and Herzegovina informed the Prosecutor that it had some 1,500 cases to be reviewed by the Office. Croatia submitted over 100 cases for review.

Due to the enlarged role of the Office, the Prosecutor expanded the Sarajevo field office and created the Fugitive Intelligence Support Team, which was meant to assist in apprehending persons accused by the Tribunal through its coordination of various national and international law enforcement agencies.

#### SECURITY COUNCIL ACTION

On 29 February, the Security Council adopted **resolution 1047(1996)**.

The Security Council,

Recalling its resolutions 808(1993) of 22 February 1993, 827(1993) of 25 May 1993, 936(1994) of 8 July 1994 and 955(1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and Article 15 of the Statute of the International Tribunal for Rwanda,

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

Security Council resolution 1047(1996)

29 February 1996 Meeting 3637 Adopted unanimously

Draft prepared in consultations among Council members (S/1996/139).

### The Registry

The Registry, in addition to its responsibility for court management functions, managed a legal aid system of assigning defence counsel to indigent accused, supervised the Detention Unit and the Victims and Witnesses Unit, and maintained diplomatic contacts with States and embassies. The Registry operated under the supervision of the Registrar and the Deputy Registrar.

### Cooperation of States

On 28 March [S/1996/223], Bosnia and Herzegovina brought to the Security Council's attention its Government's request to the Prosecutor that he forward to the Council a review of the cooperation that his Office had received from Member States regarding the turning over of individuals indicted by the Tribunal. On 18 April [S/1996/300], Bosnia and Herzegovina forwarded to the Council the Prosecutor's reply, in which he stated that it would not be appropriate for him to make any formal approach to the Council, and that the Tribunal was making efforts to ensure that persons who had been indicted were arrested and surrendered for trial.

On 19 April [S/1996/306], Croatia notified the Council that it had adopted a constitutional law which would allow the Government to cooperate with the Tribunal, effective immediately. In a letter dated 16 September [S/1996/763], the President of the Tribunal, after consulting with the Presiding Judges of the Chambers, informed the Council of the systematic failure by Croatia and Bosnia and Herzegovina to cooperate with the Tribunal and to comply with its orders.

On 20 September [S/PRST/1996/39], the President of the Council, on behalf of Council members, reminded the Government of Croatia of its obligation to cooperate with the Tribunal and, in particular, to execute the arrest warrants issued by it regarding individuals under Croatian jurisdiction and to transfer all indicted persons to the Tribunal (see PART ONE, Chapter V, for full text of the Presidential statement concerning Croatia's failure to execute International Tribunal arrest warrants).

By a letter of 24 April [S/1996/319], the President of the Tribunal informed the Council that FRY had refused to cooperate with the Tribunal, specifically citing that country's failure to execute arrest warrants against three persons who were in its territory and who were charged with the murder of 260 civilians and other unarmed men following the fall of Vukovar in November 1991. By a letter of 8 May [S/1996/339], FRY described steps it had taken to cooperate with the Tribunal, notably, holding talks between the Tribunal President and the country's Deputy Prime Minister and Minister of Justice and the Foreign Minister; its willingness to allow the Tribunal's Bureau to open in Belgrade; and handing over witnesses to the Tribunal for a 60-day period.

#### SECURITY COUNCIL ACTION

The Security Council met on 8 May 1996 to consider the text of the letter dated 24 April [S/1996/319] from the President of the Tribunal concerning allegations of non-compliance with

Tribunal orders by the Federal Republic of Yugoslavia (Serbia and Montenegro). Following consultations among its members, the President of the Council was authorized to make a statement [S/PRST/1996/23] on the Council's behalf, as follows:

The Security Council expresses its profound concern at recent instances of failure to cooperate with the International Tribunal established pursuant to resolution 827(1993) of 25 May 1993, and in particular the failure of cooperation by the Federal Republic of Yugoslavia described in the letter of 24 April 1996 from the President of the Tribunal to the President of the Council.

The Security Council recalls its decision in resolution 827(1993) that all States shall cooperate fully with the International Tribunal and its organs in accordance with that resolution and the Statute of the Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by Trial Chamber under Article 29 of the Statute. The Council underlines the importance of these obligations, as well as the obligations undertaken by the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto to cooperate fully with the International Tribunal.

The Security Council deplores the failure to date of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the Tribunal against the three individuals referred to in the letter of 24 April 1996, and calls for the execution of those arrest warrants without delay.

The Security Council calls upon all States and others concerned to comply fully with their obligations with respect to cooperation with the Tribunal, and in particular their obligation to execute arrest warrants transmitted to them by the Tribunal. It recalls the provisions of its resolution 1022(1995) of 22 November 1995 which notes *inter alia* that compliance with the requests and orders of the Tribunal constitutes an essential aspect of implementing the Peace Agreement. The Council calls upon all States which have not already done so to make provision in their domestic law enabling them to comply fully with their obligations with respect to cooperation with the Tribunal.

The Security Council will remain seized of the matter.

Meeting number: SC 3663.

The President of the Tribunal, in a letter [S/1996/364] of 22 May, notified the Council that, according to reliable information, General Ratko Mladic had been present in Belgrade on 21 May 1996. He pointed out that General Mladic had not been arrested by the authorities of FRY, which was further evidence of the blatant failure of that country to comply with its legal obligation to execute orders of the Tribunal. The Tribunal President also pointed out that another indictee was seen on the same date in Belgrade.

Non-compliance by FRY and Republika Srpska was the subject of a letter [S/1996/556] of 11 July from the Tribunal President to the Council. He stated that on 11 July a Trial Chamber had delivered a decision under rule 61 in the case of Radovan Karadzic and Ratko Mladic, having found that there were reasonable grounds for believing that the two parties were individually responsible for planning, instigating or ordering the commission of genocide, crimes against humanity and war crimes. Consequently, the Trial Chamber had issued international arrest warrants against the two accused. Furthermore, he stated that failure to execute the initial arrest warrants issued in 1995 [YUN 1995, p. 1314] against those two parties was wholly due to the refusal of FRY and Republika Srpska to cooperate with the Tribunal. The Council also considered a July report [S/1996/542] submitted by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina (see PART ONE, Chapter V), which described implementation activities, and also drew attention to the lack of cooperation with the International Tribunal. He reported that no State or Entity in the area had been able or willing to comply fully with the terms of the Peace Agreement regarding war crimes and cooperation with the Tribunal. The report further stated that there could be no exceptions to the obligation to surrender persons indicted by the Tribunal. In addition, the Council had before it five other communications, all submitted in July. On 2 July [S/1996/510], Bosnia and Herzegovina, noting that it was the only Government that had fully complied with Tribunal orders, asked the Council promptly to sanction the parties that had not complied with Tribunal orders, and to call on IFOR to arrest and extradite indicted war criminals to The Hague. The letter further stated that it must be made clear that elections could not be considered as legal, nor as free and fair, while the Tribunal's orders were ignored. On 8 July [S/1996/535], the Islamic Conference Contact Group on Bosnia and Herzegovina endorsed that letter and expressed concern over the continuing presence and political roles of Radovan Karadzic, Ratko Mladic and others indicted by the Tribunal. In another letter [S/1996/523], Bosnia and Herzegovina drew the Council's attention to a law, passed by what it termed the "self-appointed and de facto assembly of the Republika Srpska", creating its own war crimes tribunal. Bosnia and Herzegovina, in a letter of 18 July [S/1996/565], stated that regardless of the success or failure of efforts to remove indicted war criminals from public and political office, the Council must move to compel their arrest and extradition. In the last letter [S/1996/576],

Bosnia and Herzegovina noted the removal of Radovan Karadzic from his post as party leader of the ruling Bosnian Serb party. However, it stated that his removal did not satisfy the demands of the International Tribunal, the Council or the Peace Agreement.

On 8 August [S/PRST/1996/34], the Council President, on behalf of Council members, referring to the refusal of Republika Srpska and FRY to cooperate with the Tribunal in executing arrest warrants issued against Messrs. Karadzic and Mladic, condemned the failure to execute the warrants. The Council demanded the full cooperation of all parties in the execution of all arrest warrants and the transfer to the Tribunal of all persons indicted. It further condemned any attempt to challenge the authority of the Tribunal (see PART ONE, Chapter V, for full text of the statement made by the President of the Security Council regarding compliance with the Peace Agreement in Bosnia and Herzegovina).

In the light of Council deliberations regarding human rights abuses in Srebrenica, Zepa, Banja Luka and Sanski Most, Bosnia and Herzegovina, in a letter of 8 October [S/1996/834], asked the Council to take into consideration the third annual report of the International Tribunal [A/51/292-S/1996/665]. It quoted the report's statement that Bosnia and Herzegovina had been by far the most cooperative party, and, on the other side of the spectrum, that Republika Srpska had failed to execute any of the scores of arrest warrants which had been addressed to it, or to explain its inability or failure to do so. In addition, the letter pointed to the Tribunal's report that FRY, which was responsible for Republika Srpska's cooperation and compliance as well as its own, had failed to arrest any indictees in its territory; in the Tribunal's view, the arrest and transfer of major indictees was a forlorn hope. As to Croatia, the report stated that it was cooperating in part, but must exercise its authority and influence over Bosnian Croats to effect the arrest of indictees.

On 10 October [S/PRST/1996/41], the President of the Security Council, on behalf of the Council members, issued a statement reaffirming that violations of international law throughout the territory of Bosnia and Herzegovina must be properly investigated and that all States and concerned parties had an obligation to cooperate fully with the Tribunal and to comply with requests for assistance or orders issued by a trial chamber (see PART ONE, Chapter V, for full text of the statement made by the Council President).

### Enforcement of sentences

The Tribunal's statute (article 27) prescribed that sentences of imprisonment imposed on a

convicted person be served in a State designated by the Tribunal from a list of States that had indicated to the Security Council their willingness to accept such persons. Efforts to obtain indications from States of their willingness to accept convicted persons revealed that only six States agreed without reservation to imprison persons convicted by the Tribunal (Bosnia and Herzegovina, Croatia, Iran, Finland, Norway and Pakistan). An additional five States agreed to accept prisoners with the reservation that the prisoners were their own nationals or residents (Denmark, Germany, Netherlands, Spain and Sweden). Ten States indicated that they were not in a position to accept prisoners (Bahamas, Belarus, Belize, Burkina Faso, Ecuador, France, Liechtenstein, Malaysia, Poland and Slovenia).

Given that the Tribunal's first trial had started and five additional accused (Blaskic, Delalic, Delic, Landzo and Mucic; see above) awaited trial at the Detention Unit, in addition to which there was one accused who had pleaded guilty and was awaiting sentencing (Erdemovic; see above), there was an urgent need for prison facilities to enforce sentences handed down by the Tribunal.

### Financing the Tribunal

During the year, the General Assembly continued to consider the financing of the International Tribunal.

#### GENERAL ASSEMBLY ACTION

On 11 April, the General Assembly adopted **resolution 50/212 B**.

The General Assembly,

Having considered the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Recalling its resolution 50/212 A of 23 December 1995, by which it appropriated to the Special Account for the International Tribunal an amount of 8,619,500 United States dollars gross (7,637,500 dollars net) for the period from 1 January to 31 March 1996 to allow the Tribunal to continue its activities through 31 March 1996, without prejudice to recommendations the Advisory Committee on Administrative and Budgetary Questions might make to the General Assembly at its resumed fiftieth session,

1. Decides to authorize the Secretary-General to enter into commitments in the additional amount of 8,619,500 dollars gross (7,637,500 dollars net) for the period from 1 April to 30 June 1996 to allow the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to continue its activities, pending a detailed report of the comments and recom-

mendations of the Advisory Committee on Administrative and Budgetary Questions;

2. Decides also, as an ad hoc and exceptional arrangement, that Member States shall waive their respective shares in the credits arising from previous budgets of the United Nations Protection Force in the total amount of 4,309,750 dollars gross (3,818,750 dollars net) and hence accept an equivalent increase in the assessments for a future budget period of the Force in the same amount, to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force established pursuant to General Assembly resolution 46/233 of 19 March 1992;

3. Decides further to apportion 4,309,750 dollars gross (3,818,750 dollars net) for the period from 1 April to 30 June 1996 among Member States in accordance with the scale of assessments for the year 1996;

4. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 3 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 491,000 dollars for the International Tribunal for the period from 1 April to 30 June 1996.

General Assembly resolution 50/212 B

11 April 1996 Meeting 104 Adopted without vote

Approved by Fifth Committee (A/50/849/Add.1) without vote, 4 April (meeting 55); draft by Austria (A/C.5/50/L.35); agenda item 136.

Meeting numbers. GA 50th session: 5th Committee 42, 43, 53, 55; plenary 104.

**ACABQ report.** In an April report [A/50/925], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) presented its comments and recommendations on a 1995 report [YUN 1995, p. 1319] of the Secretary-General concerning the requirements of the Tribunal for 1996. It recommended approval of an appropriation of \$32,908,122 (net) for 1996 operations of the Tribunal. The amount recommended for appropriation would be in addition to \$8,619,500 gross (\$7,637,500 net) appropriated by the General Assembly in 1995 [YUN 1995, p. 1320] for the period from 1 January to 31 March 1996.

The Committee recalled that the Assembly had decided to review in 1997 the mode of financing of the Tribunal. It believed that, given the need to prepare for the long-term implications of the Tribunal's work and the requirements that might develop in 1996, the date of the review should be advanced.

**Report of Secretary-General.** In accordance with General Assembly resolution 49/242 B [YUN 1995, p. 1318], the Secretary-General submitted in May a performance report [A/C.5/50/69] of the International Tribunal for the 1994-1995 biennium. An amount totalling \$43,715,400 gross (\$38,819,700 net) was approved by the Assembly for the operation of the Tribunal from 1 January 1994 to 31 December 1995. During that period, ex-

penditures totalled \$35,868,109, resulting in an unencumbered balance of \$2,951,591.

The General Assembly was asked, in financing the International Tribunal, to credit the unencumbered balance against the Tribunal's 1996 budget, and to assess Member States for the balance, according to the 50/50 cost-sharing methodology determined by the Assembly in 1995 [res. 49/242 B].

#### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/212 C.**

The General Assembly,

Having considered the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

Recalling its resolution 50/212 A of 23 December 1995, by which it appropriated to the Special Account for the International Tribunal an amount of 8,619,500 United States dollars gross (7,637,500 dollars net) for the period from 1 January to 31 March 1996, without prejudice to recommendations the Advisory Committee on Administrative and Budgetary Questions might make following its review of the full budget for 1996,

Recalling also its resolution 50/212 B of 11 April 1996, by which it authorized the Secretary-General to enter into commitments for the continued operation of the International Tribunal up to the amount of 8,619,500 dollars gross (7,637,500 dollars net) for the period from 1 April to 30 June 1996,

Recalling further its resolution 49/242 B of 20 July 1995,

1. Endorses the comments and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Decides to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 31,070,572 dollars gross (27,793,122 dollars net) for the period from 1 April to 31 December 1996, inclusive of the commitment authority authorized by the General Assembly in its resolution 50/212 B, in addition to the amount of 8,619,500 dollars gross (7,637,500 dollars net) already appropriated for the period from 1 January to 31 March 1996;

3. Decides also that the appropriation for 1996 under the Special Account referred to in paragraph 2 above shall be financed according to the methodology established by the General Assembly in its resolution 49/242 B, as detailed in the annex to the present resolution;

4. Decides further, as an ad hoc and exceptional arrangement, that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Protection Force in an amount of 8,455,336 dollars gross (8,601,911 dollars net), to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force

established pursuant to General Assembly resolution 46/233 of 19 March 1992;

5. Decides to apportion the amount of 8,455,336 dollars gross (8,601,911 dollars net) among Member States in accordance with the scale of assessments for the year 1996;

6. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 146,575 dollars approved for the International Tribunal for 1996;

7. Requests the Secretary-General to report fully on both the receipt and the application of extrabudgetary funds when preparing future budget proposals for the International Tribunal so as to ensure transparency with regard to the purpose and use of such funds;

8. Also requests the Secretary-General to entrust the Office of Internal Oversight Services with undertaking, without prejudice to its programme of work, an inspection of the International Tribunal, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the General Assembly at its fifty-first session;

9. Further requests the Secretary-General to submit the budget for the International Tribunal for 1997 no later than 1 November 1996.

#### ANNEX

#### **Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

	Gross	Net
	(United States dollars)	
Appropriations for April-December 1996	31,070,572	27,793,122
LESS: Commitment authority (for April-June 1996 already assessed)	(8,619,500)	(7,637,500)
LESS: 1995 unencumbered balance	(5,540,400)	(2,951,800)
BALANCE: April-December 1996 (appropriation to be assessed for July-December)	16,910,672	17,203,822
Of which: United Nations		
Protection Force <sup>a</sup>	8,455,336	8,601,911
Assessed amounts <sup>b</sup>	8,455,336	8,601,911

<sup>a</sup> Refers to the credits arising from previous budgets of the United Nations Protection Force.

<sup>b</sup> Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1996.

General Assembly resolution 50/212 C

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/849/Add.2) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.62), orally revised; agenda item 136.

Meeting numbers. GA 50th session: 5th Committee 42, 43, 53, 55, 64 (re-summed); plenary 120.

**Report of Secretary-General.** As requested by the General Assembly in **resolution 50/212 C**, the Secretary-General, in a November report [A/C.5/51/30], presented the 1997 resource re-

quirements of the Tribunal. The report detailed 1995 extrabudgetary expenditures and related 1996 and 1997 estimates by programme, together with information on seconded personnel and the status of cash contributions.

By the same resolution, the Assembly had also requested the UN Office of Internal Oversight Services (OIOS) to evaluate the resource requirements of the Tribunal and to report at the Assembly's current session. However, pending the issuance of the report (see below, under "OIOS review") and to ensure the continued operation of the Tribunal without disruption in 1997, the Secretary-General proposed that real resources for 1997 be kept at the 1996 level, to be augmented solely by additional resources to meet immediate and non-deferrable exigencies of the ongoing work of the Tribunal.

The resources requested for the period from 1 January to 31 December 1997 amounted to \$53,475,800 net (\$58,863,500 gross), reflecting a net increase of \$18,045,178 and an additional 36 posts over the 1996 appropriation and staffing level.

**ACABQ report.** In December [A/51/7/Add.5], ACABQ recommended that the General Assembly appropriate the amount of \$47,377,100 gross (\$42,293,800 net) for 1997 for the Tribunal. It noted that the assessment of the amounts could take into account the unencumbered balance as at 31 December 1996, which was estimated at \$5 million.

The Committee recommended that the Secretary-General, after consulting with the UN Legal Counsel, report to the Assembly on how to deal with the issue of Judges whose terms were expiring in 1997, some of whom might not seek reappointment. It also recommended that he prepare a comprehensive performance report for 1996, and issue specific guidelines on the requirements for receipt of contributions and application of funds. As to the question of gratis personnel, ACABQ was not in a position to complete its consideration of the subject before the end of 1996.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/214 A**.

#### **Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

The General Assembly,

Having considered the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its resolution 50/212 C of 7 June 1996, in which it requested the Secretary-General to entrust the Office of Internal Oversight Services to undertake, without prejudice to its programme of work, an inspection of the International Tribunal, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the General Assembly at its fifty-first session,

Noting that the Secretary-General intends to submit revised budget proposals for 1997 following the finalization at the end of 1996 of the report of the Office of Internal Oversight Services,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Requests the Secretary-General to include in his revised budget proposals detailed explanations regarding the rental conditions of office and parking space referred to in paragraph 89 of his report and the efforts to find subtenants for the available office and parking space, taking into account paragraph 10 of General Assembly resolution 48/251 of 14 April 1994;

3. Decides to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 23,655,600 United States dollars gross (21,146,900 dollars net) for the period from 1 January to 30 June 1997;

4. Decides also that the appropriation for the period from 1 January to 30 June 1997 under the Special Account referred to in paragraph 3 above shall be financed according to the methodology established by the General Assembly in its resolution 49/242 B of 20 July 1995, taking into account the anticipated availability of an unencumbered balance of 5 million dollars for 1996, as detailed in the annex to the present resolution;

5. Decides further that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Protection Force in the amount of 9,327,800 dollars gross (8,073,450 dollars net), to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force established pursuant to General Assembly resolution 46/233 of 19 March 1992;

6. Decides to apportion the amount of 9,327,800 dollars gross (8,073,450 dollars net) among Member States in accordance with the scale of assessments for the year 1997;

7. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 6 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,254,350 dollars approved for the International Tribunal for the period from 1 January to 30 June 1997;

8. Decides further to revert to the consideration of the financing of the International Tribunal for the year 1997 at the first part of its resumed fifty-first session on the basis of the revised budget proposals to be submitted by the Secretary-General and the report of the Office of Internal Oversight Services, which was requested with a view to identifying problems and recommending measures

to enhance the efficient utilization of resources, to be submitted to the General Assembly.

ANNEX  
**Financing of the International Tribunal for  
the Prosecution of Persons Responsible for Serious  
Violations of International Humanitarian Law  
Committed in the Territory of the  
Former Yugoslavia since 1991**

	Gross	Net
	(United States dollars)	
Initial appropriations for the period from 1 January to 30 June 1997	23,655,600	21,146,900
Less: Estimated 1996 unencumbered balance	(5,000,000)	(5,000,000)
Balance: 1 January to 30 June 1997 (appropriation to be assessed for January to June)	<u>18,655,600</u>	<u>16,146,900</u>
Of which: United Nations Protection Force <sup>a</sup>	9,327,800	8,073,450
Assessed amounts <sup>b</sup>	9,327,800	8,073,450

<sup>a</sup> Refers to the credits arising from previous budgets of the United Nations.

<sup>b</sup> Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1997.

General Assembly resolution 51/214 A

18 December 1996      Meeting 89      Adopted without vote

Approved by Fifth Committee (A/51/743) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.22); agenda item 137.

Meeting numbers. GA 51st session: 5th Committee 39, 41, 46; plenary 89.

## OIOS review

In accordance with the request of the General Assembly in **resolution 50/212 C**, the Secretary-General transmitted a report [A/51/824], conveyed to him by the Under-Secretary-General of OIOS, on the review of the 1997 resource requirements for the Tribunal, which took place between September and December. The original budget proposal totalled \$68.7 million net for the three organs of the Tribunal, which reflected an increase of \$33.3 million (94 per cent) and an additional 197 posts over the 1996 appropriation and authorized staffing level.

In the evaluation of the resource requirements, OIOS identified at least \$6 million in reductions, consisting of 39 unsubstantiated and duplicate post requests, as well as instances of non-essential expenditure projections. An examination of alternatives to the construction of a second courtroom, costing some \$5.5 million, could result in additional savings, it was stated. Further budget reductions could be achieved through more efficient ways of operating, such as outsourcing, cost-sharing and pooling administrative functions.

The OIOS report confirmed that the requisite budget methodology had been followed and that supporting documentation was available to substantiate most Tribunal requests. However, management information on the work in progress of each investigation team within the Office of the Prosecutor was not always available. OIOS en-

dorsed the assignment of additional investigative resources to individual teams, but expressed reservations about establishing posts unlikely to have a measurable effect on the progress of individual investigations, as well as concern over possible duplication of functions. In addition, OIOS reported, the high level of vacancies did not appear to have been a factor in forecasting staffing needs. Historic financial data were sometimes unreliable and the forecasted uses of voluntary contributions remained unquantified. Cost projections for the field offices were not consolidated and transparent.

Recommendations concerning the future staffing needs of the Office of the Prosecutor included the following: formulating certain benchmarks for investigations as judicial precedent and work processes became more defined; establishing an institutionalized assignment tracking system; monitoring extra coverage afforded by additional staff; and more adequate justification of the size of the Strategy Team in the Investigation Section. Other recommendations advocated exploring less expensive staffing arrangements in the field; clearly defining the responsibilities for certain posts and seconded personnel in the Office of the Prosecutor and the Registry; weighing the proposed construction of a second courtroom against less expensive alternatives; revising downward expenditure projections for travel, rental, electronic data-processing equipment and the Detention Unit; restricting technical equipment needs to basic operational requirements; pooling administrative and support functions for Tribunal organs; and exploring outsourcing and cost-sharing arrangements to minimize unnecessary expenditures. Appended to the report was a table reflecting what OIOS considered unjustified post and resource requirements.

## International Tribunal for Rwanda

The terms of reference for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 were established under Security Council resolution 955(1994) [YUN 1994, p. 299].

The headquarters of the Tribunal was located in Arusha (United Republic of Tanzania), and the Office of the Prosecutor in Kigali (Rwanda).

### First annual report

On 16 September, the General Assembly, by **decision 50/495**, decided to include in the draft agenda of its fifty-first (1996) session the item, "Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

By a note of 24 September [A/51/399-S/1996/778], the Secretary-General transmitted to the General Assembly and the Security Council the first annual report of the International Tribunal for Rwanda, submitted by the Tribunal's President. The report described the activities of the Tribunal, which comprised the Chambers, consisting of two Trial Chambers and an Appeals Chamber; the Office of the Prosecutor; and the Registry, servicing both the Chambers and the Office of the Prosecutor. The Appeals Chamber served the Tribunals both of the former Yugoslavia and of Rwanda, as did the Office of the Prosecutor.

The period covered by the report corresponded to the establishment of the Tribunal's material and legal infrastructure and to the commencement of its judicial activities.

The report stated that the selection and recruitment of staff for the Office of the Prosecutor had been a long and complex process. The Office comprised four main sections, devoted to investigations, prosecution, legal services and administration and records, with the investigations section being the largest. Because of the generous contribution of the Netherlands, which had seconded 21 investigators in September 1995, the Office of the Prosecutor had had the minimum organizational resources needed to concentrate on its priority tasks.

The secretariat, common to the two International Tribunals, was established in The Hague to increase the efficiency of the Prosecutor. Some members of the secretariat had gone on mission to Kigali, Rwanda, in order to assist the Deputy Prosecutor and the chief of the investigations section in implementing the strategy adopted by the Prosecutor, which was to give priority to investigating and prosecuting individuals who had held important responsibilities in the events that occurred in Rwanda.

All of the Tribunal's organs played an active role in its development. Despite various difficulties encountered, and although the Judges were not officially regarded as having taken office un-



til 19 June 1996, they endeavoured to initiate the Tribunal's judicial activities as swiftly as possible.

On 10 December, the General Assembly, by **decision 51/410**, took note of the first annual report.

### The Chambers

The Chambers consisted of the First and Second Trial Chambers, staffed by three Judges each, and an Appeals Chamber composed of five Judges.

The judicial action taken by the Tribunal on 30 June 1996 included the confirmation of six indictments (or conduct of the pre-trial phase of the proceedings in respect of 14 individuals), review of three requests for deferral to the Tribunal's competence, proceedings relating to the detention of suspects, and the initial appearances of the accused in the framework of three trials.

Regarding the indictments, the first reviewed by the Tribunal concerned eight individuals suspected of having committed crimes allegedly perpetrated in the Kibuye prefecture in 1994 [YUN 1994, p. 291]. That indictment was confirmed on 28 November 1995. Two further indictments, each in respect of one individual, were confirmed on 16 February 1996; one of them dealt with massacres committed in April 1994 in the Kigali and Gitarama prefectures [YUN 1994, p. 282]. On 19 and 20 June, three more indictments were confirmed which dealt with mass killings in the Butare and Kibuye prefectures and made it possible to charge five further individuals. As each indictment was confirmed, an arrest warrant was issued against the accused and transmitted by the Registrar to the competent State authorities.

In May, three accused persons appeared for the first time before the Tribunal, marking the first time an international criminal tribunal was sitting in Africa. On 30 May, Georges Anderson Rutaganda and Jean-Paul Akayesu appeared before the First Trial Chamber. Akayesu was the former burgomaster of the Taba district, Gitarama prefecture. Rutaganda was charged with participating in the massacres committed in the Kigali and Gitarama prefectures; the violations indicated in the indictment were genocide, crimes against humanity and serious violations of the Geneva Conventions of 1949. On 31 May, Clement Kayishema appeared before the Chamber. He had been charged in relation to the Kibuye indictment (see above).

Regarding regulatory activities, the Judges of the Trial Chambers and the Appeals Chamber had held the Tribunal's first plenary session from 26 to 30 June 1995 [YUN 1995, p. 1322] at The Hague, as the Tribunal's premises in Arusha were not ready.

At their second plenary session, held from 8 to 12 January in Arusha, the Judges adopted amendments to the rules of procedure and evidence, as well as two texts drawn up by the Registrar dealing with the rules of detention and the directive for the assignment of defence counsel. The Judges decided to appoint an independent authority to inspect conditions in the Tribunal's Detention Unit.

In accordance with the rules of procedure and evidence, the officers of the Chambers met from 13 to 15 March and decided to enter into an agreement with the International Committee of the Red Cross, which was to become the independent authority for inspecting detention conditions.

### Office of the Prosecutor

The precarious financial situation of the Tribunal, within the overall context of the financial crisis of the United Nations, seriously jeopardized the start of the activities of the Office of the Prosecutor. Given the limited financial and human resources available to it, the Office of the Prosecutor had no choice but to concentrate its efforts on individuals who had been in positions of responsibility during the events which occurred in Rwanda in 1994 [YUN 1994, p. 281].

The Tribunal held its first public hearing on 11 January, when the Second Trial Chamber reviewed a deferral request filed by the Prosecutor relating to investigations and proceedings instituted in respect of three individuals who had been detained in Belgium. The Chamber approved the Prosecutor's request and asked the Belgian authorities to defer to the Tribunal's competence. On 12 March, the First Trial Chamber approved two other deferral requests filed by the Prosecutor; a further two requests were presented and approved on 17 May. On 17 May, four decisions were rendered following consideration of four requests filed by the Prosecutor under rule 40 bis of the rules of procedure and evidence, which had been adopted by the Judges on 15 May. (By rule 40 bis, a Judge could order the provisional detention of a suspect and his or her transfer to the Detention Unit, in situations where the suspect had already been arrested provisionally or otherwise detained and where the Judge considered that there was a reliable and consistent body of material that tended to show that the suspect might have committed a crime over which the Tribunal had jurisdiction and in which the Judge also considered provisional detention necessary to prevent the escape of the suspect, injury to or intimidation of a victim or witness or the destruction of evidence, or to be otherwise necessary for the conduct of the investigation.) In response to those requests, provi-

sional detention for a 30-day period and the transfer of four suspects imprisoned by the Cameroonian authorities was ordered. On 18 June, following an inter partes hearing involving the Prosecutor and the four suspects, four more decisions were rendered, extending their provisional detention for a period not exceeding 30 days, until 16 July, in order to enable the Prosecutor to prepare indictments.

In view of the importance of cooperation between the Tribunal and United Nations Member States, particularly with States neighbouring Rwanda and having large numbers of refugees in their territory, the Prosecutor and Deputy Prosecutor travelled in 1995 to meet with representatives of the Governments of Kenya, South Africa, the United Republic of Tanzania, Zaire and Zambia. They also met with the Secretary-General of the Organization of African Unity. In May 1996, the Prosecutor met in The Hague with a representative of the Office of the United Nations High Commissioner for Refugees to discuss cooperative measures. Additional efforts were taken to enlist and strengthen the support of Member States and international and non-governmental organizations.

### The Registry

The Registry was entrusted with the day-to-day management of the judicial activities of the Tribunal, which included the preparation of legal documents, ensuring the proper functioning of the hearings, managing the Detention Unit, and transmitting arrest warrants and other documents pertaining to the judicial files and following up with regard to files. It also managed the Witness Unit, which was established on 24 June and assisted both prosecution and defence witnesses.

### Financing the Tribunal

**Report of Secretary-General.** In a March report [A/C.5/50/54], the Secretary-General presented the requirements of the Tribunal for 1996, which amounted to \$38,770,900 and included proposals for 404 posts. The estimate included the amount of \$7,609,900 gross (\$7,090,600 net) authorized by the General Assembly in 1995 [res. 50/213 A]. An additional amount of \$2,459,700 would be required for staff assessment, to be offset by income from staff assessment of the same amount.

The Assembly decided in 1995 [res. 49/251] that appropriations for the 1996-1997 biennium under the Special Account for the Tribunal should be financed equally through a cost-sharing arrangement in accordance with Member States'

scale of assessments for 1996 and the credits arising from the budget of the UN Assistance Mission for Rwanda (UNAMIR) (see PART ONE, Chapter II). The Secretary-General stated that it was assumed that the 50/50 cost-sharing arrangement for the financing of the Tribunal would continue to be operative until reviewed by the Assembly.

Tables annexed to the report included a summary of estimates for the period 1 January to 31 December 1996 by object of expenditure.

#### GENERAL ASSEMBLY ACTION

On 11 April, the General Assembly adopted **resolution 50/213 B**.

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Recalling its resolution 50/213 A of 23 December 1995, by which it appropriated to the Special Account for the International Tribunal for Rwanda an amount of 7,609,900 United States dollars gross (7,090,600 dollars net) for the period from 1 January to 31 March 1996, pending the submission to the General Assembly of the requirements of the Tribunal for the full year 1996,

1. Decides to authorize the Secretary-General to enter into commitments for the continued operation of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the period from 1 April to 30 June 1996 up to the amount of 7,609,900 dollars gross (7,090,600 dollars net), pending a detailed report of the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

2. Decides also, as an ad hoc and exceptional arrangement, that, notwithstanding the provisions of paragraph 12 of its resolution 49/20 B of 12 July 1995, Member States shall waive their respective shares in the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda in the total amount of 3,804,950 dollars gross (3,545,300 dollars net) and hence accept an equivalent increase in the assessments for a future budget period of the Assistance Mission in the same amount, to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

3. Decides further to apportion the amount of 3,804,950 dollars gross (3,545,300 dollars net) for the period from 1 April to 30 June 1996 among Member

States in accordance with the scale of assessments for the year 1996;

4. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 3 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 259,650 dollars approved for the International Tribunal for Rwanda for the period from 1 April to 30 June 1996.

General Assembly resolution 50/213 B

11 April 1996 Meeting 104 Adopted without vote

Approved by the Fifth Committee (A/50/852/Add.1) without vote, 4 April (meeting 55); draft by Chairman (A/C.5/50/L.36); agenda item 160.

Meeting numbers. GA 50th session: 5th Committee 42, 43, 53, 55; plenary 104.

**Report of ACABQ.** In April, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) submitted comments [A/50/923] on the Secretary-General's March report detailing requirements for the Tribunal for 1996.

The Committee pointed out that, of the \$12,914,900 appropriated for the Tribunal in 1995, only \$1,645,000 was utilized. Therefore, it said, of the \$38,770,900 being requested for 1996, the amount of \$11,269,900 was available from the previous period. ACABQ also noted a number of differences between the presentation of the budgets of the International Tribunal for Rwanda and that of the Tribunal for the Former Yugoslavia, and emphasized the need for uniformity and comparability in the presentation of the budgets of the two Tribunals.

The Committee recommended that the General Assembly approve \$32,552,000 gross (\$29,404,100 net) for the maintenance of the Tribunal for 1996, in addition to the amount of \$7,609,900 gross (\$7,090,600 net) appropriated by the Assembly in 1995 [res. 50/213 A] for the period 1 January to 31 March 1996.

ACABQ, recalling that in 1995 the Assembly had decided [res. 49/251] to review the mode of financing of the Tribunal at its fifty-second (1997) session, stated that it believed that, given the need to prepare for the long-term implications of the Tribunal's work and the requirements that might develop in 1996, the review should be advanced.

**Report of Secretary-General.** In May, the Secretary-General submitted the performance report [A/C.5/50/70] of the International Tribunal covering 1995. An amount totalling \$13,467,300 gross (\$12,914,900 net) had been approved by the General Assembly in 1995 [res. 49/251] for the operation of the Tribunal. During the period, expenditures totalled \$2,202,900, resulting in an unencumbered balance of \$10,712,000. The Assembly was requested to credit the unencum-

bered balance against the Tribunal budget for 1996 and to assess Member States for the balance according to the 50/50 cost-sharing method determined by the Assembly in the same resolution.

Annexed to the report were tables reflecting receipts and expenditures from the Voluntary Fund to support the activities of the International Tribunal.

#### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/213 C**.

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Recalling its resolution 50/213 A of 23 December 1995, by which it appropriated to the Special Account for the International Tribunal for Rwanda an amount of 7,609,900 United States dollars gross (7,090,600 dollars net) for the period from 1 January to 31 March 1996, without prejudice to the comments and recommendations the Advisory Committee on Administrative and Budgetary Questions might make following its review of the full budget for 1996,

Recalling also its resolution 50/213 B of 11 April 1996, by which it authorized the Secretary-General to enter into commitments for the continued operation of the International Tribunal for Rwanda up to an amount of 7,609,900 dollars gross (7,090,600 dollars net) for the period from 1 April to 30 June 1996,

1. Endorses the comments and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 32,552,000 dollars gross (29,404,100 dollars net) for 1996, inclusive of the commitment authority authorized by the General Assembly in its resolution 50/213 B, in addition to the amount of 7,609,900 dollars gross (7,090,600 dollars net) already appropriated for the period from 1 January to 31 March 1996;

3. Decides also that the appropriation for 1996 under the Special Account referred to in paragraph 2 above shall be financed according to the methodology established by the General Assembly in its resolution 49/251 of 20 July 1995, as detailed in the annex to the present resolution;

4. Decides further, as an ad hoc and exceptional arrangement, that Member States shall waive their respective shares in the remaining credits arising from

previous budgets of the United Nations Assistance Mission for Rwanda in an amount of 6,904,818 dollars gross (5,800,769 dollars net) to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account established for the United Nations Assistance Mission for Rwanda;

5. Decides to apportion the amount of 6,904,818 dollars gross (5,800,769 dollars net) among Member States in accordance with the scale of assessments for the year 1996;

6. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,104,049 dollars approved for the International Tribunal for Rwanda for 1996;

7. Requests the Secretary-General to report fully on both the receipt and application of extrabudgetary funds when preparing future budget proposals for the International Tribunal for Rwanda so as to ensure transparency with regard to the purpose and use of such funds;

8. Also requests the Secretary-General to submit the budget for the International Tribunal for Rwanda for 1997 no later than 1 November 1996;

9. Further requests the Secretary-General to entrust the Office of Internal Oversight Services with undertaking, without prejudice to its programme of work, an inspection of the International Tribunal for Rwanda, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the General Assembly at its fifty-first session;

10. Decides to revert to the issue of voluntary contributions in the context of the budget proposals for 1997.

#### ANNEX

**Financing of the International Criminal Tribunal  
for the Prosecution of Persons Responsible for  
Genocide and Other Serious Violations of  
International Humanitarian Law Committed in the  
Territory of Rwanda and Rwandan Citizens  
Responsible for Genocide and Other Such Violations  
Committed in the Territory of Neighbouring States  
between 1 January and 31 December 1994**

	Gross (United States dollars)	Net
Appropriations for April- December 1996	32,552,000	29,404,100
LESS: Commitment authority (for April-June 1996 already assessed)	(7,609,900)	(7,090,600)
LESS: 1995 unencumbered bal- ance	(11,132,464)	(10,711,962)
BALANCE: April-December 1996 (appropriation to be as- sessed for July-December)	13,809,636	11,601,538
Of which: United Nations As- sistance		
Mission for Rwanda <sup>a</sup>	6,904,818	5,800,769
Assessed amounts <sup>b</sup>	6,904,818	5,800,769

<sup>a</sup> Refers to the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda.

<sup>b</sup> Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1996.

#### General Assembly resolution 50/213 C

7 June 1996 Meeting 120 Adopted without vote

Approved by the Fifth Committee (A/50/852/Add.2) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.63), based on informal consultations, orally revised by Canada; agenda item 160.

Meeting numbers. GA 50th session: 5th Committee 42, 43, 53, 55, 57, 58, 64 (resumed); plenary 120.

**Report of Secretary-General.** In a November report [A/C.5/51/29 & Corr.1], the Secretary-General presented the 1997 resource requirements for the International Tribunal. Pending issuance of an evaluation of resource requirements by the Office of Internal Oversight Services (OIOS) (see below, under "OIOS review"), the Secretary-General proposed that real resources for 1997 be kept at the 1996 level, to be augmented solely by those additional resources required to meet the immediate and non-deferrable exigencies of the Tribunal. The amount of resources for the period from 1 January to 31 December 1997 amounted to \$46,732,700 net (\$51,415,200 gross) and reflected a net increase of \$10,238,000 and an additional 21 posts over the 1996 appropriation and authorized staffing level.

**Report of ACABQ.** In December, ACABQ recommended [A/51/7/Add.5] that, pending the receipt of revised estimates for 1997 for the Tribunal, the General Assembly maintain for 1997 the same appropriation levels approved for 1996 but with existing staff calculated at full cost, actual 1997 rental cost and deletion of non-recurrent 1996 costs. Upon its request, the Committee was informed that requirements for the Tribunal for 1997 would amount to \$46,229,900 gross (\$41,742,200 net). It recommended that the Assembly appropriate that amount. The assessment of the amount could take into account the unencumbered balance in respect of 1996, which totalled \$ 12 million.

The Committee also recommended that the Secretary-General prepare a comprehensive performance report for 1996, indicating how resources were utilized, including assessed and voluntary contributions. It stated that it would continue to consider in 1997 the issue of personnel provided free of charge to the United Nations to occupy posts that would otherwise have been funded from assessed contributions.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/215 A**.

**Financing of the International Criminal Tribunal  
for the Prosecution of Persons Responsible for  
Genocide and Other Serious Violations of  
International Humanitarian Law Committed in the  
Territory of Rwanda and Rwandan Citizens  
Responsible for Genocide and Other Such Violations  
Committed in the Territory of Neighbouring States  
between 1 January and 31 December 1994**

The General Assembly,

Having considered the report of the Secretary-General on the financing of the International Criminal Tribunal

for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its resolution 50/213 C of 7 June 1996, in which it requested the Secretary-General to entrust the Office of Internal Oversight Services to undertake, without prejudice to its programme of work, an inspection of the International Tribunal for Rwanda, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the General Assembly at its fifty-first session,

Noting that the Secretary-General intends to submit revised 1997 budget proposals following finalization at the end of 1996 of the report of the Office of Internal Oversight Services,

1. Endorses the observations and recommendations of the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 23,114,950 United States dollars gross (20,871,100 dollars net) for the period from 1 January to 30 June 1997;

3. Decides also that the appropriation for the period from 1 January to 30 June 1997 under the Special Account referred to in paragraph 2 above shall be financed according to the methodology established by the General Assembly in its resolution 49/251 of 20 July 1995, after taking into account the anticipated availability of an unencumbered balance of 12 million dollars for 1996, as detailed in the annex to the present resolution;

4. Decides further that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Assistance Mission for Rwanda in the total amount of 5,557,475 dollars gross (4,435,550 dollars net), to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

5. Decides to apportion the amount of 5,557,475 dollars gross (4,435,550 dollars net) among Member States in accordance with the scale of assessments for the year 1997;

6. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,121,925 dollars approved for the International Tribunal for Rwanda for the period from 1 January to 30 June 1997;

7. Decides further to revert to the consideration of the financing of the International Tribunal for Rwanda for

the year 1997 at the first part of its resumed fifty-first session on the basis of the revised budgetary estimates to be proposed by the Secretary-General and the report of the Office of Internal Oversight Services to be submitted to the General Assembly, which was requested with a view to identifying problems and recommending measures to enhance the efficient utilization of resources.

#### ANNEX

##### **Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

	Gross (United States dollars)	Net dollars)
Initial appropriations for the period from 1 January to 30 June 1997	23,114,950	20,871,100
Less: Estimated 1996 unencumbered balance	(12,000,000)	(12,000,000)
Balance: 1 January to 30 June 1997 (appropriation to be assessed for January to June)	11,114,950	8,871,100
Of which: United Nations Assistance Mission for Rwanda <sup>a</sup>	5,557,475	4,435,550
Assessed amounts <sup>b</sup>	5,557,475	4,435,550

<sup>a</sup> Refers to the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda.

<sup>b</sup> Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1997.

General Assembly resolution 51/215 A

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/744) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.23); agenda item 139.

Meeting numbers. GA 51st session: 5th Committee 39, 41, 46; plenary 89.

#### **OIOS review**

Pursuant to General Assembly resolution 50/213 C, the Secretary-General transmitted a report [A/51/789] on the audit and investigation of the Tribunal, conveyed to him by the Under-Secretary-General of OIOS.

A team of auditors and investigators assembled by OIOS conducted the review in Arusha and Kigali and at UN Headquarters. The team examined Tribunal records, interviewed senior officials and other staff members as well as seconded experts, and conducted on-site inspections of property and facilities. Subsequently, it conducted additional interviews with Secretariat officials at Headquarters and with current and former Tribunal officials. Complaints from staff members and from Member States concerning perceived abuses in the Tribunal were examined. The evidence did not confirm allegations of corrupt practices or misuse of funds. However, the review disclosed mismanagement in almost all areas of the Tribunal and frequent violations of UN rules and regulations.

The review revealed that in the Tribunal Registry not a single administrative area functioned effectively. Finance had no accounting system and could not produce allotment reports; lines of authority were not clearly defined; internal controls were weak; personnel in key positions did not have the required qualifications; there was no property management system; procurement procedures deviated from UN procedures; UN rules and regulations were widely disregarded; the Kigali office had not received the necessary administrative support; and construction work of the second courtroom had not started.

The Office of the Prosecutor in Kigali had administrative, leadership and operational problems, OIOS stated. Functions were hampered by a lack of experienced staff as well as a lack of vehicles, computers and other office equipment and supplies. Lawyer posts were vacant and, of the nearly 80 investigator posts, only 30 had been filled. Prosecution strategy deficiencies were noted, and witness-related programmes had not been fully developed. The report said that the Deputy Prosecutor had been encouraged by the former Prosecutor to focus on national figures, recognizing that the time needed to develop such cases could take many months. The Deputy Prosecutor, OIOS said, continued to follow the initial prosecution strategy, and did not redirect the limited resources of the Office of the Prosecutor to pursue key figures in the genocide, nor did the former Prosecutor take steps to ensure this new focus. Those assigned to investigative teams advised OIOS that the teams had been setting their own plans and strategies.

OIOS concluded that the effective establishment of the Tribunal had been affected by short-term funding arrangements, by geographical separation of the Prosecutor's Office from the Tribunal's other entities, and by lack of adequate infrastructure at both Arusha and Kigali.

The Under-Secretary-General of OIOS recommended that the Registry: conduct regular meetings with the President of the Tribunal and Deputy Prosecutor; establish internal controls to ensure that UN rules and regulations were enforced; fill key positions with qualified staff, with the support and guidance of the UN Department of Administration and Management (DAM); give more attention to recruiting staff who had language skills in English and French, the Tribunal's working languages; seek, with the assistance of the Office of Legal Affairs (OLA), a written agreement with the host Government stipulating the detailed terms and conditions for construction and use of detention facilities; establish procedures to ensure that contributions in kind were accounted for and utilized in conformity with UN rules and regula-

tions and with donors' intentions, and with the Registrar and Prosecutor having knowledge of the agreements; operate dollar bank accounts in Arusha and Kigali to minimize cash payments and cash holdings by issuing cheques to staff and vendors; take immediate measures to ensure that accounts were corrected, backlogs in financial reporting settled and all staff entered into the payroll system; initiate recovery of overpaid salaries and entitlements; return borrowed posts to the Office of the Prosecutor; give priority to security in Kigali and Arusha; and establish a post-trial programme, given that the first witnesses had testified in the first trial. The report also recommended: designating DAM as the Secretariat department to support and guide the Registry; having the Tribunal, with the assistance of OLA, set forth the role, scope and reporting relationship of the Registrar; appointing a Deputy Registrar experienced in court management; supervision of the activities of the Registry by the President of the Tribunal; and having the Tribunal for the Former Yugoslavia serve as a model and contact for unresolved issues in the Registry in Arusha.

As to the Prosecutor, the Under-Secretary-General recommended that: a Deputy Prosecutor be selected who had leadership skills and experience in running a prosecutorial office and directing significant criminal investigations; experienced criminal trial lawyers should be recruited and the current senior trial attorneys sufficiently trained; and experienced investigators should be selected. The decision to share the few forensic investigators with the Office of the Prosecutor for the Former Yugoslavia should be reconsidered, he said, as that might delay the substantial work still to be done in Rwanda, and the services of experienced intelligence analysts should be enlisted to coordinate the strategy so that leads were developed, assessed and prioritized. He also proposed that the Victims and Witnesses Unit, currently in the Registry, be located within the Office of the Prosecutor, and that, given the difficulties caused by the absence of law office resources in Kigali, the Office of the Prosecutor in The Hague and OLA should provide more structured support while the Registry sought additional funding. The OIOS Under-Secretary-General noted that the Administrative Office in Kigali should be upgraded and authority delegated to enable the Administrative Officer to provide day-to-day administrative services to the Office of the Prosecutor.

Regarding the Tribunal, the Under-Secretary-General stated that the Tribunals for Rwanda and for the Former Yugoslavia should facilitate and foster their relationship. He noted that the Tribunal for Rwanda, with the assistance as needed of OLA, should set forth clearly the role, scope and re-

porting relationships of the Registrar so that the independence of the Chambers and the Office of the Prosecutor were fully recognized and the service function of the Registry was emphasized and guided.

## Functioning of Tribunals

On 13 February, the Judges of the Tribunals for both Rwanda and the Former Yugoslavia requested the Security Council to consider proposed amendments to their statutes that had been agreed to at their respective plenary meetings [S/1996/475].

The proposals addressed the Judges' concern that there was an insufficient number of Judges, in view of the fact that the workload of the Chambers of both Tribunals was expected to increase dramatically in the coming months. The Judges suggested increasing the number of Judges available or keeping the number constant while expanding their judicial responsibilities by increasing flexibility of assignment. The Judges felt that

it would be appropriate to allow Judges to be temporarily assigned from one Tribunal to the other and from all Trial Chambers to the joint Appeals Chamber on an ad hoc basis, as required. The Judges favoured the latter as the most efficient and cost-effective option.

The Judges suggested that if the Council felt that the amendments were not appropriate, two additional Judges should be appointed to each Tribunal as soon as possible to ensure that both Tribunals continued to function.

On 27 June, the President of the Council replied [S/1996/476], stating that, following a review of the matter, the Council members did not believe that the situation required amending the Tribunals' statutes. However, recognizing that increased judicial activity in the coming months might raise problems regarding the availability of Judges, the Council members examined alternative proposals. They considered that adequate solutions might be achieved under the rules of procedure and evidence of both Tribunals. They also noted that cautious use of the provisions of rule 61 (see above, under "The Chambers", International Criminal Tribunal for the Former Yugoslavia) might provide an additional solution.

## Chapter III

## Legal aspects of international political relations

In 1996, the United Nations continued work on issues dealing with the legal aspects of international political and State relations.

The International Law Commission, at its forty-eighth session, continued work on the progressive codification of international law. In December, the General Assembly took note of the report of the Commission; expressed its appreciation for the completion of the final draft articles on the draft Code of Crimes against the Peace and Security of Mankind and the provisional draft articles on State responsibility; requested the Secretary-General to solicit from Member States written comments and observations on possible actions regarding the draft Code; and recommended that the Commission continue its work on those topics.

The Assembly decided to convene in 1998 a diplomatic conference of plenipotentiaries in order to finalize and adopt a convention on the establishment of an international criminal court; and took note of the report of its Working Group of the Whole on the proposed convention on the law of the non-navigational uses of international watercourses.

With regard to measures to eliminate international terrorism, the Assembly strongly condemned all acts, methods and practices of terrorism as criminal and unjustifiable; called on all States to adopt measures to prevent it and to strengthen international cooperation to that end; and decided to establish an ad hoc committee to elaborate an international convention for the suppression of terrorism.

As to measures to enhance the protection, security and safety of diplomatic and consular missions and representatives, the Assembly, inter alia, strongly condemned acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations. States that had not done so were urged to ratify, accept, approve or accede to the 1994 Convention on the Safety of United Nations and Associated Personnel; and an appeal was launched to all States to consider becoming parties to the additional Protocols to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts.

### International Law Commission

The International Law Commission, at its forty-eighth session (Geneva, 6 May-26 July 1996) [A/51/10 & Corr.1], held 48 public meetings. It completed final draft articles for a Code of Crimes against the Peace and Security of Mankind and provisional draft articles on State responsibility for wrongful acts. It also considered State succession and its impact on the nationality of natural and legal persons; draft articles on international liability for injurious consequences arising out of acts not prohibited by international law; and the law and practice relating to reservations to treaties. As to its long-term programme of work, the Commission proposed a general scheme which would help integrate in a global review of the main fields of international law some possible topics for future studies. A general outline was prepared of the main legal problems raised by three possible future topics which, in the Commission's view, were ready for codification and development, namely, diplomatic protection, ownership and protection of wrecks beyond the limits of national maritime jurisdiction and unilateral acts of States. The Commission also continued to cooperate with the Asian-African Legal Consultative Committee, the European Committee on Legal Cooperation and the Inter-American Juridical Committee.

In compliance with General Assembly resolution 50/45 [YUN 1995, p. 1326], the Secretariat prepared for the Commission's attention a topical summary [A/CN.4/472 & Add.1] of the Assembly's Sixth (Legal) Committee discussion of the Commission's 1995 report.

The thirty-second session of the International Law Seminar for postgraduate students, young professors or government officials dealing with international law was held (Geneva, 17 June-5 July) with 24 participants of different nationalities, mostly from developing countries. The participants attended meetings of the Commission as well as lectures organized for them. Cyprus, Denmark, Finland, Hungary, Iceland, Japan, Norway and Switzerland made voluntary contributions to the United Nations Trust Fund for the International Law Seminar, thus making it possi-



ble to award 10 full and 6 partial fellowships. Since the first seminar in 1965, fellowships had been awarded to 389 of the 714 participants representing 140 nationalities.

In June, the thirteenth Gilberto Amado Memorial Lecture, created in 1971 by the Commission to honour one of its former members, was delivered by Professor Celso Lafer of Brazil.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/160**.

#### **Report of the International Law Commission on the work of its forty-eighth session**

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-eighth session,

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of government representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. Takes note of the report of the International Law Commission on the work of its forty-eighth session;

2. Expresses its appreciation to the International Law Commission for the work accomplished at its forty-eighth session, in particular for the completion of the final draft articles on the draft Code of Crimes against the Peace and Security of Mankind and the provisional draft articles on State responsibility, and draws the attention of the States participating in the Preparatory Committee on the Establishment of an International Criminal Court to the relevance of the draft Code to their work;

3. Requests the Secretary-General to invite Governments to submit, before the end of the fifty-third session of the General Assembly, their written comments and observations on action which might be taken in relation to the draft Code of Crimes against the Peace and Security of Mankind;

4. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

5. Draws the attention of Governments to the importance, for the International Law Commission, of having their views on the draft articles on State responsibility adopted on first reading by the Commission, and urges them to submit their comments and observations in writing by 1 January 1998, as requested by the Commission;

6. Encourages Governments that may wish to do so to provide, in writing, their comments and observations on the report of the Working Group on International Liability for Injurious Consequences Arising out of Acts not Prohibited by International Law, annexed to the report of the International Law Commission, in order that the Commission may, in the light of the report of the Working Group and such comments and observations as may be made by Governments and those that have been made in the Sixth Committee, consider at its forty-ninth session how to proceed with its work on the topic and make early recommendations thereon;

7. Invites States and international organizations, particularly those that are depositaries, to answer promptly the questionnaire prepared by the Special Rapporteur on the topic concerning reservations to treaties;

8. Notes the completion of the preliminary study of the topic "State succession and its impact on the nationality of natural and legal persons", requests the International Law Commission to undertake the substantive study of the topic "Nationality in relation to the succession of States" in accordance with the modalities provided for in paragraph 88 of its report, and invites Governments to submit comments on the practical problems raised by the succession of States affecting the nationality of legal persons;

9. Takes note with appreciation of paragraphs 143 to 244 of the report of the International Law Commission concerning its procedures and working methods;

10. Takes note of the comments of the International Law Commission on the question of a split session, as presented in paragraphs 228 to 233 of its report;

11. Encourages the International Law Commission, in relation to its internal matters, to take decisions which could contribute to its efficiency and productivity;

12. Takes note of the decision of the International Law Commission contained in paragraph 256 of its report on the duration of its next session;

13. Invites the International Law Commission further to examine the topics "Diplomatic protection" and "Unilateral acts of States" and to indicate the scope and the content of the topics in the light of the comments and observations made during the debate in the Sixth Committee on the report of the Commission and any written comments that Governments may wish to submit;

14. Requests the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, those specific issues, if any,

on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

16. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars with adequate services, including interpretation, as required;

17. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-first session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

18. Also requests the Secretary-General to make appropriate arrangements to commemorate the fiftieth anniversary of the establishment of the International Law Commission through a colloquium on the progressive development and codification of international law, to be held during the consideration in the Sixth Committee of the report of the Commission on the work of its forty-ninth session;

19. Recommends that the debate on the report of the International Law Commission at the fifty-second session of the General Assembly commence on 27 October 1997.

General Assembly resolution 51/160

16 December 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/626) without vote, 27 November (meeting 48); draft by Chairman (A/C.6/51/L.17); agenda item 146.

Meeting numbers. GA 51st session: Sixth Committee 31-42, 48; plenary 85.

### **Draft Code of Crimes against the Peace and Security of Mankind**

In 1996, the International Law Commission completed its work on the second reading of the draft Code of Crimes against the Peace and Security of Mankind. The draft Code, originally prepared in 1954 [YUN 1954, p. 408] and provisionally adopted by the Commission on first reading in 1991 [YUN 1991, p. 823], defines offences that are crimes under international law and for which the responsible individual is to be punished.

The Commission decided to refer to its Drafting Committee a working group text which called for the inclusion of a reference to wilful and severe damage to the environment as a war crime. Following consideration of the Drafting Com-

mittee report [A/CN.4/L.522 & Corr.1], the Commission adopted the final text of a set of 20 draft articles constituting the Code, with the understanding that the inclusion of certain crimes did not affect the status of others under international law, and that adoption of the Code did not preclude the further development of that important area of law.

The Code was divided into two parts, with part I containing general provisions relating primarily to principles of individual criminal responsibility (articles 1-15), and part II containing the definitions of the crimes covered by the Code, namely, aggression, genocide, crimes against humanity, crimes against UN and associated personnel, and war crimes (articles 16-20). The Commission considered the various forms which the Code could take—an international convention adopted by a plenipotentiary conference or by the General Assembly; incorporation in the statute of an international criminal court; or a declaration by the Assembly—and recommended that the Assembly adopt the most appropriate form for the Code which would ensure its widest possible acceptance.

By a July note [A/51/332 & Corr.1], the Secretary-General submitted the draft Code to the General Assembly.

In **resolution 51/160** (see above), the Assembly expressed its appreciation to the Commission for the completion of the final draft articles on the draft Code; drew the attention of the States participating in the Preparatory Committee on the Establishment of an International Criminal Court (see below) to the relevance of the draft Code to their work; and requested the Secretary-General to invite Governments to submit, before the end of the fifty-third session (1998) of the Assembly, written comments and observations on action which might be taken in relation to the draft Code. The Assembly also recommended that the Commission continue its work on the topic, taking into account the comments of Governments.

### **International criminal jurisdiction**

In accordance with General Assembly resolution 50/46 [YUN 1995, p. 1328], the Preparatory Committee on the Establishment of an International Criminal Court met (New York, 25 March-12 April and 12-30 August 1996) to consider further the major substantive and administrative issues arising out of the draft statute for an international criminal court [YUN 1994, p. 1285] prepared by the International Law Commission, and to prepare a widely acceptable consolidated text of a convention that could be considered by a conference of plenipotentiaries.

The Committee held discussions on, *inter alia*, the establishment of the court and its relationship with the United Nations; composition and administration matters; the scope of the court's jurisdiction and definition of crimes; its trigger mechanism; complementarity; general principles of criminal law; procedural questions, fair trial and rights of the accused; appeal and review procedures; cooperation between States and the court; international cooperation and judicial assistance; and enforcement mechanisms.

In a report [A/51/22, vols. I & II] to the General Assembly, the Preparatory Committee recommended that the Assembly reaffirm its mandate and give it specific directions with regard to the mandate and its work methods; and considered realistic, on the basis of its scheme of work, the possibility of holding a diplomatic conference of plenipotentiaries in 1998.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/207**.

#### **Establishment of an international criminal court**

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992 and 48/31 of 9 December 1993,

Recalling also that the International Law Commission adopted at its forty-sixth session a draft statute for an international criminal court and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,

Recalling further its resolution 49/53 of 9 December 1994, in which it decided to establish an *ad hoc* committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries,

Recalling its resolution 50/46 of 11 December 1995, in which it decided, in the light of the report of the *Ad Hoc* Committee on the Establishment of an International Criminal Court, to establish a preparatory committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries, and also decided that the work of the Preparatory Committee should be based on the draft statute prepared by the International Law Commission and should take into account the report of the *Ad Hoc* Committee and the written

comments submitted by States to the Secretary-General on the draft statute for an international criminal court pursuant to paragraph 4 of General Assembly resolution 49/53 and, as appropriate, contributions of relevant organizations,

Noting that the Preparatory Committee continued the discussion of the major substantive and administrative issues arising out of the draft statute and initiated consideration of draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court,

Noting also that major substantive and administrative issues remain to be resolved,

Noting further that the Preparatory Committee, in the light of the progress made and deeply aware of the commitment of the international community to the establishment of an international criminal court, recommended that the General Assembly reaffirm the mandate of the Preparatory Committee and give further directions to it,

Recalling that in its resolution 50/46 it resolved to decide, in the light of the report of the Preparatory Committee, on the convening of an international conference of plenipotentiaries to finalize and adopt a convention on the establishment of an international criminal court, including on the timing and duration of the conference,

Noting that the Preparatory Committee, recognizing that this is a matter for the General Assembly, and on the basis of its scheme of work, considered that it was realistic to regard the holding of a diplomatic conference of plenipotentiaries in 1998 as feasible,

Aware of the necessity to maintain some flexibility in the organization of future work in order to ensure the success of the conference of plenipotentiaries,

Expressing deep appreciation for the renewed offer of the Government of Italy to host a conference on the establishment of an international criminal court in June 1998,

1. Takes note of the report of the Preparatory Committee on the Establishment of an International Criminal Court, including the recommendations contained therein, and expresses its appreciation to the Preparatory Committee for the useful work done and the progress made in fulfilling its mandate;

2. Takes note also of the various views of Governments expressed during the consideration of the report of the Preparatory Committee in the Sixth Committee during the fifty-first session of the General Assembly;

3. Decides to reaffirm the mandate of the Preparatory Committee, and directs it to proceed in accordance with paragraph 368 of its report;

4. Decides also that the Preparatory Committee shall meet from 11 to 21 February, 4 to 15 August and 1 to 12 December 1997, and from 16 March to 3 April 1998, in order to complete the drafting of a widely acceptable consolidated text of a convention, to be submitted to the diplomatic conference of plenipotentiaries, and requests the Secretary-General to provide the Preparatory Committee with the necessary facilities for the performance of its work;

5. Decides further that a diplomatic conference of plenipotentiaries shall be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court;

6. Urges participation in the Preparatory Committee by the largest number of States so as to promote universal support for an international criminal court;

7. Requests the Secretary-General to establish a special fund for the participation of the least developed countries in the work of the Preparatory Committee and in the diplomatic conference of plenipotentiaries, and calls upon States to contribute voluntarily to that special fund;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "Establishment of an international criminal court" in order to have the necessary arrangements made for the diplomatic conference of plenipotentiaries to be held in 1998, unless the General Assembly decides otherwise in view of relevant circumstances.

General Assembly resolution 51/207

17 December 1996 Meeting 88 Adopted without vote

Approved by Sixth Committee (A/51/627) without vote, 29 November (meeting 50); draft by Chairman (A/C.6/51/L.10); agenda item 147.

Financial implications. 5th Committee, A/51/733; S-G, A/C.6/51/L.22.

Meeting numbers. GA 51st session: 5th Committee 44; 6th Committee 26-30, 48-50; plenary 88.

### International liability

During its forty-eighth session, the International Law Commission considered the twelfth report [A/CN.4/475 & Corr.1 & Add.1 & Add.1/Corr.1] of the Special Rapporteur on international liability for injurious consequences arising out of acts not prohibited by international law, which reviewed the various liability regimes proposed in his previous reports, as well as a Secretariat survey on the question [A/CN.4/471]. A Working Group established by the Commission reviewed the topic in all its aspects. In its report, which was annexed to the Commission's report [A/51/10 & Corr.1], the Working Group presented a complete picture of the topic relating to the principle of prevention and that of liability for compensation or other relief. The Commission regarded the report as a substantial advance on the subject and, although it had not been able to examine the draft articles, felt that, in principle, they provided a basis for examination by the General Assembly.

### Non-navigational uses of international watercourses

The Sixth (Legal) Committee's Working Group of the Whole for the elaboration of a convention on the law of the non-navigational uses of international watercourses met from 7 to 25 October 1996 [A/C.6/51/L.3]. The Group held 14 meetings, while its Drafting Committee held 19 meetings. A substantial number of draft articles had been worked out in the Drafting Committee, but a number of core issues remained to be resolved. Accordingly, the Working Group was not able to complete its work and requested that the

Assembly convene, as soon as possible, a second session.

**Report of Secretary-General.** In 1994, by resolution 49/52 [YUN 1994, p. 1287], the General Assembly had invited States to submit, not later than 1 July 1996, written comments and observations on the draft articles on the law of the non-navigational uses of international watercourses. In an August report and later addenda [A/51/275 & Corr.1 & Add.1-3], the Secretary-General reported that, as of 9 October, comments and observations had been received from 14 States (Colombia, Ethiopia, Finland, Guatemala, Hungary, Italy, Niger, Portugal, Spain, Sudan, Turkey, United States, Venezuela, Switzerland). The replies were reproduced in the report and grouped under three categories: general comments and observations; suggestions concerning a preamble to the draft articles; and comments and observations relating to specific draft articles.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/206**.

#### Convention on the law of the non-navigational uses of international watercourses

The General Assembly,

Bearing in mind Article 13, paragraph 1 (a), of the Charter of the United Nations,

Reaffirming its resolution 49/52 of 9 December 1994, by which it decided that the Sixth Committee should convene, at the beginning of the fifty-first session, as a working group of the whole to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission,

Noting that some progress was achieved in the elaboration of the convention, but that the Working Group of the Whole will need more time to complete its mandate,

1. Takes note of the report of the Working Group of the Whole;

2. Decides to convene a second session of the Working Group of the Whole, for a period of two weeks from 24 March to 4 April 1997, to elaborate a framework convention on the law of the non-navigational uses of international watercourses;

3. Also decides that on the completion of its mandate the Working Group of the Whole shall report directly to the General Assembly;

4. Further decides that the provisions of paragraph 5 of resolution 49/52 shall continue to apply and that the methods of work and procedures outlined in the annex to the present resolution shall be followed.

#### ANNEX

##### Methods of work and procedures

1. The Working Group of the Whole shall continue its work building on the work already carried out by the Drafting Committee and the Working Group as reflected in their reports, including the oral report of the President of the Drafting Committee.

2. The Working Group of the Whole shall maintain its Drafting Committee which shall consider the provisions of the draft articles prepared by the International Law Commission that it was unable to consider in its previous meetings, as well as the draft preamble and the set of final clauses.

3. Other issues arising from the reports referred to in paragraph 1 of the present annex, including those between brackets and with footnotes, shall be discussed in the Working Group of the Whole. The Working Group of the Whole may decide to refer to the Drafting Committee aspects of drafting related to those issues.

4. The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.

General Assembly resolution 51/206

17 December 1996 Meeting 88 Adopted without vote

Approved by Sixth Committee (A/51/624) without vote, 27 November (meeting 48); draft by Chairman (A/C.6/51/L.16), based on informal consultations on drafts by Egypt and France (A/C.6/51/L.4) and by Brazil (A/C.6/51/L.5); agenda item 144.

Financial implications. 5th Committee, A/51/733; S-G, A/C.6/51/L.24. Meeting numbers. GA 51st session: 5th Committee 44; 6th Committee 12-25, 48, 50; plenary 88.

On 18 December, the General Assembly decided that the item on a convention on the law of the non-navigational uses of international watercourses remained for consideration during the resumed fifty-first session in 1997 (**decision 51/462**).

### State succession

In 1996, the International Law Commission considered the second report [A/CN.4/474] of its Special Rapporteur on the impact of State succession on the nationality of natural and legal persons. The report, submitted in compliance with General Assembly resolution 49/51 [YUN 1994, p. 1283], was divided into three substantive sections, and was designed, in particular, to facilitate the task of the Working Group on the topic in its preliminary consideration of the question, the choices open to the Commission in its deliberations and a possible timetable.

The Working Group held five meetings between 4 June and 2 July, focusing on the problem of the nationality of legal persons, the form that the work on the topic should take and the calendar of work. It also embarked on a more in-depth analysis of the question of the nationality of natural persons in situations of State succession. The Working Group recommended to the Commission that consideration of the question of the nationality of natural persons be separated from that of legal persons, as they raised issues of a very different order; considered that the question of the nationality of natural persons should be addressed as a matter of priority; and concluded that the result of the work should take the

form of a non-binding instrument consisting of articles with commentaries. The Working Group further recommended that the Commission undertake a substantive study of the subject under the title "Nationality in relation to the succession of States".

On the basis of the recommendations of the Working Group, the Commission proposed that the Assembly take note of the completion of the preliminary study of the topic and that the Commission be requested to undertake the substantive study.

### State responsibility for wrongful acts

The Commission continued in 1996 consideration of draft articles on State responsibility for wrongful acts, based on the eighth report dealing with the subject [A/CN.4/476 & Corr.1 & Add.1] submitted by its Special Rapporteur. The Special Rapporteur, who later resigned, dealt with, inter alia, problems relating to the regime of internationally wrongful acts singled out as "crimes" based on article 19 of Part One of the draft articles. The Commission considered the report of its Drafting Committee, following the Committee's first reading of draft articles of Parts Two and Three on State responsibility; and transmitted the draft articles, through the Secretary-General, to Member States for comments and observations, with a reply deadline of 1 January 1998.

## International State relations and international law

### Safety and security of UN and associated personnel

The 1994 Convention on the Safety of United Nations and Associated Personnel [YUN 1994, p. 1289, GA res. 49/59], which was opened for signature at UN Headquarters on 15 December 1994 and remained open until 31 December 1995, was ratified in 1996 by Panama, Slovakia and Sweden and acceded to by Singapore and Uzbekistan, bringing the total number of State parties to nine. The Convention was to enter into force 30 days after 22 instruments of ratification, acceptance, approval or accession had been deposited with the Secretary-General. Forty-three States signed the Convention.

In a May report [A/51/130 & Corr.1], the UN Special Committee on Peacekeeping Operations, expressed its grave concern at all attacks and acts of violence against UN peacekeeping and associated personnel and, while taking note of the

growing number of signatories to the Convention, called on those States that had not done so to ratify the Convention.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/137**.

#### **Convention on the Safety of United Nations and Associated Personnel**

The General Assembly,

Recalling its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

Gravely concerned by the continuing attacks and acts of violence against United Nations and associated personnel that have caused death or serious injury,

Conscious of the need effectively to promote and protect the safety and security of the personnel who act on behalf of the United Nations, attacks against whom are unjustifiable and unacceptable,

Recognizing that United Nations and associated personnel, while carrying out their activities in support of the fulfilment of the mandate of a United Nations operation, are acting in the common interests of the international community,

Considering that the entry into force of the Convention would strengthen arrangements for the protection of personnel who act on behalf of the United Nations,

Noting, however, that only a small number of States have become parties to the Convention,

Recalling the report of the Special Committee on Peacekeeping Operations, in which, in particular, the Committee called upon Member States to ratify the Convention so as to ensure its early entry into force,

1. Welcomes all signatures, ratifications, acceptances and approvals of the Convention on the Safety of United Nations and Associated Personnel and accessions thereto;

2. Urges all States that have not yet done so to consider ratifying, accepting, approving or acceding to the Convention, to bring about its entry into force at the earliest possible date;

3. Requests the Secretary-General to continue to take the necessary steps to facilitate the dissemination of information relating to the Convention and to promote its wider appreciation;

4. Also requests the Secretary-General to inform the General Assembly at its fifty-third session on the status of the Convention and on the steps taken pursuant to paragraph 3 above.

General Assembly resolution 51/137

13 December 1996 Meeting 83 Adopted without vote

Approved by Fourth Committee (A/51/593 & Corr.1) without vote, 20 November (meeting 18); 39-nation draft (A/C.4/51/L.10), orally revised; agenda item 86.

Meeting numbers. GA 51st session: 4th Committee 15-18; plenary 83.

#### **Measures to eliminate terrorism**

In response to General Assembly resolution 50/53 [YUN 1995, p. 1330], the Secretary-General, in a September report with a later addendum [A/51/336 & Add.1], presented information on the

implementation of the 1994 Declaration on Measures to Eliminate International Terrorism [GAres. 49/60] received from 12 Member States, 3 specialized agencies and 2 regional organizations.

The report, on the application of paragraph 10 of the Declaration, consisted of an analytical review of existing international instruments relating to international terrorism; measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by such terrorism; a review of existing possibilities within the UN system for organizing workshops and training courses on combating crimes connected with international terrorism; and an update on the publication of a compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations.

**Communication.** In an August letter [A/51/261] to the Secretary-General, France transmitted the text of an official document adopted at the Ministerial Conference on Terrorism (Paris, 30 July) by the Foreign Ministers and the Ministers responsible for security of the countries of the Group of Seven and the Russian Federation. The document invited all States to adopt measures to prevent terrorism and to strengthen international cooperation to that end.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/210**.

#### **Measures to eliminate international terrorism**

The General Assembly,

Recalling its resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and its resolution 50/53 of 11 December 1995,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Guided by the purposes and principles of the Charter of the United Nations,

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism,

Noting, in this context, all regional and international efforts to combat international terrorism, including those of the Organization of African Unity, the Organization of American States, the Organization of the Islamic Conference, the South Asian Association for Regional Cooperation, the European Union, the

Council of Europe, the Movement of Non-Aligned Countries and the countries of the group of seven major industrialized countries and the Russian Federation,

Taking note of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on educational activities under the project entitled "Towards a culture of peace",

Recalling that in the Declaration on Measures to Eliminate International Terrorism the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the future the elaboration of a comprehensive convention on international terrorism,

Noting that terrorist attacks by means of bombs, explosives or other incendiary or lethal devices have become increasingly widespread, and stressing the need to supplement the existing legal instruments in order to address specifically the problem of terrorist attacks carried out by such means,

Recognizing the need to enhance international cooperation to prevent the use of nuclear materials for terrorist purposes and to develop an appropriate legal instrument,

Recognizing also the need to strengthen international cooperation to prevent the use of chemical and biological materials for terrorist purposes,

Convinced of the need to implement effectively and supplement the provisions of the Declaration on Measures to Eliminate International Terrorism,

Having examined the report of the Secretary-General,

# I

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. Calls upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider the adoption of measures such as those contained in the official document adopted by the group of seven major industrialized countries and the Russian Federation at the Ministerial Conference on Terrorism, held in Paris on 30 July 1996, and the plan of action adopted by the Inter-American Specialized Conference on Terrorism, held at Lima from 23 to 26 April 1996 under the auspices of the Organization of American States, and in particular calls upon all States:

(a) To recommend that relevant security officials undertake consultations to improve the capability of Governments to prevent, investigate and respond to terrorist attacks on public facilities, in particular

means of public transport, and to cooperate with other Governments in this respect;

(b) To accelerate research and development regarding methods of detection of explosives and other harmful substances that can cause death or injury, undertake consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, and promote cooperation and transfer of technology, equipment and related materials, where appropriate;

(c) To note the risk of terrorists using electronic or wire communications systems and networks to carry out criminal acts and the need to find means, consistent with national law, to prevent such criminality and to promote cooperation where appropriate;

(d) To investigate, when sufficient justification exists according to national laws, and acting within their jurisdiction and through appropriate channels of international cooperation, the abuse of organizations, groups or associations, including those with charitable, social or cultural goals, by terrorists who use them as a cover for their own activities;

(e) To develop, if necessary, especially by entering into bilateral and multilateral agreements and arrangements, mutual legal assistance procedures aimed at facilitating and speeding investigations and collecting evidence, as well as cooperation between law enforcement agencies in order to detect and prevent terrorist acts;

(f) To take steps to prevent and counteract, through appropriate domestic measures, the financing of terrorists and terrorist organizations, whether such financing is direct or indirect through organizations which also have or claim to have charitable, social or cultural goals or which are also engaged in unlawful activities such as illicit arms trafficking, drug dealing and racketeering, including the exploitation of persons for purposes of funding terrorist activities, and in particular to consider, where appropriate, adopting regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements and to intensify the exchange of information concerning international movements of such funds;

4. Also calls upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. Reiterates its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 Decem-

ber 1973, the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979, the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991, and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those Conventions and Protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to provide support and assistance to other Governments for those purposes;

### II

7. Reaffirms the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60;

8. Approves the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;

### III

9. Decides to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism;

10. Decides also that the Ad Hoc Committee will meet from 24 February to 7 March 1997 to prepare the text of a draft international convention for the suppression of terrorist bombings, and recommends that work continue during the fifty-second session of the General Assembly from 22 September to 3 October 1997 in the framework of a working group of the Sixth Committee;

11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

12. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-second session on progress made towards the elaboration of the draft convention;

13. Recommends that the Ad Hoc Committee be convened in 1998 to continue its work as referred to in paragraph 9 above;

### IV

14. Decides to include in the provisional agenda of its fifty-second session the item entitled "Measures to eliminate international terrorism".

### ANNEX

#### **Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism**

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Measures to Eliminate International Terrorism adopted by the General Assembly by its resolution 49/60 of 9 December 1994,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Deeply disturbed by the worldwide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States,

Underlining the importance of States developing extradition agreements or arrangements as necessary in order to ensure that those responsible for terrorist acts are brought to justice,

Noting that the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, does not provide a basis for the protection of perpetrators of terrorist acts, noting also in this context articles 1, 2, 32 and 33 of the Convention, and emphasizing in this regard the need for States parties to ensure the proper application of the Convention,

Stressing the importance of full compliance by States with their obligations under the provisions of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, including the principle of non-refoulement of refugees to places where their life or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group or political opinion, and affirming that the present Declaration does not affect the protection afforded under the terms of the Convention and Protocol and other provisions of international law,

Recalling article 4 of the Declaration on Territorial Asylum adopted by the General Assembly by its resolution 2312(XXII) of 14 December 1967,

Stressing the need further to strengthen international cooperation between States in order to prevent, combat and eliminate terrorism in all its forms and manifestations,

Solemnly declares the following:

1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed, including those which jeopardize friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. The States Members of the United Nations reaffirm that acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations; they declare that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

3. The States Members of the United Nations reaffirm that States should take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not



participated in terrorist acts, considering in this regard relevant information as to whether the asylum-seeker is subject to investigation for or is charged with or has been convicted of offences connected with terrorism and, after granting refugee status, for the purpose of ensuring that that status is not used for the purpose of preparing or organizing terrorist acts intended to be committed against other States or their citizens;

4. The States Members of the United Nations emphasize that asylum-seekers who are awaiting the processing of their asylum applications may not thereby avoid prosecution for terrorist acts;

5. The States Members of the United Nations reaffirm the importance of ensuring effective cooperation between Member States so that those who have participated in terrorist acts, including their financing, planning or incitement, are brought to justice; they stress their commitment, in conformity with the relevant provisions of international law, including international standards of human rights, to work together to prevent, combat and eliminate terrorism and to take all appropriate steps under their domestic laws either to extradite terrorists or to submit the cases to their competent authorities for the purpose of prosecution;

6. In this context, and while recognizing the sovereign rights of States in extradition matters, States are encouraged, when concluding or applying extradition agreements, not to regard as political offences excluded from the scope of those agreements offences connected with terrorism which endanger or represent a physical threat to the safety and security of persons, whatever the motives which may be invoked to justify them;

7. States are also encouraged, even in the absence of a treaty, to consider facilitating the extradition of persons suspected of having committed terrorist acts, insofar as their national laws permit;

8. The States Members of the United Nations emphasize the importance of taking steps to share expertise and information about terrorists, their movements, their support and their weapons and to share information regarding the investigation and prosecution of terrorist acts.

General Assembly resolution 51/210

17 December 1996 Meeting 88 Adopted without vote

Approved by Sixth Committee (A/51/631) without vote, 29 November (meeting 50); draft by Chairman (A/C.6/51/L.15/Rev.1); agenda item 151.

Financial implications: 5th Committee, A/51/733; S-G, A/C.6/51/L.23.

Meeting numbers. GA 51st session: 5th Committee 44; 6th Committee 10, 11, 30, 50; plenary 88.

### **Additional Protocols I and II to the 1949 Geneva Conventions**

In response to General Assembly resolution 49/48 [YUN 1994, p. 1296], the Secretary-General submitted a report in July with a later addendum [A/51/215 & Corr.1 & Add.1] on information received from 11 Member States on the status of the two 1977 Protocols Additional to the Geneva Conventions of 12 August 1949 for the protection of war victims [YUN 1977, p. 706]. As at 18 June 1996, 144 States had ratified or acceded to Protocol I (on protection of victims of international armed con-

flicts); nine States—Cape Verde, Dominica, Honduras, Micronesia, Mongolia, Panama, South Africa, Swaziland, Zambia—had done so since the submission of the Secretary-General's report in 1994 [YUN 1994, p. 1296]. All of those parties, except 10, also adhered to Protocol II (on protection of victims of non-international conflicts). Two States adhered only to Protocol II.

#### **GENERAL ASSEMBLY ACTION**

On 16 December, the General Assembly adopted **resolution 51/155**.

#### **Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992 and 49/48 of 9 December 1994,

Having considered the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Recalling the possibility of making use of the International Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I,

Stressing the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of the two additional Protocols,

Noting that the Twenty-sixth International Conference of the Red Cross and Red Crescent was held at Geneva from 3 to 7 December 1995,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. Calls upon all States parties to the additional Protocols to ensure their wide dissemination and full implementation;

5. Notes with satisfaction that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the Final Declaration of the International Conference for the Protection of War Victims, adopted on 1 September 1993, which reaffirms the necessity of making the implementation of international humanitarian law more effective;

6. Notes that the Twenty-sixth International Conference also endorsed the recommendations elaborated by an intergovernmental group of experts which aim at translating the Final Declaration into concrete measures, including the recommendation that the depositary of the Geneva Conventions of 1949 organize periodic meetings of States parties to these Conventions to consider general problems regarding the application of international humanitarian law;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the status of the additional Protocols based on information received from Member States;

8. Decides to include in the provisional agenda of its fifty-third session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

General Assembly resolution 51/155

16 December 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/622 & Corr.1) without vote, 26 November (meeting 47); 24-nation draft (A/C.6/51/L.9/Rev.1); agenda item 142.

Meeting numbers. GA 51st session: Sixth Committee 45-47; plenary 85.

## Diplomatic relations

### Protection of diplomats

As at 31 December 1996, the number of parties to the various international instruments relating to the protection of diplomats and diplomatic and consular relations was as follows: 177 States were parties to the 1961 Vienna Convention on Diplomatic Relations [YUN 1961, p. 512], 48 States were parties to the Optional Protocol concerning acquisition of nationality [YUN 1961, p. 516], and 61 States were parties to the Optional Protocol concerning the compulsory settlement of disputes [YUN 1961, p. 516]. Andorra, Tajikistan and Turkmenistan acceded to the Convention in 1996.

The 1963 Vienna Convention on Consular Relations [YUN 1963, p. 512] had 156 parties, with those same three States acceding in 1996; 36 States were parties to the Optional Protocol concerning acquisition of nationality [YUN 1963, p. 512], and 44 States were parties to the Optional Protocol concerning the compulsory settlement of disputes [YUN 1963, p. 512].

The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents [GA res. 3166(XXVIII)], had 92 States parties, with Colombia and Kazakhstan acceding in 1996.

**Report of Secretary-General.** In accordance with General Assembly resolution 49/49 [YUN 1994, p. 1297], the Secretary-General invited Member States to communicate their views on measures to enhance the protection, security and safety of diplomatic and consular missions and representatives, as provided for in a 1987 Assembly resolution [YUN 1987, p. 1068, GA res. 42/154]. In a July report with a later addendum [A/51/257 & Add.1], the Secretary-General presented the texts and analytical summary of the information received. A total of six new cases of violations and additional information on previous cases were reported by States during the reporting period, 19 August 1995 to 1 October 1996. In connection with four reported cases in respect of which no information had been received within a reasonable period of time, the Secretary-General addressed reminders to the States concerned. Two follow-up reports were received in response to those reminders. Two States submitted views regarding the enhancement of diplomatic relations.

### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/156**.

#### **Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives**

The General Assembly,

Having considered the report of the Secretary-General,

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Dismayed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. Takes note of the report of the Secretary-General;
2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;
3. Urges States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;
4. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;
5. Recommends that States should cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;
6. Urges States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;
7. Recommends that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;
8. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;
9. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the

means for the peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

11. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

12. Decides to include in the provisional agenda of its fifty-third session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

General Assembly resolution 51/156

16 October 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/623) without vote, 26 November (meeting 47); 20-nation draft (A/C.6/51/L.12); agenda item 143.

Meeting numbers. GA 51st session: Sixth Committee 46, 47; plenary 85.

## Treaties and agreements

### Reservations to treaties

In 1996, the International Law Commission had before it the second report [A/CN.4/477 & Corr.2 & Add.1] of its Special Rapporteur, Alain Pellet (France), on the law and practice relating to reservations to treaties. The report, which consisted of two chapters, dealt with the future course the Commission might take in its study of the topic, and proposed a provisional general outline of the study (chapter I). In chapter II, under the heading "Unity or diversity of the legal regime of reservations to treaties", the Special Rapporteur discussed the legal regime for reservations and substantive rules applicable to reservations in general, and the application of that general regime to human rights treaties. Annexed to the report was a bibliography on reservations to treaties. A draft resolution on reservations to normative multilateral treaties was addressed, in the report, to the General Assembly for the purpose of drawing attention to clarifying the legal aspects of the matter. However, owing to lack of time, the Commission was unable to consider the report and the draft resolution; it decided to defer debate on the item to its 1997 session.

The General Assembly, in **resolution 51/160**, invited States and international organizations, particularly those that were depositaries, to answer promptly the questionnaire [YUN 1995, p. 1332] that had been prepared by the Special Rapporteur in 1995 on reservations to treaties.

### **Treaties involving international organizations**

The Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006], which had not yet entered into force, had 23 States parties as at 31 December 1996.

### **Registration and publication of treaties by the United Nations**

During 1996, some 1,197 international agreements—including 4 multilateral treaties deposited with the Secretary-General and 28 multilateral treaties registered with the United Nations—and 1,033 subsequent actions were received by the Secretariat for registration or filing and recording.

The texts of international agreements registered or filed and recorded were published in the United Nations Treaty Series in the original languages, with translations into English and French where necessary. In 1996, the following volumes of the Treaty Series covering treaties registered or filed in 1981, 1984, 1985, 1986 and 1991 were issued:

1291, 1367, 1373, 1381, 1389, 1405, 1409, 1410, 1411, 1427, 1431, 1432, 1433, 1614/1615, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626/1627, 1628, 1629, 1630/1631, 1634/1635.

### **Multilateral treaties**

#### **New multilateral treaties concluded under UN auspices**

The following treaties, concluded under UN auspices, were deposited with the Secretary-General during 1996:

Agreement on the Establishment of the International Vaccine Institute, opened for signature at New York on 28 October 1996

Agreement establishing the Bank for Economic Cooperation and Development in the Middle East and North Africa, done on 28 August 1996

European Agreement on Main Inland Waterways of International Importance (AGN), adopted at Geneva on 19 January 1996

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol H as amended on 3 May 1996) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, adopted by the Conference of the States Parties to the Convention at Geneva on 3 May 1996

Comprehensive Nuclear-Test-Ban Treaty, adopted by the General Assembly of the United Nations on 10 September 1996

### **Multilateral treaties**

#### **deposited with the Secretary-General**

The number of multilateral treaties for which the Secretary-General performed depositary functions stood at 485 at the end of 1996. During the year, 220 signatures were affixed to treaties for which he performed depositary functions and 595 instruments of ratification, accession, acceptance and approval or notification were transmitted to him. In addition, he received 235 communications from States expressing observations on declarations or reservations made at the time of signature, ratification or accession.

The following multilateral treaties in respect of which the Secretary-General acts as depositary came into force in 1996:

Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions, done at Geneva on 20 March 1958

Regulation No. 97: "Uniform provisions concerning the approval of vehicle alarm systems (VAS) and of motor vehicles with regard to their alarm systems"

Regulation No. 98: "Uniform provisions concerning the approval of motor vehicle headlamps equipped with gas-discharge light sources"

Regulation No. 99: "Uniform provisions concerning the approval of gas-discharge light sources for use in approved gas-discharge lamp units of power-driven vehicles"

Regulation No. 100: "Uniform provisions concerning the approval of battery electric vehicles with regard to specific requirements for the construction and functional safety"

Regulation No. 102: "Uniform provisions concerning the approval of:

- I. a close-coupling device (CCD)
- II. vehicles with regard to the fitting of an approved type of CCD"

Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted by the General Assembly of the United Nations on 28 July 1994

Convention on the Protection and Use of Transboundary Watercourses and International Lakes, concluded at Helsinki on 17 March 1992

Vienna Convention on Succession of States in respect of Treaties, concluded at Vienna on 23 August 1978

Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, adopted at the Ministerial Meeting at Lusaka on 8 September 1994

United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, opened for signature at Paris on 14 October 1994

## Chapter IV

## Law of the sea

The implementation of the 1982 United Nations Convention on the Law of the Sea continued to receive major attention in 1996. The provisions of the Convention had been further developed in two implementing agreements: the Agreement relating to the Implementation of Part XI of the Convention, which was adopted in 1994 and entered into force on 28 July 1996; and the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in 1995.

During 1996, the States parties to the Convention held their fourth (4-8 March) and fifth (24 July-2 August) meetings; the Assembly of the International Seabed Authority, at its second session (11-22 March and 5-16 August), elected Satya N. Nandan (Fiji) as the Secretary-General of the Authority. The selection process for judges of the International Tribunal for the Law of the Sea was completed and the first executive session was held in October. At its regular session, the General Assembly granted observer status to the Seabed Authority and to the International Tribunal (see PART FIVE, Chapter IV).

## UN Convention on the Law of the Sea

### Signatures and ratifications

In 1996, the number of parties to the United Nations Convention on the Law of the Sea rose to 110. During the year, Algeria, Brunei Darussalam, Bulgaria, China, the Czech Republic, Finland, France, Haiti, Ireland, Japan, Malaysia, Mauritania, Monaco, Mongolia, Myanmar, Nauru, the Netherlands, New Zealand, Norway, Panama, the Republic of Korea, Romania, Saudi Arabia, Slovakia and Sweden ratified the Convention and Georgia and Palau acceded to it.

The Convention, which was adopted by the Third United Nations Conference on the Law of the Sea in 1982 [YUN 1982, p. 178], entered into force on 16 November 1994 [YUN 1994, p. 1301]. It was closed for signature in 1984, having received 159 signatures [YUN 1984, p. 108].

**Meetings of States parties.** The fourth (4-8 March) [SPLOS/8] and fifth (24 July-2 August) [SPLOS/14] meetings of States parties to the Convention, both held in New York, considered matters relating to the International Tribunal for the Law of the Sea, including its budget and a draft agreement on its privileges and immunities. With regard to the Commission on the Limits of the Continental Shelf, the election of its 21 members was scheduled for 1997 (see below for details).

### Agreement relating to the Implementation of Part XI of the Convention

During the year, the number of States parties to the Agreement relating to the Implementation of Part XI of the Convention, which was adopted in 1994 [GA res 48/263], reached 71. In accordance with the provisions of its article 6, the Agreement entered into force on 28 July, 30 days following the receipt of its fortieth ratification, which was deposited by the Netherlands [A/51/645]. As a result, a feature of the Agreement which enabled States that were not parties to apply it provisionally—aimed at promoting the viability of the International Seabed Authority and universal acceptance of the Convention—was terminated. However, States and entities that were applying the Agreement provisionally and for which it was not in force on the date of termination could continue to participate as members of the Authority on a provisional basis by notifying the depositary to that effect. Eighteen States and the European Community (EC) notified the depositary of such intention and were allowed to continue participation in the Authority until 16 November. The Agreement empowered the Council of the Authority to extend, at the request of the State or entity concerned, such membership beyond 16 November for a further period or periods not exceeding a total of two years, provided that the Council was satisfied that the State or entity concerned had been making efforts to become a party to the Agreement and the Convention. At the resumed second session of the International Seabed Authority (5-16 August 1996), the Council decided to extend the provisional membership of four States for a two-year period as from 16 November 1996, and for one for a one-year period. With regard to such extensions beyond 16 No-

member for the remaining 13 States and the EC, the Council decided that those States or entities which submitted requests for an extension of such membership prior to the next session of the Council should be deemed to be members of the Authority on a provisional basis until the end of that session in March 1997.

### **Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks**

As at 31 December 1996, the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks had been ratified by seven States (Fiji, Norway, Saint Lucia, Samoa, Sri Lanka, Tonga, United States). It had been signed by 59 States, the period of signature having ended on 4 December. The Agreement was to enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.

**Report of Secretary-General.** In response to General Assembly resolution 50/24 [YUN 1995, p. 1335], the Secretary-General presented in an October report [A/51/383] information provided by States, specialized agencies and other UN bodies, and intergovernmental and non-governmental organizations in response to his request for information covering developments relating to the conservation and management of straddling and highly migratory fish stocks.

#### **GENERAL ASSEMBLY ACTION**

On 9 December, the General Assembly adopted **resolution 51/35**.

### **Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks**

The General Assembly,

Recalling its resolutions 47/192 of 22 December 1992, concerning the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, and 50/24 of 5 December 1995, concerning the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,

Recalling also resolutions I and II adopted by the Conference,

Noting the opening for signature of the Agreement on 4 December 1995,

Recognizing the importance of the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks and the need

for the regular consideration and review of developments relating thereto,

Recognizing also the importance of artisanal and subsistence fishers,

Noting with appreciation the information provided by States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations in accordance with resolution 50/24,

Taking note of the report of the Secretary-General,

1. Recognizes the significance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks as an important contribution to ensuring the conservation and management of straddling fish stocks and highly migratory fish stocks;

2. Emphasizes the importance of the early entry into force and effective implementation of the Agreement;

3. Calls upon all States and other entities referred to in article 1, paragraph 2 (b), of the Agreement that have not done so to ratify or accede to it and to consider applying it provisionally;

4. Takes note with concern that many commercially important straddling fish stocks and highly migratory fish stocks have been subject to heavy and little-regulated fishing efforts and that some stocks continue to be overfished;

5. Welcomes the fact that a growing number of States and other entities, as well as regional and subregional fishery management organizations and arrangements, have adopted legislation, established regulations or taken other measures to implement the provisions in the Agreement, and urges them to enforce those measures fully;

6. Calls upon States and other entities and regional and subregional fishery management organizations and arrangements that have not done so to consider taking measures to implement the provisions of the Agreement;

7. Urges States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations that have not yet done so to provide information to the Secretary-General to ensure as comprehensive a report as possible;

8. Requests the Secretary-General to report to the General Assembly at its fifty-second session and biennially thereafter on further developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, including the status and implementation of the Agreement, taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations;

9. Also requests the Secretary-General to ensure that reporting on all major fishery-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized, and that relevant

scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fishery organizations and arrangements, to cooperate with the Secretary-General to that end;

10. Decides to include in the provisional agenda of its fifty-second session, under an item entitled "Oceans and law of the sea", the sub-item entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

General Assembly resolution 51/35

9 December 1996 Meeting 77 Adopted without vote

23-nation draft (A/51/L.28 & Add.1); agenda item 24 (b), Meeting numbers. GA 51st session: plenary 76, 77.

### Other developments relating to the Convention

In accordance with General Assembly resolution 49/28 [YUN 1994, p. 1314], the Secretary-General submitted in November his annual report [A/51/645] on developments relating to the implementation of the UN Convention on the Law of the Sea.

The Secretary-General presented information on actions taken by States regarding maritime limits; deposit of charts and lists of geographical coordinates and compliance with the obligation of due publicity; national legislation; and access to and from the sea. He described activities he had taken in the development of information systems and databases and support for dispute settlement mechanism, including the procedures for conciliation, arbitration and special arbitration.

Concerning legal developments under related treaties and instruments and related actions of international organizations and bodies, the Secretary-General reviewed conventions and instruments adopted by the International Maritime Organization (IMO); rules regarding navigation; offshore installations and structures, including their removal and disposal and pollution from their activities; legal issues relating to archaeological and historical objects at sea; the removal of wrecks; conservation and management of living marine resources; and developments in international environmental law and policy.

Other subjects discussed dealt with maritime disputes and conflicts; crimes at sea, such as illicit trafficking in narcotic drugs and psychotropic substances, smuggling aliens and piracy and armed robbery; the development of non-living marine resources; marine science and technology; and technical cooperation and capacity-building in the law of the sea and ocean affairs.

An addendum to the Secretary-General's report [A/51/645/Add.1] contained a letter from China dated 27 December and the Secretary-General's reply to it on 30 December. China claimed that the Secretary-General's report contained errors related to the coverage of a maritime dispute between it and Japan over a group of five islets and barren rocks known in Japan as Senkaku and in China as the Diaoyu. China stated that the islands were part of its territory but that the report described them as under Japan's "effective control". It also disagreed with the location of the islands as described in the report and the fact that the report noted that possible large oil reserves might have drawn attention to the area. China believed that attention was drawn to the islands because of actions by a group of people from Japan, notably the setting up of a lighthouse and the flying of the Japanese flag.

In his reply, the Secretary-General stated that he took note of China's position on the issue and emphasized that the purpose of the report, which referred to eight different maritime disputes, was to provide information on the existence of the disputes and not to take a position thereon.

### Institutions created by the Convention

#### International Seabed Authority

Through the International Seabed Authority, established by the Convention on the Law of the Sea, its members organize and conduct activities of exploration for, and exploitation of, the resources of the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. In 1996, it was fully functioning, with all its principal organs—the Assembly, the 36-member Council and the secretariat—and subsidiary expert bodies. During the year, the Assembly held its second session in two parts (Kingston, Jamaica, 11-22 March and 5-16 August). It elected the Council, on the basis of equitable geographical distribution and representing four sets of interests: consumers/importers of the minerals that could be supplied from deep seabed sources (4 seats); investors in deep seabed mining (4 seats); producers/exporters of such minerals from land-based sources (4 seats); and developing States representing special interests (6 seats). A further 18 seats were allocated to meet the requirements of equitable geographical distribution.

In addition, a 22-member Legal and Technical Commission and a 15-member Finance Committee were established. The Assembly adopted a \$4.1 million budget for the Authority for 1997, and dealt with a number of organizational mat-

ters, including the election of Satya N. Nandan of Fiji as the Secretary-General of the Authority.

On 24 October, by **resolution 51/6**, the General Assembly invited the Authority to participate in its deliberations in the capacity of observer.

### International Tribunal for the Law of the Sea

The fourth and fifth meetings of the States parties to the Convention were held during the year and dealt primarily with the judicial elections for and the budget of the International Tribunal and with the establishment of the Commission on the Limits of the Continental Shelf. The fourth meeting (New York, 4-8 March) [SPLOS/8] was devoted to the approval of the budget for the period 1 August 1996-31 December 1997 and the start of consideration of the draft agreement on the privileges and immunities of the Tribunal. At the fifth meeting (New York, 24 July-2 August) [SPLOS/14], the States parties elected the 21 judges of the Tribunal. The judges were elected from the five geographical groups established by the General Assembly. Seven judges were elected to three-year terms; seven more were elected to six-year terms; and the remaining members were elected to full nine-year terms. Judges could be re-elected and were required to continue to discharge their duties after their terms of office had expired until the vacancies had been filled. Even after they were replaced, they were expected to finish any proceeding which they had begun before the date of replacement.

The Tribunal received authorization to undertake negotiations with the United Nations and the International Seabed Authority on relationship arrangements and with Germany on a headquarters agreement. In addition to approving the 1996-1997 budget, the States parties established a timetable for payments of assessed contributions and made provisions to adjust the scale of assessments as the number of States parties to the Tribunal increased. The Tribunal was further instructed to draft its own administrative guidelines for future consideration by the States parties, and to apply for membership with the United Nations Joint Staff Pension Fund and for observer status with the UN General Assembly.

No decision was taken on the draft agreement on the privileges and immunities of the Tribunal, pending the resolution of several issues related to the headquarters agreement under consideration between the Tribunal and Germany as the host country.

On 17 December, by **resolution 51/204**, the General Assembly granted observer status to the International Tribunal.

### Commission on the Limits of the Continental Shelf

The purpose of the Commission on the Limits of the Continental Shelf, which was to be established at the sixth (1997) meeting of States parties to the Convention, was to facilitate the implementation of the Convention in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea was measured. The Commission was to consist of 21 members who were experts in geology, geophysics or hydrography. At the request of the fifth meeting of States parties, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs (OLA) issued in July the Commission's draft rules of procedure.

#### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly adopted **resolution 51/34**.

#### Law of the sea

The General Assembly,

Emphasizing the universal character of the United Nations Convention on the Law of the Sea and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Considering that, in its resolution 2749(XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction ("the Area"), as well as the resources of the Area, are the common heritage of mankind, and considering also that the Convention, together with the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"), provides the regime to be applied to the Area and its resources,

Noting the entry into force of the Agreement on 28 July 1996,

Noting with satisfaction the increase in the number of States parties to the Convention,

Recalling its resolution 49/28 of 6 December 1994 on the law of the sea, adopted consequent to the entry into force of the Convention on 16 November 1994,

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as of the growing need to promote and facilitate international cooperation on the law of the sea and ocean affairs at the global, regional and subregional levels,

Recognizing the impact on States of the entry into force of the Convention and the increasing need, particularly of developing States, for advice and assistance in its implementation in order to benefit thereunder,

Welcoming the establishment of the International Tribunal for the Law of the Sea ("the Tribunal"), the Council of the International Seabed Authority, its Legal and Technical Commission and Finance Committee, and the election of their respective members as well



as the election of the Secretary-General of the International Seabed Authority ("the Authority").

Noting the decisions taken by States parties to the Convention facilitating the organization of the Tribunal and those by the Assembly and the Council of the Authority facilitating the organization of the Authority,

Noting also the decisions taken by States parties to the Convention to elect the members of the Commission on the Limits of the Continental Shelf in March 1997,

Recalling article 287 of the Convention regarding the choice of means for the settlement of disputes concerning the interpretation or application of the Convention,

Recalling also that the Agreement provides that the institutions established by the Convention shall be cost-effective, and recalling further that the Meeting of States Parties to the Convention decided that this principle would apply to all aspects of the work of the Tribunal,

Emphasizing the importance of making adequate provisions for the efficient functioning of the institutions established by the Convention,

Reiterating its appreciation to the Secretary-General for his efforts in support of the Convention and in the effective implementation of the Convention, including providing assistance in the establishment of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General and competent international organizations under the Convention, in particular pursuant to its entry into force and as required by resolution 49/28,

Noting with appreciation the development, as part of the Organization's home page on the Internet, of the Web sites of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (Gopher/World Wide Web), which provide users with convenient means for obtaining timely, well-organized and cross-referenced materials and information dealing with various aspects of the oceans, marine affairs and the law of the sea,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Conscious also of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,

Noting the recommendation of the Commission on Sustainable Development, endorsed by the Economic and Social Council, concerning international cooperation and coordination in the implementation of chapter 17 of Agenda 21,

Noting also the Washington Declaration and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

1. Calls upon all States that have not done so to become parties to the United Nations Convention on the

Law of the Sea and to ratify, confirm formally or accede to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in order to achieve the goal of universal participation;

2. Calls upon States to harmonize their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention;

3. Reaffirms the unified character of the Convention;

4. Recalls its decision to fund the budget for the administrative expenses of the International Seabed Authority initially from the regular budget of the United Nations, in accordance with the provisions of the Agreement;

5. Approves the provision by the Secretary-General of such services as may be required for the two meetings of the Authority to be held in 1997, from 17 to 28 March and from 18 to 29 August;

6. Requests the Secretary-General to convene the Meetings of States Parties to the Convention from 10 to 14 March and from 19 to 23 May 1997;

7. Notes with appreciation the progress made in the establishment of the institutions created by the Convention, requests the Secretary-General to continue to provide assistance to those institutions, and invites the Secretary-General to take steps to conclude relationship agreements between the United Nations and the Authority, and between the United Nations and the Tribunal, to be applied provisionally pending the approval of the General Assembly and as appropriate by the Assembly of the Authority or the States parties to the Convention;

8. Encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention;

9. Expresses its appreciation to the Secretary-General for the annual comprehensive report on the law of the sea and the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in accordance with the provisions of the Convention and the mandate set forth in resolution 49/28;

10. Reaffirms the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary-General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

11. Requests the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions and other competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

12. Invites Member States and others in a position to do so to contribute to the further development of the fellowship programme on the law of the sea and train-

ing and educational activities on the law of the sea and ocean affairs established by the General Assembly in its resolution 35/116 of 10 December 1980, as well as advisory services and assistance in support of effective implementation of the Convention;

13. Requests the Secretary-General to continue his efforts to further strengthen the existing system for the collection, compilation and dissemination of information on the law of the sea and related matters and to further develop, in cooperation with relevant international organizations, a centralized system for providing coordinated information and advice;

14. Reaffirms its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

15. Reiterates its request to the Secretary-General to prepare a comprehensive report on the impact of the entry into force of the Convention on related existing and proposed instruments and programmes throughout the United Nations system, for submission to the Assembly at its fifty-second session, and calls upon competent international organizations and other international bodies to cooperate in the preparation of the report;

16. Requests the Secretary-General to report to the Assembly at its fifty-second session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea;

17. Decides to include in the provisional agenda of its fifty-second session an item entitled "Oceans and the law of the sea".

General Assembly resolution 51/34

9 December 1996 Meeting 77 138-1-4 (recorded vote)

59-nation draft (A/51/L.21 & Add.1); agenda item 24 (a).

Meeting numbers. GA 51st session: plenary 76, 77.

Recorded vote in Assembly as follows:

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Turkey.

Abstaining: Ecuador, Peru, Tajikistan,\* Venezuela.

\*Later advised the Secretariat it had intended to vote in favour.

## Division for Ocean Affairs and the Law of the Sea

During 1996, the Division for Ocean Affairs and the Law of the Sea of OLA continued to fulfil its role as the substantive unit of the Secretariat responsible for carrying out the functions entrusted to the UN Secretary-General by the Convention on the Law of the Sea. To that end, it established facilities for the custody of charts and lists of geographical coordinates deposited, and adopted a system for their recording and publicity, using an internal computerized data record and its "Maritime Zone Notification" and the Law of the Sea Information Circular, to keep States parties to the Convention informed of the deposits. The Division sought to assist States with other due publicity obligations related to legislation and charts concerning navigation.

The computer-generated information system on national legislation relating to the law of the sea contained legislation from 144 States and was continuously updated. Data from the system was used to assist States in preparing their legislation. In response to General Assembly resolution 49/28 [YUN 1994, p. 1314], the Division began consultations with the Food and Agriculture Organization of the United Nations and IMO on the development of a centralized database system on legislation and marine policy, and had already taken steps to that effect. In addition, it went from using the UN Gopher on the Internet—where information on the Convention, the 1994 Agreement on Part XI and the 1995 Agreement on fish stocks, including their current status, could be accessed—to establishing its own home page within the UN home page. The change was intended to provide more graphics as well as more interactive usage.

Furthermore, the Division continued to support the maintenance and development of the Aquatic Sciences and Fisheries Abstracts, an international bibliographical information service. In that capacity, it monitored documents and publications related to the law of the sea and other marine activities.

The United Kingdom again made a special contribution to fund a fellowship under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, established in 1981 [YUN 1981, p. 139]. The tenth annual award was granted to Alisi-Numia Tamoepeau, Acting Solicitor-General of Tonga.

## Chapter V

## Other legal questions

In 1996, the United Nations continued to work on various aspects of international law, including international economic law.

In December, the General Assembly, taking note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, requested that body to continue to consider maintenance of international peace and security, the peaceful settlement of disputes between States, proposals concerning the Trusteeship Council, including its possible abolition, and the question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter.

The Assembly discussed a report on the programme of activities for the third term (1995-1996) of the United Nations Decade of International Law (1990-1999) and approved a programme for the final term (1997-1999). In anticipation of the centennial in 1999 of the first International Peace Conference, the Assembly considered it desirable to draft a programme of action dedicated to the centennial and invited preliminary discussions to that end.

The United Nations Commission on International Trade Law (UNCITRAL) continued work towards the progressive harmonization and unification of international trade law. It finalized the Notes on Organizing Arbitral Proceedings and completed and adopted the Model Law on Electronic Commerce.

The Assembly noted with appreciation the efforts of the Committee on Relations with the Host Country, which had contributed to a decrease in the amount of diplomatic indebtedness, and welcomed its efforts to identify affordable health care programmes for the diplomatic community. The Committee continued to discuss travel restrictions imposed by the host country and the parking situation for diplomatic vehicles.

During the year, the United Nations Office of Legal Affairs took measures to expedite the publication of the United Nations Treaty Series and to provide electronic access to the publication Multilateral Treaties Deposited with the Secretary-General through the Internet. In December, the Assembly endorsed the establishment of an electronic treaty database.

## International organizations and international law

### Strengthening the role of the United Nations

#### Special Committee on UN Charter

At its 1996 session (New York, 21 February-5 March) [A/51/33], the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization continued to consider proposals for the maintenance of international peace and security, the peaceful settlement of disputes between States and the strengthening of the role of the United Nations in those contexts, as requested by the General Assembly in resolution 50/52 [YUN 1995, p. 1342]. The Committee also considered proposals concerning the Trusteeship Council, the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, and new subjects for consideration in its future work.

In connection with the maintenance of international peace and security, the Special Committee had before it a working paper by the Russian Federation on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (see below), a revised proposal presented by the Libyan Arab Jamahiriya [A/AC.182/L.90] and a revised working paper submitted by Cuba in 1995 [YUN 1995, p. 1341] for strengthening the role of the United Nations and enhancing its effectiveness.

With regard to the peaceful settlement of disputes between States, the Committee considered a proposal to establish a dispute settlement service which would offer or respond with its services early in disputes, submitted by Sierra Leone in 1995 [YUN 1995, p. 1342], as well as an annotation [A/50/403] to the proposal.

In accordance with a 1995 Assembly request [GA res. 50/52], the Special Committee considered several proposals concerning the Trusteeship Council, including one which stated that the Council, having fulfilled its mandate, should be abolished. However, there was also a view that there existed

no legal, political or practical reasons for amending in any respect the provisions of the UN Charter, a necessary step for abolishing the Council. Malta proposed [A/50/142] that the Council be designated as the trustee of the common heritage of mankind, a task that was viewed as better suited to other international bodies.

Several delegations felt that it was premature for the Special Committee to engage in detailed discussions or take decisions on the Council's future status in the light of provisions of Assembly resolution 50/55 [YUN 1995, p. 266], inviting Member States to submit written comments on the subject by 31 May 1996. In addition, some aspects of the question were linked, as noted in that resolution, to the overall restructuring process of the Organization, which fell within the mandate of the High-level Working Group on the Strengthening of the United Nations System.

Others, while agreeing that it might be premature to take decisions on the various proposals, expressed the view that the Special Committee could nonetheless address the limited question of the abolition of the Council following the procedures outlined in Article 108 of the Charter, as recommended by the Secretary-General in 1994 [YUN 1994, p. 8] (see also PART ONE, Chapter VIII).

With respect to the identification of new subjects for its consideration, the Special Committee had before it a working paper by the Russian Federation on a draft declaration on the basic principles and criteria for the work of UN peace-keeping missions and mechanisms for the settlement of crises and conflicts [A/AC.182/L.89].

With regard to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, the Special Committee reviewed a note by the Secretariat [A/AC.182/L.87] which outlined the background of both publications, the difficulties encountered in their production and possible courses of action for their updating. The Special Committee, noting the value of the publications to the Organization and others, invited the General Assembly to request the Secretary-General to expedite their preparation and publication and to submit a progress report on the matter to the Assembly before its fifty-second session in 1997.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/209**.

#### **Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**

The General Assembly,

Recalling its resolution 3499(XXX) of 15 December 1975, by which it established the Special Committee on

the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Bearing in mind the provisions of its resolution 50/55 of 11 December 1995,

Conscious of the ongoing discussion in the open-ended working groups of the General Assembly dealing with the various aspects of the revitalization, strengthening and reform of the work of the United Nations,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council and the report of the Open-ended High-level Working Group on the Strengthening of the United Nations System,

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth and fifty-first sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also the provisions of its resolution 50/51 of 11 December 1995 on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions,

Taking note of the report of the Secretary-General submitted in accordance with resolution 50/51,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Recalling its resolution 50/52 of 11 December 1995, Having considered the report of the Special Committee on the work of its session held in 1996,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;
2. Decides that the Special Committee will hold its next session from 27 January to 7 February 1997;
3. Requests the Special Committee, at its session in 1997, in accordance with paragraph 5 of resolution 50/52:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 1997, including the revised proposal on the strengthening of

the role of the United Nations in the maintenance of international peace and security, the revised working paper on the strengthening of the role of the United Nations in the maintenance of international peace and security and strengthening of the role of the Organization and enhancing its effectiveness, and the working paper on the draft declaration on the basic principles and criteria for the work of the United Nations peace-keeping missions and mechanisms for the prevention and settlement of crises and conflicts;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration the reports of the Secretary-General, the proposals submitted on this subject, the debate on this question which took place in the Sixth Committee at the fifty-first session of the General Assembly and the debate in the sub-group on sanctions of the Open-ended Working Group on an Agenda for Peace during the fiftieth session of the General Assembly, and also the implementation of the provisions of General Assembly resolutions 50/51 and 51/208;

(c) To continue its work on the question of the peaceful settlement of disputes between States and, in this context, to continue its consideration of proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with resolution 50/55 and the views expressed by the States on this subject during the fifty-first session of the General Assembly;

4. Requests the Secretary-General, taking into account the views expressed and the practical suggestions made during the debate held within the framework of the Sixth Committee, to expedite the preparation and publication of the supplements to the Repertoire of the Practice of the Security Council and the Repertory of Practice of United Nations Organs and to submit a progress report on the matter to the General Assembly before its fifty-second session;

5. Invites the Special Committee at its session in 1997 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, to discuss how to offer its assistance to the working groups of the General Assembly in this field and, in this regard, to consider ways and means of improving coordination between the Special Committee and other working groups dealing with the reform of the Organization, including the role of the Chairperson of the Special Committee for this purpose;

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

7. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

General Assembly resolution 51/209

17 December 1996 Meeting 88 Adopted without vote

Approved by Sixth Committee (A/51/630) without vote, 29 November (meeting 50); 13-nation draft (A/C.6/51/L.20); agenda item 150.

Financial implications: 5th Committee, A/51/733; S-G, A/C.6/51/L.21.

Meeting numbers. GA 51st session: 5th Committee 44; 6th Committee 5-8, 49, 50; plenary 88.

### **Assistance to third States affected by Chapter VII sanctions**

In response to General Assembly resolution 50/51 [YUN 1995, p. 1348], the Secretary-General submitted in August a report [A/51/317] on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. The report highlighted appropriate arrangements in the Secretariat as well as possible guidelines on technical procedures to be used by the Secretariat, including the provision of better information and early assessments for the Security Council and its organs about actual or potential effects of sanctions on third States which invoked Article 50 of the Charter; the development of a possible methodology for assessing the consequences incurred by third States as a result of the implementation of preventive or enforcement measures; and coordination of information about international economic or other assistance potentially available to third States.

**Sixth Committee action.** In its report to the Assembly [A/51/33], the Special Committee on the Charter had invited the Assembly to consider the question of an appropriate organizational framework for addressing further the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions. In response, the Assembly's Sixth (Legal) Committee decided on 1 November to establish a Working Group to consider the issue. The Group held four meetings between 18 and 26 November and invited the Security Council to consider establishing further mechanisms or procedures aimed at increasing the review process of requests for assistance submitted by affected States, in the context of Article 50 of the Charter. Towards that end, it was strongly recommended that the Council continue to enhance the functioning of its sanctions committees, to streamline their working procedures and to facilitate access to them.

The Secretary-General was requested to continue his efforts towards the development of a possible methodology for assessing the adverse consequences of sanctions on third States, to make it available to interested States and to continue to gather, on a regular basis, information about available international assistance.

## GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/208**.

**Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions**

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace", in particular paragraph 41 thereof;

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", and its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof entitled "Special economic problems arising from the implementation of preventive or enforcement measures";

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace";

(d) The statement by the President of the Security Council of 22 February 1995;

(e) The report of the Secretary-General prepared pursuant to the note by the President of the Security Council regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter;

(f) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro);

(g) The 1994, 1995 and 1996 reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization containing sections on the consideration by the Committee of the proposals submitted on the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

(h) The report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,

Taking note of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/51 of 11 December 1995,

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994 that as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Stressing that in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the Council's primary responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII has been causing special economic problems in third States,

Recognizing also that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing further that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of resolution 50/51,

1. Underlines the importance of consultations under Article 50 of the Charter of the United Nations, as early as possible, with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council under Chapter VII of the Charter and of early and regular assessments, as appropriate, of their impact on such States;

2. Invites the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for such consultations with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its working methods and procedures applied in the consideration of the requests by the affected countries for assistance, in the context of Article 50 of the Charter;

3. Welcomes the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees, and strongly recommends that the Council continue its efforts further to enhance the functioning of those committees, to streamline their working procedures and to facilitate access to them by representatives of States which find themselves confronted with special economic problems arising from the carrying out of sanctions;

4. Requests the Secretary-General to ensure that the competent units within the Secretariat that he designated to carry out the functions stipulated in paragraph 3 of resolution 50/51 develop the capacity and modalities for providing better information and early assessments for the Security Council and its organs, at their request, about actual or potential effects of sanctions on third States which invoke Article 50 of the Charter; such assessments should, as appropriate, identify specific problems and needs of those States and suggest specific ways and means for their alleviation to be included in the recommendations of the Council and appeals by the Secretary-General to the donor community for assistance to the adversely affected States;

5. Also requests the Secretary-General to continue, on the basis of the work already done, efforts with a view to developing a possible methodology for assessing the adverse consequences actually incurred by third States as a result of preventive or enforcement measures, and to utilize for this purpose all the expertise available throughout the United Nations system, including that of the international financial and trade institutions; that methodology, upon appropriate approval, should be made available to interested States which may wish to use it in preparing the data to be annexed to their applications under Article 50, as well as to the United Nations system, the international financial institutions and the donor community for use in considering requests for assistance;

6. Further requests the Secretary-General to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions and to initiate action to explore innovative and practical measures of assistance to the affected third States, *inter alia*, through cooperation with relevant institutions and organizations inside and outside the United Nations system;

7. Reaffirms the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

8. Invites the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to continue to address more specifically and directly, where appropriate, special economic

problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

9. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1997, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all the related reports of the Secretary-General, the proposals submitted on this subject, the debate on this question which took place in the Sixth Committee at the fifty-first session of the General Assembly and the debate in the sub-group on sanctions of the Open-ended Working Group on an Agenda for Peace during the fiftieth session of the General Assembly, and also the implementation of the provisions of the present resolution;

10. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-second session.

General Assembly resolution 51/208

17 December 1996 Meeting 88 Adopted without vote

Approved by Sixth Committee (A/51/630) without vote, 27 November (meeting 49); draft by Chairman of Working Group (A/C.6/51/L.18); agenda item 150.

Meeting numbers. GA 51st session: 6th Committee 5-8, 49; plenary 88.

## UN Decade of International Law

In response to General Assembly resolution 50/44 [YUN 1995, p. 1353], the Secretary General submitted in August 1996 a report, followed by an October addendum [A/51/278 & Add.1], on the United Nations Decade of International Law (1990-1999), which the Assembly had declared in 1989 [YUN 1989, p. 848, GA res. 44/23]. The Decade's aims were to promote the acceptance of and respect for the principles of international law; to promote the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice; to encourage the progressive development of international law and its codification; and to encourage the teaching, study, dissemination and wider appreciation of international law. The Assembly had adopted the programme of activities for the third term of the Decade (1995-1996) in 1994 [YUN 1994, p. 1323, GA res. 49/50].

In his report, the Secretary-General summarized information received from Member States and organizations on steps taken to implement the programme and views on possible activities for the fourth and final term (1997-1999). He described recent activities of the United Nations in

the progressive development of international law and its codification in such areas as human rights, disarmament, outer space, economic development, international trade, crime prevention and criminal justice, environment and the law of the sea. The report also dealt with the work of the International Law Commission, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and the Sixth Committee.

**Sixth Committee consideration.** The Sixth Committee reconvened its Working Group on the United Nations Decade of International Law on 23 September. It held seven meetings from 1 October to 26 November and made an oral report [A/C.6/51/SR.48] to the Sixth Committee in which it outlined the programme for the final term (1997-1999) of the Decade. The new programme included provisions to take into account the establishment of the International Tribunal for the Law of the Sea and a number of new activities put forward by Nigeria to encourage wider appreciation of international law and to celebrate the end of the Decade. Also proposed by the Working Group were initiatives aimed at the centennial in 1999 of the first International Peace Conference, as well as the need to implement the computerization programme in the Treaty Section of the Office of Legal Affairs (see below).

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/157**.

#### United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, *inter alia*:

- (a) To promote acceptance of and respect for the principles of international law;
- (b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;
- (c) To encourage the progressive development of international law and its codification;
- (d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 49/50 of 9 December 1994, to which was annexed the programme for the activities for the third term (1995-1996) of the Decade,

Expressing its appreciation to the Secretary-General for his report submitted pursuant to resolution 50/44 of 11 December 1995,

Having considered the above-mentioned report,

Recalling that at the forty-fifth session of the General Assembly the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally accepta-

ble recommendations on the programme of activities for the Decade,

Noting that at the fifty-first session the Sixth Committee reconvened the Working Group to continue its work in accordance with resolution 50/44 and all previous resolutions on the question,

Having considered the oral report presented by the Chairman of the Working Group to the Sixth Committee,

1. Expresses its appreciation to the Sixth Committee for the elaboration, within the framework of its Working Group on the United Nations Decade of International Law, of the programme for the activities for the final term (1997-1999) of the Decade, and requests the Working Group to continue its work at the fifty-second session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities, including sponsoring conferences on various subjects of international law, in implementation of the programme for the third term (1995-1996) of the Decade;

3. Adopts the programme for the activities for the final term (1997-1999) of the Decade contained in the annex to the present resolution;

4. Recalls, with appreciation to the Secretary-General, the successful organization of the United Nations Congress on Public International Law, held from 13 to 17 March 1995, which focused on the four main purposes of the Decade, as well as on new challenges and expectations for the twenty-first century, and welcomes the publication of the proceedings of the Congress;

5. Welcomes the establishment of the International Tribunal for the Law of the Sea under the United Nations Convention on the Law of the Sea as a new means of settlement of disputes;

6. Encourages the Office of Legal Affairs of the Secretariat to continue in its efforts to bring up to date the publication of the United Nations Juridical Yearbook;

7. Invites all States and international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and to provide information in this respect to the Secretary-General for transmission to the General Assembly at its fifty-fourth session;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, on the basis of the information mentioned in paragraph 7 above and new information on the activities of the United Nations relevant to the progressive development of international law and its codification, a final report on the implementation of the programme;

9. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

10. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

11. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to the present resolution;



12. Notes with appreciation the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "United Nations Decade of International Law".

#### ANNEX

##### **Programme for the activities for the final term (1997-1999) of the United Nations Decade of International Law**

##### **I. Promotion of the acceptance of and respect for the principles of international law**

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme for the United Nations Decade of International Law, calls upon States to act in accordance with international law, and in particular the Charter of the United Nations, and encourages States and international organizations to promote the acceptance of and respect for the principles of international law.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties that have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties, in accordance with their national legal systems.

4. States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

5. The General Assembly, recognizing the importance of the protection of cultural property in the event of armed conflict, takes note of the efforts under way to facilitate the implementation of existing international instruments in this field.

##### **U. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice**

6. States, the United Nations system of organizations and regional organizations, including the Asian-

African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

7. Noting the establishment of the International Tribunal for the Law of the Sea in October 1996 in accordance with the United Nations Convention on the Law of the Sea, States and other entities referred to in article 20 of annex VI of the Convention are encouraged to consider making use of the Tribunal for the peaceful settlement of disputes in accordance with article 21 of annex VI of the Convention.

8. Taking into account the suggestions mentioned in paragraph 6 of the present section and with due regard to the recommendations contained in the report of the Secretary-General entitled "An Agenda for Peace", the Sixth Committee should consider, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or of the Working Group on the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods for early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of cooperation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes;

(e) Wider use of the Permanent Court of Arbitration.

##### **III. Encouragement of the progressive development of international law and its codification**

9. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission. Such information should be presented in a final report by the Secretary-General to the Sixth Committee.

10. On the basis of the information mentioned in paragraph 9 above, States are invited to submit suggestions for consideration by the Sixth Committee and, as appropriate, recommendations. In particular, efforts

should be made to identify areas of international law that might be ripe for progressive development or codification.

11. The Sixth Committee should study, taking into account General Assembly resolution 684(VII) of 6 November 1952, its coordinating role with respect to, *inter alia*, the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly. States are invited to present proposals in this regard to the Sixth Committee.

12. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue to study possible measures to strengthen the United Nations system for the maintenance of international peace and security. In that context, the Special Committee should bear in mind the debate within the United Nations, in particular in the General Assembly, on the report of the Secretary-General entitled "An Agenda for Peace".

#### IV. Encouragement of the teaching, study, dissemination and wider appreciation of international law

13. Within the context of considering appropriate activities to mark the final term of the Decade's programme, States, the United Nations system of organizations and regional organizations and institutions referred to in the programme should encourage:

(a) The publication of essays on subjects of international law written by legal advisers of States and international organizations, scholars and other legal practitioners providing a useful perspective on international law as viewed from their standpoint;

(b) The organization at the national, regional and international level of symposia, conferences, seminars, lectures and meetings on selected topics or themes of international law during the remaining years of the Decade to celebrate the end of it. Topics for consideration could include, without limiting other suggestions, the contribution of the United Nations to international law; more effective means of implementing the rules of international law; merits or otherwise of treaties and other forms of instruments such as resolutions, declarations and so on; future topics for the International Law Commission; and the role of the International Court of Justice in the settlement of disputes and advisory opinions.

14. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, in particular in the developing countries. States and other public or private bodies are encouraged to contribute to the strengthening of the Programme.

15. States and law faculties of higher educational institutions are encouraged to include international law

as a core subject in their curricula. They are also encouraged to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. They should also consider introducing public international law courses geared towards career training and the establishment of clinical programmes in various areas of international law. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

16. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

17. States, international organizations and professional and academic institutions should consider making available materials to the United Nations audiovisual library on international law proposed by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

18. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating with States in this respect.

19. In connection with training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross.

20. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

21. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not yet done so, summaries, repertories or yearbooks of their practice. They should also endeavour to place this material on computer networks for wider and instant distribution. The Office of Legal Affairs of the Secretariat is encouraged to continue its efforts in this regard, including through its participation in the Global Legal Information Network project.

22. The Secretary-General, in cooperation with the Registry of the International Court of Justice, is encouraged to publish, to the extent feasible and in a timely manner, the publication updating the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1948-1991), at present under preparation, in all official languages of the Organization.

23. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions and to consider preparing thematic or analytical summaries thereof.

24. International organizations are encouraged to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Juridical Yearbook is also encouraged.

#### V. Procedures and organizational aspects

25. The Sixth Committee, working primarily through its Working Group on the United Nations Decade of International Law and with the assistance of the Secretariat, will be the coordinating body of the programme for the Decade. The question of the use of an intra-sessional, inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

26. States are encouraged to establish, as necessary, national, subregional and regional committees, which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within their fields of activity, as appropriate.

27. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged in order to implement the programme for the Decade. To that end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

General Assembly resolution 51/157

16 December 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/625) without vote, 27 November (meeting 48); draft by Chairman of Working Group (A/C.6/51/L.11); agenda item 145.

Meeting numbers. GA 51st session: Sixth Committee 42-44, 48; plenary 85.

Also on 16 December, the General Assembly adopted **resolution 51/159**.

#### **Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law**

The General Assembly,

Noting that the year 1999 will mark the one-hundredth anniversary of the historic first International Peace Conference, held at The Hague on the initiative of Russia,

Recalling its resolution 44/23 of 17 November 1989, by which it proclaimed the United Nations Decade of International Law, to begin in 1990 and conclude in 1999, marking the centennial of the first International Peace Conference,

Recognizing that the first and the second International Peace Conference, as well as the League of Nations and the United Nations subsequently, have significantly encouraged the progressive development and codification of international law and thereby contributed to the maintenance of international peace and security,

Recognizing also the invaluable contribution of the first International Peace Conference to the settling or resolving of international disputes or situations which can cause the infringement of peace, by its adoption of the Convention for the Pacific Settlement of International Disputes and the establishment of the Permanent Court of Arbitration,

Recalling that the Final Act of the second International Peace Conference incorporated a proposal to convene a third international peace conference,

Recalling that one of the purposes of the United Nations is to maintain international peace and security, inter alia, by means of adjustment or settlement of international disputes or situations which might lead to a breach of the peace,

Recalling that, according to its resolution 44/23, one of the main purposes of the Decade of International Law is to promote means and methods for the settlement of disputes between States, including resort to and full respect for the International Court of Justice,

Recalling also that, at the forty-fifth session of the General Assembly, the Sixth Committee convened the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade, and that the Working Group has been reconvened at all subsequent sessions of the General Assembly and was requested at the fiftieth session to continue its work,

Stressing the need for the international community to continue efforts with a view to strengthening international peace and security, achieving full compliance with international law and promoting its progressive development,

Recalling that in its resolution 44/23 it requested the Secretary-General to seek the views of Member States and appropriate international bodies, as well as of non-governmental organizations working in the field, on the programme for the Decade and on appropriate action to be taken during the Decade, including the possibility of holding a third international peace conference or other suitable international conference at the end of the Decade,

Noting that the heads of State or Government of the Movement of Non-Aligned Countries at their ninth summit meeting reaffirmed General Assembly resolution 44/23 and the strong support of the Movement for the programme of the United Nations Decade of International Law, including the recommendation of holding a third international peace conference at the conclusion of the Decade on the occasion of the one-hundredth anniversary of the first International Peace Conference,

Noting also the proposal by the Russian Federation for a third international peace conference with a view to considering international law and order in the post-cold-war world at the threshold of the twenty-first century,

Convinced that the United Nations could assist significantly with its expertise and knowledge with the development of such a proposal,

1. Considers it desirable to draft a programme of action dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law in 1999;

2. Invites the Governments of the Russian Federation and the Netherlands to arrange, as a matter of urgency, a preliminary discussion with other interested Member States on the substantive content of action to be taken in 1999 and to seek, in this respect, the cooperation of the International Court of Justice, the Permanent Court of Arbitration, relevant intergovernmental organizations, as well as other relevant organizations;

3. Calls upon the competent United Nations organs, programmes and specialized agencies to study the possibilities of providing assistance to that end;

4. Decides to include in the provisional agenda of its fifty-second session, under the item entitled "United Nations Decade of International Law", a sub-item entitled "Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law".

General Assembly resolution 51/159

16 December 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/625) without vote, 27 November (meeting 48); 2-nation draft (A/C.6/51/L.6/Rev.1); agenda item 145.

Sponsors: Netherlands, Russian Federation.

Meeting numbers. GA 51st session: Sixth Committee 42-44, 48; plenary 85.

### Electronic treaty database

In an August 1996 report [A/51/278] on the United Nations Decade of International Law, the Secretary-General stated that the Treaty Section of the Office of Legal Affairs had continued to provide advice and assistance to Member States and multilateral agencies on issues relating to treaty law and technical aspects of treaties. In order to facilitate the dissemination of information from the United Nations treaty database, which currently numbered 474 multilateral treaties deposited with the Secretary-General and more than 40,000 treaties submitted for registration, the Section was progressively implementing a comprehensive computerization programme which would provide on-line access and retrieval capabilities on the computer system of the United Nations and on the Internet.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/158**.

### Electronic treaty database

The General Assembly,

Conscious of the obligations resulting from Article 102 of the Charter of the United Nations and the importance of treaties in the development of international law and the international legal order,

Noting that the recent expansion of the membership of the Organization, combined with an increase in international treaty-making activity, has led to the growth in the volume of work carried out by the Treaty Section of the Office of Legal Affairs of the Secretariat and contributed to the accumulation of unpublished treaties,

Recognizing, consistent with the obligation contained in Article 102 of the Charter, the importance of the expeditious processing, registration and publication of treaties and treaty-related actions,

Welcoming the range of measures already taken by the Treaty Section to expedite the publication of the United Nations Treaty Series and to provide electronic access to the publication Multilateral Treaties Deposited with the Secretary-General through the Internet,

Desiring that all efforts are made to ensure that the Treaty Section develops a comprehensive electronic database containing all treaty depositary and registration information,

Noting the steps taken by the Ad Hoc Open-Ended Working Group on Informatics established by the Economic and Social Council to harmonize and improve United Nations information systems for optimal utilization and accessibility by all Member States,

Noting also that the existing and proposed Internet access to United Nations treaty publications is and will be in addition to the hard-copy printed versions of such publications,

1. Welcomes the statement of objective of developing a comprehensive electronic database containing all depositary and registration information and disseminating electronically treaties and treaty law-related information from the database, including through on-line access, as contained in the report of the Secretary-General on the United Nations Decade of International Law;

2. Recalls the request of the Legal Counsel that in order to expedite the registration and publication of treaties all Member States should submit treaty texts in disk or other electronic format in addition to the certified print copy;

3. Requests the Secretary-General to continue to give priority to the implementation of the computerization programme in the Treaty Section of the Office of Legal Affairs of the Secretariat;

4. Calls upon the Secretary-General to ensure that all necessary support is provided to expedite the publication of the printed version of the United Nations Treaty Series through the prompt provision of the necessary equipment and translation services;

5. Endorses the proposed Internet dissemination of the United Nations Treaty Series, following the same rules applicable to the printed version of the publication, in addition to the current access to the Multilateral Treaties Deposited with the Secretary-General, and recognizes that Internet access to treaties and treaty law-related information is particularly valuable in countries where the cost of maintaining complete collections of treaties in bound volume form is relatively high;

6. Also endorses the Secretary-General's exploring of the economic and practical feasibility of recovering the costs of providing such Internet access to the United Nations Treaty Series and the Multilateral Treaties Deposited with the Secretary-General, subject to Member States, organizations of the United Nations system, other in-

ternational organizations and other non-commercial users not being charged a user fee, and presenting his findings to Member States;

7. Invites the Secretary-General to consider the possibility of translating the list of titles of treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General* into the other official languages of the United Nations and disseminating such lists via the Internet, and to submit a report to the General Assembly at its fifty-second session;

8. Invites the specialized agencies of the United Nations system, other international organizations and Member States with depositary functions for multilateral treaties to use their best endeavours to provide Internet access to treaties and treaty law-related information as soon as practicable.

General Assembly resolution 51/158

16 December 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/625) without vote, 27 November (meeting 48); draft by Chairman (A/C.6/51/L.13); agenda item 145.

Meeting numbers. GA 51st session: Sixth Committee 42-44, 48; plenary 85.

### Cooperation with the Asian-African Legal Consultative Committee

On the occasion of the twenty-fifth anniversary of the Asian-African Legal Consultative Committee (AALCC) in 1981, the General Assembly had requested [YUN 1981, p. 1269, GA res. 36/38] the Secretary-General of the United Nations to hold consultations with the Secretary-General of AALCC with a view to further strengthening and widening the scope of cooperation between the two organizations. The item, considered biennially since 1988, was last taken up by the Assembly in 1994 when the Assembly noted its satisfaction at the progress made [YUN 1994, p. 1327].

In September 1996, the Secretary-General submitted a report [A/51/360] to the Assembly covering such areas as the cooperative framework agreed upon by the two organizations; representation of AALCC at 1995 meetings and conferences, including, *inter alia*, its participation at the celebration of the fiftieth anniversary of the United Nations, at the United Nations Congress on Public International Law, and at the twenty-eighth session of the United Nations Commission on International Trade Law; AALCC's contribution towards the strengthening of the role of the United Nations and the UN Decade of International Law; its efforts in promoting wider use of the International Court of Justice; ratification and promotion of the United Nations Convention on the Law of the Sea; and international economic cooperation for development. AALCC also dealt with the questions of refugees, mine clearance, peacemaking, peacekeeping, humanitarian activities and the safety of UN personnel, as

well as launching preparations to commemorate its fortieth anniversary.

#### GENERAL ASSEMBLY ACTION

On 4 November, the General Assembly adopted **resolution 51/11**.

#### Cooperation between the United Nations and the Asian-African Legal Consultative Committee

The General Assembly,

Recalling its resolutions 36/38 of 18 November 1981, 37/8 of 29 October 1982, 38/37 of 5 December 1983, 39/47 of 10 December 1984, 40/60 of 9 December 1985, 41/5 of 17 October 1986, 43/1 of 17 October 1988, 45/4 of 16 October 1990, 47/6 of 21 October 1992 and 49/8 of 25 October 1994,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Asian-African Legal Consultative Committee,

Having heard the statement made on 4 November 1996 by the Secretary-General of the Asian-African Legal Consultative Committee on the steps taken by the Consultative Committee to ensure continuing, close and effective cooperation between the two organizations,

1. Takes note with appreciation of the report of the Secretary-General;

2. Notes with satisfaction the continuing efforts of the Asian-African Legal Consultative Committee towards strengthening the role of the United Nations and its various organs, including the International Court of Justice, through programmes and initiatives undertaken by the Consultative Committee;

3. Also notes with satisfaction the commendable progress achieved towards enhancing cooperation between the United Nations and the Consultative Committee in wider areas;

4. Notes with appreciation the decision of the Consultative Committee to participate actively in the programmes of the United Nations Decade of International Law and programmes on environment and sustainable development;

5. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on cooperation between the United Nations and the Consultative Committee;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee".

General Assembly resolution 51/11

4 November 1996 Meeting 50 Adopted without vote

15-nation draft (A/51/L.13 & Add.1); agenda item 23.

### Host country relations

In response to General Assembly resolution 50/49 [YUN 1995, p. 1352], the Committee on Relations with the Host Country continued to consider various aspects of relations between the United Nations diplomatic community and the United States—the host country. The Committee held six meetings between 14 February and 22 November

1996 [A/51/26] during which it considered the question of the security of missions and the safety of their personnel; acceleration of immigration and customs procedures; exemption from taxation; the responsibilities of permanent missions to the United Nations and their personnel in relation to financial indebtedness; and matters related to the use of motor vehicles and parking.

### **Security of missions and safety of their personnel**

The Committee was informed by Cuba in February [A/AC.154/285, A/AC.154/286] of two incidents pertaining to the security of Cuban diplomatic personnel, and in May [A/AC.154/289] of the installation, within the security zone surrounding the Cuban Mission, of a street sign reading "Brothers to the Rescue Corner". Cuba alleged that the placing of the sign had had an adverse impact on the security, dignity and integrity of the Cuban Mission and its personnel. Moreover, that act on the part of the authorities constituted a violation of, and failure to comply with, the legal obligations of the United States as host country under the 1947 Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations [YUN 1947-48, p. 199, GA res. 169(II)], the Vienna Convention on Diplomatic Relations and other relevant instruments and, Cuba said, had created a potential focal point for conflicts and provocations against its Mission.

The United States clarified that the naming of streets in the United States was the province of local authorities and that the actions had been taken by the City of New York, acting entirely on its own initiative without any involvement of the Federal Government or of the host country Mission. The United States took its responsibilities as host country to the United Nations very seriously, balancing those responsibilities with its constitutional guarantees of freedom of speech and assembly. The United States had, upon learning of the proposed event, met with Cuban officials to discuss their security concerns and had made arrangements to ensure that the Mission was not prevented from carrying out its functions. In addition, the Cuban Mission continued to receive 24-hour daily police protection and immediate attention to its security and safety concerns. The United States said it found the Cuban protest perplexing, particularly since there was a large sign in plain view of the United States Office in Havana expressing derogatory statements against the United States.

Considering that the security of the missions accredited to the United Nations and the safety of their personnel were indispensable for their effective

functioning, the Committee appreciated the efforts of the host country to that end and anticipated that the host country would continue to take all measures necessary to prevent any interference with the functioning of missions.

### **Acceleration of immigration and customs procedures**

At a meeting of the Committee, Portugal spoke of difficulties encountered by members of the diplomatic community with regard to the established immigration and customs procedures at Kennedy International Airport. Members of the diplomatic corps had repeatedly been told to join the general line of incoming passengers. The Russian Federation echoed Portugal's concerns, observing that the Delta Airline terminal had been one specific source of the problem. The representative of the United States recalled that representatives of the Committee had visited Kennedy Airport and, in particular, the Delta terminal; the airline had, at that time, promised to rectify the situation. The United States Mission had since contacted airport officials who had assured it that special lines for diplomats were in place. Missions were invited to report to the host country Mission any difficulties they might encounter on the arrival of their diplomats.

The Committee noted with satisfaction that the host country had taken certain measures to accelerate immigration and customs procedures for diplomatic personnel arriving in New York City, and urged the host country to continue to improve those procedures and to act decisively to ensure their proper application in observance of the agreements in force.

### **Exemption from taxation**

With regard to tax exemption matters, Portugal expressed concern that, apart from neighbourhood stores in the vicinity of the United Nations in Manhattan, many businesses located in other boroughs of New York City were not aware of tax exemption cards issued to diplomats by the State Department. It suggested using the business licensing mechanism as a means of informing stores of the tax exemption system, and better coordination with the financial departments of other states in the United States. The Russian Federation voiced similar concerns, adding that, in addition to stores, problems of taxation existed with the local telephone company.

The United States confirmed that, occasionally, sales tax exemption cards were not being honoured by stores and it informed the Committee that when the decision was taken to issue the federal card, all States had been informed accordingly and provided with a sample. In some in-

stances, store owners decided on their own not to honour the cards. It was hoped that the New York Office of Foreign Missions would raise the issue in Washington, D.C., in order to explore possible solutions to the problem. The United States also observed that, on occasion, service charges which diplomats were obliged to pay were being mistaken for taxes.

The Committee took careful note of problems relating to exemption from taxation, in particular outside New York City, and requested the host country to take necessary measures to ensure that diplomats were exempt from sales taxes everywhere in the United States.

### Financial indebtedness

The Committee's Working Group on Indebtedness reported that a review of data provided by the host country Mission regarding the amount of financial debts of certain missions in New York indicated that, in some cases, missions did not feel that they were bound to comply, inter alia, with fiscal and tax regulations of the host country in connection with their taxable commercial activities.

In the view of Switzerland, debts of missions accredited to international organizations had a direct detrimental impact on the prestige and image of diplomatic communities in host States. Switzerland reported that total debts of missions accredited to the UN Office at Geneva was slightly more than \$4.6 million and a cause of serious concern in Geneva, and it hoped that the United Nations would continue to review the issue from a global perspective.

The United States viewed the lack of affordable health care and health insurance as a major factor contributing to the indebtedness problem, and proposed a survey of local health care needs as well as interest in a primary health care insurance system for permanent missions, with the Working Group on Indebtedness as the focal point for the survey. The aim of the survey was to identify reputable and affordable health care providers for the diplomatic community.

The Committee approved a questionnaire [A/AC.154/INF/1] which was circulated to all Member States. Preliminary analysis of responses indicated that a majority of missions had expressed an interest in possible alternative medical insurance coverage, with the overwhelming majority favouring a group health insurance plan. The Committee decided that the responses should be further analysed by the Working Group and expressed its gratitude to the missions that had responded.

### Transportation issues

The Russian Federation drew the attention of the Committee to the problem of tickets and fines

issued for parking, an issue which had been repeatedly raised in the past. Portugal and Costa Rica recalled instances when legally parked diplomatic cars were ticketed while other cars were not, and suggested that the traffic police be given appropriate clarification of the scope of privileges enjoyed by diplomats.

The United States responded that the problem was a complex one and that diplomatic immunities did not allow diplomats to violate traffic laws and regulations. The United States acknowledged that a parking problem might exist in the vicinity of the Russian Mission, since there were six other missions located in the vicinity, and suggested that missions lacking sufficient parking spaces might wish to consider alternative modes of transportation, such as private bus services or public transportation.

The New York City Commissioner for the United Nations and Consular Corps informed the Committee that the Commission had received several complaints on the issue, most of which had been resolved, and suggested that a meeting with the New York City Police Department should be convened with potentially positive results.

The Committee requested the host country to take steps, in conjunction with the City of New York, to resolve the problem of the parking of diplomatic vehicles, respond to the growing needs of the diplomatic community in that regard and consult with the Committee on those issues.

**Communications.** In a 12 November letter to the Committee [A/AC.154/299], Greece drew the attention of the Committee to the removal of signs providing parking spaces for the diplomatic license-plated cars of its mission, which it considered as a case of discrimination against the Permanent Mission of Greece to the United Nations.

By a note verbale dated 31 December 1996 from Belarus [A/AC.154/301], and a letter of the same date from the Russian Federation [A/AC.154/300], the two Member States informed the Committee of a 29 December incident during which two members of their respective diplomatic missions had been arrested and allegedly assaulted by members of the New York City Police Department. The Russian Federation also requested an urgent meeting of the Committee to discuss the incident.

### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/163**.

### Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 65 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

3. Expresses its appreciation for the efforts made by the host country, and hopes that the concerns raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. Notes with appreciation the efforts of the Committee which have contributed to a decrease in the amount of diplomatic indebtedness, stresses that existing indebtedness continues to be a matter of significant concern to the United Nations and that non-payment of just debts tarnishes the image of the Organization itself, and reaffirms that non-compliance with contractual obligations cannot be condoned or justified;

5. Welcomes the efforts of the Committee aimed at identifying affordable health care programmes for the diplomatic community;

6. Once again urges the host country to consider lifting travel controls with regard to certain missions and to staff members of the Secretariat of certain nationalities, and in this regard notes the positions of the affected States, the Secretary-General and the host country;

7. Notes with satisfaction the steps taken by the host country at John F. Kennedy International Airport with regard to special passages for members of the United Nations community, and urges the host country to continue to take appropriate action in this regard to ensure application of those procedures;

8. Calls upon the host country to review measures and procedures relating to the parking of diplomatic vehicles, with a view to responding to the growing needs of the diplomatic community, and to consult with the Committee on these issues;

9. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

10. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819(XXVI) of 15 December 1971;

11. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Committee on Relations with the Host Country".

General Assembly resolution 51/163

16 December 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/629) without vote, 27 November (meeting 48); 6-nation draft (A/C.6/51/L.14); agenda item 149.

Sponsors: Bulgaria, Canada, Costa Rica, Cote d'Ivoire, Cyprus, Spain.

Meeting numbers. GA 51st session: 6th Committee 47, 48; plenary 85.

## International economic law

In 1996, legal aspects of international economic law continued to be considered by the United Nations Commission on International Trade Law (UNCITRAL) and by the Sixth (Legal) Committee of the General Assembly. Among major actions were the adoption of the UNCITRAL Model Law on Electronic Commerce and the UNCITRAL Notes on Organizing Arbitral Proceedings.

### International trade law

At its twenty-ninth session (New York, 28 May-14 June), UNCITRAL adopted the Model Law on Electronic Commerce, which it annexed to its report on the session [A/51/17], the Notes on Organizing Arbitral Proceedings, and completed its consideration of the Guide to Enactment of the Model Law. The Commission also considered build-operate-transfer projects (BOT); receivables financing; cross-border insolvency; legislative implementation of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards; case-law on UNCITRAL texts (CLOUT); training and technical assistance; status and promotion of UNCITRAL legal texts; and relevant General Assembly resolutions.

As in previous years, UNCITRAL's annual report was forwarded to the United Nations Conference on Trade and Development for comments or recommendations.

In response to General Assembly resolution 50/47 [YUN 1995, p. 1365], the Secretary-General reported [A/51/382] in September 1996 on granting travel assistance to delegates of developing countries that were members of the Commission to attend meetings of UNCITRAL and its working groups. The Secretary-General said he was responsible for the use of the trust fund established in 1994 for that purpose. The fund would be administered, in accordance with its terms of reference, by the Legal Counsel as its programme manager. As at 1 September 1996, a total of \$3,000 in contributions had been received from Cambodia and Kenya.



## GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/161**.

**Report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session**

The General Assembly,

Recalling its resolution 2205(XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and thereby to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and with different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session,

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, particularly as regards the dissemination of international trade law,

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Having considered the report of the Secretary-General on the implementation of paragraph 9 of General Assembly resolution 50/47,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session;

2. Notes with satisfaction the completion and adoption by the Commission of the Model Law on Electronic Commerce;

3. Commends the Commission for the finalization of the Notes on Organizing Arbitral Proceedings;

4. Expresses its appreciation for the progress made in its work on the subjects of receivables financing and cross-border insolvency;

5. Welcomes the decision of the Commission to request the Secretariat to review, with the assistance of experts and in cooperation with other international organizations having expertise in build-operate-transfer arrangements, issues on which legislative guidance might be useful, and to commence the preparation of a legislative guide on build-operate-transfer projects;

6. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations as well as other bodies such as the International Institute for the Unification of Private Law, which are active in the field of international trade law and other related areas;

7. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

8. Expresses the desirability for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Belarus, Chile, Colombia, Gabon, Greece, Guinea, the Islamic Republic of Iran, Kazakhstan, New Zealand, Paraguay, Slovenia, Turkey and the United Arab Emirates;

(b) Expresses its appreciation to the Governments whose contributions made it possible for the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations and institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law trust fund for symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

9. Appeals to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

10. Appeals to Governments, the relevant United Nations organs, organizations and institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. Decides to include the trust funds for symposia and travel assistance in the list of funds and pro-

grammes that are dealt with at the United Nations Pledging Conference for Development Activities;

12. Also decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue its consideration in the competent Main Committee during the fifty-first session of the General Assembly of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

13. Requests the Secretary-General to ensure the effective implementation of the programmes of the Commission;

14. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.

**General Assembly resolution 51/161**

**16 December 1996 Meeting 85 Adopted without vote**

Approved by Sixth Committee (A/51/628) without vote, 26 November (meeting 47); 55-nation draft (A/C.6/51/L.7), orally revised; agenda item 148.

Meeting numbers. GA 51st session: 6th Committee 3, 4, 47; plenary 85.

**Model Law on Electronic Commerce**

In 1996, UNCITRAL had before it the report of the thirtieth session (Vienna, 26 February-8 March 1996) of the Working Group on Electronic Data Interchange [A/CN.9/421]. The Group discussed the issues of transferability of rights in the context of transport documents and approved the text of draft statutory provisions dealing with the specific issues of contracts of carriage of goods involving the use of data messages; the latter was annexed to the Group's report.

On 12 June, the Commission adopted the UNCITRAL Model Law on Electronic Commerce; requested the Secretary-General to transmit the text of the Model Law, together with the Guide to Enactment of the Model Law, to Member States and other interested bodies; and recommended that favourable consideration be given by all States to the Model Law when enacting or revising their laws, in order to ensure uniformity.

**GENERAL ASSEMBLY ACTION**

On 16 December, the General Assembly adopted **resolution 51/162**.

**Model Law on Electronic Commerce adopted by the United Nations Commission on International Trade Law**

The General Assembly,

Recalling its resolution 2205(XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law, with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular

those of developing countries, in the extensive development of international trade,

Noting that an increasing number of transactions in international trade are carried out by means of electronic data interchange and other means of communication, commonly referred to as "electronic commerce", which involve the use of alternatives to paper-based methods of communication and storage of information,

Recalling the recommendation on the legal value of computer records adopted by the Commission at its eighteenth session, in 1985, and paragraph 5 (b) of General Assembly resolution 40/71 of 11 December 1985, in which the Assembly called upon Governments and international organizations to take action, where appropriate, in conformity with the recommendation of the Commission, so as to ensure legal security in the context of the widest possible use of automated data processing in international trade,

Convinced that the establishment of a model law facilitating the use of electronic commerce that is acceptable to States with different legal, social and economic systems could contribute significantly to the development of harmonious international economic relations,

Noting that the Model Law on Electronic Commerce was adopted by the Commission at its twenty-ninth session after consideration of the observations of Governments and interested organizations,

Believing that the adoption of the Model Law on Electronic Commerce by the Commission will assist all States significantly in enhancing their legislation governing the use of alternatives to paper-based methods of communication and storage of information and in formulating such legislation where none currently exists,

1. Expresses its appreciation to the United Nations Commission on International Trade Law for completing and adopting the Model Law on Electronic Commerce contained in the annex to the present resolution and for preparing the Guide to Enactment of the Model Law;

2. Recommends that all States give favourable consideration to the Model Law when they enact or revise their laws, in view of the need for uniformity of the law applicable to alternatives to paper-based methods of communication and storage of information;

3. Recommends also that all efforts be made to ensure that the Model Law, together with the Guide, become generally known and available.

**ANNEX**

**Model Law on Electronic Commerce of the United Nations Commission on International Trade Law**

**Part one. Electronic commerce in general**  
**Chapter I. General provisions**

**Article 1**

**Sphere of application<sup>a</sup>**

This Law<sup>b</sup> applies to any kind of information in the form of a data message used in the context<sup>c</sup> of commercial<sup>d</sup> activities.

**Article 2**

**Definitions**

For the purposes of this Law:

(a) "Data message" means information generated, sent, received or stored by electronic, optical or similar

means including, but not limited to, electronic data interchange (EDI), electronic mail, telegram, telex or telecopy;

(b) "Electronic data interchange (EDI)" means the electronic transfer from computer to computer of information using an agreed standard to structure the information;

(c) "Originator" of a data message means a person by whom, or on whose behalf, the data message purports to have been sent or generated prior to storage, if any, but it does not include a person acting as an intermediary with respect to that data message;

(d) "Addressee" of a data message means a person who is intended by the originator to receive the data message, but does not include a person acting as an intermediary with respect to that data message;

(e) "Intermediary", with respect to a particular data message, means a person who, on behalf of another person, sends, receives or stores that data message or provides other services with respect to that data message;

(f) "Information system" means a system for generating, sending, receiving, storing or otherwise processing data messages.

#### Article 3

##### Interpretation

1. In the interpretation of this Law, regard is to be had to its international origin and to the need to promote uniformity in its application and the observance of good faith.

2. Questions concerning matters governed by this Law that are not expressly settled in it are to be settled in conformity with the general principles on which this Law is based.

#### Article 4

##### Variation by agreement

1. As between parties involved in generating, sending, receiving, storing or otherwise processing data messages, and except as otherwise provided, the provisions of chapter III may be varied by agreement.

2. Paragraph 1 does not affect any right that may exist to modify by agreement any rule of law referred to in chapter II.

### Chapter II. Application of legal requirements to data messages

#### Article 5

##### Legal recognition of data messages

Information shall not be denied legal effect, validity or enforceability solely on the grounds that it is in the form of a data message.

#### Article 6

##### Writing

1. Where the law requires information to be in writing, that requirement is met by a data message if the information contained therein is accessible so as to be usable for subsequent reference.

2. Paragraph 1 applies whether the requirement therein is in the form of an obligation or whether the law simply provides consequences for the information not being in writing.

3. The provisions of this article do not apply to the following: [ . . . ].

#### Article 7

##### Signature

1. Where the law requires a signature of a person, that requirement is met in relation to a data message if:

(a) A method is used to identify that person and to indicate that person's approval of the information contained in the data message; and

(b) That method is as reliable as was appropriate for the purpose for which the data message was generated or communicated, in the light of all the circumstances, including any relevant agreement.

2. Paragraph 1 applies whether the requirement therein is in the form of an obligation or whether the law simply provides consequences for the absence of a signature.

3. The provisions of this article do not apply to the following: [ . . . ].

#### Article 8

##### Original

1. Where the law requires information to be presented or retained in its original form, that requirement is met by a data message if:

(a) There exists a reliable assurance as to the integrity of the information from the time when it was first generated in its final form, as a data message or otherwise; and

(b) Where it is required that information be presented, that information is capable of being displayed to the person to whom it is to be presented.

2. Paragraph 1 applies whether the requirement therein is in the form of an obligation or whether the law simply provides consequences for the information not being presented or retained in its original form.

3. For the purposes of subparagraph (a) of paragraph 1:

(a) The criteria for assessing integrity shall be whether the information has remained complete and unaltered, apart from the addition of any endorsement and any change which arises in the normal course of communication, storage and display; and

(b) The standard of reliability required shall be assessed in the light of the purpose for which the information was generated and in the light of all the relevant circumstances.

4. The provisions of this article do not apply to the following: [ . . . ].

#### Article 9

##### Admissibility and evidential weight of data messages

1. In any legal proceedings, nothing in the application of the rules of evidence shall apply so as to deny the admissibility of a data message in evidence:

(a) On the sole ground that it is a data message; or

(b) If it is the best evidence that the person adducing it could reasonably be expected to obtain, on the grounds that it is not in its original form.

2. Information in the form of a data message shall be given due evidential weight. In assessing the evidential weight of a data message, regard shall be had to the reliability of the manner in which the data message was generated, stored or communicated, to the reliability of the manner in which the integrity of the information was maintained, to the manner in which its originator was identified, and to any other relevant factor.

## Article 10

## Retention of data messages

1. Where the law requires that certain documents, records or information be retained, that requirement is met by retaining data messages, provided that the following conditions are satisfied:

- (a) The information contained therein is accessible so as to be usable for subsequent reference; and
- (b) The data message is retained in the format in which it was generated, sent or received, or in a format which can be demonstrated to represent accurately the information generated, sent or received; and
- (c) Such information, if any, is retained as enables the identification of the origin and destination of a data message and the date and time when it was sent or received.

2. An obligation to retain documents, records or information in accordance with paragraph 1 does not extend to any information the sole purpose of which is to enable the message to be sent or received.

3. A person may satisfy the requirement referred to in paragraph 1 by using the services of any other person, provided that the conditions set forth in subparagraphs (a), (b) and (c) of paragraph 1 are met.

## Chapter III. Communication of data messages

## Article 11

## Formation and validity of contracts

1. In the context of contract formation, unless otherwise agreed by the parties, an offer and the acceptance of an offer may be expressed by means of data messages. Where a data message is used in the formation of a contract, that contract shall not be denied validity or enforceability on the sole ground that a data message was used for that purpose.

2. The provisions of this article do not apply to the following: [ . . . ].

## Article 12

## Recognition by parties of data messages

1. As between the originator and the addressee of a data message, a declaration of will or other statement shall not be denied legal effect, validity or enforceability solely on the grounds that it is in the form of a data message.

2. The provisions of this article do not apply to the following: [ . . . ].

## Article 13

## Attribution of data messages

1. A data message is that of the originator if it was sent by the originator itself.

2. As between the originator and the addressee, a data message is deemed to be that of the originator if it was sent:

- (a) By a person who had the authority to act on behalf of the originator in respect of that data message; or
- (b) By an information system programmed by or on behalf of the originator to operate automatically.

3. As between the originator and the addressee, an addressee is entitled to regard a data message as being that of the originator, and to act on that assumption, if:

- (a) In order to ascertain whether the data message was that of the originator, the addressee properly applied a procedure previously agreed to by the originator for that purpose; or

- (b) The data message as received by the addressee resulted from the actions of a person whose relationship with the originator or with any agent of the originator enabled that person to gain access to a method used by the originator to identify data messages as its own.

4. Paragraph 3 does not apply:

- (a) As of the time when the addressee has both received notice from the originator that the data message is not that of the originator and has had reasonable time to act accordingly; or

- (b) In a case within paragraph 3 (b), at any time when the addressee knew or should have known, had it exercised reasonable care or used any agreed procedure, that the data message was not that of the originator.

5. Where a data message is that of the originator or is deemed to be that of the originator, or the addressee is entitled to act on that assumption, then, as between the originator and the addressee, the addressee is entitled to regard the data message as received as being what the originator intended to send, and to act on that assumption. The addressee is not so entitled when it knew or should have known, had it exercised reasonable care or used any agreed procedure, that the transmission resulted in any error in the data message as received.

6. The addressee is entitled to regard each data message received as a separate data message and to act on that assumption, except to the extent that it duplicates another data message and the addressee knew or should have known, had it exercised reasonable care or used any agreed procedure, that the data message was a duplicate.

## Article 14

## Acknowledgement of receipt

1. Paragraphs 2 to 4 of this article apply where, on or before sending a data message, or by means of that data message, the originator has requested or has agreed with the addressee that receipt of the data message be acknowledged.

2. Where the originator has not agreed with the addressee that the acknowledgement be given in a particular form or by a particular method, an acknowledgement may be given by:

- (a) Any communication by the addressee, automated or otherwise; or

- (b) Any conduct of the addressee, sufficient to indicate to the originator that the data message has been received.

3. Where the originator has stated that the data message is conditional on receipt of the acknowledgement, the data message is treated as though it has never been sent, until the acknowledgement is received.

4. Where the originator has not stated that the data message is conditional on receipt of the acknowledgement, and the acknowledgement has not been received by the originator within the time specified or agreed or, if no time has been specified or agreed, within a reasonable time the originator:

- (a) May give notice to the addressee stating that no acknowledgement has been received and specifying a reasonable time by which the acknowledgement must be received; and

- (b) If the acknowledgement is not received within the time specified in subparagraph (a), may, upon notice to the addressee, treat the data message as though it had never been sent, or exercise any other rights it may have.

5. Where the originator receives the addressee's acknowledgement of receipt, it is presumed that the related data message was received by the addressee. That presumption does not imply that the data message corresponds to the message received.

6. Where the received acknowledgement states that the related data message met technical requirements, either agreed upon or set forth in applicable standards, it is presumed that those requirements have been met.

7. Except insofar as it relates to the sending or receipt of the data message, this article is not intended to deal with the legal consequences that may flow either from that data message or from the acknowledgement of its receipt.

#### Article 15

##### Time and place of dispatch and receipt of data message

1. Unless otherwise agreed between the originator and the addressee, the dispatch of a data message occurs when it enters an information system outside the control of the originator or of the person who sent the data message on behalf of the originator.

2. Unless otherwise agreed between the originator and the addressee, the time of receipt of a data message is determined as follows:

(a) If the addressee has designated an information system for the purpose of receiving data messages, receipt occurs:

- (i) At the time when the data message enters the designated information system; or
- (ii) If the data message is sent to an information system of the addressee that is not the designated information system, at the time when the data message is retrieved by the addressee;

(b) If the addressee has not designated an information system, receipt occurs when the data message enters an information system of the addressee.

3. Paragraph 2 applies notwithstanding the fact that the place where the information system is located may be different from the place where the data message is deemed to be received under paragraph 4.

4. Unless otherwise agreed between the originator and the addressee, a data message is deemed to be dispatched at the place where the originator has its place of business, and is deemed to be received at the place where the addressee has its place of business. For the purposes of this paragraph:

(a) If the originator or the addressee has more than one place of business, the place of business is that which has the closest relationship to the underlying transaction or, where there is no underlying transaction, the principal place of business;

(b) If the originator or the addressee does not have a place of business, reference is to be made to its habitual residence.

5. The provisions of this article do not apply to the following: [ . . . ].

#### Part two. Electronic commerce in specific areas

##### Chapter I. Carriage of goods

#### Article 16

##### Actions related to contracts of carriage of goods

Without derogating from the provisions of part one of this Law, this chapter applies to any action in connection with, or in pursuance of, a contract of carriage of goods, including but not limited to:

- (a) (i) Furnishing the marks, number, quantity or weight of goods;
- (ii) Stating or declaring the nature or value of goods;
- (iii) Issuing a receipt for goods;
- (iv) Confirming that goods have been loaded;
- (b) (i) Notifying a person of terms and conditions of the contract;
- (ii) Giving instructions to a carrier;
- (c) (i) Claiming delivery of goods;
- (ii) Authorizing release of goods;
- (iii) Giving notice of loss of, or damage to, goods;
- (d) Giving any other notice or statement in connection with the performance of the contract;
- (e) Undertaking to deliver goods to a named person or a person authorized to claim delivery;
- (f) Granting, acquiring, renouncing, surrendering, transferring or negotiating rights in goods;
- (g) Acquiring or transferring rights and obligations under the contract.

#### Article 17

##### Transport documents

1. Subject to paragraph 3, where the law requires that any action referred to in article 16 be carried out in writing or by using a paper document, that requirement is met if the action is carried out by using one or more data messages.

2. Paragraph 1 applies whether the requirement therein is in the form of an obligation or whether the law simply provides consequences for failing either to carry out the action in writing or to use a paper document.

3. If a right is to be granted to, or an obligation is to be acquired by, one person and no other person, and if the law requires that, in order to effect this, the right or obligation must be conveyed to that person by the transfer, or use of, a paper document, that requirement is met if the right or obligation is conveyed by using one or more data messages, provided that a reliable method is used to render such data message or messages unique.

4. For the purposes of paragraph 3, the standard of reliability required shall be assessed in the light of the purpose for which the right or obligation was conveyed and in the light of all the circumstances, including any relevant agreement.

5. Where one or more data messages are used to effect any action in subparagraphs (f) and (g) of article 16, no paper document used to effect any such action is valid unless the use of data messages has been terminated and replaced by the use of paper documents. A paper document issued in these circumstances shall contain a statement of such termination. The replacement of data messages by paper documents shall not affect the rights or obligations of the parties involved.

6. If a rule of law is compulsorily applicable to a contract of carriage of goods which is in, or is evidenced by, a paper document, that rule shall not be inapplicable to such a contract of carriage of goods that is evidenced by one or more data messages by reason of the fact that the contract is evidenced by such data message or messages instead of by a paper document.

7. The provisions of this article do not apply to the following: [ . . . ].

<sup>a</sup> The Commission suggests the following text for States that might wish to limit the applicability of this Law to international data messages: "This Law applies to a data message as defined in paragraph 1 of article 2 where the data message relates to international commerce."

<sup>b</sup> This Law does not override any rule of law intended for the protection of consumers.

<sup>c</sup> The Commission suggests the following text for States that might wish to extend the applicability of this Law: "This Law applies to any kind of information in the form of a data message, except in the following situations: [. . .]."

The term "commercial" should be given a wide interpretation so as to cover matters arising from all relationships of a commercial nature, whether contractual or not. Relationships of a commercial nature include, but are not limited to, the following transactions: any trade transaction for the supply or exchange of goods or services; distribution agreement; commercial representation or agency; factoring; leasing; construction of works; consulting; engineering; licensing; investment; financing; banking; insurance; exploitation agreement or concession; joint venture and other forms of industrial or business cooperation; carriage of goods or passengers by air, sea, rail or road.

General Assembly resolution 51/162

16 December 1996 Meeting 85 Adopted without vote

Approved by Sixth Committee (A/51/628) without vote, 26 November (meeting 47); 34-nation draft (A/C.6/51/L.8); agenda item 148.

Meeting numbers. GA 51st session: 6th Committee 3, 4, 47; plenary 85.

### International commercial arbitration

UNCITRAL in 1996 had before it a revised version of the draft Notes on Organizing Arbitral Proceedings [A/CN.9/423], prepared by the Secretariat in the light of the Commission's consideration of the topic in 1995 [YUN 1995, p. 1363]. The Commission approved the substance of the draft Notes as modified at the 1996 session and decided that the adopted text should be entitled "UNCITRAL Notes on Organizing Arbitral Proceedings". It requested the Secretariat to edit the final text in accordance with decisions taken at the session; to revise the language versions; to align the use of technical terms with other UNCITRAL texts; to produce the Notes as a separate publication; and to disseminate the publication widely. In addition, the Commission expressed its appreciation to the International Council for Commercial Arbitration and others for their contributions to the project.

### Foreign arbitral awards

In 1996, the Commission considered a project relating to the legislative implementation in the contracting States of the Convention on Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958). The primary objective of the project was to publish the findings of the survey of legislation. The Secretariat had sent to the States parties to the Convention a questionnaire designed to obtain information relating to its implementation, so as to be able to prepare a report for consideration by the Commission. As at 12 June 1996, some 32 replies to the questionnaire had been received. UNCITRAL called on States parties that had not done so to reply to the questionnaire and requested the Secretariat to prepare a note presenting the findings based on the analysis of the information gathered for consideration by the Commission at a future session.

### Build-operate-transfer projects (BOT)

In response to a request of the Commission, the Secretariat in 1996 prepared a report [A/CN.9/424] with information on work being undertaken by other organizations on BOT; an outline of issues covered by national laws on BOT and proposals for work by the Commission. The Commission took note of the report and endorsed the work proposal set out therein, in particular with regard to the preparation of a legislative guide that would provide guidance to States preparing or modernizing their legislation on BOT.

### Assignment in receivable financing

The Commission had before it the report of the Working Group on International Contract Practices on its November 1995 session [YUN 1995, p. 1362], in which the Secretariat was requested to prepare a revised version of the draft uniform rules on assignment in receivables financing for consideration at the next session of the Working Group. The Commission expressed its appreciation for the work accomplished and requested the Working Group to proceed with its work expeditiously.

### Cross-border insolvency

The Working Group on Insolvency Law, formerly known as the Working Group on the New International Economic Order, reported to UNCITRAL on the work of its eighteenth (Vienna, 30 October-10 November 1995) [YUN 1995, p. 1364] and nineteenth (New York, 1-12 April 1996) [A/CN.9/422] sessions. The Commission was pleased with the progress made by the Working Group, and noted that the project had aroused much interest and that the uniform text which would be the result was eagerly awaited. The Commission therefore expressed the hope that the Working Group would be able to submit a draft legislative text for its consideration in 1997.

### Case-law on UNCITRAL texts (CLOUT)

The Commission noted with appreciation the publication, since its 1995 session, of a set of abstracts on the UNCITRAL Model Law on International Commercial Arbitration, and a set of abstracts and a thesaurus on the United Nations Convention on Contracts for the International Sale of Goods. It also noted the preparation of a thesaurus on the Model Law, which the Secretariat was requested to expedite. The Commission further expressed its appreciation to the National Correspondents for their work, and urged States to cooperate with the Secretariat in the operation of CLOUT and to facilitate the carrying

out of the tasks of the National Correspondents. The Commission welcomed the steps taken by the Secretariat to establish a database with Internet access, encouraged further progress to that end and requested that adequate resources be made available for the effective operation of CLOUT.

### **Training and technical assistance**

In 1996, UNCITRAL had before it a Secretariat note [A/CN.9/427] on training and technical assistance activities—seminars, briefing missions, conferences, workshop and internships—that had taken place since its 1995 session and on the direction of future activities. As at 17 April, 14 seminars and briefing missions had been held, while others were being planned for Africa, Asia and Latin America in the remainder of 1996 and 1997. The Commission took note of the various forms of assistance that could be provided by the Secretariat, such as review of preparatory drafts of legislation, assistance in the preparation of drafts, comments on reports of law reform com-

missions and briefings for legislators, judges, arbitrators and other end-users of UNCITRAL legal texts. The Commission emphasized the importance of cooperation and coordination between development assistance agencies providing or financing legal technical assistance and the Secretariat, to avoid situations that might lead to the adoption of national laws that did not represent internationally agreed standards. The Commission noted with appreciation the contributions made by States and organizations to the seminars and other programmes of training and assistance and appealed for contributions to the UNCITRAL Trust Fund for Symposia.

### **New international economic order**

With regard to the progressive development of the principles and norms of international law relating to the new international economic order, the General Assembly decided on 16 December to resume consideration of the legal aspects of international economic relations at its fifty-fifth (2000) session (**decision** 51/441).

## PART FIVE

# Institutional, administrative and budgetary questions



## Chapter I

**United Nations reform**

In 1996, in the context of the rapidly evolving world situation, the United Nations was undergoing comprehensive change to meet new and emerging problems and tackle persistent problems in new ways. Institutional reform continued on three levels: intergovernmental, organizational and managerial. Reform was high on the Secretary-General's agenda, as well as on the agenda of the intergovernmental machinery, in particular through the work programme of the General Assembly. Five working groups of the Assembly were addressing major aspects of reform.

Further concrete reform measures were introduced in 1996, and substantial progress continued to be made in strengthening administrative procedures, adapting peacekeeping to new circumstances and improving the effectiveness and coherence of development operations.

In May, the Assembly set the stage for further streamlining and strengthening of the intergovernmental machinery in the economic and social fields. The Economic and Social Council responded by initiating a review of the mandate, composition, functions and working methods of its functional commissions and expert bodies. It also reviewed the agenda of its general segment and requested the regional commissions to continue undertaking their own review. In support of the follow-up to major conferences and implementation of their results, coordinating inter-agency mechanisms were set up and closer links were being established between the Council and its subsidiary bodies.

Managerial reform was also well under way in 1996, accompanied by simplification of Secretariat structures, rationalization of both the multiplicity of programmes and funds and their relationships with the Secretariat, and a reduction in high-level posts. Significant progress was made in each of three strategic areas: human resources, cost structure, and information and technology. Efficiency reviews were carried out resulting in a 10 per cent budget reduction, as well as improved services and operations.

As part of the Secretariat reform, efforts to strengthen internal and external oversight mechanisms continued. In carrying out its monitoring, internal audit, inspection and evalua-

tion, as well as investigation functions, the Office of Internal Oversight Services increasingly contributed to better programme design and delivery. In order to improve its external oversight, inspection and evaluation functions, the Joint Inspection Unit strengthened its cooperation with the legislative bodies and secretariats of participating organizations and developed a revised set of internal standards and guidelines for its work.

Despite the ongoing reform of the Organization, there were indications of a diminished willingness to deal with critical issues on the international agenda through the United Nations, according to the Secretary-General. Most notable was the ongoing financial crisis which remained a matter of urgent concern. As the flow of resources continued to decline, new ways to raise funds were being sought. The Economic and Social Council discussed innovative funding mechanisms for development activities, underlining the role of private investment in financing development, but stressing that such resources should not replace official development assistance and should be distinct from funding the regular and the peacekeeping budgets.

**Intergovernmental machinery**

With regard to intergovernmental reform, responsibility for which lay primarily with the Member States, three interrelated objectives were, explicitly or implicitly, being pursued, the Secretary-General said in his annual report on the work of the Organization [A/51/1]. The objectives were: improvements in the effectiveness and functioning of the principal organs; better balance of authority between the Security Council, the General Assembly and the Economic and Social Council, as envisioned in the UN Charter; and streamlining of the subsidiary machinery—an important condition for effective overall reform, particularly in the economic and social fields.

As for the General Assembly, improvements in its functioning were a major focus in the programme of the Open-ended High-level Working

Group on the Strengthening of the United Nations System. Equally important, the stage had been set by the Assembly for a further streamlining and strengthening of the intergovernmental machinery in the economic and social fields.

**High-level Working Group.** The Open-ended High-level Working Group on the Strengthening of the United Nations System, established in 1995 [YUN 1995, p. 1369, GA res. 49/252], held three organizational meetings from 14 September to 1 December 1995, and 44 substantive meetings, organized as seven substantive sessions, between 15 January and 25 July 1996. The Working Group decided that, following an orientation discussion in January, the first specific areas for discussion would be the General Assembly and the Secretariat. During its deliberations, the Working Group considered a conference room paper and its addenda, prepared by the Secretariat, which comprised a compendium of recommendations drawn from the views of Member States, the Secretary-General, and from studies and reports on subjects relating to the revitalization, strengthening and reform of the UN system prepared by independent experts and commissions.

In April, the Working Group addressed the feasibility of holding public hearings on issues with which it dealt; it was noted with regret that due to limitations of time and financial resources, it was not possible to hold hearings for public input during 1996, but the matter would be reconsidered.

Annexed to the Working Group's report to the Assembly's resumed fiftieth session [A/50/24] was a revised conference room paper which reflected the Group's debate and was to constitute the basis for further discussion in the Group during the Assembly's fifty-first session. Among the issues on which further discussion was required were four items referred to the Group by the Assembly in its 24 May resolution on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields (see below). These were: (1) in the context of the debate on the Assembly's Main Committees, the use of innovative mechanisms such as panel discussions with delegations and interactive debates with Secretariat and agency representatives and outside experts; (2) the role and working methods of the Committee for Programme and Coordination (CPC); (3) the structure and functioning of the Secretariat, including the economic and social departments and the question of establishing a post of Deputy Secretary-General for International Cooperation and Development; and (4) uniform and maximum terms of service for heads of programmes and funds and other Economic and Social Council and General Assembly

bodies, as well as implementation of Article 101 of the UN Charter (stipulating the necessity of securing the highest standards of efficiency, competence and integrity in the employment of staff and determination of the conditions of service, as well as underlining the importance of recruiting staff on a wide geographical basis) and relevant Assembly resolutions in connection with the recruitment and appointment of staff.

On 16 September, the General Assembly, by **decision 50/491**, took note of the Working Group's report and decided that it should continue its work on the basis of the mandate contained in the 1995 resolution under which the Group was established and, taking into account views expressed by Member States, submit a report to the Assembly at its fifty-first session.

### **Review of Security Council membership and related matters**

**Open-ended Working Group.** The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council stated in a 1996 report [A/50/47 & Add.1] that its work during the fiftieth session of the General Assembly had taken place against the background of the special commemorative meeting of the General Assembly celebrating the fiftieth anniversary of the United Nations and the Declaration [YUN 1995, p. 289] adopted on that occasion on 24 October 1995. The Declaration stated that Member States and UN observers would give to the twenty-first century a United Nations equipped, financed and structured to serve effectively the peoples in whose name it was established. It further stated that the Security Council should be expanded and its working methods should continue to be reviewed in a way that would further strengthen its capacity and effectiveness, enhance its representative character and improve its working efficiency and transparency. The agreement to expand the Council membership and review its working methods, as well as other matters related to its functioning, reflected in the Working Group's 1995 report [YUN 1995, p. 1371], had thus been unanimously reaffirmed at the highest political level, the report stated, although it was also recognized that important differences on key issues remained.

During the fiftieth and resumed fiftieth Assembly session, the Working Group held 39 formal meetings and 17 informal consultations between 28 November 1995 and 13 September 1996. The President of the General Assembly served as Chairman of the Working Group.

On 1 and 2 February 1996, the Group discussed its draft programme of work for the fiftieth session [A/AC.247/6]. On 26 February, it adopted a more detailed draft programme of work for February and March [A/AC.247/7]. During those two months, it held 19 formal meetings, addressing the following: proposals on rotation or shared seats, including Article 23, paragraph 2, of the UN Charter; working methods of the Council and the relationship between the Council and the Assembly as well as other principal UN organs; the decision-making process in the Council, including the veto; proposals for an increase in the Council's non-permanent membership; proposals for an increase in the permanent membership; and other matters.

Based on discussions in February and March and requests by delegations, the Working Group Bureau prepared a "non-paper" on the Council's working methods and procedures; it described measures already adopted by the Council to enhance its working methods and procedures, and listed proposals aimed at enhancing the application of those measures, as well as additional proposals for further improvements.

Following informal consultations, the Group approved in April a new draft programme of work for the months April to June. In 16 meetings during that period, it addressed, taking a more issue-oriented approach, the following topics: composition and size of the Council; decision-making, including the veto; working methods and transparency; and other matters. A large number of oral proposals were made, some of which were subsequently submitted in written form and annexed to the Working Group's September report [A/50/47/Add.1]. In addition, the Working Group had before it three conference room papers prepared by the Secretariat: a compilation of the views expressed by Member States during the general debate and the debate on agenda item 47 (question of equitable representation on and increase in the membership of the Security Council and related matters) at the fiftieth Assembly session; a summary of views expressed by Member States during consideration of the Security Council report at the fiftieth session; and an inventory of measures taken by the Council to enhance its working methods and procedures.

It was again affirmed that the final agreement on the issues of composition and size of the Council; decision-making, including the veto; working methods and transparency; and other matters, should comprise a comprehensive package, that work on those issues should be allowed to proceed concurrently and that progress on one issue should not be impeded by lack of progress

on the other. As was evident from the summary of Group discussions, as reflected in its report, a convergence of views had emerged on a number of issues, while important differences still existed on many others.

The Working Group also discussed the possibility of periodic reviews of the composition and size of the Council and other related matters. The point was made, in a working paper by Germany [A/50/47/Add.1, annex XIV], that providing for such periodic reviews could be an important element in facilitating efforts towards reaching a final agreement on the issues within the Group mandate. Others thought that such a provision was unnecessary.

Council working methods. The Group deepened its consideration of the Council's working methods and transparency of its work, as well as the relationship between the Council and the general membership and other principal UN organs. It was suggested that improvement of the Council's methods and transparency of work would enhance effectiveness and efficiency. The Working Group noted that the Council had continued to take steps in that regard, largely encouraged by Group discussions. It was, however, noted that the measures adopted had not been fully and effectively implemented. While strong support was expressed for formalizing and institutionalizing the measures taken to improve working methods and transparency, some States expressed opposition or reservations.

A large number of delegations stressed the need for the Council to improve further its working methods and transparency with regard, *inter alia*, to Council reports to the Assembly; briefings to non-members of the Council; consultations with current and potential troop-contributing countries; the work of the Sanctions Committee; effective flow of information and exchange of views between Council and Assembly; and participation of non-members in Council discussions.

Discussions focused on a number of specific proposals introduced by Member States regarding the Council's working methods, among them proposals [A/49/965] by the Movement of Non-Aligned Countries submitted to the Assembly in September 1995, and working papers by the Czech Republic and by Argentina and New Zealand, both annexed to the Working Group's report [A/50/47/Add.1]. Those proposals received wide support in the Working Group, although some delegations expressed opposition or reservations.

Council size and composition. The Working Group reaffirmed the agreement reached earlier that the Council should be expanded, ensuring

equitable geographical distribution and taking account of the substantial increase in UN membership, especially of developing countries, as well as important changes in international relations. As to the overall size and composition of an expanded Council, the need to ensure the Council's representative character without impairing the efficiency and effectiveness of its work was underlined. Views on how to bring about an expansion continued to differ. It became clear also that a number of Member States were not ready to take final positions because of interlinkages between size and composition and other matters in the mandate of the Working Group. The view was expressed that expansion of the Council should also take into account the increase in UN membership by countries in Eastern Europe.

Proposals to increase the non-permanent membership only, including suggestions for more frequent elections, received both support and objections, as did proposals for an increase in permanent membership and the view that there was a need to redress the existing imbalance in the composition of the Council by adding permanent members representing developing countries. The concept of regional rotation of permanent seats was introduced, and that of shared seats was discussed. The Working Group also discussed criteria for non-permanent members, including a more frequent rotation system. There was wide support for the proposal [A/49/965] that, in case of no agreement on the increase of other categories of membership, expansion should take place only, for the time being, in the non-permanent category; nevertheless, some regarded such expansion as insufficient. The Working Group also addressed the issue of possible wider implications of permanent Council membership on the membership of other principal organs and bodies.

Decision-making, including veto. Decision-making in the Council, including the question of the veto, continued to be an important element in Working Group discussions. Several proposals were made on that issue during the fiftieth Assembly session. In a position paper presented by the Movement of Non-Aligned Countries [A/50/47/Add.1], it was suggested that the veto be curtailed and rationalized and that the Charter be amended so that, as a first step, the veto power should only apply to actions taken under Chapter VII of the Charter (see APPENDIX II). Amendments were proposed—as in a working paper by Mexico—to articles 4, 5, 6, 27, 97, 108 and 109 of the Charter, seeking to limit the use of the veto. It was also proposed—in a working paper by Uruguay—that the right of veto be subject to suspension on specific occasions, as defined by a pre-

scribed qualified majority of the General Assembly. Those proposals to limit the scope and use of the veto were widely supported; however, there was also opposition to such limitation. The question of the extension of the veto to possible new permanent members was also discussed and both support and objections were voiced. While objections were made to any extension of the veto, some delegations expressed the opinion that such an extension, if agreed, should be done in a non-discriminatory manner.

The Working Group exchanged views on the effects, in broader terms, of enlarging the Council on its decision-making procedures, addressing such issues as the de facto blocking power of developing countries that were non-permanent members, and the number of affirmative votes required for Council decisions on both substantive and procedural matters—the so-called "action threshold"—as mentioned, for example, in a working paper by Ukraine. It was felt that discussions on those topics should continue, while bearing in mind that the final outcome would be dependent on the results of consideration on other issues.

Charter amendments. As stated in the Working Group's report, enlargement of the Council would necessitate amendments to the Charter. The view was expressed that, in some instances, improvement of Council working methods and transparency might be done through such amendments. However, a number of improvement measures, as well as those affecting the Council's relationship with non-members and other principal UN organs, could come into effect through changes in the Council's provisional rules of procedure or otherwise; those changes, among others, could be the result of formal recommendations of the Assembly to the Council, subject to consideration and adoption by the Council itself. The relative merits of resorting to provisions in Articles 108 and 109 of the Charter in amending it were also discussed.

Concluding its work on 13 September, the Working Group recommended that its discussions should continue during the Assembly's fifty-first session, building on the work done in the course of the forty-eighth, forty-ninth and fiftieth sessions. Future work should take into account all oral and written submissions so far presented to it, as well as any new proposals that might be introduced.

The Assembly, by **decision 50/489** of 16 September, took note of the Working Group's report and decided that the Group should continue its work, taking into account the progress achieved at earlier sessions and the views to be expressed during the fifty-first session. The Working

Group was also to submit a report at that session, including any agreed recommendations.

Ukraine, the only speaker during the Assembly's debate on the agenda item, stated that while it had evaluated the Group's work positively, it was among the last to drop its opposition to the content of the Group's report. In its view, the conclusion of the Group, as presented in paragraph 23 (on the size and composition of the Council), lacked impartiality and balance and reflected only part of the truth. Ukraine was deeply concerned that logic and common sense were still rare during the Group's discussions; it strongly believed that deliberate attempts not to take notice of the legitimate interests of Member States from all regions and groups could be, and were, detrimental to the goal of the exercise. It had dropped its objection to paragraph 23 in the spirit of compromise, in view of the positive response by other countries to the Eastern European group interpretation. At the same time, Ukraine would continue to insist during the Group's future work on explicit recognition of the significant increase in the number of the Eastern European regional group members in the context of the expansion of the Council and the overall equitable geographical distribution of all regions in that important body. Ukraine also underlined that it would be in a position to support the reform of the Council, specifically its expansion, only if the representation of all regional groups, including the Eastern European group, was increased.

### **Revitalization of the United Nations in the economic, social and related fields**

The year 1996 saw a continuation of the ongoing process of restructuring and revitalization of the economic, social and related fields of the United Nations, which began in 1991 [YUN 1991, p. 749]. In a 1993 resolution [YUN 1993, p. 1118, GA res. 48/162], the General Assembly had called for further efforts in that regard. The results of a comprehensive review of that resolution, carried out from November 1995 onwards, were embodied in Assembly **resolution 50/227** adopted in May 1996 (see below). The Secretary-General welcomed the adoption of the resolution, stressing that it was the first to have emerged from a number of Assembly working groups examining a wide range of issues relating to the reform and renewal of the Organization. Member States, he noted, had reached agreement on measures that reconfirmed the validity of the United Nations role in operational activities for development, fostered greater harmonization of the work of

the Assembly's Second (Economic and Financial) and Third (Social, Humanitarian and Cultural) Committees, strengthened the Economic and Social Council's role, and further reinforced cooperation between the United Nations and the Bretton Woods institutions. The Secretary-General also stressed the significance of the initiative embodied in the resolution of launching a series of reviews to improve the effectiveness and efficiency of Council subsidiary bodies.

The Economic and Social Council, on 24 July, agreed to consider during its substantive session the question of the implementation of the Assembly resolution 50/277 in terms of its provisions pertaining to the Council and, by **resolution 1996/41** of 26 July, decided to consider as a matter of priority before the end of 1996, at its resumed substantive session, possible changes in and/or adjustments to its agenda with a view to ensuring that all issues included in resolution 50/227 would be examined by the Council. Taking up the question at its resumed substantive session, the Council, by **decision 1996/320** of 20 November, postponed consideration of implementation of resolution 50/227 until 1997.

#### **GENERAL ASSEMBLY ACTION (May)**

On 24 May, the General Assembly adopted **resolution 50/227**.

#### **Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields**

The General Assembly,

Reaffirming its resolutions 45/264 of 13 May 1991, 46/235 of 13 April 1992 and 48/162 of 20 December 1993,

Recalling its resolutions 57(I) of 11 December 1946, 304(IV) of 16 November 1949, 417(V) of 1 December 1950, 1240(XIII) of 14 October 1958, 1714(XVI) of 19 December 1961, 2029(XX) of 22 November 1965, 2211(XXI) of 17 December 1966, 2688(XXV) of 11 December 1970, 2813(XXVI) and 2815(XXVI) of 14 December 1971, 3019(XXVII) of 18 December 1972, 3404(XXX) of 28 November 1975, 31/170 of 21 December 1976, 34/104 of 14 December 1979 and 36/244 of 28 April 1982, and Economic and Social Council resolutions 1084(XXXIX) of 30 July 1965, 1763(LIV) of 18 May 1973 and 1986/7 of 21 May 1986, and other relevant resolutions,

1. Adopts the texts contained in the annexes to the present resolution;
2. Calls upon the relevant intergovernmental bodies to fully implement the measures for the restructuring and revitalization of the United Nations in the economic, social and related fields;
3. Requests the Secretary-General to implement the further measures for restructuring and revitalization of the United Nations in the economic, social and related fields falling within his responsibility, as set out in annex I to the present resolution;

4. Also requests the Secretary-General to report to the General Assembly at its fifty-second session, through the Economic and Social Council at its substantive session of 1997, on the implementation of the present resolution;

5. Invites the specialized agencies, organizations and other bodies of the United Nations system to implement the measures for restructuring within their respective areas of competence, as appropriate;

6. Decides to include in the provisional agenda of its fifty-first session the item entitled "Restructuring and revitalization of the United Nations in the economic, social and related fields".

#### ANNEX I

#### **Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields**

##### **I. Funding of Operational Activities for Development of the United Nations System**

1. There is a need for a substantial increase in resources for operational activities for development, on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, in accordance with resolutions 48/162 of 20 December 1993 and 50/120 of 20 December 1995.

2. Efforts to mobilize the political will should be intensified in order to achieve the objectives outlined in the present section regarding funding of operational activities for development.

3. There is an urgent need to strive for the fulfilment of the agreed target of 0.7 per cent of gross national product for official development assistance as soon as possible.

4. The fundamental characteristics of the operational activities of the United Nations system should be, *inter alia*, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the needs of developing countries in a flexible manner. The operational activities of the United Nations system should be carried out for the benefit of the developing countries, at the request of those countries and in accordance with their own policies and priorities for development.

5. There is a need for priority allocation of scarce grant resources to programmes and projects in low-income countries, in particular the least developed countries.

6. The United Nations development system should take into account the specific needs and requirements of the countries with economies in transition.

7. Developing countries are responsible for their development processes and operational activities for development are a joint responsibility of all countries. Partnership between developed and developing countries should be based on agreed mandates, principles and priorities of the United Nations system in the development field. All countries should demonstrate their commitment to the funds and programmes, and in this regard the importance of equitable burden sharing among developed countries is recognized.

8. Many donor and recipient countries have made sustained contributions to the operational activities for development in the spirit of partnership.

9. Within the context of the efforts to provide the operational activities of the United Nations system with resources, in particular core resources, on a pre-

dictable, continuous and assured basis, and taking into account that voluntary contributions from official sources should remain the main source for funding of those activities, all aspects of funding of United Nations operational activities, and options presented in the reports of the Secretary-General and other reports subsequently presented, which include the three funding mechanisms (voluntary, negotiated and assessed), as well as their expected impact, should be examined by the General Assembly and the Economic and Social Council in accordance with their respective mandates.

10. Overall policy issues regarding modalities of funding of operational activities for development should be considered by the General Assembly as the highest intergovernmental mechanism for the formulation and appraisal of policy matters relating to the economic, social and related fields, under the item on operational activities for development, in particular in the context of the triennial policy review, including the relationship between funding and programmes.

11. In order to fulfil its coordination role, and in accordance with the policies formulated by the General Assembly, the Economic and Social Council should consider, on an annual basis in the operational activities segment, the overall financial picture of the funds and programmes, including the availability of resources, the priorities and programmes agreed upon in the funds and programmes, the adopted targets and further guidance on priorities, and make recommendations thereon to the General Assembly and the funds and programmes.

12. The governing bodies of each programme and fund coordinated by the Economic and Social Council (United Nations Development Programme, United Nations Children's Fund, United Nations Population Fund and World Food Programme) shall adopt, in the context of their programme arrangements and financial plans, a specific and realistic target for core resources, based on the needs arising from their agreed programmes and priorities, as well as the specific mandates of each programme and fund. On this basis, and in accordance with relevant decisions taken by the General Assembly and the Economic and Social Council, the governing bodies of each programme and fund shall take decisions on their own funding arrangements. The importance of non-core resources as a mechanism to enhance the capacity of the United Nations development system and to supplement the means available for operational activities for development is also recognized.

13. The importance of continuing to improve ways in which Member States are kept informed of the impact of operational activities for development and of the financial picture of the programmes and funds coordinated by the Economic and Social Council should be stressed, as well as the relationship between programming requirements and available funding.

14. The recommendations and priorities set out in General Assembly resolution 50/120, regarding measures to improve the efficiency and effectiveness of the operational activities for development of the United Nations system, should be fully implemented, including, *inter alia*, programmes focused on meeting the specific needs of developing countries, giving priority allocation to developing countries, in particular the least developed countries and Africa, appropriate coopera-

tion among United Nations programmes, and keeping administrative costs to a level that allows effective programme delivery.

15. All organizations of the United Nations development system should focus their efforts at the field level on priority areas in accordance with the priorities identified by recipient countries and the mandates, mission statements and relevant decisions of their governing bodies in order to avoid duplication and enhance the complementarity and impact of their work.

16. By its fifty-second session, the General Assembly should review the above-mentioned funding modalities. A decision regarding the future of the United Nations Pledging Conference for Development Activities will be postponed pending the results of this review. In the event that this review is not completed by the end of the fifty-second session of the General Assembly, a decision on whether to effect changes in the scheduling of the Pledging Conference for the fifty-second session will then be made.

17. The Secretary-General is requested to prepare a report on new and innovative ideas for generating funds, to be considered by the General Assembly, on a priority basis, not later than at its fifty-first session, taking into account the discussions at the substantive session of 1996 of the Economic and Social Council, analysing various proposals that have been advanced on innovative funding sources and modalities for operational activities, including national, international and private sources, and setting forth his views on the advantages and disadvantages associated with each. Innovative funding sources could be an additional element for the provision of resources for operational activities for development.

## II. General Assembly

18. The General Assembly should exert greater policy leadership on development issues inasmuch as the Charter of the United Nations provides the Assembly with broad mandates concerning these issues. The General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with chapter IX of the Charter. It is the main forum where Governments pursue the development dialogue, which includes all these issues, in its political context. The purpose of the dialogue is to take an integrated view of matters relating to the economic, social and related fields in order to build and deepen the political understanding required for enhanced international development cooperation, to generate impulses for action and to launch initiatives.

19. The High-level Open-ended Working Group on the Strengthening of the United Nations System should be encouraged to consider, in the context of the debate on all the Main Committees of the General Assembly, promoting the use of innovative mechanisms, in accordance with the rules of procedure of the General Assembly, such as panel discussions with delegations and interactive debates, with the active participation of Secretariat and agency representatives, as well as outside experts.

20. The Secretary-General is requested to provide information on the total cost associated with the reports submitted annually to the General Assembly un-

der current mandates, so that the General Assembly may review and take appropriate action on them.

### A. Coherence of the work of the Second and Third Committees

21. There is a need to promote greater coherence and complementarity between the work of the Second and Third Committees. For this purpose the General Committee of the General Assembly should ensure better coordination of the agendas of the Second and Third Committees; the two bureaux should review their respective programmes of work in order to exchange information on the issues discussed in each, identify potential areas of overlap or duplication and examine means of considering in a more coordinated manner issues related to the follow-up of the major United Nations conferences, and make recommendations thereon to their respective Committees.

22. There is a need to consider possible measures to allow for the coordinated consideration of the report of the Economic and Social Council during the General Assembly session.

23. To the extent feasible, the discussions in the Second and Third Committees should not commence until after the end of the general debate in the plenary meetings of the General Assembly.

24. For issues of a procedural nature, decisions, instead of resolutions, should be used to the maximum extent possible. Resolutions should be shorter, in particular as regards preambular parts. The bureaux, in reviewing the respective agendas, could identify and recommend those individual items or clusters of related items that could be effectively considered in omnibus resolutions.

### B. Programme of work of the Second and Third Committees

25. The arrangements in the General Assembly and in the Economic and Social Council for considering the coordination of humanitarian assistance and special economic assistance to individual countries and regions should be reviewed during the fifty-first session of the General Assembly.

26. In order to ensure, whenever possible, a common approach and clear system-wide mandate for issues dealing with special economic assistance to individual countries, each resolution could contain, to the extent possible and as appropriate, a common preambular section, while specificity (individual needs) would be maintained within a number of operative paragraphs.

27. To facilitate discussions based on an integrated approach to development issues, the possibility of choosing a principal theme or themes should be explored to focus substantive debate under each "cluster" in the agenda without prejudice to the right of delegations to raise any other specific issue in the debates.

28. Consultations should be held at an early stage, in an organizational session of the Committee, before the start of its general debate, based on proposals from the bureau for decision, on clustering of the agenda, and, where possible, themes and focus for these clusters, taking into account the content of reports presented, as well as on items to be included for discussion or items for decisions and resolutions without formal debate.

29. The agenda of the Second Committee is set out in annex II. This is without prejudice to the current arrangements on the biennialization and triennialization of items, as decided by the General Assembly in resolution 48/162.

30. The agenda of the Third Committee is structured in accordance with General Assembly decision 50/465 of 22 December 1995 (see annex III).

### III. Documentation and related matters

31. The Secretariat and representatives of the specialized agencies are requested to provide executive briefings, as appropriate, on the matters to be covered under the items on the agenda, at least a week prior to the opening of the General Assembly. The Second Committee should, in accordance with resolution 48/162, look early in the session into all aspects related to the improvement of the working methods of the Committee.

32. There should be greater use of relevant background documents in the Second Committee such as the World Economic and Social Survey, the Trade and Development Report, the World Development Report and the World Economic Outlook; in the preparation of the first two reports, cooperation and coordination between the Department for Economic and Social Information and Policy Analysis and the secretariat of the United Nations Conference on Trade and Development should be enhanced to ensure more complementarity between the reports.

33. There should be continued improvement of other reports to make them more concise and action-oriented, by highlighting the critical areas requiring action by the General Assembly and, as appropriate, by making specific recommendations. All documentation should be provided within the specified timetables and page limits and in all official United Nations languages. Efforts should also continue to be made to have all documentation available in electronic form, in particular for distribution on the Internet, in a timely manner and within existing resources.

34. In order to rationalize and simplify reporting procedures, the Second and Third Committees shall, at the end of their sessions, while reviewing their draft programmes of work for the next sessions, consider procedural decisions regarding requests for reports, including where possible integrated reports on closely related items, as well as items to be inscribed on the agendas for the next sessions. This exercise shall be based on the lists of reports mandated from decisions taken by the present and previous sessions of the General Assembly, which are included in the draft programmes of work, as well as suggestions from the Secretary-General on reporting arrangements.

35. It is noted that the Economic and Social Council requested the Secretary-General to prepare proposals, for consideration by the Council in 1996 and by the General Assembly at its fifty-first session, on the simplification of existing reporting requirements, taking into account the reports that will be required for the follow-up to United Nations conferences.

### IV. Economic and Social Council

36. In accordance with the relevant provisions of the Charter of the United Nations, the Economic and Social Council must continue to strengthen its role as the central mechanism for coordination of the activi-

ties of the United Nations system and its specialized agencies and supervision of subsidiary bodies, in particular its functional commissions, in the economic, social and related fields. It should provide overall guidance and coordination to the United Nations development system. It must also promote a coordinated follow-up to the outcomes of major international conferences in the economic, social and related fields.

37. The Council should fully implement its authority to take final decisions on the activities of its subsidiary bodies and on other matters relating to its system-wide coordination and overall guidance functions in the economic, social and related fields, as appropriate.

38. The Council should continue to consider reports of intergovernmental and inter-agency bodies and mechanisms for coordination and recommend ways to enhance their interaction and complementarity of efforts.

39. In the follow-up to United Nations conferences, the Council shall ensure the harmonization and coordination of the agendas and work programmes of the functional commissions by promoting a clearer division of labour among them and providing clear policy guidance to them. To this end, better preparation of the meetings of the Council should be ensured. The Council could periodically organize meetings on specific issues to allow for more dialogue with the chairpersons and the secretariats, as appropriate, of the functional commissions, other subsidiary and related bodies and the relevant executive boards. If an effective and coordinated follow-up process suggests the need, then the consolidation of activities of subsidiary bodies may be considered, as appropriate. The aim of sustaining and strengthening the quality and impact of the output of these bodies must be assured.

40. The Council shall hold a shorter, focused substantive session for four weeks in July. Efforts shall be made, therefore, to improve preparedness of the session through the effective use of the organizational session of the Council and, as appropriate, open-ended informal consultations in order to conduct preliminary consultations among delegations on matters to be dealt with at the substantive session. This may involve, as appropriate, dialogues with the chairpersons and the secretariats, as appropriate, of the functional commissions, other subsidiary and related bodies and executive boards relevant to these issues, among others, in order to identify problems, avoid overlaps and fill gaps.

41. In accordance with the provision of the Charter and its rules of procedure, the Council may convene special sessions to address urgent developments in the economic, social and related fields that may require guidance and coordination by the Council.

42. In scheduling the above-mentioned sessions and consultations, the Council should take into consideration meetings of other bodies dealing with economic and social issues to avoid unnecessary overlapping and overburdening.

43. The Secretary-General is requested to prepare a study with a comprehensive assessment of the present arrangements for the Council's sessions.

44. The outcome of each segment of the Council should be strengthened and made more action-oriented. Resolutions, decisions and agreed conclusions should be implemented and followed up fully by



all relevant parts of the United Nations system. This process should be monitored by the Council and the General Assembly on a regular basis, as appropriate.

45. Panel discussions and interactive debates, with the participation of outside experts, non-governmental organizations and the business and academic communities, where appropriate, and in accordance with the rules of procedure of the Council, should be encouraged in parallel to the formal meetings of the Council, taking into account any relevant outcome of the Open-ended Working Group on the Review of Arrangements for Consultations with Non-Governmental Organizations that the Council adopts.

#### A. Preparation of the sessions of the Economic and Social Council

46. The organizational session of the Council should continue to be the appropriate framework for transparent discussion and approval of the agenda items of the substantive session, as well as of its annual basic programme of work, taking into account the rules of procedure of the Council and relevant General Assembly resolutions, in particular resolutions 45/264 of 13 May 1991 and 48/162.

47. The Bureau of the Council should convene open-ended informal consultations of the Council to improve organizational and procedural as well as substantive aspects of the Council's sessions, with a view to highlighting the issues and recommendations that require consideration and action by the Council. In order to have more focused and well-prepared substantive sessions of the Council, the Bureau should be encouraged to continue to exercise its role as facilitator.

48. The Bureau of the Council should meet on a regular basis and may consider issues such as recommendations on agenda items and subjects, the structure of meetings and lists of guest participants for panel discussions, and should be kept informed, where appropriate, and in the context of its organizational efforts, of the deliberations of relevant intergovernmental mechanisms outside the United Nations system. The Bureau shall brief the Council on its deliberations and shall not have the authority to make decisions on any substantive matters.

49. The Bureau should also assist the Council in identifying economic, social and related issues for discussion at its sessions, maintain contacts with the bureaux of the functional commissions and other subsidiary bodies, as well as with those of the specialized agencies and the executive boards of the funds and programmes, and thus allow for a better interaction between the Council and those bodies and contribute by assisting the Council to better fulfil its role.

50. The Bureau shall monitor the state of preparedness of documentation for the Council and take necessary measures to facilitate its timely issuance in all official languages.

51. Based on proposals by Member States, recommendations in the reports of the Secretary-General as well as in the reports of the Council's subsidiary bodies and the executive boards of the United Nations funds and programmes, the Bureau shall identify areas for possible action by the Council, with a view to improving the proceedings of the Council.

52. Members of the Bureau should be entrusted with safeguarding and passing on to the next session of the Council the working methods that have proved suc-

cessful and the overall experience acquired in implementing resolution 48/162 and the present resolution, taking into account the rules of procedure of the Council.

#### B. High-level segment

53. The theme for the general debate of the high-level segment shall be determined by the Economic and Social Council. In this connection, the President of the Council, following consultations with Member States and, through the Secretary-General, with members of the Administrative Committee on Coordination, should present a proposal for a topical theme for the following year at the annual substantive session of the Council. At such session, the Council shall undertake consultations on the theme for the high-level segment with a view to reaching a decision, if possible, during the substantive session, but not later than at a resumed session in the autumn following the annual session. In the event a matter of high urgency and priority subsequently emerges that would qualify as a theme for the high-level segment, the Council, at its organizational session, may, as appropriate, consider that theme as an additional topic for discussion at the high-level segment.

54. The Secretary General is requested to include in his report for this segment all relevant issues that could be discussed during the session, on the basis of the theme or themes chosen, making use of inputs from the various pertinent bodies of the United Nations system, including concrete recommendations on the matters under discussion.

55. In order to better focus the policy dialogue, the possibility of having joint reports, prepared by the secretariats of the United Nations, the United Nations Conference on Trade and Development, the Bretton Woods institutions and the World Trade Organization, should be explored.

56. The outcome of the high-level segment should normally be in the form of agreed conclusions and should be followed up by all relevant bodies and organizations of the United Nations system.

#### C. Coordination segment

57. The agreed conclusions of the Council concerning the selection of cross-cutting themes common to major international conferences and/or the contribution to an overall review of the implementation of the programme of action of a United Nations conference should be implemented. At the organizational session of the Council, consideration should be given to choosing a second theme dealing with concrete sectoral issues. The Council should develop a focused dialogue on the chosen theme or themes with the funds and programmes, the regional commissions and the relevant specialized agencies, including the Bretton Woods institutions, as well as the World Trade Organization, as appropriate.

58. The functions of the present joint meetings of the Administrative Committee on Coordination and the Committee for Programme and Coordination, which are hereby discontinued, should be assigned to this segment.

59. The implementation of the agreed conclusions of this segment should be followed up in the general segment of the following year.

#### D. Operational activities for development segment

60. The role of the Council in providing overall coordination and guidance for operational development programmes and funds on a system-wide basis should be reinforced, including objectives, priorities and strategies in the implementation of the policies formulated by the General Assembly, as well as concentrating on cross-cutting and coordination issues related to operational activities, including through a high-level meeting, in order to provide an opportunity for policy makers to engage in discussion on the broader issues for development cooperation.

61. Efforts should focus on improving the overall impact of operational activities of the United Nations system in development cooperation by, inter alia, implementing the set of measures agreed upon in this framework and ensuring a more coordinated implementation at the field level.

62. With a view to avoiding repetition of discussions, the governing boards should be requested to highlight in their respective reports to the Council the issues requiring examination and identify action to be taken.

63. National officials directly involved in the implementation of national development strategies in recipient countries, as well as field-level representatives of the United Nations system, should be encouraged to participate in this segment.

64. The debates with the heads of agencies should focus on concrete topics of common concern and, with the consent of the countries concerned, use should be made of national and regional case-studies. The annual discussion of policy for operational development programmes should be broadened, focusing on support for country-driven processes, so as to include the status of collaboration with other multilateral and bilateral donors, especially the Bretton Woods institutions.

65. Contributions to the preparations for the triennial policy review of operational activities conducted by the General Assembly should be continued.

#### E. General segment

66. The primary function of this segment as that of an action-oriented review of the activities, reports and recommendations of the Council's subsidiary bodies should be consolidated, avoiding a repetition of the debates held in those bodies and focusing attention on major policy issues that require a prioritized and coordinated response from the United Nations system as a whole.

67. The Council should regularly review the agenda of its general segment with a view to discontinuing consideration of items that are not relevant to the work of its subsidiary machinery or are duplicative of items on the agenda of the General Assembly, and distinguish more clearly between items on the agenda requiring decisions and those for information only.

68. The subsidiary bodies should be requested to include in their reports an executive summary, and the reports should be concise, identifying clearly their conclusions and recommendations and the issues that may require attention and/or action by the Council. The Secretariat should consolidate these issues in a single document for consideration and action.

69. Provision should be made for the integration and coordination of humanitarian and emergency assistance activities with medium- and long-term rehabilitation and development efforts and programmes.

#### V. Functional and regional commissions and expert groups

##### A. Functional commissions and expert groups

70. The Council shall undertake, taking into account recent decisions regarding the mandates, functions and composition of the Commissions on Population and Development, Social Development and the Status of Women, as well as the discussions during the special session of the General Assembly in 1997 on the future role of the Commission on Sustainable Development, including its relationship with the United Nations Environment Programme, a review of the mandates, composition, functions and working methods of its functional commissions and expert groups and bodies, ensuring more effective and coordinated discussions and outcomes of their work. In the case of functional commissions with the primary responsibility for the follow-up and review of the implementation of a major conference, the Council shall ensure the coordination of their multi-year programmes, in accordance with the agreed conclusions adopted by the Council at its substantive session of 1995 on the coordinated follow-up of the results of major international conferences. Such a review should be completed by the fifty-second session of the General Assembly.

71. The review should, as a matter of priority, consider the role, working methods and relationship with other bodies of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources.

72. The functions of the World Food Council shall be absorbed by the Food and Agriculture Organization of the United Nations and the World Food Programme, and consequently the World Food Council is discontinued.

73. The role and the working methods of the Committee for Programme and Coordination should be considered by the High-level Open-ended Working Group on the Strengthening of the United Nations System within the context of General Assembly decision 47/454 of 23 December 1992, with a view to finding ways of improving programme coordination functions throughout the United Nations system. In this context, consideration should be given, inter alia, to the roles and responsibilities of the Economic and Social Council and the Committee for Programme and Coordination with respect to coordination.

##### B. Regional commissions

74. The Council shall provide for the review of the regional commissions, with a view to strengthening and enhancing their effectiveness as action- and policy-oriented bodies in the economic and development fields with better response to the conditions and environments unique to the specific regions; improving their coordination with the entire United Nations system, including the specialized agencies, the Bretton Woods institutions and the regional development banks; strengthening their active participation relating to the implementation at the regional level of the re-

suits of major United Nations conferences; and shall encourage them also to undertake their own management and functional assessments towards these ends.

75. One of the major purposes of the above reviews should be to improve the effectiveness and efficiency of these bodies by eliminating unnecessary duplication or overlapping of work and by ensuring a better structural relationship among these bodies and with the Economic and Social Council.

#### VI. Governing bodies of the United Nations development programmes and funds

76. Efforts should continue to be made to reduce the proliferation and overlapping of formal and informal meetings of the same bodies throughout the year, to improve the setting of agendas and to delineate the subjects for allocation for consideration at their annual and regular sessions; where possible, the overlapping of such meetings with other meetings should be eliminated. In this context, the executive boards should, on a continuous basis, consider adjustments to their agendas, reporting procedures and format, as well as reviewing the number and scheduling of meetings and sessions, with a view to continuing the rationalization of the working methods of the boards.

77. While recognizing that governing bodies in the context of their specific mandates deal with policy issues that pertain to their own institutions, they should also describe in their reports how the overall policy guidance and coordination provided by the General Assembly and the Economic and Social Council have been implemented, as well as their specific recommendations for further action.

78. The effective participation of observer member States and observer States in the sessions of the executive boards should be facilitated. To this end, the executive boards should review their arrangements and working methods and, where applicable, their rules of procedure. Documentation of the executive boards should be made accessible to all member States of the funds and programmes.

#### VII. Inter-agency coordination

79. In the context of the discussions on an agenda for development, a close review shall be made of the relationship of the Economic and Social Council with the specialized agencies. The Council, in accordance with the Charter of the United Nations, shall provide overall guidance and coordination, identify points of duplication with funds and programmes, and make recommendations, as appropriate and necessary.

80. The Administrative Committee on Coordination should have an enhanced function for inter-agency coordination purposes for the United Nations system, and continue to meet for this purpose on a regular basis under the chairmanship of the Secretary-General, at the head-of-agency level, to review and advise on coordination matters; it should continue to report to the Council, and continue to make use of small task forces at the operational levels to develop joint inter-agency programmes, as appropriate.

81. The Administrative Committee on Coordination should present the thematic aspects of its report to the Council at its coordination segment and the remaining parts at the general segment; the members of the Administrative Committee on Coordination

should engage in an active dialogue with the Council on ways to improve inter-agency coordination.

82. The periodic meetings of all concerned senior secretariat officials in the economic and social sectors, under the authority of the Secretary-General, should continue to be used to improve coordination and performance; the outcomes of these meetings should be presented on a regular basis to the Economic and Social Council.

83. While recognizing the importance and the necessity of adapting the United Nations to new realities and challenges, it is also important that sufficient time be accorded to the implementation of reforms undertaken in order to provide necessary stability in the functioning of United Nations organs and bodies, hence allowing for the building of experiences for any future reforms.

#### VIII. Relationship between the United Nations and international finance and trade institutions

84. The issues relating to the strengthening of the relationship between the United Nations and the Bretton Woods institutions, and possibly also the World Trade Organization, shall be particularly considered in the context of the deliberations on an agenda for development, as foreseen in resolution 47/181 of 22 December 1992.

85. In general, there should be greater interaction and cooperation between the Bretton Woods institutions and other parts of the United Nations system and between their secretariats; a first practical step could be to request the Bretton Woods institutions to furnish special reports and studies to the Economic and Social Council and the General Assembly on issues falling within their competence, in accordance with article V of the Agreement between the United Nations and the International Bank for Reconstruction and Development.

86. There is a need for an early exploratory review to be prepared jointly by the United Nations and the Bretton Woods institutions to assess mechanisms, programmes and relationships at the field, headquarters and intergovernmental levels, with a view to identifying areas in which communication, cooperation and coordination could be improved. The review should produce a report and recommendations on how the respective institutions can improve their own efforts and effectively complement one another's efforts, particularly in the context of the priorities established by their respective member States, in relation to the implementation of the results of United Nations conferences, the collection and dissemination of data analyses and reports, the use of existing resources in the transition from emergency relief to rehabilitation and development, the provision of technical assistance operations in the field, intergovernmental and secretariat consultations, and policy dialogues.

87. The General Assembly and the respective governing bodies of the Bretton Woods institutions, based on the conclusions of the above review, should consider concrete areas and forms of collaboration in the field of development-related activities.

88. In order to improve communication and cooperation at the intergovernmental level between the Council and the international financial and trade institutions, to facilitate an exchange of views with regard

to global issues of high priority and relevance and to consider how the Economic and Social Council and the international financial and trade institutions could mutually support their respective efforts in promoting and coordinating programme activities within their purviews relating to these issues, the Council should schedule periodically a high-level special meeting at a time proximate to the semi-annual meetings of the Bretton Woods institutions with a view to benefiting, to the extent possible, from high-level ministerial participation and the participation of heads of financial and trade institutions and other relevant organizations. A theme and agenda for this Council meeting should be prepared collaboratively, sufficiently in advance to permit preparation and consultations, and the financial and trade institutions should be invited, as and when appropriate, to prepare reports and studies to enhance the discussions. In order to secure an effective outcome of such meetings, the Secretary-General is requested to consult the heads of the International Monetary Fund and the World Bank, in order to explore possibilities and practical modalities for such meetings and to inform the Council thereon.

#### IX. Secretariat

89. The present structure and functioning of the Secretariat, including the economic and social departments and the question of establishing a post of Deputy Secretary-General for International Cooperation and Development, shall be considered in the High-level Open-ended Working Group on the Strengthening of the United Nations System and in the Ad Hoc Open-ended Working Group on an Agenda for Development.

90. In the context of the High-level Open-ended Working Group on the Strengthening of the United Nations System, uniform and maximum terms of service for heads of programmes and funds and other Economic and Social Council and General Assembly bodies should be considered. In connection with the recruitment and appointment of staff, there is a need to implement the provisions of Article 101 of the Charter of the United Nations and relevant General Assembly resolutions.

#### ANNEX II

##### Agenda for the Second Committee

1. Report of the Economic and Social Council.
2. Macroeconomic policy questions:
  - (a) Trends in social and economic development;
  - (b) External debt crisis and development;
  - (c) Financing of development, including net transfer of resources between developing and developed countries;
  - (d) Trade and development;
  - (e) Commodities;
  - (f) Science and technology for development.
3. Sectoral policy questions:
  - (a) Industrial development cooperation;
  - (b) Development of the energy resources of developing countries;
  - (c) Food and sustainable agricultural development;
  - (d) Business and development.
4. Sustainable development and international economic cooperation:
  - (a) Implementation and follow-up to major consensus agreements on development:

- (i) Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of the Economic Growth and Development of the Developing Countries;
- (ii) Implementation of the International Development Strategy for the Fourth United Nations Development Decade;
  - (b) Agenda for development:
    - Renewal of the dialogue on strengthening international cooperation for development through partnership;
    - (c) Implementation of the Programme of Action for the Least Developed Countries for the 1990s;
    - (d) Integration of the economies in transition into the world economy;
    - (e) Population and development;
    - (f) International migration and development, including the convening of a United Nations conference on international migration and development;
    - (g) Human settlements;
    - (h) Eradication of poverty;
    - (i) Women in development;
    - (j) Human resources development.
  5. Environment and sustainable development:
    - (a) Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development;
    - (b) Desertification and drought, including implementation of the International Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa;
    - (c) Implementation of the Convention on Biological Diversity;
    - (d) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States;
    - (e) Protection of the global climate for present and future generations of mankind;
    - (f) International Decade for Natural Disaster Reduction.
  6. Operational activities for development:
    - (a) Triennial policy review of operational activities for development of the United Nations system;
    - (b) Economic and technical cooperation among developing countries.
  7. Training and research:
    - (a) United Nations Institute for Training and Research;
    - (b) United Nations University.

#### ANNEX III

##### Agenda for the Third Committee

1. The items allocated to the Third Committee for consideration during the fifty-first session of the General Assembly should be taken up in the following order:
  - Item 2. Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family.
  - Item 3. Crime prevention and criminal justice.
  - Item 4. International drug control.
  - Item 5. Advancement of women.
  - Item 6. Implementation of the outcome of the Fourth World Conference on Women.

- Item 7. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions.
- Item 8. Promotion and protection of the rights of children.
- Item 9. Programme of activities of the International Decade of the World's Indigenous People.
- Item 10. Elimination of racism and racial discrimination.
- Item 11. Right of peoples to self-determination.
- Item 12. Human rights questions:
  - (a) Implementation of human rights instruments;
  - (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;
  - (c) Human rights situations and reports of special rapporteurs and representatives;
  - (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;
  - (e) Report of the United Nations High Commissioner for Human Rights.
- Item 1. Report of the Economic and Social Council.
- 2. This arrangement may be reviewed at the organizational meeting of the Third Committee, in particular in the light of the status of documentation at that time.

**General Assembly resolution 50/227**

**24 May 1996      Meeting 119      Adopted without vote**

Draft by Venezuela (A/50/L.73); agenda item 23.

**ECONOMIC AND SOCIAL COUNCIL ACTION (July)**

The Economic and Social Council, on 26 July, adopted **resolution 1996/41**.

**Follow-up to General Assembly resolution 50/227:  
initiation of reviews**

The Economic and Social Council,

Recalling General Assembly resolutions 45/264 of 13 May 1991, 46/235 of 13 April 1992, 48/162 of 20 December 1993 and 50/227 of 24 May 1996, as well as Council agreed conclusions 1995/1 of 28 July 1995 and Council decision 1996/203 of 9 February 1996,

Reaffirming the role assigned to the Council in the implementation of General Assembly resolution 50/227,

Conscious of the specific call made by the General Assembly for relevant intergovernmental bodies to fully implement the measures contained in its resolution 50/227,

Noting that, according to paragraph 67 of annex I to resolution 50/227, the Council should regularly review the agenda of its general segment,

Noting also that, pursuant to paragraph 70 of annex I to resolution 50/227, the Council is to undertake a review of the mandates, composition, functions and working methods of its functional commissions and expert groups and bodies,

Recalling General Assembly resolution 50/113 of 20 December 1995, in which the Assembly mandated the special session of the Assembly, scheduled in June 1997, to review, inter alia, the future role of the Commission on Sustainable Development, including its relation-

ship with the United Nations Environment Programme,

Noting that, pursuant to paragraph 71 of annex I to resolution 50/227, the Council should consider, as a matter of priority, the role, working methods and relationship with other bodies of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources,

Taking into consideration that, in accordance with paragraphs 74 and 75 of annex I to resolution 50/227, the Council should provide for the review of the regional commissions with a view to strengthening and enhancing their effectiveness,

Noting that the globalization and interdependence that characterize the world economy have greatly increased the tasks of the regional commissions in their role of assisting their Member States to cope with opportunities and challenges as well as risks,

Noting also that the agreements and commitments adopted at the recent United Nations conferences have further compounded the tasks of the regional commissions in assisting Member States in implementing such agreements and commitments,

Noting with satisfaction the efforts undertaken by a number of regional commissions to initiate a significant reform process, including the setting of priorities based on a dialogue with their intergovernmental bodies,

1. Decides to consider as a matter of priority, at its resumed substantive session to be held before the end of 1996, the possible changes in and/or adjustments to its agenda with a view to ensuring that all issues included in resolution 50/227 will be examined by the Council;

**A. General segment**

2. Also decides to consider, also as a matter of priority, at the resumed substantive session, a review of the agenda of the Council's general segment in accordance with paragraph 67 of annex I to resolution 50/227;

**B. Functional commissions and expert groups and bodies**

3. Reaffirms that the review of the mandates, composition, functions and working methods of its functional commissions and expert groups and bodies should be completed by the fifty-second session of the General Assembly;

4. Requests the Secretary-General to prepare a comprehensive document compiling information on the mandates, composition, functions and working methods of the functional commissions and expert groups and bodies and to submit it to the Council not later than February 1997;

5. Decides to begin consideration during its substantive session of 1997 of the role, working methods and relationship with other bodies of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development, and the Committee on Natural Resources;

6. Requests the President of the Council to establish arrangements for informal open-ended consultations during the Council's substantive session of 1997 in or-

der to better prepare for further work of the Council on this issue;

7. Decides to include in the provisional agenda of its substantive session of 1997 an item entitled "Implementation of General Assembly resolution 50/227";

8. Also decides to further consider the review of the functional commissions and expert groups and bodies comprehensively during a resumed substantive session in the fall of 1997 and to take decisions at that time;

#### C. Regional commissions

9. Requests the regional commissions to continue undertaking their own reviews, as called for in resolution 50/227, and to report to the Council at its substantive session of 1997;

10. Reaffirms the need for the above-mentioned reviews and reform processes currently being undertaken by the regional commissions to be carried out, aiming at improving the effectiveness and efficiency of these bodies by eliminating unnecessary duplication or overlapping of work and by ensuring a better structural relationship among themselves and with the Council;

11. Decides that the Council will take a decision at its substantive session of 1997 concerning further action on how to achieve the objectives set out in paragraphs 74 and 75 of annex I to resolution 50/227, taking into account the above-mentioned reviews.

Economic and Social Council resolution 1996/41

26 July 1996 Meeting 52 Adopted without vote

Draft by Vice-President (E/1996/L.50), based on informal consultations on draft by Canada, Norway and Russian Federation (E/1996/L.21); agenda item 3 (b).

Meeting numbers. ESC 23, 31, 35, 47, 51, 52.

**Reports of Secretary-General (September/October).** Pursuant to the Council's July resolution, the Secretary-General in September provided [E/1996/97] updated information on the establishment, terms of reference, membership and composition, term of office of members, reporting procedure and frequency of meetings of subsidiary bodies of the Council and the Assembly in the economic, social and related fields.

In an October report [A/51/501], the Secretary-General provided information on developments since the adoption of Assembly **resolution 50/227**, especially steps taken by the Economic and Social Council to implement it, including **resolution 1996/41**. Dealing with other aspects of the Assembly resolution, the Council, also in July, adopted **resolution 1996/42** on progress in implementing Assembly resolution 50/120 [YUN 1995, p. 883] on the triennial policy review of operational activities for development of the UN system; **resolution 1996/43** on strengthening collaboration between the UN development system and the Bretton Woods institutions; and **resolution 1996/36** on follow-up to the major international UN conferences and summits (see below).

Another part of the report focused on the work of the Executive Boards of the United Nations Development Programme (UNDP)/United Na-

tions Population Fund (UNFPA) (see PART THREE, Chapters II and VIII) and the United Nations Children's Fund (UNICEF) (see PART THREE, Chapter XI), as well as on the activities of the Committee on Food Aid Policies and Programmes, which had been reconstituted as the Executive Board of the World Food Programme (WFP) (see PART THREE, Chapter XIII) on 1 January 1996.

In his concluding remarks, the Secretary-General reiterated a number of views he had shared with delegations when addressing the Economic and Social Council on 24 July. He stated that enhancing the effectiveness of the United Nations required further improvement in the coordination and focus of its development activities, and that it was essential that this effort be guided by clear priorities and strategies, identified by the Assembly with the Council's support and incorporating the outcome of recent major international conferences. Steps had to be taken to enhance the Assembly's ability to generate substantive solutions to specific policy problems and to further a comprehensive approach to development. A more focused general debate, but also a more thorough examination of a reduced number of themes by Assembly committees, would facilitate an integrated consideration of development issues. A necessary corollary to revitalizing the Assembly's role was to assess possibilities to increase the involvement of relevant non-State actors in its work. With such improvements, better use would be made of the Assembly as a forum to deal with major economic, social or other issues, which were now largely addressed by separately organized major international conferences.

In recognizing that the ongoing efforts to reform the Economic and Social Council had already produced significant improvements in its functioning, the Secretary-General emphasized that further efforts were required to increase the Council's capacity to monitor and coordinate the work of the UN system. He attached special importance to the Council's role in promoting a coordinated and integrated follow-up to major international conferences and was confident that the Council's work in 1996 would further enhance its responsibility to draw together in a coherent framework the results of all major UN conferences to ensure that they guided the activities of the UN system. Reference was made to the need for a better balance in the functioning, responsibilities and authority of the Security Council, the Assembly and the Economic and Social Council, as required by the Charter. With regard to the Economic and Social Council, two priority requirements for its revitalization were

emphasized: ministerial participation and increasing involvement of the new players on the global scene in the high-level segment; and further action to enable the Council to exercise an effective role of governance over all the operational funds and programmes of the Organization.

Assembly **resolution** 50/227 and Council discussions on the modalities for its implementation represented, in the Secretary-General's view, definite progress in those directions, and he trusted that progress would continue. A significant strengthening of the Council's role in both the policy and the operational areas was not only essential to provide the necessary underpinnings for efforts under way at the Secretariat level to enhance the coherence and improve the functioning and structure of the economic and social sectors of the Organization, but was also a crucial requirement for the strengthening of the system as a whole and for the ultimate success of the overall reform effort.

#### ECONOMIC AND SOCIAL COUNCIL ACTION (November)

At its resumed substantive session, the Economic and Social Council considered the question of implementation of General Assembly **resolution** 50/227. The Council had before it a background note by the Secretariat on implementation of the resolution and a Secretariat note containing an analysis of the agenda items of the Council and comparison with items considered by the Assembly's Second and Third Committees. On 20 November, the Council, by **decision** 1996/320, postponed consideration of the agenda item entitled "Implementation of General Assembly resolution 50/227: further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields" until its organizational session for 1997.

### Global conferences

**Reports of Secretary-General.** In his annual report on the work of the Organization [A/51/1], the Secretary-General stated that the centuries-old practice of convening international conferences was being transformed into a new mechanism for international cooperation. The new conferences were revolutionary in both form and focus and, while keeping costs to the minimum, they were producing concrete and far-reaching results.

The series of new global conferences—from New York in 1990 to Istanbul, Turkey, in 1996 (see PART THREE, Chapter VIII)—were democratic in form, bringing together, on a basis of equality, representatives of Governments from through-

out the world, often at the highest political level. At the same time, these meetings had brought together world leaders with representatives of women's groups, professional associations, local authorities and non-governmental organizations (NGOs) of all types, and of civil society, from academics and business people to trade unionists.

The conferences also had been democratic in focus, and were linked so as to foster global consensus on specific, interlocking global issues by considering their impact on the human person and human communities. A great many of his efforts, the Secretary-General said, had been devoted to ensuring that each conference—on children, the environment and development, human rights, the sustainable development of small island States, natural disaster reduction, population and development, social development, the advancement of women, international trade and development, and human settlements—would build on its predecessors and carry forward a common human thrust. They were producing cumulative results, offering all development actors—North and South, governmental and non-governmental, public and private—a pragmatic, cooperative and comprehensive approach to the key challenges faced by every nation and by all nations together.

For all development actors, the Secretary-General stated, the entire conference series had provided an opportunity to forge durable and productive partnerships in the face of new challenges. For the United Nations in particular, they had produced a comprehensive agenda, giving new direction to its work and to the reform and strengthening of its development machinery, which had been supported by new arrangements for inter-secretariat coordination, agreed to by the Administrative Committee on Coordination (ACC). The conferences had also helped promote the revitalization of the Economic and Social Council as the key intergovernmental body for coordination. As part of the reform and revitalization process, the intergovernmental structure of the United Nations Conference on Trade and Development (UNCTAD), its secretariat and work programme, had been streamlined and given sharper focus, and cooperation and coordination between the United Nations and the Bretton Woods institutions (see PART THREE, Chapter II) had been deepened further, as reflected in the United Nations System-wide Special Initiative for Africa (see PART THREE, Chapter III). A leaner, more focused and better coordinated UN development system was coming into being, according to the Secretary-General, oriented towards implementing programmes that reflected

a broad political consensus on development priorities.

In May, the Secretary-General submitted a report [E/1996/59] on the coordination of the policies and activities of the specialized agencies and other bodies of the UN system, specifically regarding the implementation of the Economic and Social Council's agreed conclusions 1995/1, approved by the Council at its substantive session of 1995 [YUN 1995, p. 1435], on coordinated follow-up by the UN system and implementation of the results of major international conferences organized by the United Nations in the economic, social and related fields. The Secretariat representative introducing the report to the Council said that progress had been made in establishing closer linkages between the work of the Council and that of its subsidiary bodies, such as the Commission for Social Development, the Commission on the Status of Women and the Commission on Sustainable Development. The Council decision to hold a debate on poverty (see PART THREE, Chapter I) also followed from the agreed conclusions. Substantial progress had been made by ACC, which had begun discussions on the United Nations Systems-wide Special Initiative on Africa (see PART THREE, Chapter III) and had established the Inter-Agency Committee on Women (see PART THREE, Chapter X). A large number of thematic inter-agency groups, set up to monitor work at the country level, were providing input to the Council. The report should be viewed as complementary to the Secretary-General's report [E/1996/61] on poverty eradication (see PART THREE, Chapter I) and the background paper on the implementation of General Assembly **resolution 50/227** (see above).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July, the Economic and Social Council adopted **resolution 1996/36**.

#### Follow-up to the major international United Nations conferences and summits, including the implementation of their respective programmes of action

The Economic and Social Council,

Recalling General Assembly resolution 45/264 of 13 May 1991, on restructuring and revitalization of the United Nations in the economic, social and related fields, and Assembly resolutions 46/235 of 13 April 1992, 48/162 of 20 December 1993 and 50/227 of 24 May 1996, on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields,

Recalling also its agreed conclusions 1995/1 of 28 July on coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields,

Recognizing the efforts made by the Secretary-General through the Administrative Committee on Co-

ordination for establishing coordinating inter-agency mechanisms in support of the follow-up of the major international conferences and summits, including the implementation of their respective programmes of action,

Taking note of the report of the Secretary-General entitled "Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system: implementation of the agreed conclusions on the theme of the 1995 coordination segment of the Council",

1. Decides that the Economic and Social Council shall continue to ensure, on a regular basis, the harmonization and coordination of the multi-year work programmes of relevant functional commissions by promoting a clear division of labour among them and providing clear policy guidance to them;

2. Invites the Administrative Committee on Coordination to take into consideration the decisions, resolutions and agreed conclusions of the Council and its functional commissions as the basis for inter-agency follow-up of the major United Nations conferences in the economic, social and related fields, including the selection of cross-cutting themes for its work;

3. Also invites the Administrative Committee on Coordination to present the reports on the work of its task forces on an enabling environment for economic and social development, basic social services for all and employment and sustainable livelihoods, as well as inter-agency committees on sustainable development and women and gender equality to the substantive session of 1997 of the Council and to identify policy and coordination issues to be addressed by the Council and the General Assembly;

4. Further invites the Administrative Committee on Coordination to consider specific areas to enhance system-wide coordination in the themes identified for the coordination segment of the Council and to bring system-wide coordination issues to the attention of the Council and to make recommendations thereon;

5. Calls upon all relevant organizations of the United Nations system to integrate the results of the major international conferences in the economic, social and related fields into their programmes of work and to contribute relevant information, analyses and assessments to the consolidated report of the Secretary-General in support of the Council's own thematic reviews;

6. Requests the Secretary-General, in accordance with agreed conclusions 1995/1, to present reports in a timely manner and in a concise format, clearly identifying the issues and outlining options for action and their implications in order to facilitate decision-making by the Council and its subsidiary bodies;

7. Reiterates the importance of the provisions on mobilization of resources contained in agreed conclusions 1995/1 for the effective implementation of the results of the major international conferences in the economic, social and related fields.

Economic and Social Council resolution 1996/36

26 July 1996 Meeting 51 Adopted without vote

Draft by Vice-President (E/1996/L.43), based on informal consultations on draft by Costa Rica, for Group of 77 and China (E/1996/L.39); agenda item 3 (b).

Meeting numbers. ESC 23, 31, 35, 47, 51.



## Organizational and managerial reform

A joint responsibility of the Secretary-General and Member States, organizational reform concerned the simplification of Secretariat structures and the rationalization of both the multiplicity of programmes and funds and their relationships with the Secretariat. The reorganization introduced by the Secretary-General soon after his taking office in 1992—involving a drastic reduction in high-level posts and a significant simplification in Secretariat structures—had been consolidated during the 1994-1995 programme budget biennium. That reorganization, in turn, made it possible to achieve zero growth for the 1996-1997 biennium and made way for a further phase of reform, involving not only the central Secretariat but also all the programmes and funds comprising the Organization.

Complementing the intergovernmental and organizational reform, managerial reform, primarily the responsibility of the Secretary-General, was well under way in 1996. Progress during the year, the Secretary-General stated in his report on the work of the Organization [A/51/1], had been significant in relation to each of the strategic areas of management: human resources, cost structure, and information and technology.

With respect to human resources, the system of accountability and responsibility was further consolidated. As an integral part of the system, the Code of Conduct of the International Civil Service was being strengthened and updated. A new work planning and appraisal system had been introduced at all duty stations and comprehensive management training had been instituted and had already been completed by over 300 senior managers. The number of women in posts subject to geographical distribution had reached the highest point in United Nations history, and recruitment costs had been reduced by 30 per cent.

As for cost management, the current approved budget represented a 10 per cent reduction in real terms, the Secretary-General noted, and included cost cuts mandated by the Assembly of \$154 million, beyond the \$98 million already indicated in his budget submission. That new budget reduced the total number of staff posts by 12 per cent, as compared to 10 years earlier. At the same time, the new Integrated Management Information System (IMIS) had enhanced the use of financial, human resource and procurement in-

formation, and had strengthened internal controls and accountability.

Progress in technology management had also been significant and had affected a wide range of Secretariat operations, from remote translation and text processing to high-speed electronic access to UN documents through the new optical disk system, which served to reduce by thousands the number of documents to be printed and distributed.

Cutting across those three areas, the Secretary-General said managerial reform had been accelerated by the work of the Efficiency Board, established in November 1995. With guidance from the Board and support from a working group of experts contributed by Member States, every Secretariat office had carried out efficiency reviews, involving some 400 projects to enhance management efficiency in the Secretariat. The results achieved to date had contributed to the savings mandated by the Assembly and to improvements in Secretariat services and operations, and also had served to identify a number of areas where further systemic efficiency changes were needed, which were currently being addressed by the Board.

**Report of Efficiency Board.** In September 1996, the seven-member Efficiency Board presented to the Secretary-General a progress report [Sales No. E.96.I.28] recording actions taken or under way and challenges ahead to enhance the efficiency and effectiveness of the management of the Secretariat. These steps, the Board noted, lay largely within the Secretary-General's authority, but required the active cooperation of member Governments and their representatives if they were to succeed. Genuine reform and renewal of the United Nations was inevitably a long-term, incremental and continuing process, the Board stressed; for that reason, it had kept very much in mind the long-term factors essential in maintaining the effectiveness of the Secretariat—and of the performance of the Organization—at the highest possible level.

Among the early results achieved in the effort to accelerate change in the management of the Secretariat, the Board reported that starting in February 1996, every department and office had carried out efficiency reviews and identified 400 projects to deliver both better service and better value to Member States; the Secretariat had already completed more than 20 per cent of projects, with the rest under way. Among other measures, the volume of documentation and publications printed in the Secretariat had been cut by 13 per cent since January, through tighter print runs and distribution patterns and the use of more advanced technological alternatives. A

new, easier-to-use UN Home Page was now on the Internet; by late autumn, it was to make more than 270,000 UN documents in all official languages electronically available in 157 countries and to the majority of missions to the United Nations in New York. Through a combination of efficiency measures and budget cuts, travel expenses were reduced by more than 25 per cent in the first six months of 1996, and the cost of administrative travel was also being cut. Multiple projects in offices from Bangkok, Thailand, to Santiago, Chile, were streamlining administrative processes, outsourcing routine services, expanding the use of information technology, improving cash management and taking other steps to reduce the cost of administration and enhance management.

The Board noted that incrementally many initiatives, although modest individually, were contributing to a major shift in how the Organization conducted its operations, raising awareness of the need for continued commitment to efficiency, and identifying additional opportunities for efficiency improvements and for necessary major systemic changes. Through enhanced efficiency, reduced staff levels and increased staff productivity, the Secretariat had identified the savings needed to finance the 1996-1997 budget of \$2.608 billion set by the General Assembly; in the same period, the Secretariat had achieved zero budget growth and reduced staff numbers by nearly 10 per cent, to the lowest level since the 1980s. By identifying specific savings and mitigating the impact of budget cuts on programme delivery, efficiency measures contributed to that budget situation.

Although there had been many calls for UN reform, the current efficiency effort included a number of elements not found in previous efforts; it focused on achieving early results rather than on making recommendations, and its success would hinge on the active participation and innovation of Secretariat managers and staff. Hundreds of efficiency projects were proposed by staff members, with each project to have a Secretariat Action Manager responsible for implementation. Member States were contributing to the effort with resources and expertise, based on their experience with the reform of public-sector institutions and working with the Secretariat to analyse problems and identify solutions. Ongoing financial constraints and the desire for enhanced performance meant that the search for efficiency would continue into the next biennium, the Board said. If the Organization was to be more results-oriented, more effective and efficient, with managers entrusted with greater re-

sponsibility and authority to fulfil the mandates given, significant changes would be required in its management systems and culture. As a next step, the partnership of Member States and Secretariat would work to complete the 400 current efficiency projects and to conduct a series of cross-cutting efficiency reviews of the Organization's management systems and administrative processes, such as human resources, publications and procurement.

The Board concluded that even under the current constraints, it was possible for effective managers to do a great deal, but even more could be accomplished. The successful first phase of the efficiency exercise left the Board confident that the Organization and its Members could meet the commitment made by the heads of State and Government at the fiftieth anniversary session of the United Nations to "give to the twenty-first century a United Nations equipped, financed and structured to serve effectively the peoples in whose name it was established".

### **Accountability, management improvement and oversight**

**Notes by Secretary-General.** On 5 June, the Secretary-General submitted his comments [A/50/503/Add.2] on a 1995 report of the Joint Inspection Unit (JIU) [YUN 1995, p. 1375] on accountability, management improvement and oversight in the UN system—a topic which, he said, was of particular interest at a time when he was pursuing a comprehensive management reform, with the aim of transforming the United Nations into a mission-driven, results-oriented Organization with heightened productivity, improved quality of services and enhanced cost-effectiveness.

Many ideas proposed by JIU for modernizing management practices and strengthening oversight dovetailed, the Secretary-General said, with measures he had taken to establish a transparent and cogent system of accountability and responsibility, which was being instituted as one step in the evolution of a new management culture and which spearheaded similar efforts currently being made by UN organizations. The managerial reform aimed to achieve an optimal decentralization of authority, along with defining clear responsibility for programme delivery and strengthening the accountability for effective management of financial and human resources.

Commenting on nine major JIU recommendations, the Secretary-General expressed doubts about the effectiveness of centralizing the functions of strategic planning, performance management, effective accountability and management improvement in a single organizational

unit, which would also be charged with addressing specific managerial techniques and contingencies (JIU recommendation 1). He stated that such excessive centralization could entail a confusion of strategic perspective with micromanagement issues, while depriving the lower levels of management of necessary initiative. The Secretary-General preferred using different organizational vehicles and relying on specialized expertise for pursuing strategic imperatives, advancing managerial reform in specific functional areas, and enacting changes in concrete technical activities and procedures. The Advisory Panel on Management and Finance, created in January 1994, had become a strategic centre in advising him on policy issues relating to the effectiveness and efficiency of the administrative and financial functioning of the United Nations, with a view to ensuring a coherent and unified management policy within the Organization. It was assisted by the Efficiency Board which, in collaboration with programme managers, focused on specific activities where efficiency and cost-effectiveness could be enhanced without affecting mandated programme deliveries. The Board also had the task of recommending to the Secretary-General, for his consideration and referral to Member States, those areas where mandated programmes returned questionable value to Member States.

In specific functional areas, the Secretary-General reported, the ongoing improvement of management and accountability was pursued through continuous interaction between senior management; that purpose was served by his Task Force on United Nations Operations, periodic meetings of programme managers in the economic and social fields convened by him, as well as "down-the-line" monthly meetings of senior administrative staff. In concrete technical areas, the problems of improvement in management and accountability were addressed by specialized working groups, whose task it was to introduce adjustments in procedures and techniques and to provide recommendations to the Efficiency Board on changes of a systemic nature. Such work was ongoing in the areas of procurement reform, contracting-out options in printing, documentation and other conference services, performance evaluation and human resource planning, elimination of duplication and overlap in programme delivery, deployment of advanced technology, and other areas.

The Secretary-General considered improvement of management and accountability in procurement to be one of the most important reform tasks. On the recommendations of the High-level Group of Experts on Procurement (see PART FIVE, Chapter IV), the Procurement and Trans-

portation Division had been restructured into a commodity-based system, sustained by a section providing centralized support and management, in line with modern management practice. The new structure not only concentrated expertise where it belonged, but also reduced layers of supervision and released personnel for actual procurement functions. The High-level Group of Experts continued to work directly with management and staff members of the Procurement and Transportation Division in order to bring about reforms expeditiously. One of the Group's current priorities was preparing draft policies and procedures concerning procurement for consideration by the Secretariat, expected to be finalized during 1996.

To help improve management and oversight in the Office of Conference Services, a network of focal points in various units and eight action teams responsible for specific improvement projects had been established; that network, monitored by an executive team including the Director of Conference Services, the two Division Directors, selected managers and a representative of the staff, had produced some valuable results, the Secretary-General noted.

The merits of increased reliance on contractual services for translation had been recognized and the share of contractual translation had risen to some 17 per cent in 1995; the financial appropriation for that purpose was increased by about 30 per cent in the programme budget for 1996-1997. At the same time, the Secretary-General noted, the market for qualified conference translators was limited and highly competitive, and quality considerations could not be dismissed on the basis of cost-effectiveness alone. Parliamentary documents had to be translated with short deadlines, while requiring extensive referencing work, and thus could not be sent for contractual translation.

In connection with the enhancement of management and accountability in the area of technical cooperation activities, measures were taken during 1994-1995 to improve liaison between requisitioning and procurement staff of the Department for Development Support and Management Services on the one hand and with technical and substantive staff on the other. Ongoing efforts were aimed at improving the flow of communications, eliminating bottlenecks and enhancing procurement planning through a working group on procedures, procurement seminars and the issuance of further guidelines related to the procurement process.

In the course of reform, the Department of Development Support and Management Services had sharpened its focus on the issues of measur-

ability, accountability, overview and feedback in the management of technical cooperation activities. The internal reform process included an ongoing critical review of the Department's internal capacities to ensure that skills and experience at hand could respond to evolving needs, and developing towards that end a broad-based, flexible and responsive cadre of substantive specialists. Prominent features of the reform of development assistance provided by the Department included greater priority given to the national execution of projects, emphasis on technical support services at the programme and project levels, and scaling down of administrative and operational support services to projects.

As to JIU recommendation 2 (on strengthening and consolidating internal audit, evaluation and inspection functions), the Secretary-General said it had been effectively implemented by the establishment of the Office of Internal Oversight Services (OIOS) (see below); he believed that improving coordination between the Board of Auditors, OIOS and JIU would enhance the efficiency of oversight.

The Secretary-General concurred with JIU recommendation 3 (on internal control systems and accountability), stating that measures for establishing financial liability of staff and consequential enforcement actions were being examined with a view to modifying existing provisions contained in the Financial Regulations and Rules and Staff Regulations and Rules. It was also intended to define clearly the types of violations that might entail financial liability, and specific regulations and rules were required to establish a complete system for administration of the proposed recovery action. A code of conduct was being prepared, establishing the fundamental duties and obligations of staff members and holding them accountable for full compliance.

With regard to recommendation 4 (on establishing a comprehensive information systems strategy for programming, management and decision-making), the Secretary-General said that he had pursued the recommended course of action since the beginning of the 1990s through the development and implementation of the Integrated Management Information System (IMIS) (see PART FIVE, Chapter IV). Another important component of his information systems strategy was implementation of the optical disk system for the storage of UN documents, which had achieved noticeable results, and other means of electronic production and transmission of documents, which had contributed to strengthening management, accountability and oversight.

The Secretary-General noted that the thrust of JIU recommendation 5—to strengthen management development and training—coincided with his own strategy. He stated that the JIU report did not properly reflect the actual situation regarding management training, as a comprehensive management development programme had been inaugurated and other training programmes—on procurement, project design and in connection with the implementation of IMIS—had been carried out. He concurred with recommendation 6—to encourage and support the recent management, accountability and oversight improvement efforts of the interagency bodies—adding that in his capacity as Chairman of ACC, he would continue to support those efforts system-wide. He supported recommendations 7 (on sharing information, findings and recommendations among external system-wide oversight bodies) and 8 (on a more assertive leadership role for the oversight governing bodies of UN organizations). He also concurred with the thrust of recommendation 9 (that each UN organization report annually to its primary oversight governing body on the issues of accountability, management improvement and oversight), subject to earlier comments regarding excessive centralization (see above), adding that the specific modalities and periodicity of such reporting were decided by the General Assembly.

Further specific comments in the report referred to "benchmarking", i.e., regularly reviewing work plans, workloads and work flows, as had been suggested by JIU. Those proposals, the Secretary-General said, were of direct relevance to the efforts currently under way in the Secretariat; a network action team in Conference Services had initiated the development of a methodology for benchmarking by unit and by sets of units, including cost as a performance indicator. With regard to the Inspectors' remark that the new Information Systems Coordination Committee (ISCC) and its task forces on strategic planning and information access and documentation seemed to have started slowly, the Secretary-General noted that standard interagency procedures had been followed in appointing the Professional staff for the Committee, whose Secretary was appointed and took office in May 1995. The strategic planning task force had completed its work on schedule and presented its report to the second meeting of ISCC in April 1995 and subsequently to ACC.

In October 1996, the Secretary-General transmitted to the Assembly the comments of ACC [A/51/522] on the JIU report.

**CPC consideration.** The Committee for Programme and Coordination (CPC) considered the

JIU report during its 1996 annual session, on 6 and 7 June [A/51/16, Part I]. It expressed appreciation for the report and endorsed recommendations 2 to 6, subject to certain reservations expressed. Some delegations expressed reservations on the other recommendations. The Committee regretted that the comments of the Secretary-General and of ACC were not available at the time it began consideration of the report.

#### GENERAL ASSEMBLY ACTION

By **decision** 50/503 of 17 September, the General Assembly took note of the 1994 report of the Secretary-General [YUN 1994, p. 1358] on jurisdictional and procedural mechanisms for the proper management of resources and funds of the United Nations and the related report [YUN 1994, p. 1358] of the Ad Hoc Intergovernmental Working Group of Experts established by the Assembly in 1993 [YUN 1993, p. 187, GA res. 48/218 A, sect. III]. It also took note of the Secretary-General's October 1994 note [YUN 1994, p. 1365] transmitting the views of the Board of Auditors on improving oversight functions, and his November 1994 report [YUN 1994, p. 1365] on the review of the efficiency of the administrative and financial functioning of the United Nations. The Assembly deferred consideration of those documents until its fifty-first session.

#### External oversight mechanisms

In November, the Secretary-General transmitted a note of JIU containing its updated and additional views on strengthening external oversight mechanisms [A/51/674], which supplemented its earlier views presented in 1994 [YUN 1994, p. 1365]. Reflecting the greatly increased concern of Member States about the need for effective oversight, the General Assembly stressed in **resolution** 50/233 of 7 June 1996 that the impact of JIU on the cost-effectiveness of activities within the UN system was a shared responsibility of the Member States, JIU and secretariats of the participating organizations. While the resolution specifically concerned JIU, the note stated, the general application of the concept of shared responsibility clearly would apply to the impact or effectiveness of external oversight mechanisms as a whole, and was not restricted only to the Unit. JIU believed that the Assembly's assertion in **resolution** 50/233, in connection with other developments since 1994, set the proper context for a renewed consideration of requirements for strengthening external oversight mechanisms.

Within the context of shared responsibility for the impact or effectiveness of those mechanisms, Member States—the intended beneficiaries of UN activities and programmes—clearly played an

essential leading role. Determining whether those activities and programmes were conducted as efficiently and effectively as possible to meet the interests of Member States was the ultimate reason for having external oversight mechanisms. For meaningful, effective and strong external oversight, legislative organs needed to provide leadership, guidance and targeting on issues of particular concern to Member States, JIU stated. It was of paramount importance that Member States give a clear message to the secretariats of participating organizations that the external oversight mechanisms enjoyed their strong support, as well as that those mechanisms be assured operational independence from the secretariats. In order for external oversight units to exercise the role expected of them, Member States had to provide the appropriate resource requirements in view of their mandate and scope of activities. Individual Member States that proposed Inspectors to JIU and the Assembly, which selected them, needed to ensure that they met the necessary qualifications. Also, the independence of JIU staff assisting the Inspectors should be secured.

Indispensable to strengthening the effectiveness and impact of JIU was the unreserved cooperation of the secretariats of participating organizations in the formulation of its work programme, the preparation of its reports and their presentation to legislative organs, as well as in the implementation of JIU recommendations. Improved coordination within the secretariats of the individual organizations, as well as within ACC, would help to further assure the relevance of its work programme to the priorities of the common system, JIU believed.

While calling for leadership and support from Member States and cooperation from the secretariats of participating organizations, the Inspectors stated that they were fully aware that such support needed to be earned through the relevance of their work and the contributions their reports made to improving the management effectiveness and efficiency of the UN system. JIU had taken measures towards that end and continued to seek further improvements; it said that it would like to continue to work with Member States and the secretariats to make further improvements in the process of selecting subjects for its work programme. The Unit had revised and updated its internal standards and guidelines in order to ensure that inspections, evaluations and investigations were conducted as effectively as possible.

In order to avoid duplication, JIU endeavoured to coordinate its work programme with other external and internal oversight bodies; it believed

that more attention and effort should be devoted to developing practical cooperation, coordination and mutual support. As called for by the Assembly in 1993 [GA res. 48/221], the Unit sought to maintain close cooperation with CPC, the International Civil Service Commission (ICSC), the Advisory Committee on Administrative and Budgetary Questions (ACABQ), the Board of Auditors, the Panel of External Auditors and UN organizations and bodies in order to ensure greater and more cost-effective coordination of their activities for the promotion of management efficiency, greater accountability and transparency. JIU felt that cooperation among external oversight bodies should be defined more precisely and that those bodies should undertake complementary projects and consider implementing larger, more complex projects with shared responsibilities. What was needed, JIU said, was to move from the current approach, stressing and protecting each oversight body's independence and separate mandate, to a culture of positive cooperation.

JIU concluded that the "added-value" of its recommendations, and those of other oversight mechanisms, could be measured only through their implementation, which depended on their approval by the legislative organs and actual implementation by the secretariats. It reiterated that fragmented, unclear and weak provisions for compliance with and follow-up on approved recommendations were a general weakness of oversight mechanisms, a matter which JIU believed required urgent attention. The Unit looked forward to working together with Member States and secretariats of the participating organizations on that urgent matter and other measures to increase further the impact of oversight mechanisms on the cost-effectiveness of UN activities.

#### JIU activities

The Joint Inspection Unit, in its twenty-eighth annual report to the General Assembly [A/51/34], gave an overview of its activities from 1 July 1995 to 30 June 1996. During that period, it had issued 10 reports on the following topics: management in the United Nations [A/50/507]; the advancement of women through and in the programmes of the UN system [A/50/509]; the relationship between humanitarian assistance and peacekeeping operations [A/50/572]; the military component of UN peacekeeping operations [A/50/576]; the involvement of the UN system in providing and coordinating humanitarian assistance [A/50/687]; travel in the United Nations: issues of efficiency and cost savings [A/50/692]; UN system support for science and technology in Asia and the Pacific [A/50/721]; strengthening the UN system capacity for conflict prevention [A/50/853];

evaluation of the United Nations New Agenda for Development in Africa in the 1990s: towards a more operational approach [A/50/885]; and United Nations Conference on Trade and Development: review of institutional and programme issues [A/51/152]. During the second half of 1996, six JIU reports were issued: a feasibility study on the relocation of the United Nations Institute for Training and Research to the Turin Centre [A/51/642]; Part II of a report on the inspection of the application of United Nations recruitment, placement and promotion policies [A/51/656]; a report on common services at UN Headquarters [A/51/686]; a comparison of methods of calculating equitable geographical distribution within the UN common system [A/51/705]; a report on the coordination of policy and programming frameworks for more effective development cooperation [A/51/636-E/1996/104]; and a review of financial resources allocated by the UN system to activities of NGOs [A/51/655-E/1996/105].

The work programme of the Unit for 1996-1997, the indicative list of potential items for 1997-1998 and beyond and the internal roster of subjects suggested to the Unit for consideration were transmitted to the Assembly by an October note [A/51/559] of the Secretary-General.

JIU continued to strive towards improving its performance, effectiveness and efficiency, developing a revised set of internal standards and procedures, as requested by the General Assembly in **resolution 50/233**, adopted in June (see below). Those standards and procedures were attached to its annual report, to allow Member States, other expert bodies and secretariats of participating organizations to gain a better understanding of how JIU fulfilled its mandate; they were to be supplemented by more detailed working procedures intended to help the Unit improve its internal functioning and increase the quality of its work. JIU was also developing an internal technological information system, a key element of which—the information and documentation centre—was expected to be formally and functionally established by the end of 1996; once in place, the centre was expected to increase the research capacity of JIU.

The Unit made further efforts in 1996 to strengthen its cooperation and coordination with both the legislative bodies and secretariats of participating organizations. New procedures and techniques of questionnaire preparation and data collection were being developed to facilitate the provision of information by secretariats.

The Unit continued its good working relations and practical cooperation with external oversight bodies, and participated in twenty-seven meetings of representatives of internal audit services

of UN organizations and multilateral financial institutions. Its working relations with OIOS were further strengthened, and OIOS was active in making suggestions on issues to be included in the JIU programme of work; together, they were formulating a procedure to facilitate, as requested in Assembly resolution 48/218 B [YUN 1994, p. 1362] on the establishment of OIOS, the Office's determination of compliance with approved recommendations emanating from external oversight bodies, including JIU.

Having developed over the years relations with bodies outside the UN system, including governmental institutions, regional organizations, NGOs and research institutions, the Unit was taking steps to increase and develop further relations with specialized institutions, such as the International Organization of Supreme Audit Institutions.

With regard to implementation of its recommendations, JIU compiled specific information on delays for submitting comments on individual reports, as part of a follow-up system aimed at tracking actions taken on its reports and approved recommendations.

#### GENERAL ASSEMBLY ACTION

The General Assembly, on 7 June, adopted **resolution 50/233**.

#### Joint Inspection Unit

The General Assembly,

Reaffirming its previous relevant resolutions on the Joint Inspection Unit, in particular resolution 48/221 of 23 December 1993, and on the review of the efficiency of the administrative and financial functioning of the United Nations,

Reaffirming also paragraph 6 of section II of its resolution 48/218 A of 23 December 1993,

Having considered the annual reports of the Unit for the periods from 1 July 1993 to 30 June 1994 and 1 July 1994 to 30 June 1995, and its related work programmes, as well as the reports of the Secretary-General on the implementation of the recommendations of the Unit,

Reaffirming the statute of the Unit, the only independent system-wide inspection, evaluation and investigation body,

Stressing that the impact of the Unit on the cost-effectiveness of activities within the United Nations system is a shared responsibility of the Member States, the Unit and the secretariats of the participating organizations,

Noting with concern that some reports of the Unit have dealt with political matters,

1. Takes note with appreciation of the annual reports of the Joint Inspection Unit on its activities during the periods from 1 July 1993 to 30 June 1994 and 1 July 1994 to 30 June 1995, of its work programmes for 1994, 1995 and 1995-1996 and of the reports of the Secretary-General on the implementation of the recommendations of the Unit;

2. Endorses the observations and recommendations on the operation of the Unit contained in the annual report of the Unit for the period from 1 July 1994 to 30 June 1995, subject to the provisions of the present resolution, without prejudice to its consideration of the thematic reports of the Unit;

3. Decides to consider the appropriate periodicity of the Unit agenda item in the context of the review called for in its decision 47/454 of 23 December 1992;

4. Requests the Secretary-General, and invites the executive heads of organizations participating in the Unit, to take the necessary measures to ensure that the thematic reports of the Unit are listed under the appropriate substantive agenda items of the work programmes of the General Assembly, other pertinent organs and bodies of the United Nations and the appropriate legislative organs of the other participating organizations;

5. Takes note of the thematic reports of the Unit submitted to it for action, and decides to continue their consideration, where appropriate, under the relevant agenda items;

6. Requests the Unit to seek a more reader-friendly and uniform format of reports, taking into account new publishing technologies, which would include sections containing the objectives of the report, an executive summary, the conclusions drawn and, as appropriate, the action required to be taken by the organizations, in order to make reports as concise as possible and to comply with the existing page limit of thirty-two pages;

7. Also requests the Unit to report to it at its fifty-first session on measures taken to develop a set of internal standards and guidelines for inspection, evaluation and investigation;

8. Invites the legislative organs of other participating organizations to take concrete action on the recommendations of the Unit;

9. Reminds the Unit of its functions and powers as set out in chapter III of its statute, in particular article 5, paragraphs 1 to 3 and 5, and article 7, and requests the Unit to prepare its programme of work accordingly, bearing in mind the interests of participating organizations and the paramount need to ensure efficiency of services and proper use of funds;

10. Invites the Unit to continue to take full advantage of its system-wide competence in undertaking comparative analysis of trends and problems faced by various organizations and to propose harmonized, practical and concrete solutions;

11. Requests the executive heads of participating organizations to comply fully with the statutory reporting procedures for the consideration of the reports of the Unit, and requests the Unit to report to the competent legislative organs on compliance by the secretariats concerned;

12. Requests the Unit to continue to focus its reports on important priority items, identifying concrete managerial, administrative and programming questions aimed at providing the General Assembly and other legislative organs of participating organizations with practical and action-oriented recommendations on precisely defined issues;

13. Also requests the Unit to issue its reports well in advance of meetings of the legislative organs of partici-

pating organizations so that the reports can be thoroughly and effectively utilized by these organs;

14. Requests the Secretary-General and the other executive heads of participating organizations to assist the Unit fully, with timely provision of all information requested by it;

15. Decides to consider the issue of the mobility of the staff of the Unit in the context of the review called for in its decision 47/454;

16. Encourages the Unit to continue to take the necessary steps to achieve a punctual and systematic follow-up of its recommendations as approved by the legislative organs of participating organizations;

17. Urges Member States to pay special attention to the importance of the selection of qualified inspectors.

General Assembly resolution 50/233

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/971) without vote, 31 May (meeting 64); draft by Chairman (A/C.5/50/L.64), based on informal consultations; agenda item 118.

Meeting numbers. GA 50th session: 5th Committee 32, 36, 37, 64; plenary 120.

## Internal oversight

### Office of Internal Oversight Services

The Office of Internal Oversight Services (OIOS) was established by General Assembly resolution 48/218 B in 1994 [YUN 1994, p. 1362] with the intention of enhancing oversight functions within the UN system, in view of the increased importance, cost and complexity of the Organization's activities, through intensified evaluation, audit, inspection, investigation and compliance monitoring. Under the new concept, programme managers were required to implement OIOS recommendations fully and to report quarterly on the status of implementation. OIOS, for its part, closely monitored implementation and reported regularly to the Secretary-General.

Draft guidelines for OIOS activities—covering institutional arrangements for oversight, minimum common standards of departmental oversight, and training and other services to be provided by the Office—were annexed to a March report [A/51/88] of OIOS, which reviewed the role of in-depth and self-evaluations in various departments and offices, and recommended a strengthening of programme oversight, especially of the link between programme performance monitoring and self-evaluation systems. In a note transmitting the report to the Assembly, the Secretary-General expressed concurrence with the OIOS approach and said he had asked the Office and the Department of Administration and Management to discuss ways to strengthen the linkages between evaluation on the one hand and the programme planning and budgetary process on the other.

### OIOS activities

**Report of Secretary-General.** In September 1996, the Secretary-General transmitted to the General Assembly the second annual report of OIOS [A/51/432], covering its activities for the period from 1 July 1995 to 30 June 1996. He underlined that the strengthening of the monitoring, internal audit, inspection and evaluation, and investigation functions, as provided for in the 1994 resolution establishing the Office, was an important and integral part of his management plan, and was all the more essential at a time of major resource constraints.

In the exercise of those functions, the Secretary-General said, OIOS was increasingly making a distinct contribution to the overall management and organizational reform effort, coordinated by the Department of Administration and Management. Continuing close collaboration between the Office and the Department was therefore important to maximize the coherence and impact of that effort and to avoid duplication in demands for reporting by senior programme managers. The Office's ongoing efforts to coordinate its programme with other oversight bodies, including the Board of External Auditors and JIU, would be helpful in ensuring the full cooperation and contribution of all programme managers.

During the reporting period, OIOS had taken a number of steps, both internally and client-related, to promote the idea that the benefit of oversight was not in the recommendations made but in their effective implementation. Furthermore, measures had been taken to enhance the monitoring mechanisms within departments and offices, and to facilitate and institutionalize reporting procedures.

To increase management's capacity to follow up on OIOS recommendations, the Under-Secretary-General for Internal Oversight Services suggested to the Secretary-General that he advise heads of departments and offices to designate a reference person, reporting directly to the head, to assist in coordinating oversight-related activities. In particular, that person was to monitor implementation of agreed recommendations, facilitate and coordinate the flow of oversight-related information within departments, prepare quarterly compliance reports to OIOS and maintain liaison with the Office. The Secretary-General immediately instructed departments to designate reference persons.

OIOS also took steps internally to refine and rationalize its monitoring machinery. Among them was the introduction of a recommendation code as at 1 January 1996 to facilitate reference to individual recommendations.



Since the introduction of systematic monitoring by OIOS, some 4,000 audit recommendations had been issued; of those, almost two thirds (62 per cent) had been fully implemented, while the remaining third was in the process of being implemented. Eighty-four per cent of all recommendations during the first six-month period had been implemented by 30 June 1996. A qualitative analysis of recommendations implemented or outstanding basically confirmed the positive overall picture; the Office continued to focus its efforts on further improving that trend, communicating the message to management that swift implementation of its recommendations was critical.

The first (1995) annual report of OIOS [A/50/459; see YUN 1995, p. 1374] had identified three priority areas for oversight: peacekeeping, humanitarian and related activities, and procurement. During the reporting period covered by the second report, the problem of establishing new bodies was also treated as a priority matter. The report gave an overview of OIOS activities in those priority areas and responses to its recommendations. Among them were an in-depth evaluation of peacekeeping operations, a report [E/AC.51/1996/3] on which was presented to the Committee for Programme and Coordination in May, containing findings and recommendations on translating the lessons of experience into practice; audit coverage of 17 peacekeeping operations; audit of the administration and headquarters operations, as well as of country programmes of the Office of the United Nations High Commissioner for Refugees (UNHCR); and an inspection review of the management and administrative practices of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). An in-depth evaluation of the Department of Humanitarian Affairs (DHA) was begun by OIOS, for review by CPC in 1997.

As part of its monitoring function, OIOS prepared the Secretary-General's report [A/51/128 & Add.1] on the programme performance of the United Nations for the 1994-1995 biennium (see PART FIVE, Chapter II). As follow-up to a 1995 report [YUN 1995, p. 1457] of the High-level Group of Experts on Procurement, OIOS conducted an audit of procurement management; it also audited procurement for technical cooperation projects in UNHCR and at the United Nations Office at Geneva. It provided advisory services in several procurement cases and offered recommendations concerning the management of substantial commercial contracts for the provision of services and goods to peacekeeping operations.

The Office audited management of the administration of cargo insurance and third-party liability motor vehicle insurance, and reviewed the Organization's shipping and freight forwarding activities. Audits were ongoing of outsourcing practices and of the management of the catering facilities at Headquarters.

Special audit attention was given to newly established bodies in order to identify problems and weaknesses at the earliest possible stage and permit immediate remedial action. OIOS conducted a comprehensive audit of the International Tribunal for the Former Yugoslavia, a first review of the administrative aspects of the International Tribunal for Rwanda, and an assessment of the administrative set-up of the Office of the United Nations Special Coordinator in the Occupied Territories.

During the reporting period, the Office's Audit and Management Consulting Division identified \$ 12 million in potential recoveries and savings, almost \$9 million of which were realized from actions recommended by the Division. The 131 audit assignments opened between 1 July 1995 and 30 June 1996 resulted in 260 audit communications containing 2,105 recommendations on compliance with rules, regulations and policies; economic and efficient use of resources; protection of assets; adequacy of internal controls; and achievement of objectives.

The OIOS Investigations Section received 205 complaints during the reporting period, ranging from matters affecting only a few staff members to those which affected the Organization's policies. Of total complaints, 107 were in the Americas, 50 in Europe, 36 in Africa, 9 in Asia and 3 in the Middle East. The Section issued 13 reports and 46 communications and sent 37 referrals to appropriate UN administrators.

By an October note [A/51/530], the Secretary-General transmitted to the General Assembly the comments of JIU on 11 final OIOS reports.

#### GENERAL ASSEMBLY ACTION

Following consideration of the first annual report of OIOS and other reports pertaining to specific items dealt with by the Office in 1995, as well as an April 1996 report [A/50/945] on a 1995 audit of procurement, the General Assembly, on 7 June, adopted **resolution 50/239**.

#### Activities of the Office of Internal Oversight Services

The General Assembly,

Recalling its resolution 48/218 B of 29 July 1994, in which it decided to establish an Office of Internal Oversight Services under the authority of the Secretary-General,

1. Takes note with appreciation of the annual report of the Secretary-General on the activities of the Office of Internal Oversight Services, and notes the views expressed by Member States;

2. Takes note of the reports of the Office of Internal Oversight Services, and decides to consider them under the relevant item of the agenda;

3. Requests the Secretary-General to entrust the Office of Internal Oversight Services, in line with General Assembly resolution 48/218 B, with the maintenance of close cooperation with the Joint Inspection Unit and the Board of Auditors, so that the comments of those two bodies on the reports of the Office, and the comments of the Secretary-General thereon, may be considered, as appropriate, by the Assembly, together with the reports of the Office;

4. Reaffirms that procedures for recruitment and promotion applied to personnel of the Office of Internal Oversight Services should be consistent with those applied to the Secretariat.

General Assembly resolution 50/239

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/973) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.45), based on informal consultations; agenda item 149.

Meeting numbers. GA 50th session: Fifth Committee 29, 31, 64; plenary 120.

On 18 December, by **decision 51/458 A**, the Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee, decided to continue consideration of the second annual report on OIOS activities during its resumed session. By the same decision, the Assembly reaffirmed its decision in resolution 50/239 that the Office's reports should be considered under the relevant agenda items.

## Innovative funding mechanisms

By a letter of 6 February [E/1996/14], Australia requested the inclusion of an additional item on innovative funding mechanisms, for consideration in the general segment, on the provisional agenda of the substantive session of the Economic and Social Council (see PART FIVE, Chapter IV). In its explanatory memorandum, Australia said that recent major UN conferences in the economic, social and related fields had agreed that innovative funding, including new ways of generating public and private financing resources, should be explored. Following a recommendation by the 1995 World Summit for Social Development [YUN 1995, p. 1113], the General Assembly, in 1995 resolution 50/161 [YUN 1995, p. 1122], requested the Economic and Social Council to consider new and innovative ideas for generating funds and to offer for that purpose any useful

suggestions. Australia proposed that the Council should have a preliminary exchange of views on all aspects related to innovative funding mechanisms, including modalities for further consideration of the subject. In proposing the item, Australia said it was conscious of the importance of securing sufficient and reliable sources of funding to address globally agreed priorities.

Taking note of the letter, the Council, by **decision 1996/210** of 9 February, included the item "New and innovative ideas for generating funds" in the provisional agenda of its 1996 substantive session. On 11 and 26 July, the Council considered the question; it had before it a conference room paper prepared by the Secretariat, which gave an overview of reports on the topic by the Secretary-General on the issue, as well as reports and studies prepared by non-UN institutions or individuals in their private capacity.

**Reports of Secretary-General.** The conference room paper summarized two reports of the Secretary-General, issued in 1994 [YUN 1994, p. 1268] and 1995 [A/49/834], on funding operational activities for development within the UN system. The first report covered major funding mechanisms, including pledging conferences, assessing contributions, replenishment systems, negotiated pledges and mixed funding mechanisms. It contained a comparative analysis of advantages of various funding mechanisms and proposed two steps: the first, to agree on a system of relatively firm, three-year resource targets, with Member States indicating their intentions on resources within such a time frame; the second, to deal with losses as a result of exchange-rate fluctuations, perhaps by making contributions in special drawing rights (SDR).

The 1995 report addressed assessment of funding options and possible alternative funding modalities. Among the alternatives was one based on a continuation of voluntary contributions as the primary funding modality; another was based on negotiated contributions, with a formula to be developed by Member States; still others would have added elements of assessment. For some options, particularly negotiated pledges, the following elements were important: a projection of collective and global resource requirements, presented by organizations to their respective governing bodies, based on approved and planned programmes and taking into account the needs of developing countries, their absorptive capacity, themes and programmes of action agreed on at world conferences and other forums, and the organization's ability to deliver the proposed programmes; and Member States' agreement to the programmes, including the assured provision of resources covering the plan-

ning period. Once approved, programmes would be guaranteed and Member States would have to provide resources to meet programme needs.

The report suggested that possible changes to the existing system, as well as a new system based on negotiated pledges, might be explored further. It put forward a series of possible changes to the existing system, among them the following: (a) Based on the multi-year programmes agreed upon by Member States, organizations would produce annual projections indicating the level of pledges needed each year to support the approved programme. A rolling three-year programming cycle was considered by the Executive Board of the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA) and later implemented. (b) Member States would be asked to provide firm pledges for which the use of relatively firm multi-year targets, establishing minimum levels of pledges, would be beneficial. Governments should be in a position to indicate multi-year pledges based on those targets and timeframes or to agree that their first-year pledges would be maintained at the same level for the second and third years. (c) If the level of resources subsequently made available to an organization were insufficient to meet the requirements of approved programmes, the shortfall should be reviewed at meetings of governing bodies and practical steps should be identified to meet the programme levels, including through non-core and supplementary funding.

Once the programmes for the specified period were approved, said the report, distribution of programme costs could be agreed by Member States on the basis of a formula determined by them. Firm multi-year commitments could be entered into by each country.

**Other proposals.** Proposals for alternative funding for the United Nations were also advanced by non-UN institutions or individuals, based on the proposition that the current funding system did not provide sufficient volume, predictability, stability and fair burden-sharing. Among others, the Nordic countries suggested a revised funding system including assessed contributions, based on Member States' capacity to pay; they proposed that assessed contributions constitute 10 per cent of total funding for the administrative budget, while negotiated pledges (similar to the replenishment process of international financial institutions, with burden-sharing defined within the context of specific objectives) would make up 60 per cent of programme resources and voluntary contributions from Member States about 30 per cent.

Other proposals included consolidation of trust funds provided by Governments for specific projects into a single "super" trust fund, the operation of which would be under the Secretary-General's authority. It was suggested that the integration of non-governmental and private-sector organizations into select UN activities might also lead to mobilization of resources in relevant sectors, as was the case with the International Telecommunication Union and the World Intellectual Property Organization, which were partly financed by fees for services rendered to member Governments. Proposals were identified for modest charges on various transactions of the global financial markets, levies on certain international activities, such as international trade, as well as other possibilities for international taxation, including compensation measures for marine pollution or charges for fishing rights. A related proposal was for a general UN fund based on monies generated by new global sources; UN agencies would submit requests and the Organization would assess them based on available resources and in harmony with agreed political priorities.

A number of specific proposals were also put forward on financing social development and environmental protection and management.

**Commission on Sustainable Development.** In a February report [E/CN.17/1996/4 & Add.1] to the Commission on Sustainable Development, the Secretary-General provided an overview of current issues and developments relating to financial resources and mechanisms for sustainable development. The Commission, in a decision of 3 May [E/1996/28 (dec. 4/14)], welcomed the Secretary-General's report as well as the decision of the Economic and Social Council to include an item on new and innovative funding in the provisional agenda for its substantive session, and recommended that the report [E/CN.17/1996/28] of the Third Expert Group Meeting on Financial Issues of Agenda 21 be made available to the Council (for further details, see PART THREE, Chapter I).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council, on 26 July, adopted **resolution 1996/48**.

#### **New and innovative ideas for generating funds**

The Economic and Social Council,

Recalling the Programme of Action of the World Summit for Social Development, in which relevant United Nations bodies, in particular the Economic and Social Council, were requested to consider new and innovative ideas for generating funds and to offer any useful suggestions for this purpose,

Noting discussions in intergovernmental bodies, such as the Commission on Sustainable Development, statements made at the special commemorative meeting of the General Assembly on the occasion of the fiftieth anniversary of the United Nations and during the general debate at the fiftieth session of the Assembly, and activities undertaken in this area by United Nations bodies, in particular the United Nations Development Programme, and other entities,

Taking note of previous reports of the Secretary-General relevant to the issue,

Conscious of the importance and urgency of securing sufficient and reliable sources of funding to address globally agreed commitments and priorities, in particular those established at recent United Nations conferences and summits,

Recognizing that the authority to levy taxes is the prerogative of sovereign States,

1. Reaffirms the commitments and targets made with regard to official development assistance, and stresses in this context that funds generated by new and innovative ideas should not replace official development assistance;

2. Emphasizes that new and innovative funding should be distinct from funding the regular budget and the peacekeeping budgets of the United Nations, and should be part of global partnership and interdependence;

3. Stresses the role of private investment in financing development;

4. Requests the Secretary-General to submit a report, to be prepared in cooperation with the United Nations Development Programme, on all aspects of new and innovative ideas for generating funds for globally agreed commitments and priorities, in particular those established at recent United Nations conferences

and summits, including in particular a review of their feasibility and possible modalities, as well as the costs and benefits of their implementation;

5. Also requests the Secretary-General, in the preparation of the above-mentioned report, to consult and build upon work of relevant parts of the United Nations system, including the Bretton Woods institutions, and to draw upon relevant external expertise from the private and public sectors and the academic community;

6. Invites voluntary contributions for this purpose, including possible contributions from the private sector;

7. Requests the Secretary-General to submit his report for discussion to the Council at its substantive session of 1997 and to the General Assembly at its fifty-second session;

8. Also requests the Secretary-General to organize briefings, as appropriate, for the Council's substantive session of 1997 in order to keep Member States informed of progress being made on the subject;

9. Invites Governments to submit their written views on new and innovative ideas for generating funds to the Secretary-General, and requests the Secretary-General, in a supplement to his report, to communicate those views to the Council at its substantive session of 1997 and to the General Assembly at its fifty-second session.

Economic and Social Council resolution 1996/48

26 July 1996                      Meeting 52                      Adopted without vote

Draft by Vice-President (E/1996/L.47), based on informal consultations; agenda item 12.

Meeting numbers. ESC 30, 52.

## Chapter II

## United Nations financing and programming

In 1996, the United Nations financial crisis remained precarious, with unpaid contributions totalling some \$2.2 billion, bringing the Organization to the edge of insolvency. A High-level Working Group established in 1994 to search for solutions to the financial difficulties facing the Organization continued its efforts, and the Secretary-General presented proposals for possible savings of \$140 million, through reduced staffing and other economy measures.

The General Assembly in December adopted revised budget appropriations of \$2.6 billion for the 1996-1997 biennium, about \$5 million less than it had originally approved. A negative growth rate budget was being prepared for the 1998-1999 biennium, totalling about \$2.5 billion and focusing on the following priorities: maintenance of international peace and security; promotion of sustained economic growth and sustainable development; development of Africa; promotion of human rights, and of justice and international law; humanitarian assistance coordination; disarmament; and drug control, crime prevention and the fight against international terrorism.

A special session of the Committee on Contributions was convened in 1996 to consider whether certain Member States in arrears should be allowed to continue to vote in the Assembly. The Assembly decided that the failure of four countries—the Comoros, Liberia, Rwanda and Tajikistan—to pay the minimum amount necessary to retain their voting rights was beyond their control, and that they should be permitted to vote through its fifty-first session.

The Committee on Contributions, at its regular session, continued its comprehensive review of all aspects of the methodology of the scale of assessments of Member State contributions to the UN budget, including factors which determined States' capacity to pay, repeatedly reaffirmed as the fundamental criterion for apportioning the Organization's expenses. The Assembly decided to continue its consideration of the scale as a matter of priority at its resumed fifty-first session and to approve, no later than 31 March 1997, methodology that would instruct the Committee on recommending a scale for the period 1998-2000.

The United Nations Board of Auditors transmitted 14 financial reports and audited financial statements for the biennium 1994-1995, on the United Nations itself, on UN peacekeeping operations and on 12 UN entities, having carried out "horizontal" audits of programme planning, performance, monitoring, budgetary assumptions, programme budget reporting and internal audit functions. In line with the trend towards greater harmonization in budgetary and financial matters, the Secretary-General, in October, presented revised accounting standards for the UN system.

The General Assembly in December adopted the medium-term plan for 1998-2001, reaffirming it as the principal policy directive of the United Nations and as a framework for the formulation of the biennial programme budgets. Another useful tool for improving the programme planning and budgetary process was the Secretary-General's report on programme performance of the United Nations for the 1994-1995 biennium, the findings of which were to provide feedback for the formulation of programmes and for enhancing their implementation. The importance of the role of evaluation in programme design, delivery and policy directives was underlined in a report of the Office of Internal Oversight Services.

### Financial situation

In 1996, the United Nations financial crisis remained at an impasse, with unpaid contributions totalling some \$2.2 billion. Despite a zero growth budget since 1994 and negative nominal growth projected for the 1998-1999 budget, the Organization's financial situation showed no significant improvement. The negative cash flow made it necessary to borrow extensively from peacekeeping funds to maintain basic operations. In a 6 February statement before the High-level Open-ended Working Group on the Financial Situation of the United Nations, the Secretary-General warned that the financial crisis had brought the Organization, which was totally de-

pendent on cash inflows from Member States to provide liquidity, to the edge of insolvency.

**Reports of Secretary-General.** In March, the Secretary-General reported [A/50/666/Add.4 & Corr.1] that the financial position remained critical, as total unpaid contributions continued to be at perilously high levels. Although the payment of regular budget assessments during 1996 had made it possible to repay the amounts borrowed from peacekeeping operations by the end of February, and the cash position for the regular budget was expected to be positive through June, it was expected that by year's end the negative cash balance would stand at \$424 million. Without a significantly greater commitment by Member States to honour their obligations, the Secretary-General noted, the time for finding a solution to the grave situation was running out.

In May, the Secretary-General reported [A/50/666/Add.5] a projected improvement in the cash position of the Organization, based on anticipated payments from the United States and the Russian Federation. Even if those contributions forecast for 1996 were actually received, however, they would only mitigate the precarious situation, not restore financial viability. The combined General Fund—consisting of the regular budget, the Working Capital Fund and the Special Account—was still estimated to end the year in a negative position of \$198 million, and outstanding contributions would total approximately \$2.1 billion, of which \$1.3 billion would be owed by a single Member State. Further efforts were clearly required, the Secretary-General concluded; in that connection, Member States with significant arrears had been contacted and urged to make payments immediately or indicate a schedule of when such payments might be expected.

In an August report [A/50/666/Add.6], the Secretary-General noted further projected improvements, with a combined cash position at 31 December estimated at \$550 million, based on a negative balance of \$287 million for the combined General Fund and a positive balance of \$837 million for peacekeeping operations; that, he said, reflected an overall improvement compared with an earlier estimate of \$388 million, but a worsening of the regular budget position. Even if all expected contributions were received, the combined General Fund would end the year seriously in deficit, dependent on financially imprudent borrowing from peacekeeping accounts. Furthermore, the Secretary-General added, the level of peacekeeping assessments was being reduced and would diminish even more should the General Assembly decide to apply available credits against future assessments. As a result, the

level of peacekeeping balances could be expected to decline and, with them, the financial cushion which, together with the debt owed to troop- and equipment-contributing countries, had allowed the Organization to continue its basic functions despite the unhealthy cash situation. It remained imperative, the Secretary-General declared, that concerted efforts continue to reduce the level of unpaid assessed contributions so as to strengthen the Organization's overall financial situation and the capacity to carry out its mandated activities effectively.

Reporting again in September [A/50/666/Add.7], the Secretary-General said that 88 Member States had paid their regular budget assessments, but outstanding contributions as at 31 August totalled \$772.8 million, of which 73 per cent represented contributions outstanding from the Member State with the highest rate of assessment. The cash position of the combined General Fund was anticipated to remain negative through the end of the year. The cash position of the Organization was forecast at \$623 million by the end of December, with a positive balance in peacekeeping accounts of \$866 million and a negative balance for the General Fund of \$243 million. Although that reflected some improvement over earlier estimates, it still included a persistent and growing cash deficit under the regular budget, which would have to be covered through borrowing from peacekeeping accounts. It also depended crucially on peacekeeping cash flow projections, which were subject to significant uncertainty.

Even if all receipts were received as forecast, the Secretary-General, estimating that total unpaid contributions would be \$2.2 billion at the end of the year, said the United Nations would still depend for its financial survival on an unacceptably high level of debt to those Member States participating in peacekeeping activities. Nothing in the current situation warranted complacency, and it remained crucially important that Member States meet their obligations promptly and in full, the Secretary-General stressed.

In October, the Secretary-General reported [A/51/515] that the combined cash position would be \$692 million at the end of 1996, with a General Fund cash deficit of \$103 million and a positive balance of \$795 million in the combined peacekeeping accounts. Despite the fact that 91 Member States had paid their regular budget assessments as at 30 September, unpaid assessments amounted to \$2.7 billion, far too high for the financial health and viability of the Organization, which still was obliged to borrow from peacekeeping accounts to maintain its basic operations. Such inherently poor financial practice

probably would have to continue to some degree in 1997, while the level of peacekeeping balances was quite likely to decline in the immediate future, depending on the level of new assessments to be approved by the General Assembly. There was also a clear danger, the Secretary-General warned, that the ongoing financial crisis would continue to divert attention from, and impact negatively on, efforts for internal reform and renewal of the Secretariat.

Despite the relative improvement foreseen, the Secretary-General stressed that the overall financial situation remained precarious. Past due assessments were estimated at \$2.1 billion, about 65 per cent of which would be owed by the United States. The Secretary-General continued to appeal to all Member States to emulate the growing number that had made efforts to meet their obligations.

In a December report [A/51/515/Add.1], the Secretary-General projected a further improvement in the Organization's cash position by the end of the year, estimated at \$715 million, with the combined General Fund expected to show a cash deficit of \$ 195 million and a positive balance of \$910 million in the peacekeeping accounts. However, the anticipated relative improvement in the outlook for the regular budget had not been realized, and the United Nations would be obliged to continue to borrow from peacekeeping accounts, an inherently poor financial practice that was expected to continue to some degree in the upcoming year, despite a likely decline in the level of peacekeeping balances in the immediate future. At a time when all efforts should be focused on the Organization's reform and renewal, the Secretary General said, the continuing financial crisis undermined those efforts and distracted from the implementation of Member States' programme priorities.

In a later report [A/51/515/Add.2], the Secretary-General presented an end-of-year review of the financial situation, noting that unpaid assessed contributions totalled somewhat less than \$2.2 billion, a slight decrease from the all-time high of \$2.3 billion at the end of 1995. However, the level of unpaid contributions was \$400 million higher than in 1994 and \$600 million higher than in 1993. Outstanding contributions to the regular budget totalled \$511 million, compared with \$564 million at the end of the previous year. The year 1996 was the first for some time during which the amount of regular budget collections significantly exceeded new assessments. The number of Member States that had paid their regular budget assessments in full also increased, to 98, as compared to 94 at the end of 1995 and 75 at the end of 1994. The number of countries not

making any payment to the regular budget fell to 12, in contrast to 22 in 1995 and 39 in 1994. The number of States owing more than their 1996 assessment at the end of the year was reduced to 61, compared to 71 in the previous year and 75 in 1994.

Aggregate peacekeeping assessments outstanding at the end of 1996 totalled \$1.6 billion, against \$1.7 billion a year earlier—the first reduction since 1991. The overall improvement was the result of a decrease of over \$200 million outstanding for Member States other than the United States, and, for the latter, an increase of more than \$110 million. Nevertheless, the Secretary-General expressed disappointment at the modest overall decrease in unpaid contributions to peacekeeping activities; given the lesser demands on Member States in 1996, as compared to the three peak years of such activities—1993, 1994 and 1995—it had been hoped that payments would greatly exceed assessments.

Turning to the Organization's cash situation, the Secretary-General reported that it had worsened in 1996 and the pattern begun in 1995 continued. During the year, it had been necessary to borrow from peacekeeping funds for eight months, with a peak borrowing level of over \$300 million; 1996 ended with just under \$200 million borrowed, virtually the same as at 31 December 1995.

Prompt payment of 1996 peacekeeping assessments by many Member States made possible periodic reimbursements of \$350 million for troops and equipment throughout the year. Arrearage payments by the Russian Federation allowed for a further \$200 million reimbursement at the end of the year; nevertheless, a substantial amount of debt was owed to 69 Member States. Any further reduction in the year-end level of obligations would depend on substantial arrearage payments, primarily for peacekeeping, but also regular budget arrears, given the need to retain peacekeeping cash balances as a safety valve for regular budget cash shortfalls.

Concluding, the Secretary-General emphasized that the Organization depended on prompt assessments and payments to achieve financial viability; therefore, he appealed to all Member States to put forward their best efforts to place the Organization back on a solid and reliable financial footing.

**High-level Working Group.** The High-level Open-ended Working Group on the Financial Situation of the United Nations, established in 1994 [YUN 1994, p. 1336], held 30 meetings between 28 November 1995 and 4 June 1996, considering (a) the cash-flow situation, including mounting debts to Member States, as well as financial

mechanisms to prevent recurrent cycles of financial crisis; (b) payment of contributions in full and on time, increase in unpaid contributions, and the issues of arrears, incentives and disincentives; and (c) the scale of assessments. An extensive exchange of views took place and working papers were submitted by individual Members and groups of States.

During the session, it was once again the view of a large number of Member States that the fundamental cause of the serious financial situation was the failure in particular of some major contributors to meet their financial obligations in full, on time and without conditions. Some Members thought that, while the failure of a large number of States to meet their financial obligations was indeed a major cause of the current crisis, a thorough examination of all the issues on the Group's agenda was necessary to achieve a long-term solution that would place the Organization on a sound financial basis. Others expressed the view that the fundamental cause of the situation was the failure of the scales of assessment to apportion the expenses of the United Nations fairly among Member States.

There was agreement in the Working Group on the urgent need to find a solution to the current financial situation and that further in-depth consideration of the issues was required.

It was also noted that Working Group activities had helped to increase awareness of the dimensions of the financial situation and had facilitated the ongoing efforts of the General Assembly President and the Secretary-General to encourage the timely payment of contributions.

The Fifth (Administrative and Budgetary) Committee noted the Working Group's report [A/50/43] on 12 September, and transmitted it to the General Assembly for action. On 16 September, by **decision 50/487**, the Assembly took note of the Fifth Committee's report [A/50/1038] transmitting the Working Group's report. By **decision 50/488** of the same date, the Assembly noted the Group's work, deciding that it should continue, taking into account, inter alia, Assembly consideration during the forty-ninth and fiftieth sessions and the views expressed at the fifty-first session. At that session, the Group was to submit, through the Fifth Committee, a report on its work, including any possible recommendations. Also on 16 September, the Assembly, by **decision 50/496**, included in the draft agenda of its fifty-first session the item on improving the financial situation of the United Nations.

The Working Group met again on 23 October and was to continue its work during the Assembly's resumed fifty-first session in 1997. By **decision 51/462** of 18 December, the Assembly de-

cided that the item on improving the financial situation of the United Nations should remain for consideration during its resumed fifty-first session.

In a statement to the Assembly, Ireland, speaking on behalf of the European Union (EU), as well as Bulgaria, Cyprus, the Czech Republic, Iceland, Liechtenstein, Lithuania and Slovenia, said that those countries attached the highest importance to the Group's work and to its efforts to achieve a comprehensive, consensus solution to the financial difficulties confronting the Organization. They regretted, however, that after almost two years, the Group could not agree on concrete measures to ameliorate that situation, despite its urgency. At the end of August, Member States owed \$2.9 billion in unpaid contributions, while, at the same time, troop contributors, including EU members—collectively the largest financial contributor to the UN regular and peacekeeping budgets—and others associated with the statement, were owed more than \$1 billion. The failure to achieve substantial progress was disappointing in view of the widespread recognition, at the fiftieth anniversary special commemorative meetings of the General Assembly in 1995, of the urgent need for Member States to agree on how to secure a sound financial basis for the Organization and strengthen its capacity to fulfil vital tasks. At the same time, the EU believed that considerable common ground had been reached on many key issues confronting the Group, and the stage was set for a productive and decisive stage of its work, with Member States working to reach agreement on those key elements which had to form the basis for comprehensive financial reform.

In the opinion of the EU, a solution to the financial crisis had to include the following elements: first and foremost, a commitment by all those in arrears to pay what they owed and, in future, to honour their financial obligations on time, in full and without conditions; secondly, implementation of a system of incentives and disincentives to ensure that Member States observed their legal obligations to pay; thirdly, a reform of the scale of assessments in order to produce a simpler, fairer and more transparent scale which reflected the principle of "capacity to pay" as the primary measure of the level of each Member's contribution and which, at the same time, gave adequate consideration to the needs of countries with low per capita income. Those proposals, the EU felt, remained the best basis for a negotiated solution. The EU urged all Member States to intensify efforts to arrive at a comprehensive agreement during the fifty-first Assembly session; only in that way could the United Nations financial future and well-being be safeguarded.



Measures to improve the Organization's financial management and at the same time increase efficiency were considered by the Efficiency Board, set up by the Secretary-General in November 1995, as well as by the Open-ended High-level Working Group on the Strengthening of the United Nations System (see FART FIVE, Chapter I).

## UN budget

### Budget for 1996-1997

#### Appropriations

In 1996, the General Assembly adopted revised budget appropriations of \$2,603,280,900 for the 1996-1997 biennium—\$4,993,100 less than the allocation of \$2,608,274,000 originally approved in 1995 [YUN 1995, p. 1393]. It reduced approved income estimates by \$23,664,100, to \$447,737,600.

Reductions were made in most budget areas, including common support services (\$44,803,600); regional cooperation for development (including regional commissions) (\$26,206,600); international cooperation for development (\$18,232,400); human rights and humanitarian affairs (\$16,588,300); public information (\$5,267,200); capital expenditures (\$3,636,000); international justice and law (\$2,704,600); jointly financed administrative activities and special expenses (\$1,782,500); overall policy-making, direction and coordination (\$999,000); and Office of Internal Oversight Services (\$705,000).

**Report of Secretary-General (March).** On 28 March, the Secretary-General presented an interim report [A/C.5/50/57] containing proposals for possible savings of \$140 million—less than the \$154 million mandated by the Assembly in 1995 [YUN 1995, p. 1386]—through reduced staffing and other cuts. The reductions were to be achieved through changes in the estimated average vacancy rate of 9 per cent for Professional posts and 7 per cent for General Service posts, as well as through changes in programme delivery and services and efficiency gains related to procedural simplification. The Secretary-General pointed out, however, that those reductions would inevitably result in some service reductions, as well as delays and postponements in programme delivery. Further, any new mandate adopted during the biennium would require new funding.

All possible steps were being taken, he said, to mitigate any negative impact on the staff. As submitted, the 1996-1997 programme budget en-

tailed the abolition of some 200 posts. Under the budget as approved, an estimated 800 vacancies would have to occur during the biennium. Separations, on a voluntary basis if at all possible, would be required. Care was being taken to avoid prolonged uncertainties that could affect the morale and productivity of the staff. Substantial expenditures might also be required to meet termination costs. While several aspects of the process were still uncertain, a basis had been set for reaching mandated cost reductions. As requested by the Assembly, the Secretary-General would make further proposals to improve efficiency, contain administrative costs and achieve savings, to adhere fully to the approved appropriation level.

**ACABQ report (May).** Commenting on the Secretary-General's March report, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) concluded that reductions of the magnitude called for could not be achieved without service reductions, delays and postponements. ACABQ believed that the most important fact to be considered was the difficulty in fully implementing, as envisaged, General Assembly resolution 50/214 [YUN 1995, p. 1386] on questions relating to the proposed 1996-1997 programme budget.

Moreover, ACABQ felt that the projected \$140 million in savings forecast by the Secretary-General might not actually be achieved. If the paramount goal was to achieve cost reductions of the magnitude specified, a programme review had to begin to allow priority activities to be carried out and to ensure programme quality. ACABQ believed that relevant intergovernmental bodies should review the work programme for 1996-1997 so that the Secretary-General had clear guidance for his next report.

The Advisory Committee noted that projected requirements for additional expenditures related to peace and security were significant. Additional requirements for the effects of currency fluctuation and inflation could have a major impact on the current budget, and on the outline and budget for 1998-1999 and the future.

Introducing the ACABQ report [A/50/7/Add.16] to the Assembly's Fifth Committee, the ACABQ Chairman doubted whether even the lower target of projected savings of \$140 million could be achieved unless more was done. The programme budget was linked to the level of services, programmes and activities. The Assembly had changed the resource side of the equation, but had nevertheless demanded that services should be delivered and programmes implemented fully. Under those conditions, programmes had to be reviewed to allow priority activities to be car-

ried out and, for that exercise to have meaning, the relevant intergovernmental machinery charged with programme formulation and approval had to be involved, as ACABQ had continually stated for decades.

#### GENERAL ASSEMBLY ACTION (June)

Following consideration of the reports of the Secretary-General and ACABQ, the General Assembly on 7 June adopted **resolution 50/230**.

#### **Progress report on the programme budget for the biennium 1996-1997**

The General Assembly,

Reaffirming the budgetary process as adopted in its resolution 41/213 of 19 December 1986 and subsequent relevant resolutions,

Recalling its resolutions 50/214 and 50/215 of 23 December 1995,

Reaffirming also that changes in mandated programmes and activities are the prerogative of the General Assembly,

Reaffirming further regulation 5.2 of the Regulations Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, as adopted in its resolution 37/234 of 21 December 1982,

Noting that the Secretary-General, taking into account the views of the competent intergovernmental bodies, may present proposals for changes to mandated programmes and activities for consideration and approval by such bodies,

Noting also that Member States can present proposals for changes to mandated programmes and activities in the context of the relevant negotiations,

Reaffirming its decision that savings in the programme budget for the biennium 1996-1997 will not affect the full implementation of mandated programmes and activities,

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

1. Endorses the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

2. Requests the Secretary-General to submit, through the Advisory Committee, a report containing proposals for achieving savings as called for in resolution 50/214 in the manner indicated in paragraph 16 of the report of the Advisory Committee, no later than 1 September 1996;

3. Also requests the Secretary-General to ensure that, until the above-mentioned report is considered by the General Assembly, all mandated programmes and activities are implemented in full;

4. Notes that the programme budget for the biennium 1996-1997 was adopted in resolution 50/214 under unique circumstances and, as such, does not constitute a precedent;

5. Requests the Secretary-General to ensure that productivity gains will not have a negative impact on his obligations, under Article 101, paragraph 3, of the Charter of the United Nations, to recruit staff on as

wide a geographical basis as possible, even on a temporary basis;

6. Also requests the Secretary-General not to take any measures that do not respect the prerogatives of the General Assembly;

7. Decides to revert to this question at its fifty-first session upon receipt of the report of the Secretary-General.

General Assembly resolution 50/230

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/842/Add.3) without vote, 31 May (meeting 64); draft by Chairman (A/C.5/50/L.61); agenda item 116.

Meeting numbers. GA 50th session: 5th Committee 56-58, 60-64; plenary 120.

Explaining the position of the Group of 77 developing countries and China in the Fifth Committee, Costa Rica acknowledged the fundamental importance of the budget process, as approved by the Assembly in its 1986 resolution 41/213 [YUN 1986, p. 1024] on the review of the efficiency of the administrative and financial functioning of the United Nations, and that Member States could propose changes to mandated programmes and activities only in the context of intergovernmental negotiations. Paragraph 5 of resolution 50/230 implied that the Secretariat would maintain existing hiring practices, including the hiring of short-term personnel, which meant that the principle of equitable geographical distribution would be guaranteed. The Fifth Committee, Costa Rica said, had recognized that the 1996-1997 programme budget did not constitute a precedent; it hoped that budget proposals for the following biennium would adhere to the guidelines of resolution 41/213.

#### Cost of additional mandates

In the course of 1996, subsequent to approving the 1996-1997 programme budget, the General Assembly adopted additional mandates giving rise to extra requirements in respect of UN operations in El Salvador, Guatemala and Haiti (see PART ONE, Chapter III) and for the International Commission of Inquiry for Rwanda (see PART ONE, Chapter II). For those additional mandates, the Assembly approved a commitment authority of \$28.7 million net of staff assessment, an amount which was later reduced to \$25.3 million. Additional requirements for the 1997 sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change (see PART THREE, Chapter VII), for which the Assembly authorized the Secretary-General in June to enter into commitments up to \$5.5 million, were estimated at \$3.1 million. The total additional costs for those various activities, amounting to \$30.9 million (including \$2.5 million for staff assessment), were to be absorbed from sav-

ings of \$60.1 million resulting from more favourable exchange rates than anticipated.

**Report of Secretary-General** (May). In response to requests of the Fifth Committee, the Secretary-General reported [A/C.5/50/67] on 14 May that commitments in respect of new mandates to be carried out in El Salvador, Guatemala, Haiti and Rwanda totalled \$24.7 million. In the case of the UN Office of Verification in El Salvador, the UN Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala and the UN share of the International Civilian Mission to Haiti, the General Assembly mandated that required activities be implemented from within existing resources. The Secretary-General was requested to submit proposals on possible means of absorbing the cost of the new mandates within the 1996-1997 programme budget, notwithstanding his written statements that extra funding would be required and ACABQ's opinion that he could not reasonably be expected to absorb the entire amounts in question. At the same time, the Fifth Committee had reaffirmed that the Secretary-General had no authority to curtail or terminate mandated programmes and activities.

In his May report, the Secretary-General once more examined the possibilities for absorption. To provide him with suggestions for changes in mandated programmes and activities that might release resources for reallocation to support the new mandates, the General Assembly President had convened two meetings with representatives of Member States, at which divergent views were expressed. On the one hand, it was stressed that the Secretary-General had no authority to reduce mandated activities; on the other, some suggestions were made regarding possible reductions in conference-servicing and travel costs, public information, subventions, and intergovernmental and Secretariat structures. It was apparent, the Secretary-General noted, that there was no agreement on the question of additional resources for new activities.

He concluded that the ability to absorb new programme mandates during the biennium should be considered within the general perspective of certain budget figures: initial budget proposals incorporating a reduction of \$98 million; subsequent additional reductions mandated by the Assembly amounting to \$154 million; and new mandates requiring an additional \$120 million over the biennium.

Efforts continued to be made to identify efficiencies that might increase productivity, but it was unlikely that the efficiency reviews being conducted would yield savings in excess of the to-

tal required reduction of \$154 million, the Secretary-General stated. Rather, it was anticipated that those savings would mitigate the impact on activities and services. Further, the identification of additional efficiencies and reductions in mandated programmes agreed on by Member States might not have the same effect as the immediate realization of reductions in the 1996-1997 budget. Member States might, therefore, wish to reflect on whether it was feasible for him to meet the objectives of both delivering all mandated programmes and containing expenditure levels within existing resources. In that context, he reiterated that new mandates could be implemented within existing appropriations only if the Assembly were to decide which programmes should be terminated or eliminated. He anticipated that the first performance report on the 1996-1997 budget (see below) would reflect expenditures deriving from the relevant commitment authorities, estimated at \$51 million in 1996, and take into account all other relevant factors.

#### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/231**.

#### **Proposals on possible means of absorption of the cost of new mandates within the programme budget for 1996-1997**

The General Assembly,

Reaffirming the budgetary process as adopted in its resolution 41/213 of 19 December 1986 and subsequent relevant resolutions,

Recalling its resolutions 50/214 and 50/215 of 23 December 1995,

Reaffirming also that changes in mandated programmes and activities are the prerogative of the General Assembly,

Recalling its authorizations for the Secretary-General to enter into commitments in 1996 in respect of newly mandated activities in Haiti, Guatemala, El Salvador and Rwanda,

Recalling also its requests that the Secretary-General provide a report, no later than 15 May 1996, on possible means of absorption of the related costs within the programme budget for the biennium 1996-1997,

Recognizing that the expenditures relating to the newly mandated activities in Haiti, Guatemala, El Salvador and Rwanda are extraordinary in nature and are governed by the procedures specified in paragraph 11 of annex I to resolution 41/213,

Noting that it has approved commitment authority amounting to 24.7 million United States dollars for activities in Haiti, Guatemala, El Salvador and Rwanda in 1996,

Having considered the report of the Secretary-General on possible means of absorption,

1. Takes note of the report of the Secretary-General;
2. Notes that the Secretary-General stated in his report that he could not absorb any additional amount beyond the reductions of 154 million dollars required

to maintain expenditures within the approved appropriations and that he anticipated that new approved and prospective mandates might require an additional 120 million dollars during the course of the biennium;

3. Reiterates that the authority of the Secretary-General to implement any proposal to change mandated programmes and activities is subject to the prior approval of the General Assembly;

4. Requests the Secretary-General, subject to the full implementation of all mandated programmes and activities as required by its resolution 50/214, to submit a report to the General Assembly no later than 1 September 1996 containing proposals on possible means of absorption in the programme budget for the biennium 1996-1997, including, *inter alia*, in part II thereof and in the area of staff costs where savings might arise from the implementation of the early separation programme during the biennium;

5. Decides to revert to the issue of appropriations in the context of the first performance report;

6. Authorizes the Secretary-General, in responding to the requirements of resolution 50/86 B of 3 April 1996 concerning Haiti, to enter into further commitments of 1,767,300 dollars gross (1,606,200 dollars net of staff assessment) for the period from 1 June to 31 August 1996;

7. Also authorizes the Secretary-General, should the General Assembly decide to extend the mandate of the International Civilian Mission to Haiti beyond 31 August 1996, to enter into commitments up to the end of December 1996 in an amount not exceeding a monthly level of 627,900 dollars gross (567,700 dollars net of staff assessment).

General Assembly resolution 50/231

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/842/Add.3) without vote, 31 May (meeting 64); draft by Chairman (A/C.5/50/L.66); agenda item 116. Meeting numbers. GA 50th session: 5th Committee 56-58, 60-64; plenary 120.

In the Fifth Committee, the United States expressed serious reservations about the text, on the grounds that it contained no detailed proposals on how the additional expenditure of \$25 million for new activities would be absorbed. It could not accept any measures resulting in an increase in already approved expenditures for 1996-1997; the Secretary-General should therefore propose savings to offset the proposed \$25 million expenditure as soon as possible, without waiting until 1 September. The United States would be unable to pay its contributions unless the budget ceiling was respected.

Italy, speaking on behalf of the EU, and supported by Canada, said that, with regard to the United States statement, it should be recalled that all Member States were obliged to pay their contributions in full, on time and without conditions.

Costa Rica, on behalf of the Group of 77 and China, voiced regret that the Fifth Committee had not approved the amounts requested for activities in El Salvador, Guatemala, Haiti and

Rwanda; it hoped that the necessary appropriations would be approved in the context of the performance report and that in the future, when new expenditures were to be authorized, due account would be taken of their nature. As the Secretary-General had stated, if the Secretariat was to achieve further savings, it would be unable to fulfil its functions, and that was unacceptable.

**Report of Secretary-General (August).** As requested by the General Assembly in June, the Secretary-General on 28 August presented a report [A/C.5/50/57/Add.1] identifying further savings of \$ 14.1 million, as a result of a higher-than-anticipated staff vacancy rate which, he said, would in all likelihood be sustained throughout the biennium. The higher vacancy levels as at the end of July—900 total (466 Professional and 434 General Service staff)—reflected the impact of both the 1995 and 1996 early separation programmes. By freezing the 438 posts vacated as a result of early separations, as well as other vacant posts, higher savings had been realized. Further vacancies were expected to be realized through full use of attrition; strict enforcement of retirement age; a freeze in recruitment, subject to limited exceptions; introduction of a lateral redeployment programme; and, should those measures prove insufficient, the involuntary separation of staff. Additional reductions were anticipated in the areas of travel and consultants, temporary assistance and general operating expenses.

While post reductions had had a direct impact on the delivery of some services and outputs, reductions in non-post items had, in most cases, had an indirect impact, potentially affecting mainly intermediate activities as opposed to final outputs, the Secretary-General noted. It was anticipated that efficiency gains resulting from the review process initiated to improve the Organization's performance (see PART FIVE, Chapter I)—with 400 specific initiatives having been identified so far—would ameliorate in part the effect on programme delivery arising from reductions due to savings measures. Thus, the Assembly requirement that savings not affect the full implementation of mandated programmes and activities would be facilitated as a result of the efficiency review.

**ACABQ report (October).** The Advisory Committee, in a 9 October report [A/51/7/Add.1], noted that, despite the \$14 million in savings as indicated by the Secretary-General, which brought total savings to \$154 million in reductions as requested by the General Assembly in resolution 50/214 [YUN 1995, p. 1386], the basic dilemma, though not entirely the Secretary-General's fault, still existed: namely, the need to achieve substan-

tial savings without affecting the full implementation of mandated programmes and activities.

According to the Secretary-General, the Advisory Committee noted, savings were to be achieved through programme changes and staff reductions, while the effect on the quality of programme delivery could be mitigated through efficiency gains. In the opinion of ACABQ, however, the Secretary-General had not substantiated that view and had not adequately addressed a number of specific questions, including those concerning vacancies, their composition and how they had been achieved; the extent of the intergovernmental review; additional mandates; and deferred or postponed programmes.

In its conclusions, ACABQ pointed out that, as a result of the first performance report on the 1996-1997 budget, which was being prepared, the distribution of appropriations among budget sections would be different from that reflected in the Secretary-General's August report. Under the circumstances, it did not consider it necessary for the Assembly to take action on revising appropriations for the time being. Rather, it recommended that the Secretary-General update his estimates in the context of the first performance report and that the Assembly approve revised appropriations at that time.

**Report of Secretary-General (December).** In his first performance report on the 1996-1997 budget [A/C.5/51/38], formally presented on 5 December 1996, the Secretary-General identified adjustments to the budget owing to variations in the rates of inflation and exchange and in standards assumed in the calculation of the initial appropriations. Those adjustments had yielded a reduction of \$5,580,200, for a budget total of \$2,602,693,800. The performance report also took into account additional mandates for UN operations in El Salvador, Guatemala and Haiti, and for the International Commission of Inquiry for Rwanda, which the Assembly had approved subsequent to adopting the programme budget. Revised estimated requirements for those additional mandates amounted to \$25.3 million net of staff assessment. Extra requirements for the 1997 sessions of the Conference of the Parties to the UN Framework Convention on Climate Change—which the Assembly, by resolution 50/115 [YUN 1995, p. 1071], had decided to include in the biennial calendar of conferences and meetings, and for which it had authorized the Secretary-General, in **resolution 50/232** of 7 June 1996, to enter into commitments up to \$5.5 million—were estimated at \$3.1 million, resulting in total additional requirements of \$30.9 million, including \$2.5 million for staff assessment.

The Secretary-General did not put forward additional changes to his previous proposals for achieving the mandated cost reductions, on the grounds that the assumptions made in his August report remained valid and that there had been no significant developments to warrant further revisions.

**ACABQ report (December).** Commenting on the first performance report, the Advisory Committee, in an 11 December report [A/51/7/Add.6], noted that the \$5.6 million reduction reflected the combined effect of an anticipated savings of \$60.1 million, owing to more favourable rates of exchange, which were largely offset by the \$30.9 million needed for additional mandates; \$3 million related to commitments under the terms of Assembly resolution 50/217 on unforeseen and extraordinary expenses [YUN 1995, p. 1396]; \$5.1 million for changes in inflation assumptions; \$3.2 million owing to adjustments for standard salary costs; and \$12.3 million in connection with recommendations of the International Civil Service Commission (see PART FIVE, Chapter III).

The Advisory Committee pointed out that specific issues raised previously in connection with the Secretary-General's August report—regarding vacancies, the intergovernmental review, additional mandates, and deferred or postponed programmes and activities—remained almost entirely to be answered. Under the circumstances, ACABQ recommended that the Assembly adopt the revised appropriations after those issues had been addressed by the Secretary-General and considered by the Assembly.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly, in **resolution 51/221 A, section IV**, approved a net decrease of \$5.6 million in appropriations for the 1996-1997 programme budget, as indicated by the Secretary-General.

#### First performance report for the biennium 1996-1997

[The General Assembly . . .]

1. Takes note of the first performance report of the Secretary-General on the programme budget for the biennium 1996-1997 and the related report of the Advisory Committee on Administrative and Budgetary Questions;
2. Reaffirms its resolution 41/213 of 19 December 1986;
3. Notes that, according to the first performance report, involuntary separations of staff have not been used in order to implement its resolutions 50/231 and 50/232 of 7 June 1996;
4. Approves a net decrease of 5,580,200 dollars in the appropriations approved for the biennium 1996-1997 and a net decrease of 19,682,000 dollars in the esti-

mates of income for the biennium 1996-1997, to be apportioned among expenditure and income sections as indicated in the report of the Secretary-General;

General Assembly resolution 51/221 A, section IV  
18 December 1996 Meeting 89 Adopted without vote  
Approved by Fifth Committee (A/51/750) without vote, 17 December (meeting 46); draft by Vice-Chairman (A/C.5/51/L.38); agenda item 116. Meeting numbers. GA 51st session: 5th Committee 7-9, 11-15, 17, 20, 23, 25, 42, 43, 46; plenary 89.

On the same date, the Assembly, by adopting together **resolutions 51/222 A-C**, approved revised budget appropriations for the biennium, as well as revised income estimates, and financing of appropriations for 1997.

#### A Revised budget appropriations for the biennium 1996-1997

The General Assembly

Resolves that, for the biennium 1996-1997, the amount of 2,608,274,000 United States dollars appropriated by it in its resolution 50/215 A of 23 December 1995 shall be adjusted by 4,993,100 dollars as follows:

Section	Amount approved by resolution 50/215 A (United States dollars)	Increase or (decrease)	Revised appropriation
<b>PART I. Overall policy-making, direction and coordination</b>			
1. Overall policy-making, direction and coordination	40,348,200	(999,000)	39,349,200
Total, PART I	40,348,200	(999,000)	39,349,200
<b>PART II. Political affairs</b>			
2. Political affairs	60,989,500	(2,053,100)	58,936,400
3. Peacekeeping operations and special missions	102,868,200	32,637,100	135,505,300
4. Outer space affairs	4,705,500	(529,100)	4,176,400
Total, PART II	168,563,200	30,054,900	198,618,100
<b>PART III. International justice and law</b>			
5. International Court of Justice	21,339,600	(1,353,700)	19,985,900
6. Legal activities	31,605,400	(1,350,900)	30,254,500
Total, PART III	52,945,000	(2,704,600)	50,240,400
<b>PART IV. International cooperation for development</b>			
7A. Department for Policy Coordination and Sustainable Development	44,318,700	(2,380,400)	41,938,300

Section	Amount approved by resolution 50/215 A (United States dollars)	Increase or (decrease)	Revised appropriation
<b>7B. Africa: critical economic situation, recovery and development</b>	4,305,100	60,700	4,365,800
<b>8. Department for Economic and Social Information and Policy Analysis</b>	48,612,100	(1,335,900)	47,276,200
<b>9. Department for Development Support and Management Services</b>	26,556,000	255,400	26,811,400
<b>10A. United Nations Conference on Trade and Development</b>	121,925,300	(11,699,000)	110,226,300
<b>10B. International Trade Centre UNCTAD/ GATT</b>	21,642,000	684,600	22,326,600
<b>11. United Nations Environment Programme</b>	9,512,200	(1,281,100)	8,231,100
<b>12. United Nations Centre for Human Settlements (Habitat)</b>	13,059,600	(1,327,900)	11,731,700
<b>13. Crime control</b>	5,254,600	(59,700)	5,194,900
<b>14. International drug control</b>	17,344,100	(1,149,100)	16,195,000
Total, PART IV	312,529,700	(18,232,400)	294,297,300
<b>PART V. Regional co-operation for development</b>			
<b>15. Economic Commission for Africa</b>	87,845,600	(5,484,700)	82,360,900
<b>16. Economic and Social Commission for Asia and the Pacific</b>	66,379,300	1,108,000	67,487,300
<b>17. Economic Commission for Europe</b>	52,883,100	(4,931,400)	47,951,700
<b>18. Economic Commission for Latin America and the Caribbean</b>	88,327,200	(5,811,800)	82,515,400
<b>19. Economic and Social Commission for Western Asia</b>	37,791,200	(3,647,900)	34,143,300
<b>20. Regular programme of technical cooperation</b>	44,814,700	(7,438,800)	37,375,900
Total, PART V	378,041,100	(26,206,600)	351,834,500
<b>PART VI. Human rights and humanitarian affairs</b>			
<b>21. Human rights</b>	52,987,600	(4,987,000)	48,000,600
<b>22. Office of the United Nations High Commissioner for Refugees</b>	54,318,500	(4,179,400)	50,139,100
<b>23. United Nations Relief and Works Agency for Palestine Refugees in the Near East</b>	22,643,000	(5,338,100)	17,304,900

Section	Amount approved by resolution 50/215 A	Increase or (decrease)	Revised appropriation
	(United States dollars)		
24. Department of Humanitarian Affairs	21,039,300	(2,083,800)	18,955,500
Total, PART VI	150,988,400	(16,588,300)	134,400,100
PART VII. Public information			
25. Public information	137,658,000	(5,267,200)	132,390,800
Total, PART VII	137,658,000	(5,267,200)	132,390,800
PART VIII. Common support services			
26. Administration and management	960,885,100	(44,803,600)	916,081,500
Total, PART VIM	960,885,100	(44,803,600)	916,081,500
PART IX. Jointly financed administrative activities and special expenses			
27. Jointly financed administrative activities	28,915,000	(1,431,200)	27,483,800
28. Special expenses	41,701,700	(351,300)	41,350,400
Total, PART IX	70,616,700	(1,782,500)	68,834,200
PART X. Office of Internal Oversight Services			
29. Office of Internal Oversight Services	15,716,500	(705,000)	15,011,500
Total, PART X	15,716,500	(705,000)	15,011,500
PART XI. Capital expenditures			
30. Technological innovations	21,999,600	(699,400)	21,300,200
31. Construction, alteration, improvement and major maintenance	31,585,400	(2,936,600)	28,648,800
Total, PART XI	53,585,000	(3,636,000)	49,949,000
PART XII. Staff assessment			
32. Staff assessment	369,080,100	(20,799,500)	348,280,600
Total, PART XII	369,080,100	(20,799,500)	348,280,600
PART XIII. International Seabed Authority			
33. International Seabed Authority	1,308,200	2,685,500	3,993,700
Total, PART XIII	1,308,200	2,685,500	3,993,700
Total, EXPENDITURE SECTIONS	2,712,265,200	(108,984,300)	2,603,280,900
Less: anticipated reductions to be confirmed by the General Assembly	(103,991,200)	103,991,200	
GRAND TOTAL	2,608,274,000	(4,993,100)	2,603,280,900

**B****Revised income estimates for the biennium 1996-1997**

The General Assembly

Resolves that, for the biennium 1996-1997, the estimates of income of 471,401,700 United States dollars approved by it in its resolution 50/215 B of 23 December 1995 shall be decreased by 23,664,100 dollars, as follows:

Income section	Amount approved by resolution 50/215 B	Increase or (decrease)	Revised estimates
	(United States dollars)		
1. Income from staff assessment	384,306,000	(20,809,400)	363,496,600
Total, INCOME			
SECTION 1	384,306,000	(20,809,400)	363,496,600
2. General income	86,209,200	(4,189,600)	82,019,600
3. Services to the public	886,500	1,334,900	2,221,400
Total, INCOME			
SECTIONS 2 AND 3	87,095,700	(2,854,700)	84,241,000
GRAND TOTAL	471,401,700	(23,664,100)	44,737,600

**C****Financing of appropriations for the year 1997**

The General Assembly

Resolves that for the year 1997:

1. Budget appropriations totalling 1,299,143,900 United States dollars and consisting of 1,304,137,000 dollars, being half of the appropriations initially approved for the biennium 1996-1997 in its resolution 50/215 A of 23 December 1995, less 4,993,100 dollars, being the reduction approved by the Assembly in resolution A above, shall be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations of the United Nations as follows:

(a) 50,817,943 dollars, consisting of:

(i) 43,547,850 dollars, being half of the estimated income other than income from staff assessment approved for the biennium 1996-1997 by the Assembly in its resolution 50/215 B of 23 December 1995;

(ii) Less 2,854,700 dollars, being the reduction approved by the Assembly in resolution B above;

(iii) 10,124,793 dollars, being the balance in the surplus account as at 31 December 1995;

(b) 1,248,325,957 dollars, being the assessment on Member States in accordance with its resolution 49/19 B of 23 December 1994 on the scale of assessments for the years 1996 and 1997;

2. There shall be set off against the assessment on Member States, in accordance with the provisions of General Assembly resolution 973(X) of 15 December 1955, their respective share in the Tax Equalization Fund in the total amount of 183,140,613 dollars, consisting of:

(a) 192,153,000 dollars, being half of the estimated staff assessment income approved by the Assembly in its resolution 50/215 B;

(b) Less 20,809,400 dollars, being the estimated decrease in income from staff assessment approved by the Assembly in resolution B above;

(c) Plus 11,797,013 dollars, being the increase in income from staff assessment for the biennium 1994-1995 compared with the revised estimates approved by the Assembly in its resolution 50/205 B of 23 December 1995.

General Assembly resolutions 51/222 A-C  
 18 December 1996 Meeting 89 Adopted without vote  
 Approved by Fifth Committee (A/51/750) without vote, 17 December  
 (meeting 46); agenda item 116.  
 Meeting numbers. GA 51st session: 5th Committee 7-9, 11-15, 17, 20, 23,  
 25, 32, 33, 39, 40, 42-46; plenary 89.

### Other questions relating to the 1996-1997 programme budget

#### Contingency fund

The Fifth Committee on 17 December considered a report [A/C.5/51/44] of the Secretary-General containing a consolidated statement of all programme budget implications and revised estimates subject to criteria for the use of the contingency fund, as set out in General Assembly resolution 42/211 [YUN 1987, p. 1099]. The consolidated amount of \$4,068,800 fell within the available balance of the fund of \$19,427,000. The Committee approved the required amounts under the relevant budget sections: \$501,000 for crime control; \$817,300 for international drug control; and \$2,750,500 for the International Seabed Authority.

In **resolution 51/221 A, section V**, adopted on 18 December, the General Assembly noted that a balance of \$15,358,200 remained in the contingency fund, created to accommodate additional expenditures relating to each biennium that were derived from legislative mandates not provided for in the proposed programme budget. The fund had been established by Assembly resolution 41/213 in 1986 [YUN 1986, p. 1024].

#### Revised estimates resulting from Economic and Social Council decisions

In a 4 November report [A/C.5/51/20], the Secretary-General presented requirements of \$1,096,200 resulting from 1996 resolutions and decisions of the Economic and Social Council. Additional amounts of \$501,000 and \$595,200 were required under the budget sections relating to crime control and international drug control respectively.

The ACABQ Chairman introduced the Committee's oral report on the revised estimates, noting that additional conference-servicing requirements would amount to \$110,100. ACABQ recommended that the Fifth Committee note the estimates, on the understanding that additional appropriations that might be necessary would be determined in accordance with contingency fund procedures. In addition, ACABQ believed that certain activities might be of a continuing nature and would therefore need to be integrated into the relevant work programmes under the programme budget for 1998-1999.

The General Assembly, by **resolution 51/221 A, section I**, of 18 December, took note of the estimates, on the understanding that additional appropriations would be determined in accordance with contingency fund procedures, taking into account the results of the Secretary-General's first performance report [A/C.5/51/38] on the 1996-1997 programme budget.

#### Subvention to UNIDIR

By a 21 November note [A/C.5/51/33], the Secretary-General transmitted to the General Assembly for approval the recommendation of the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR) for a subvention of \$213,000 from the regular UN budget to the Institute's 1997 work programme.

In an oral report to the Fifth Committee, the ACABQ Chairman recommended approval of the subvention. Agreement was reached in informal consultations to take note of the Secretary-General's note and the ACABQ recommendation. The Assembly accordingly approved the subvention in **resolution 51/221 A, section II**, of 18 December.

Before the Fifth Committee adopted its decision, the United States said it had hoped to wean UNIDIR from its subventions, but had been persuaded that mid-biennium was not the appropriate time; nevertheless, it would welcome some indication of that in the budget resolution.

#### International Seabed Authority

By a 4 November note [A/C.5/51/21], the Secretary-General transmitted to the General Assembly the budget for the International Seabed Authority, as approved by the Authority, totalling \$4,150,500 for 1997. Of that amount, \$2,750,500 was to cover administrative expenses of the Authority secretariat, and \$1,400,000 was for conference-servicing costs. According to Assembly resolution 48/263 [YUN 1994, p. 130], the Authority's administrative expenses were to be met through a subvention to be charged to the regular UN budget until the end of the year following the year during which the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 entered into force. According to the Secretary-General, it was anticipated that the amount indicated for conference services could be provided from within the overall resources available under the programme budget.

In a report of 15 November [A/51/7/Add.2], ACABQ noted that the Agreement entered into force on 28 July 1996 (see PART FOUR, Chapter IV)



and, therefore, 1997 would be the last year in which the Authority's budget would be funded from the UN budget. The Advisory Committee recommended approval of \$2,750,500 for the Authority's administrative expenses in 1997. With regard to conference-servicing costs, ACABQ reported that the schedule of meetings for 1996-1997 provided for four weeks of conference services for the Authority in 1997.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/221 A, section III.**

#### International Seabed Authority

[The General Assembly . . .]

Recalling its resolution 48/263 of 28 July 1994, in which it decided to fund the administrative expenses of the International Seabed Authority until the end of the year following the year during which the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 entered into force,

Recalling also its resolution 50/214 of 23 December 1995, in which it made provision for the budget of the Authority for 1996,

Having considered the note by the Secretary-General transmitting the budget of the Authority for 1997,

1. Approves the recommendation thereon of the Advisory Committee on Administrative and Budgetary Questions in its report;

2. Requests the International Seabed Authority to take all necessary action to ensure that its budget for 1997 is implemented with a maximum of efficiency and economy;

3. Authorizes the Secretary-General to provide conference services for the meetings of the Authority to be held from 17 to 28 March and from 18 to 29 August 1997 from the resources available under section 26E (Conference services) of the programme budget for the biennium 1996-1997;

4. Decides to make a provision of 2,750,500 dollars for the Authority for its administrative expenses in 1997 under section 33 (International Seabed Authority) of the programme budget for the biennium 1996-1997;

5. Decides also that the provision for 1997 should be charged to the contingency fund;

General Assembly resolution 51/221 A, section III

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/750) without vote, 17 December (meeting 46); draft by Vice-Chairman (A/C.5/51/L.39); agenda item 116. Meeting numbers. GA 51st session: 5th Committee 7-9, 11-15, 17, 20, 23, 25, 33, 46; plenary 89.

#### Unforeseen and extraordinary expenses

Under certain conditions, the Secretary-General was authorized by the General Assembly, in biennial resolutions, to incur expenditures for activities of an urgent nature, without reverting to the Assembly for approval. In a November 1995 report [YUN 1995, p. 1396], the Secretary-General

had recommended that his commitment authority be increased to \$7 million for activities related to peace and security, and that he be granted authority to incur expenditures up to \$3 million, without the prior concurrence of ACABQ, for immediate requirements of the start-up phase of peacekeeping operations or for unforeseen extensions of mandates.

ACABQ, in a 12 March 1996 report [A/50/7/Add.14], stated there was not sufficient justification for changing the current procedures for meeting expenses to implement unforeseen activities, as total peacekeeping expenditures appeared to have peaked in 1994-1995 at \$3.2 billion, while \$1.5 billion was forecast for 1996. The Advisory Committee also pointed out that the biennial Assembly resolution on unforeseen and extraordinary expenses had been applied in the past to a number of activities that were not unforeseen, but of an ongoing nature. Stressing that proper planning was essential with regard to the management of the Secretary-General's authority, and that the Advisory Committee was in session for most of and available throughout the year, ACABQ believed that the level of commitment authority should remain at \$5 million, as the Assembly had authorized in resolution 50/217 [YUN 1995, p. 1396]. The Committee recommended, however, that the amounts to be authorized for immediate requirements of the start-up phase of peacekeeping operations would revert to the relevant peacekeeping budget when commitment authority or approval was given by the Advisory Committee or the Assembly, thus replenishing the level of commitment authority available to the Secretary-General. On a related matter, the Advisory Committee stated, the Secretary-General might wish to review the terms of resolution 50/217 under which he was authorized to enter into certain commitments for the International Court of Justice (ICJ).

After informal consultations, the Fifth Committee recommended that the Assembly defer consideration of the matter until the second part of its resumed fiftieth session, in May. The Assembly followed that recommendation in **decision 50/480 A** of 11 April.

Again on the Committee's recommendation, the Assembly, by **decision 50/480 B** of 17 September, deferred consideration of the Secretary-General's November 1995 report until its fifty-first session, as well as of reports on construction projects in Addis Ababa, Ethiopia, and Bangkok, Thailand [A/C.5/50/17], and on special representatives, envoys and related positions [A/C.5/50/72].

In his first performance report [A/C.5/51/38] on the 1996-1997 programme budget, the Secretary-General informed the Fifth Committee that, un-

der resolution 50/217 on unforeseen and extraordinary expenses, he had entered into commitments totalling \$3,010,600, of which \$2,852,800 was for activities he had certified as relating to the maintenance of peace and security; \$111,300 for commitments certified by the ICJ President as relating to unforeseen Court expenses; and \$46,500 for the UN share in the financing of inter-organizational security measures.

With regard to the \$2.8 million relating to the maintenance of peace and security, ACABQ, in an 11 December report [A/51/7/Add.6], expressed the view that when requirements resulted from recourse to the provisions of the Assembly resolution on unforeseen and extraordinary expenses, it should be incumbent upon the Secretary-General to make appropriate budgetary proposals if such requirements were later deemed to be of a continuing nature. As for the additional requirements of \$46,500 for inter-organizational security measures, ACABQ pointed out that, as an exception to previous resolutions on the subject, resolution 50/217 for the 1996-1997 biennium did not contain provisions that would allow the Secretary-General to authorize such commitments without ACABQ's prior concurrence; the Committee expected that its concurrence would be requested by the Secretary-General in respect of all 1996-1997 requirements for such measures.

### **Programme budget outline for 1998-1999**

**Report of Secretary-General.** In an August report [A/51/289], the Secretary-General presented a proposed programme budget outline for 1998-1999, which contained preliminary estimates of resources needed to accommodate the proposed programme of activities; an indication of priorities; an outline of real—positive or negative—growth, compared with the previous budget; and the size of the contingency fund expressed as a percentage of the overall level of resources. Preliminary estimates for the biennium amounted to \$2,429.4 million, expressed at 1996-1997 rates; if recosted at 1998-1999 prices, the level of resources was expected to be around \$2,559 million.

The Secretary-General recalled that, in the proposed programme budget for 1996-1997, new posts were not fully funded, but were costed at 50 per cent at the Professional level and 65 per cent in the General Service category. Full biennial provision in 1998-1999 for those partially funded posts would require an additional \$7 million; on the other hand, a provision of \$8 million relating to one-time costs in 1996-1997 would not be required.

Intensified efforts for increased productivity, accompanied by streamlined structures and work processes, resulted in reductions in the 1996-1997 budget and were expected to lead to reduced requirements in the long run. In the circumstances, a reduction of \$204.7 million, including the deletion of some 1,000 posts, could be anticipated. With the maintenance of a 6.4 per cent vacancy rate, as budgeted for 1996-1997, the average number of posts occupied in 1998-1999 would be around 8,500.

In the proposed programme budget for 1996-1997, no provision was made for the extension of existing special missions or for the potential establishment of new ones, which had been traditionally secured through additional appropriations approved by the General Assembly. In the light of the decisions taken by the Assembly in 1996 in that regard, it appeared advisable, the Secretary-General said, to include a provision in the outline. While appropriations for 1996-1997 included \$15 million for special missions, an additional \$70 million was included in the preliminary estimate for 1998-1999, for a total of \$85 million.

Changes in estimated resources also reflected provisions on a net rather than gross basis for the International Civil Service Commission (ICSC) and its secretariat, the Joint Inspection Unit (JIU) and its secretariat, and the services provided by the United Nations at the Vienna International Centre. Such changes in presentation, the Secretary-General stated, reflected more accurately the true level of expenditures and would lead to a reduction of \$43.2 million.

The Secretary-General said he was confident that the programme priorities reflected in the proposed medium-term plan for the period 1998-2001 (see below) could be pursued in 1998-1999 within the overall level of resources as outlined. As was the case with the 1996-1997 budget, the 1998-1999 programme budget would be subject to the most intense scrutiny within the Secretariat.

The preliminary estimate for 1998-1999 represented a reduction of \$178.9 million, or 6.9 per cent, as compared with the initial appropriations for 1996-1997.

As to the size of the contingency fund, the Secretary-General noted that it was set at 0.75 per cent of the overall level of resources. It had proved to be adequate to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. In the first year of the 1996-1997 biennium, the level of drawdown against the fund, which for 1996-1997 was set at \$20.6 million, had so far been \$1.1 million. The Secretary-

General recommended that the level be set at 0.25 per cent for the 1998-1999 biennium, representing \$6 million.

**Report of CPC.** The Committee for Programme and Coordination (CPC) discussed the proposed programme budget outline in September. Taking note of the preliminary estimates, the breakdown by parts of the budget and the proposed size of the contingency fund, CPC recommended [A/51/16 (Part II)] that the Assembly give further consideration to all the elements in the outline, taking into account divergent views of Member States as reflected in the CPC discussion.

**Report of ACABQ.** The Advisory Committee, in an 11 December report [A/51/720], pointed out that the Secretary-General's August report had attempted to change existing methodology and practice in a number of areas; that had not been fully explained and had made it difficult for the Committee to arrive at definitive recommendations without further policy proposals from the Secretary-General and guidance from the General Assembly. Moreover, some projections appeared arbitrary and lacked adequate justification.

With regard to the Secretary-General's preliminary estimates of \$2,559 million, ACABQ said they could be recosted at the latest rates for 1998-1999, reducing the total to \$2,498.5 million. As to his proposal to include an amount of \$85 million for the continuation of existing special missions or for the establishment of new ones in the 1998-1999 budget, the Advisory Committee noted that additional appropriations for such purposes had traditionally been secured through Assembly vote; under the circumstances, the Committee had not pronounced itself on the issue for the time being, but requested that the Secretary-General present policy proposals prior to his proposed programme budget. It also requested him to detail implications of his proposal to change the presentation of the budgets of ICSC and JIU.

As to the proposed deletion of 1,000 posts, ACABQ pointed out that the bulk of them had been kept vacant and were already unfunded and, therefore, very little resources would be released. It also noted that the Secretary-General's representatives had not been able to justify the level of resources to be realized through intensified efforts for increased productivity, streamlined structures and work processes that had been pursued on a sustained basis. Despite several requests, ACABQ had not been provided with a breakdown of the items comprising the anticipated savings of \$204.7 million. It requested that

the Assembly be provided with the specific components of further reductions, as well as an explanation of their practical implications on mandated programmes.

Noting that the Secretary-General had stated that the one-time provision of \$8 million in the 1996-1997 budget—for the second United Nations Conference on Human Settlements (see PART THREE, Chapter VIII) and for equipment for the UN Department of Administration and Management—would not be required in 1998-1999, ACABQ pointed out that expenditures for equipment as well as for conferences, while non-recurrent for a specific biennium, would invariably reappear in another; every budget contained a non-recurrent element and it was unrealistic not to factor that into the budget outline.

With regard to the proposal to lower the level of the contingency fund to 0.25 per cent of overall resources for 1998-1999, the Advisory Committee questioned the validity of using the experience of only the first year of the 1996-1997 biennium, as the Secretary-General had done in his report, and recommended that the original level of 0.75 per cent be maintained.

ACABQ further pointed out that the Secretary-General had not addressed the impact on the level of resources of activities that had been curtailed, deferred or postponed during 1996-1997; it was especially concerned at the impact of reduction of resources for construction, alteration, improvement and maintenance, and requested that those issues be taken up in the context of the proposed 1998-1999 programme budget as a matter of urgency.

Based on its observations, the Advisory Committee recommended that the Assembly take note of the proposed budget outline, requesting the Secretary-General at the same time to address certain questions that it considered of immediate relevance, including: rates of exchange and inflation used in the outline; outputs deferred, postponed or curtailed; a breakdown of the anticipated overall reduction in resources of \$204.7 million and of activities related to the \$8 million provision for one-time costs; amounts related to the proposed 6.4 per cent vacancy rate; and the impact of activities approved in 1996-1997 and continuing in 1998-1999.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/220**.

#### **Proposed programme budget outline for the biennium 1998-1999**

The General Assembly,

Reaffirming its resolution 41/213 of 19 December 1986, in which it requested the Secretary-General to

submit in off-budget years an outline of the proposed programme budget for the following biennium,

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

1. Reaffirms that the outline of the proposed programme budget for the biennium 1998-1999 shall contain an indication of:

(a) A preliminary estimate of resources to accommodate the proposed programme of activities during the biennium;

(b) Priorities reflecting general trends of a broad sectoral nature;

(c) Real growth, positive or negative, compared with the previous budget;

(d) The size of the contingency fund expressed as a percentage of the overall level of resources;

2. Also reaffirms that the outline should provide a greater level of predictability of resources required for the following biennium, promote a greater involvement of Member States in the budgetary process and thereby facilitate the broadest possible agreement on the programme budget;

3. Takes note of the report of the Committee for Programme and Coordination and the report of the Advisory Committee on Administrative and Budgetary Questions;

4. Invites the Secretary-General to prepare his proposed programme budget for the biennium 1998-1999 on the basis of a total preliminary estimate of 2,512 million United States dollars at initial 1996-1997 rates, re-costed to 2,480 million dollars at revised 1996-1997 rates;

5. Decides that the contingency fund shall be set at the level of 0.75 per cent of the preliminary estimate at 1998-1999 rates, namely at 19 million dollars;

6. Also decides that the proposed programme budget for the biennium 1998-1999 shall contain provisions for recosting on the basis of the existing methodology;

7. Further decides that the preliminary estimate of resources for the proposed programme budget for the biennium 1998-1999 does not include a provision for special missions for which there are no legislative mandates;

8. Decides that the priorities for the biennium 1998-1999 are the following:

(a) Maintenance of international peace and security;

(b) Promotion of sustained economic growth and sustainable development, in accordance with relevant General Assembly resolutions and recent United Nations conferences;

(c) Development of Africa;

(d) Promotion of human rights;

(e) Effective coordination of humanitarian assistance efforts;

(f) Promotion of justice and international law;

(g) Disarmament;

(h) Drug control, crime prevention and combating international terrorism in all its forms and manifestations;

9. Requests the Secretary-General to submit, in the context of his proposed programme budget for the biennium 1998-1999, the following information:

(a) Outputs deferred, postponed or curtailed in 1996-1997 and their disposition in the proposed programme budget for the biennium 1998-1999;

(b) Number of posts for the biennium by section and by category;

(c) Proposed vacancy rate for the Professional and the General Service categories for budgetary purposes;

10. Also requests the Secretary-General to prepare a comprehensive policy paper which will examine all issues related to the question of all additional expenditures referred to in paragraphs 10 and 11 of annex I to General Assembly resolution 41/213, including those relating to the maintenance of peace and security, inflation and currency fluctuation, and to submit that report to the Assembly, through the Advisory Committee on Administrative and Budgetary Questions, no later than 31 May 1997 with a view to finding a comprehensive solution to such questions.

General Assembly resolution 51/220

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/751) without vote, 18 December (meeting 47); draft by Vice-Chairman (A/C.5/51/L.40), orally revised; agenda item 112.

Meeting numbers. GA 51st session: 5th Committee 42, 43, 46, 47; plenary 89.

In the light of the adoption of the text by the Fifth Committee, Costa Rica withdrew a draft resolution [A/C.5/51/L.31] that it had introduced on behalf of the Member States of the Group of 77 and China. By the withdrawn text, the Assembly, among other provisions, would have invited the Secretary-General to prepare his proposed programme budget for 1998-1999 on the basis of the total preliminary estimate of \$2,608,274,000 at initial 1996-1997 rates, re-costed to \$2,574,366,000 at revised 1996-1997 rates. It would have noted that the proposed provision of \$85 million for special missions represented a serious departure from budgetary practice, and decided that no provision for mandates yet to be approved should be included in the budget outline.

Explaining its position in plenary, Costa Rica, speaking also on behalf of the Group of 77 and China, said they had joined in the consensus despite their belief that the Assembly should approve preliminary estimates of \$2.608 billion, i.e., at the same level as the allocations for 1996-1997. They considered it fundamental that the decisions on the outline be fully in line with Assembly resolution 41/213 [YUN 1986, p. 1024] on the review of the administrative and financial functioning of the United Nations, which set out criteria for the budget process; consequently, they believed that the draft programme budget for 1998-1999 should not include budgetary provisions for non-mandated activities. They also hoped that activities which had been suspended or cancelled for the next biennium would be fully

reflected in the Secretary-General's budgetary requests for the following biennium.

Ireland, speaking on behalf of the EU, regretted that it had not been possible to include as part of the budget outline the contingency provision for special missions, in order to provide for their assured funding. The EU believed that the Secretary-General's proposal represented a potentially useful innovation and looked forward to his comprehensive policy paper on the issue. The preliminary estimate of resources approved by the Assembly, higher than the level of resources the Secretary-General had requested, provided him with the potential to absorb costs up to \$70 million, relating to new and unforeseen mandates in the area of international peace and security; the EU expected him to take due account of that additional capacity when framing his programme budget. In terms of additional costs arising beyond that, the provisions of resolution 41/213 clearly applied.

Similarly, Australia, speaking also on behalf of Canada and New Zealand, believed that the proposal to include a provision for special missions represented a welcome effort to address the fact that significant charges to the regular budget were not included in the initial appropriations, a situation which was not in the best interest of sound budgetary planning and control.

India expected that the proposed 1998-1999 budget would adhere strictly to the resolution just adopted. It had joined the consensus on the resolution on the understanding that the proposed budget would not include any provision for special missions which had no legislative mandates until the Assembly had found a comprehensive solution to the problem of all additional expenditures. Current budgetary procedures made adequate provision for meeting such expenditures; in fact, the Assembly had, for that reason, disallowed a proposal by the Secretary-General for special missions in the 1994-1995 budget.

Egypt shared the view that the 1998-1999 programme budget should be based on the resolution just adopted.

Although joining the consensus, Cuba regretted that the resolution, which was fully consistent with the budget process established in resolution 41/213, did not provide for a higher level of resources for the Secretariat, especially in view of the negative impact of savings measures on the Organization's functioning. However, Cuba welcomed the recognition in paragraph 6 that the existing methodology for recosting should be maintained. It also attached great importance to the request for information in paragraph 9 and

hoped that the Secretary-General would take into account, in his proposed 1998-1999 programme budget, the negative impact of the savings measures on activities and programmes approved by the Assembly.

## Contributions

Unpaid assessed contributions from Member States to the UN budget totalled \$2.2 billion at the end of 1996, aggravating the serious financial situation of the Organization. Although a slight decrease from the all-time high of \$2.3 billion at the end of 1995, the level of unpaid contributions was \$400 million higher than in 1994 and \$600 million higher than in 1993. Outstanding contributions to the regular budget totalled \$511 million in 1996, compared to \$564 million at the end of the previous year.

On the other hand, 1996 was the first year for some time during which the amount of regular budget collections significantly exceeded new assessments. The number of Member States that had paid their regular budget assessments in full also increased, to 98, as compared to 94 at the end of 1995 and 75 at the end of 1994. The number of countries not making any payment to the regular budget fell to 12, against 22 in 1995 and 39 in 1994. The number of those owing more than their 1996 assessment at the end of the year was reduced to 61, compared to 71 in the previous year and 75 in 1994.

Aggregate peacekeeping assessments outstanding at the end of 1996 totalled \$1.6 billion, against \$1.7 billion a year earlier—the first reduction in outstanding peacekeeping assessments since 1991. The overall improvement was the result of a decrease of over \$200 million in amounts outstanding for Member States other than the United States, and for the latter an increase of over \$110 million.

## Assessments

**Special session of Committee on Contributions.** Pursuant to General Assembly resolution 50/207 A [YUN 1995, p. 1398], a special session of the Committee on Contributions was convened (New York, 26 February-1 March 1996) [A/50/11/Add.1 & Corr.1] to consider representations from Member States with respect to the application of Article 19 of the Charter of the United Nations, which stipulates that a Member shall lose its vote in the Assembly if the amount of its arrears equals or exceeds the amount of contributions

due from it for the preceding two full years; nevertheless, the Assembly may permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the Member's control.

During its discussion of general issues, the Committee agreed that, as a technical body, its main task in advising the Assembly on action to be taken with regard to the application of Article 19 was to consider whether the failure of a particular Member State to pay the amount needed to avoid the loss of the right to vote was due to conditions beyond its control.

The Committee noted that the Assembly had waived the application of Article 19 in relatively few cases and that, generally, such waivers had been short and were followed by the receipt of the necessary minimum payments within a limited time. The Committee stressed the need to apply a stringent standard to requests under Article 19 for permission to vote. It also emphasized the importance of the obligation to pay all assessed contributions in full and on time.

The Committee had before it written representations from the Dominican Republic, Georgia, Iraq, Latvia, Liberia, the Republic of Moldova, Rwanda, Tajikistan and Yugoslavia. It received and granted requests for oral representations from Georgia, Kyrgyzstan, Latvia, Liberia and Tajikistan. In addition, the Secretariat provided statistical data on Member States whose requests were being considered. The Committee received a written representation from the Comoros on the last day of its special session and, consequently, was unable to consider it.

The Committee noted that Azerbaijan and Turkmenistan, although mentioned in resolution 50/207 A as having requested that any arrears be treated as attributable to conditions beyond their control, had not made written or oral representations, but had meanwhile made payments sufficient to avoid the application of Article 19 in 1996. No representation had been received from Sao Tome and Principe, which had also been mentioned in resolution 50/207 A; therefore, the Committee was not in a position to advise the Assembly with regard to application of Article 19 in that case.

Turning to the individual countries that had submitted representations, the Committee, with regard to the Dominican Republic, recognized that country's burdens resulting from the sanctions against Haiti, but concluded that the information available did not provide a basis on which it could advise the Assembly that the Dominican Republic's failure to pay the minimum amount required to avoid the loss of its vote under Article 19 was due to conditions beyond its control. As to the country's request that the Assembly waive the

application of Article 19, pending a decision by the Security Council regarding compensation under Article 50 of the Charter—which specifies that a State, which finds itself confronted with special economic problems arising from preventive or enforcement measures taken by the Council against another State, has the right to consult the Council with regard to a solution of those problems—the Committee again stressed that the question of compensation under Article 50 was beyond its competence.

The Committee noted with appreciation Georgia's declared intention, despite severe problems, to make within a few months the minimum payment necessary to regain the right to vote. It recalled that the Assembly had, on a number of occasions, temporarily waived the application of Article 19 for countries in similar situations.

In the case of Iraq, which had indicated that it was unable to pay its contributions owing to the imposition of comprehensive sanctions and the freezing of its foreign assets, Committee members continued to express divergent views and the Committee was thus unable to recommend action to the Assembly.

Having heard an oral representation by Kyrgyzstan, which, in spite of its serious financial difficulties, had made the necessary payment to avoid the application of Article 19, but foresaw future problems and alluded to the possible submission of a multi-year plan for paying its arrears, the Committee noted that the case did not fall under Article 19 and, therefore, no action was required. A similar conclusion was reached in the case of the Republic of Moldova.

Latvia proposed a payment plan under which it estimated that it would settle its arrears within seven years. The Committee did not reach agreement on a recommendation to the Assembly that Latvia's failure to pay the necessary amount to avoid application of Article 19 was due to conditions beyond its control.

The Committee agreed, however, that the failure of Liberia and Rwanda to pay the necessary amounts was due to conditions beyond their control; it therefore recommended that they be permitted to vote for a limited time period, with the waiver extending through the fifty-first Assembly session, subject to review before any further extension.

Divergent views were expressed in the case of Tajikistan, and the Committee was unable to recommend any action. It agreed, however, that the country's situation should be reviewed at its fifty-sixth session (see below) on the basis of new information that might be available.

The Committee decided to defer action on Yugoslavia until such time as the pending succession issues with respect to its representation in the United Nations had been resolved.

As a number of States, in their representations before the Committee, indicated their commitment to pay their arrears and included proposals to do so over a number of years, the Committee discussed the question of multi-year payment plans as a means of reducing the problem of arrears. It noted that several UN organizations had made formal provision for such payment plans with the specific approval of their governing bodies. The Committee recognized that such payment plans could prove valuable in reducing the number of Members falling under the provisions of Article 19, as well as in improving the financial situation of the Organization. It also recognized, however, that the question of payment plans and terms and conditions to be applied to them went beyond its terms of reference.

#### GENERAL ASSEMBLY ACTION

On 11 April, the General Assembly adopted **resolution 50/207 B**.

#### **Scale of assessments for the apportionment of the expenses of the United Nations**

The General Assembly,  
Recalling its resolution 50/207 A of 23 December 1995,

Noting the number of requests by Member States to avoid the application of Article 19 of the Charter of the United Nations,

1. Takes note of the report of the Committee on Contributions on its special session held at Headquarters from 26 February to 1 March 1996;

2. Decides that the failure of Liberia and Rwanda to pay the minimum amount necessary to avoid the application of Article 19 of the Charter of the United Nations is due to conditions beyond their control and that, accordingly, they shall be permitted to vote through the fifty-first session of the General Assembly and that any extension shall be subject to review by the Committee on Contributions;

3. Welcomes the intention of Georgia to make within a few months the minimum payment necessary to regain its right to vote and to pay its debt completely within the next three years;

4. Decides, pending receipt of this minimum payment, to permit Georgia to vote through the fiftieth session of the General Assembly;

5. Takes note of paragraph 40 of the report of the Committee on Contributions and of the new information presented to the General Assembly regarding the situation in Tajikistan, which was not available to the Committee on Contributions at its special session;

6. Decides that the failure of Tajikistan to pay the minimum amount necessary to avoid the application of Article 19 of the Charter is due to conditions beyond its control and that, accordingly, it shall be permitted to vote through the fifty-first session of the General As-

sembly and that any extension shall be subject to review by the Committee on Contributions;

7. Notes that the Committee on Contributions was unable to consider the representation from the Comoros during its special session;

8. Requests the Committee on Contributions to consider the representation from the Comoros at its fifty-sixth session and to report thereon to the General Assembly;

9. Decides that, pending consideration of that report by the General Assembly and as an exceptional measure, the Comoros should be permitted to vote through the main part of the fifty-first session of the Assembly;

10. Reaffirms the obligation of Member States under Article 17 of the Charter to bear the expenses of the Organization as apportioned by the General Assembly;

11. Requests the Committee on Contributions to review the procedural aspects of consideration of requests for exemption under Article 19 of the Charter and to convey its observations thereon to the General Assembly not later than the end of the fifty-first session of the Assembly;

12. Requests the Secretary-General to ensure the earliest possible notification of Member States liable to fall under the provisions of Article 19 of the Charter in the following year;

13. Also requests the Secretary-General to inform the President of the General Assembly of Member States subject to the provisions of Article 19 of the Charter as soon as possible after 1 January of each year, and also to ensure that a list of such Member States is made available to Member States at least seven days in advance of the first formal meeting of the General Assembly in each year.

General Assembly resolution 50/207 B

11 April 1996 Meeting 104 Adopted without vote

Approved by Fifth Committee (A/50/843/Add.1) without vote, 4 April (meeting 55); draft by Chairman (A/C.5/50/L.38), orally revised; agenda item 120.

Meeting numbers. GA 50th session: 5th Committee 48, 49, 55; plenary 104.

Mexico, explaining its position, said it had not opposed the consensus on exempting the countries indicated in the draft resolution; nevertheless, it was paradoxical that the Assembly should grant so many exemptions in such a serious payment crisis as that being experienced by the Organization. The granting of such exemptions, without uniform or defined criteria and without payment plans to meet the debts, ran counter to the spirit of Article 19.

Similarly, Singapore pointed to the danger of granting large numbers of waivers to the application of Article 19—the sole mechanism to ensure payment of assessed contributions. Each time a Member State was exempted from its provisions, the United Nations was brought one step closer to financial ruin. Exemptions should be granted only in truly exceptional circumstances; they should not become commonplace or a convenient way out of paying assessed contributions.

**Regular annual session of Committee on Contributions.** The fifty-sixth session of the Committee on Contributions was held in New York from 10 to 28 June 1996 [A/50/11/Add.2]. As requested by the General Assembly in April, the Committee held a general discussion on questions of procedure, including the need to make timely recommendations or decisions, based on adequate information, with respect to requests under Article 19 of the Charter for permission to vote. The Committee decided to continue its review of the question in 1997 and to report to the Assembly before the end of the fifty-first session.

The Committee took up the question of the Comoros, which it had not been able to consider at its special session due to time constraints. The Committee had before it two notes verbales, dated 23 February and 10 June, from the Comoros to the Secretary-General. Additional information, including statistical data, was provided by the UN Secretariat. The Committee agreed that, as a result of the extraordinary circumstances related to the mercenary invasion in 1995, the failure of the Comoros to pay the amount necessary to avoid the application of Article 19 was attributable to conditions beyond its control. The Committee, therefore, recommended to the Assembly that the Comoros be permitted to vote through the fifty-first session and that that waiver be subject to review before any further extension. The Committee suggested that the Assembly might wish to take into account any further indications concerning the Comoros' intention to resume payments of its assessed contributions.

In accordance with Assembly decision 50/471 B [YUN 1995, p. 1397], the Committee reconsidered the inclusion of Turkey in the list of countries falling under paragraph 2 of resolution 48/223 B on assessments [YUN 1993, p. 1204], in which the Assembly had stipulated that in phasing out the scheme of limits, the allocation of additional points resulting therefrom to developing countries benefiting from its application should be limited to 15 per cent of the effect of the phase-out. The Committee in 1995 [YUN 1995, p. 1397] had not been able to find grounds for adjusting Turkey's rate of assessment for 1995-1997. In reconsidering the matter, the Committee had before it a letter from Turkey to its Chairman dated 20 May 1996. Turkey emphasized that the purpose of paragraph 2 of resolution 48/223 B was to provide some relief to developing countries facing a sharp increase in their contributions during the period 1995-1997, and that previous scales were not and should not be the issue. After reviewing the question again, the Committee concluded that the Assembly had established three criteria to determine which Member States would bene-

fit from the 15 per cent limitation on the effect of the phasing out of the scheme of limits on the scale of assessments for 1995-1997: that the Member State was a developing country; that its rate of assessment for 1995-1997 would be increased as a result of the phasing out of the scheme of limits; and that the Member State was benefiting from the scheme of limits under the scale of assessments for 1992-1994. Accordingly, while the Committee sympathized with Turkey's concerns about the increase in its rate of assessment, it found no basis to conclude that that rate should be adjusted during 1995-1997.

The Committee continued its comprehensive review of all aspects of the methodology for determining the scale of assessments and, in doing so, also considered the various proposals, suggestions and recommendations contained in the 1995 report of the Ad Hoc Intergovernmental Working Group on the Implementation of the Principle of Capacity to Pay [YUN 1995, p. 1399]. Discussing a number of general issues related to the scale, the Committee recognized that part of its mandate was to promote stability in the scale methodology; at the same time, the Committee agreed that stability should not imply rigidity, since future changes, such as evolving economic trends, or changes in the comparability, reliability and availability of data, might call for further adjustments.

The Committee also discussed the extent and timing of proposed changes in the scale methodology. While some members argued for the earliest possible implementation of measures that would bring the scale more closely into line with Member States' current capacity to pay, others preferred a phased implementation of any alterations proposed to the methodology. The Committee understood that its recommendations on individual elements of the methodology were made in the context of a thorough and comprehensive review of all aspects, rather than in the context of any specific scale, and that the Assembly, when mandating a new scale, would take into account the possible interactions between individual elements.

The Committee recalled that the Assembly had repeatedly reaffirmed Member States' capacity to pay as the fundamental criterion for apportioning the Organization's expenses, and that comparative estimates of national income would appear *prima facie* to be the fairest guide to measuring such capacity, subject to adjustments for factors identified by the Assembly. Some members emphasized that the number and complexity of such adjustments were in conflict with the goal of a simpler and more transparent scale methodology, and that, in some cases, the effects



of such adjustments resulted in large deviations from basic income measures. Others held opposite views, stating that many of those adjustments brought fairness and equity to the scale of assessments and prevented anomalous fluctuations in the rates of a large number of Member States; in their opinion, the cumulative effect of such adjustments was minimal in relation to Member States' capacity to pay. The Committee agreed that those and other general issues should continue to be discussed at future sessions.

Recalling that the Working Group had recommended the use of estimates of gross national product (GNP) as a first approximation of capacity to pay, based on data reliability, availability, comparability and simplicity, the Committee noted that, while the currently used measurement, i.e., net national income (NNI), might in principle be a better guide to measuring capacity to pay, it involved an adjustment to GNP for depreciation, for which estimates were generally less reliable and comparable, as they were often based on varying assumptions about the rate at which the capital stock was depleted. Accordingly, the Committee recommended that future scales should be based on estimates of GNP.

The Committee recalled that the Working Group had recommended that it address the issue raised by the situation of a number of countries whose economies were formerly centrally planned and other countries that might adopt the 1993 system of national accounts (SNA) in advance of other countries; that might have the result that the GNP estimates for such countries would be inflated relative to those which continued to use the 1968 SNA. The Committee was informed that the question had been considered by the Inter-secretariat Working Group on National Accounts in April 1996. The United Nations, the Statistical Office of the European Communities and the Organisation for Economic Cooperation and Development were continuing to request their members to provide gross domestic product (GDP)/GNP estimates according to the 1968 SNA until all countries had converted to the 1993 SNA. Accordingly, a study was being undertaken by the GNP Committee of the European Union with a view to establishing a simplified standard procedure for converting GDP/GNP estimates from the 1993 to the 1968 SNA for those countries which had implemented the new system earlier than others. The Committee agreed to keep the question under review, pending the results of that study.

With regard to the base period, the Committee reiterated its view that it should be a multiple of the scale period so that data from some years would not be used more frequently than data

from others; in that connection, base periods of three, six and nine years were considered. While some members argued that a three-year base period would have the advantage of providing the most recent, and therefore more realistic, approximation of Member States' current capacity to pay, others felt that longer base periods, such as six or nine years, would reduce excessive volatility in the scale, which was particularly significant with regard to the prospective phasing out of the scheme of limits. Some members considered annual recalculations of the scale as a useful tool for the Committee in keeping under review the evolution of national incomes in successive years. The Committee reiterated that, under its terms of reference, once a scale had been fixed by the Assembly, it should not be subject to a general revision for at least three years, unless it was clear that there had been substantial changes in relative capacities to pay. The Committee also was of the view that, in the long run, the base period should be kept constant in successive scale periods.

As a crucial step in determining Member States' capacity to pay, the Committee emphasized the importance of realistic exchange rates; in that context, it considered comparative per capita income data that had been converted at market exchange rates (MERs) and purchasing power parities (PPPs). The Committee agreed to keep the question of conversion rates under review, including the use of price-adjusted rates of exchange (PAREs); in the meantime, it agreed that MERs should be used for purposes of the scale, except where that caused excessive fluctuations or distortions in the income of some Member States, when PAREs or other appropriate conversion rates should be employed. The Committee also agreed to keep under review the question of criteria for replacing MERs as a conversion factor for the scale. It requested the Secretariat to provide to it in 1997 comprehensive information on the practice of the International Monetary Fund and the World Bank in choosing appropriate conversion rates to deal with cases of excessive fluctuations or distortions in the income of Member States.

In considering debt-burden adjustment, another element of the scale, the Committee had before it information from the World Bank on debt stock, principal repayments, the ratio of debt to national income and the ratio of debt service to export earnings for a number of Member States. Some members continued to question the rationale for that adjustment, while others regarded it as a necessary step in determining Member States' capacity to pay. Should the Assembly decide to retain that element of the scale

methodology, the Committee agreed that debt information available from the World Bank should be the basis for future calculations to measure debt-adjusted income because of better comparability and consistency. In that event, and notwithstanding the view of some members that the overall level of debt itself constituted a significant burden, the Committee also agreed that the adjustment should be based on data on actual principal repayments, rather than on a proportion of debt stocks, as in the current scale of assessments.

With regard to low per capita income adjustment, the Committee recalled that its original terms of reference had recognized comparative income per head of population as a main factor to be taken into account in order to prevent anomalous assessments resulting from the use of comparative estimates of national income, a principle that had been frequently reaffirmed by the Assembly. The Committee noted that the related adjustment for Member States with per capita incomes below the "threshold" of the world average per capita income remained one of the largest adjustments under the current methodology, and that the cost of the current adjustment, as well as of some alternatives, was shifted to Member States not benefiting from the adjustment in direct proportion to their relative shares of national income; there was also a discontinuity for Member States moving up, between scales, through the adjustment threshold, in contrast to the adjustment formula prior to 1979, which had produced no such discontinuity but had distributed the cost of the adjustment to all Member States. A number of members considered that a return to that practice would involve an unacceptable transfer of costs from high-income to low-income countries. The Committee also discussed a proposal that would apply progressive positive and negative adjustments to national income figures, above as well as below the threshold; in that way, the problem of discontinuity would be overcome. However, some members felt that the proposal as presented would introduce excessive progressivity above the threshold, which would mean an excessive reliance on the contributions of a relatively small number of Member States; others noted that the degree of progressivity could be adjusted in order to yield a more balanced result. The Committee agreed to keep under review the discontinuity experienced by Member States rising, between scales, through the threshold level of per capita income.

The Committee reiterated its agreement with the recommendation of the Working Group that per capita national income be calculated annually and averaged over the base period. Concerning the current floor assessment rate of 0.01 per

cent, the Committee agreed that it resulted in a serious departure from the principle of capacity to pay for a number of smaller Member States; in order to apportion their share of the Organization's expenses according to their capacity to pay and reduce the number of countries affected, the Committee recommended that, in future assessment scales, all Member States whose share of adjusted national income was less than the current 0.01 per cent floor should be assessed their actual share of adjusted income, subject to a minimum assessment rate of 0.001 per cent. Consistent with its recommendation that, in future scales, the minimum assessment rate should be set at 0.001 per cent, the Committee recommended carrying the scale to three decimal places, to make it more precise and fairer, especially for Member States with smaller assessment rates.

Under the Committee's terms of reference, it was specified that, if a ceiling was imposed on contributions, it should not be such as seriously to obscure the relation between a nation's contribution and its capacity to pay; for example, the ratio of the 1997 assessment for the one Member State subject to the ceiling to its share of world national income was 91 per cent. The Committee recalled that, by resolution 48/223 B [YUN 1993, p. 1204], the Assembly had decided that individual assessment rates for the least developed countries should not exceed their current level of 0.01 per cent. One member referred to a recent suggestion that the ceiling be reduced; it also suggested that two ceilings be set up, i.e., a higher ceiling for the permanent members of the Security Council and a lower one for other UN Members. A number of members disagreed and considered that the suggestion fell outside the Committee's terms of reference.

The Committee recalled that, as mandated by resolution 48/223 B, the scheme of limits would be completely phased out in connection with the adoption of the scale for 1998-2000. Some members, however, felt strongly that the Assembly should consider the heavy burden on some developing countries that would result from the complete elimination of the scheme.

The Committee agreed that the process of mitigation had nothing to do with the principle of capacity to pay. It noted that the process depended on Member States making points available for distribution and that the number of points distributed in that manner had declined in recent years. Some members considered that the process was essentially political and questioned whether the Committee, as a technical body, should be involved. Others felt that, when available, mitigation points could facilitate the process of agreeing on a scale.

The Committee took note of a report of the Secretary-General which indicated that, at the conclusion of its current session, 20 Member States would be in arrears in the payment of their assessed contributions under Article 19 of the Charter and would have no vote in the Assembly: Bosnia and Herzegovina, Burundi, Central African Republic, Chad, Dominica, Dominican Republic, Equatorial Guinea, Gambia, Grenada, Guinea, Iraq, Latvia, Madagascar, Mali, Mauritania, Niger, Sao Tome and Principe, Sierra Leone, Somalia, Yugoslavia. The Committee also noted that five Members were in arrears under Article 19, but had been permitted to vote pursuant to **resolution 50/207 B**: Georgia, through the fiftieth session; the Comoros, through the main part of the fifty-first session; and Liberia, Rwanda and Tajikistan, through the fifty-first session. The Committee further noted that eight Member States had availed themselves, under resolution 49/19 B [YUN 1994, p. 1353], of the opportunity of paying altogether \$2.8 million in contributions in currencies other than United States dollars.

#### GENERAL ASSEMBLY ACTION

Acting on the Fifth Committee's recommendation, the General Assembly, by **decision 50/471 C** of 17 September, took note of the report of the Committee on Contributions on its June session [A/50/11/Add.2] and deferred consideration of it until its fifty-first session.

Following a discussion in the Fifth Committee, the Assembly, by **decision 51/454 A** of 18 December, decided to continue its consideration of the agenda item on the scale of assessments as a matter of priority at its resumed fifty-first session, and to approve no later than 31 March 1997 the methodology that would instruct the Committee on Contributions to recommend to the Assembly at its fifty-second (1997) session a scale for the period 1998-2000.

The Fifth Committee postponed a decision on a draft resolution [A/C.5/51/L.21] introduced by Mexico, by which the Committee on Contributions would be asked to recommend to the Assembly a scale for 1998-2000 on the basis of elements on which there appeared to be broad agreement, such as estimates of GNP as a first approximation of capacity to pay and subject to adjustments for factors identified by the Assembly; a statistical base period of six years; uniform exchange rates; the debt adjustment approach used in preparation of the scale of assessments for 1995-1997; a low per capita income allowance formula with a per capita income limit of the average world per capita income for the statistical

base period and a gradient of 85 per cent; a floor rate of 0.001 per cent; a ceiling rate of 25 per cent; the phase out of the scheme of limits; and the scale expressed in three decimal places of a percentage point. The Assembly would further decide that in phasing out the scheme of limits, the resulting allocation of additional points to developing countries benefiting from its application should be limited to 15 per cent of the effect of the phase out, and that individual rates for least developed countries should not exceed 0.01 per cent.

Supporting the proposal to defer consideration of the text, Singapore said it should be taken as a basis on which to build consensus before 31 March 1997. When introducing the draft, Mexico noted that on a number of occasions the scale of assessments was at variance with the current financial situation, which derived primarily from the failure of certain Member States to make their financial contributions on time and in full, as well as with the reform of the Organization. Japan hoped that some progress could be achieved on the scale of assessments in the very near future; it also felt that all decisions on the scale should be taken by consensus.

Also on 18 December, the Assembly adopted **resolution 51/212 A**, exempting the Comoros from Article 19 of the Charter and allowing it to vote through the fifty-first session.

#### Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly,

Reaffirming Article 19 of the Charter of the United Nations,

Recalling its resolution 50/207 B of 11 April 1996 concerning the application of Article 19 of the Charter,

1. Notes that the Committee on Contributions will report to the General Assembly on the procedural aspects of the consideration of requests for exemption under Article 19 of the Charter of the United Nations before the end of its fifty-first session;

2. Endorses the conclusion of the Committee on Contributions that the failure of the Comoros to pay the minimum amount necessary to avoid the application of Article 19 of the Charter was attributable to conditions beyond its control;

3. Decides that, as a result, the Comoros should be permitted to vote through the fifty-first session of the General Assembly and that any extension that may be requested shall be subject to review by the Committee on Contributions.

General Assembly resolution 51/212 A

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/747) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.25), based on informal consultations; agenda item 119.

Meeting numbers. GA 51st session: 5th Committee 3, 5-9, 44, 46; plenary 89.

Throughout the year, the Secretary-General reported to the President of the Assembly on the payments certain Member States had made to reduce their arrears below the amount specified in Article 19, so that they would continue to be permitted to vote in the Assembly. On 28 February [A/50/888 & Add.1-12], 38 Member States were in arrears under the terms of Article 19. As at 17 September, nine remained below the gross amount owed for the preceding two full years (1994-1995), according to a letter from the Secretary-General of that date [A/51/366]. Of those, five later made the necessary payments, as documented in letters [A/51/366/Add.1-4] between 20 September and 16 October.

## Accounts and auditing

On 31 July 1996, the Chairman of the United Nations Board of Auditors transmitted to the General Assembly 14 financial reports and audited financial statements for the biennium 1994-1995, on the United Nations itself [A/51/5, vol. I], on UN peacekeeping operations [A/51/5, vol. II] and on the following UN entities: the International Trade Centre (ITC) [A/51/5, vol. III], the United Nations University (UNU) [A/51/5, vol. IV], the United Nations Development Programme (UNDP) [A/51/5/Add.1], the United Nations Children's Fund (UNICEF) [A/51/5/Add.2], the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) [A/51/5/Add.3], the Fund of the United Nations Environment Programme (UNEP) [A/51/5/Add.6], the United Nations Population Fund (UNFPA) [A/51/5/Add.7], the United Nations Habitat and Human Settlements Foundation (UNHHSF) [A/51/5/Add.8] and the Fund of the United Nations International Drug Control Programme (UNDCP) [A/51/5/Add.9]. Also transmitted were Board reports on the accounts of the voluntary funds administered by the United Nations High Commissioner for Refugees [A/51/5/Add.5], the United Nations Institute for Training and Research (UNITAR) [A/51/5/Add.4] and the United Nations Office for Project Services (UNOPS) [A/51/5/Add.10].

Introducing the reports to the Fifth Committee, the Chairman of the Board said it had conducted "horizontal" audits by which selected topics in the areas of programme planning, performance, monitoring, budgetary assumptions, programme budget reporting and internal audit had been examined in most of the 14 organizations and entities concerned. The Board's Audit Operations Committee had maintained a continuing dialogue with the administrations of

those organizations and entities and had worked closely with their internal audit services and the Office of Internal Oversight Services. The Committee had also exchanged information on issues of mutual interest with the Joint Inspection Unit.

Turning to some of the Board's main findings and recommendations, the Chairman noted that the Board had qualified its audit opinion on the financial statements of six organizations and on those of the peacekeeping financial statements. In respect of UNDP, UNFPA, UNDCP and UNEP, the Board had been unable to obtain sufficient evidence in the form of audit certificates from Governments and non-governmental organizations to confirm that funds advanced to them for technical cooperation projects had been expended for the purposes intended. The Board had also noted significant growth in the level of expenditures on nationally executed projects and made recommendations for improving auditing arrangements in that area.

The Board had found material uncertainty about the valuation placed on outstanding assessed contributions receivable and had therefore qualified its opinion on the financial statements of the UN peacekeeping operations, since it believed that the realization of a proportion of those assessments was doubtful. The Board recommended that the Administration find appropriate solutions to the valuation placed on outstanding assessed contributions. It was not, however, suggesting that long-outstanding contributions be cancelled. Provision should therefore be made in the accounts for such receivables.

In the case of UNHHSF, the Board qualified its audit opinion on the financial statements because of non-compliance with the format of presentation approved by the General Assembly and the overstatement of income by \$1.17 million.

With regard to the accounting standards of the UN system (see below), the Board observed that organizations had generally complied with the common accounting standards in presenting financial statements. Further work needed to be done, however, in some areas, to bring the statements more closely into line with those standards. The main areas for attention included disclosure of valuation of non-expendable property, cash held in non-convertible currencies and disclosure of end-of-service liability for termination benefits.

At the end of the biennium, the Board noted a decline in the liquidity position of the United Nations, UNEP, UNRWA and UNHHSF, which called for more effective working capital management. Furthermore, the Board observed that expenditures had exceeded income in UNICEF by

\$5.4 million, in UNDCP by \$6.9 million and in UNITAR by \$111,585.

On management issues, while the Board saw improvements in overall budgetary control in the United Nations, it also felt that there was a need for more rigorous control over the budgetary performance of trust funds. It noted that budget allotments had been exceeded in UNU, the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNEP, and recommended that the systems and procedures for budget estimation and budgetary control in those entities be reviewed to ensure that actual expenditures were within allotments.

The Board welcomed the reforms initiated to improve the procurement process (see PART FIVE, Chapter IV), but noted that certain shortcomings persisted. It recommended that more attention be paid to the management of the liquidation of peacekeeping operations (see PART ONE, Chapter I).

As for programme management, the Board noted that self-evaluation of subprogrammes had been declining, and observed deficiencies in project planning and implementation in UNHCR, UNEP, UNRWA, UNHHSF and UNU.

Concerning UNICEF, the Board felt that the inability of many assisted countries to discharge their basic obligations under cooperation agreements cast doubt on whether the organization could achieve its goals of sustainability and capacity-building through its projects. In UNDP and UNFPA, the Board found weaknesses in the way national execution projects were delivered, particularly in the assessment of countries' capacities to undertake such projects.

With regard to budget formulation, the Board found that the United Nations and UNICEF used the most recent available exchange rates to compute standard cost tables and suggested that an exchange rate based on the average of the actual rates of the preceding year would be more accurate, since it would eliminate fluctuations in the monthly rates. In the United Nations, the projection of the inflation rate based on the consumer price index for non-post items should be reviewed, since that index did not represent the price trend of all goods and services procured by the duty stations.

The Board found the effectiveness of the internal audit function in many organizations and entities deficient, owing to inadequate coverage of activities, insufficient staff resources and delays in the implementation of internal audit recommendations.

Among other issues dealt with by the Board in its audits were the overpayment for construction contracts, consultancies, UNICEF policy with re-

gard to doubtful receivables, inter-fund borrowing, expenditures incurred or authorized prior to the receipt of funds, training for peacekeeping personnel involved in procurement, and UNU training of scholars from developing countries.

In a 22 October report [A/51/533], ACABQ submitted its supplementary comments and recommendations. It noted that even though the Board had qualified its opinion on the financial statements of six administrations and on those of the peacekeeping financial statements, it had found that the United Nations and its funds and programmes were generally complying with the accounting standards noted by the General Assembly in resolution 48/216 C [YUN 1993, p. 1208]. Differences had arisen in the application of articles 32 and 33 concerning the treatment of delays in income from assessed and voluntary contributions. Representatives of the Secretary-General had informed the Advisory Committee that the Secretariat did not consider article 32 mandatory. In ACABQ's view, however, regardless of the length of time the amounts had not been paid, assessed contributions were collectible unless the Assembly decided otherwise.

The Advisory Committee requested that action be taken to avoid, in the future, having the Board qualify its opinion on the financial statements of a number of organizations because of deficiencies in certification.

In ACABQ's opinion, the Board's findings should be considered collectively, preferably in the context of the Administrative Committee on Coordination (ACC). Organizations should share experiences and compare the various actions taken to address the deficiencies identified by the Board. The system as a whole needed to cooperate at the country level to create capacity through a variety of means, including coordinated assistance to enhance the capacity of implementing and executing agencies and bodies. It was important that the United Nations and its funding programmes identified areas that required intervention well in advance of their implementation, as it was a waste of resources to conclude agreements only to discover that the implementing partner was incapable of delivering, and it was equally counter-productive to enforce agreements when the other party lacked the capacity to comply.

The Advisory Committee was particularly concerned at the lack of commitment by the management of some funds and programmes to pay more attention to internal audits and to implement the recommendations thereof in a timely manner; it had identified some areas where it was necessary for certain administrations to devote more resources and attention to internal audits. The Committee also considered that procure-

ment reform deserved top priority, in view of the volume of resources expended on procurement and the extent of irregularities uncovered.

With respect to trust funds where, in a number of cases, administrative instructions were not being followed, ACABQ noted that the Assembly had already concurred with its recommendation that, where donor terms and demands were incompatible with UN financial rules and procedures, the latter must prevail. It was necessary to devise satisfactory procedures for remedy in cases of mismanagement, to complement the procedures already in place for fraud and embezzlement; if the administrations did not give that issue due priority, ACABQ warned, legislative bodies might become involved in an area which was and should remain the prerogative of the Secretary-General and the executive heads of funds and programmes.

The Advisory Committee recommended that administrations should indicate, in their next budget submissions, the extent to which the Board's recommendations could be taken into account, and cautioned that care should be taken to avoid introducing procedures that were not cost-effective. The environment in which some organizations operated should be taken fully into account, particularly in assessing levels of initial and actual expenditure. In the future, the Board should not be burdened with requests to audit areas such as the budget process, which was regulated by intergovernmental directives and constantly monitored, and it should not be asked to undertake tasks with the hope that the results would resolve political differences among Member States.

By a 13 August note [A/51/283], the Secretary-General transmitted to the Assembly a concise summary of the Board's principal findings, conclusions and recommendations of common interest, classified by audit area. In October, he reported [A/51/488 & Add.1,2] on measures taken or envisaged to implement the Board's recommendations, with timetables where appropriate.

The Assembly did not take any action in 1996 on the financial reports and audited financial statements, but, by **decision** 51/462 of 18 December, deferred their consideration until its resumed fifty-first session in 1997.

### Common accounting standards

United Nations system common accounting standards were developed in 1993 under the auspices of the ACC Consultative Committee on Administrative Questions (Financial and Budgetary Questions) (CCAQ(FB)). The General Assembly, by resolution 48/216 C [YUN 1993, p. 1208], requested

the Secretary-General and the executive heads of UN organizations and programmes to take those standards into account when preparing their financial statements.

On 18 October 1996, the Secretary-General reported [A/51/523] on the further development of the standards in 1994 and 1995. CCAQ(FB) entrusted the task to a Working Party on Financial Statements, which was open to participation by accounting specialists from all organizations. The Working Party held three meetings in 1994 and 1995, with the aim of developing agreed formats for financial statements and of making consequent changes to the provisions of the standards. The Working Party was assisted by the Technical Group of the Panel of External Auditors of the United Nations, the Specialized Agencies and the International Atomic Energy Agency. The final draft revised accounting standards prepared through that process were approved by CCAQ(FB) at its second session in 1995. The formats were designed not only to ensure that similar accounts were treated in the same way in the various organizations, but also to facilitate comparison between financial statements and to bring out the full range of an organization's activities. The Panel, which participated in the session, indicated that in its opinion the amended text, including the format of statements, represented a sound set of accounting standards for the UN system.

The Secretary-General noted that UN organizations had made significant efforts to take the revised standards into consideration in preparing their financial statements for financial periods ending in 1995. However, organizations had reported some problems with their application and there were a few areas in which clarification of the standards was needed, particularly with regard to the harmonization of presentation using the agreed formats. Further work was also necessary on the cash-flow statement in order to enhance its utility. In some cases, the organizations' financial regulations and rules had not been brought into line with the standards. Discussion of those issues with external auditors was ongoing in a number of organizations. CCAQ(FB) had already identified several subjects, such as currency transactions and treatment of voluntary contributions in kind, that called for further study, while the Panel indicated that it would assist in clarifying some of those issues.

As to future development, the Secretary-General said the reactions of governing bodies to the introduction of new formats for financial statements and reports would be of importance in evaluating the new formats. A number of governing bodies had not had an opportunity to ex-

press any opinion, but the reactions of those that had been positive. CCAQ(FB) planned to begin the next stage of work on the standards as soon as all governing bodies had examined the latest statements. The process of full adaptation to the common standards was likely to extend over several years, as changes in financial practices, procedures and systems would have to be made in a number of instances, and several governing bodies would need to consider changes in financial policies and/or the amendment of financial regulations.

In conclusion, the Secretary-General believed that the revised standards, set out in the annex to his report, represented a positive response to the Assembly's requests and an important advance for the UN system. He welcomed the constructive contributions of the Panel of External Auditors and invited the Assembly to take note of the standards and of the organizations' plans for their application and future development.

ACABQ, in an October report [A/51/533], welcomed the results of the exercise, progress in the area being in line with the trend towards greater harmonization in budgetary and financial matters. It noted in particular the information in the Secretary-General's report regarding the application of the standards by the organizations and the changes, if any, in the financial policies and/or amendments to the financial regulations that might have to be considered by the governing bodies.

The Advisory Committee was informed by representatives of the Secretary-General that there was no difficulty in applying the standards in the United Nations itself, although a revision to the financial regulations might need to be considered at a later date to allow for a minor technical change owing to currency transactions. That information, ACABQ noted, was in keeping with the information provided by the Board of Auditors that organizations had generally complied with the common accounting standards in presenting the financial statements for 1994-1995. However, the Advisory Committee said, further work needed to be done in 1996-1997 to bring the financial statements fully in line with those standards.

With regard to the application of article 32 of the accounting standards, on the treatment of delays in income from assessed contributions, ACABQ was informed that the Administration interpreted that article as optional rather than mandatory and that, unless instructed otherwise by the Assembly, no provision would be made to take account of uncollected funds.

As the Secretary-General was to report to the Assembly should implementation of the account-

ing standards require it to consider further changes, the Advisory Committee said it would remain seized of the matter in the context of its examination of the reports of the Board of Auditors.

The Fifth Committee considered the Secretary-General's report on accounting standards together with the statistical report of ACC on the budgetary and financial situation of organizations of the UN system [A/51/505 & Corr.1]. The report contained tables grouped under three subject headings: regular budgets and assessed contributions; working capital funds; and expenditure and receipts of voluntary contributions.

Acting on the Committee's recommendation, the General Assembly, by **decision** 51/453 of 18 December, took note of both reports.

## Programme planning

### Medium-term plan 1998-2001

During May and June 1996, the Secretary-General submitted the programme sections of the proposed medium-term plan for the period 1998-2001, the principal directive of the Organization which also served as a framework for the preparation of the biennial programme budgets [A/51/6 (Progs. 1-25)]. Developed through joint efforts of the Member States and the Secretariat, the plan comprised two parts: the first provided broad directions for action in line with legislative intent and reflected the orientations and expectations of Member States; the second part comprised the framework for all programmes under the responsibility of UN offices.

On 16 May, outlining the plan's perspective [A/51/6 (Perspective)], the Secretary-General said it was designed to enable the United Nations to address major global trends and problems that were likely to persist well into the next millennium. Globalization, fragmentation, democratization and marginalization would all have profound effects, both on the state of the world and on the role, expectations and activities of the Organization; they provided a challenging context for the UN programme of work for the medium term. Nevertheless, in an era of unprecedented change, the next few years could not be foreseen with precision and the Organization therefore had to have the capacity to adjust flexibly to the demands placed on it.

In the period covered by the medium-term plan, the United Nations would strengthen action in the areas of international economic rela-

tions, international environmental management, global information flows and cooperation with new global actors, in particular to ensure full consideration of the concerns of developing countries. The Organization would extend its central role in collecting and providing global development data and developing universal standards and methods for measuring progress in the human dimensions of development that had been the focus of recent global conferences.

Some of the growing spectrum of global issues were within the purview of other international institutions in the UN system, noted the Secretary-General. Because of the inseparability of many of the issues needing to be addressed, a major objective for the period covered by the plan had to be to enhance cooperation between the United Nations and those other bodies, at the intergovernmental as well as secretariat levels. In most of those areas, the Organization would have to cooperate with other global actors and develop a framework that provided for all concerned to participate individually as well as collectively.

Achieving sustained growth and sustainable development had to remain a major global objective, the Secretary-General stressed, due to the persistence of such problems as the lack of safe water, threats to biological diversity, ozone loss, global warming, declining land productivity, desertification and reduced food security. The Organization should contribute to raising international awareness of environmental trends and their negative consequences, since, in the absence of international understanding, environmental disputes would become more prevalent. Particular attention would have to be given to the negative aspects of globalization, including financial and economic disturbances, refugee flows, drug trafficking, terrorism, global health threats, illicit flows of arms, international crime and money-laundering. The further development of international law, including international trade law and the law of the sea, and the establishment of norms and standards would be a central pillar of many of those activities.

The United Nations would continue to develop and maintain international norms and standards for drug control and to monitor, promote and coordinate international drug control efforts. The Organization should also develop, in close cooperation with the concerned agencies, its response to newly emerging diseases and the global HIV/AIDS pandemic through policies designed to increase awareness and address the socio-economic consequences of the spread of the disease. The struggle against HIV/AIDS would, according to the Secretary-General, be in-

tegrated into all relevant UN work programmes, including peacekeeping and humanitarian activities, as well as development cooperation.

In response to the information revolution and its increasing importance for the foundations of peace and development, the United Nations had to be an active partner with media and communications channels, not only as an outreach to the peoples of the world, but also as a means of influencing decision-making. In the Secretary-General's opinion, one of its challenges would be to capitalize on the media-heightened awareness of some crises while also ensuring that resources and energies were not diverted from areas not in the spotlight but of equal need.

The Organization should expand its cooperation with regional organizations and arrangements and identify regional actors, the Secretary-General believed. By ensuring the complementarity of regionalism and its own multilateral approach, the United Nations would serve not only practical purposes but also the democratization of the international system.

United Nations efforts towards disarmament must be sustained, according to the Secretary-General, despite the end of the cold war and the relaxation in international tensions. The Organization had to continue its long-term global efforts to remove landmines, as well as to establish a total ban on their production and trade. The United Nations role in providing and mobilizing humanitarian relief was expected to increase, and would need to be more effectively combined with peace-building, social and economic reintegration of refugees and disaster preparedness.

During the plan period, strengthening public administration and enhancing the institutions of civil society would be major aspects of the Organization's activities to counter increasing tendencies towards fragmentation. Beyond its work in individual countries, UN work in democratization should include, in the Secretary-General's view, a more proactive and consistent approach to human rights abuses and universal standards of human rights. The United Nations had to strive for universal ratification of human rights treaties, the integration of women's rights into all human rights procedures, the promotion of the right to development and an end to impunity.

Along with other international organizations, the Secretary-General felt that the United Nations had to play the lead role in analysing the particular needs of the most marginalized countries, in galvanizing the international community regarding their concern, and in providing a framework for issues of marginalization to be addressed on a global scale. The programmes of ac-



tion that had emerged from recent world conferences and summits illustrated the Organization's role in forging a consensus on those issues. The United Nations had to ensure that those agreements were translated into practice. Within those overall efforts, the development of Africa had to become an even greater priority, and the Organization would be a central actor in that respect.

Beyond the issue of marginalized countries, the United Nations had to address the marginalization of groups and individuals within their own societies, including girls and women, certain ethnic and religious groups, indigenous peoples, refugees, migrant workers, people with disabilities, the ageing, ex-combatants, mine victims and orphans. The global problem of poverty—the single most important factor causing such marginalization—had to be addressed in all its dimensions, and the United Nations and its partner agencies had to sustain developing countries in their efforts to build indigenous capacities to combat poverty and deprivation. It also had to enhance its capacity to prevent disputes among groups within a society from escalating into armed conflict. During the plan period, said the Secretary-General, the Organization must enhance both its peacemaking methodologies and the capabilities of its staff, and the resources of the UN system must be brought together in peace-building programmes.

Concluding, the Secretary-General pointed out that the effort to ensure that the United Nations of the twenty-first century was equipped to rise to its challenges was a joint responsibility and depended, above all, on predictable and assured political and financial support from Member States. Uncertainties of either kind not only would have a deleterious effect on the activities outlined in the medium-term plan, but would also inhibit the continuous reform and restructuring process. In endorsing the plan, Member States would convey their willingness to confront together, through their United Nations, current and future challenges.

**CPC consideration (June).** The Committee for Programme and Coordination (CPC), at the first part of its thirty-sixth session in June, after considering and analysing all 25 programmes of the proposed medium-term plan, decided to revert to their consideration at the second part of the session.

The Committee reiterated the importance Member States attached to the plan as the principal policy directive and the framework for the biennial programme budgets. It stressed the importance of ensuring that the plan reflected all mandated programmes and activities, and agreed that legislative mandates for the work to

be carried out should be included in the plan's approved version.

The Committee further agreed that if the new plan format were adopted, it would be necessary, as recommended by ACABQ, to amend the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation. It concurred with the Secretary-General's view that efforts to ensure that the United Nations was equipped to rise to the challenges of the twenty-first century depended above all on Member States' continuous, predictable and assured political and financial support.

Being unable to reach agreement on the content of the document outlining the plan's perspective, CPC was not able to consider it, as submitted, as an integral part of the plan. It therefore requested that the Secretary-General be asked to present to the General Assembly, through CPC, a short and concise document outlining the plan's broad areas of priority, based on the relevant resolutions and decisions of UN intergovernmental bodies and taking into account the views expressed by Member States during the CPC discussion. An overview of that discussion, as well as CPC's conclusions, were presented in its annual report [A/51/16 (Part I)].

**Note of Secretary-General** (August). In accordance with CPC's request, the Secretary-General, by a 19 August note [A/51/6 (Note)], presented a report based on agreements reached by the intergovernmental bodies, including the 1995 Declaration on the Occasion of the Fiftieth Anniversary of the United Nations [GA res. 50/6], in which Member States had declared their determination that the United Nations of the future would work with renewed vigour and effectiveness to promote peace, development, equality, justice and understanding among the peoples of the world, and that they would give to the twenty-first century a United Nations equipped, financed and structured to serve effectively the peoples in whose name it had been established.

In response to those commitments, the Secretary-General said, the work of the Organization during the medium-term plan period 1998-2001 would take into account persistent problems prevailing, as well as emerging trends and challenges. Among the persistent problems, he cited inter-State and intra-State conflicts and tensions; the absence of a clearer definition of the scope and limits of the United Nations political role in the post-cold-war era; Governments' reluctance to accept UN involvement in an internal conflict until it was too late for preventive action; the tendency of public opinion to assume that the United Nations could always play a use-

ful role in any conflict; the scarcity of resources available to the Organization; imbalances and uncertainties in the global economy; poverty; the critical situation of least developed countries; the critical socio-economic situation in Africa; massive human rights violations; and inequalities between men and women.

The trends that had emerged since the end of the cold war were likely to continue during the years 1998-2001, the Secretary-General believed. A growing number of conflicts were taking place within States, and throughout the world serious threats would continue to be posed by terrorism, international organized crime, and illicit drug and arms trafficking. He noted a global trend towards democratization and increased empowerment of the individual and groups within society, and globalization and growing interdependence in the world economy, and with regard to such issues as environmental hazards, population movement and disease. As interdependence had been deepening, regional economic groupings and arrangements were recognized as important catalysts for economic growth and trade expansion.

Political instability, internal conflicts and environmental degradation were likely to contribute to an increase in the number and magnitude of man-made and natural emergencies, the Secretary-General warned. He expressed concern at the overall decline in official development assistance, and noted that respect for human rights was now recognized as an important element in long-term economic and social development.

In response to the need to address persistent problems and emerging trends and to meet the challenges of the future, the Secretary-General outlined the role of the Organization and directions to be pursued in the four major areas—peace, development, equality and justice—and cited certain priorities: maintenance of peace and security; promotion of sustained economic growth and sustainable development of developing countries; development of Africa; promotion of human rights; effective response to humanitarian emergencies; and promotion of justice and international law. Concluding, he pointed out that the effort to ensure that the United Nations was able to fulfil its considerable potential into the twenty-first century was a joint responsibility of Member States and himself. He would uphold high standards of management and continue to improve the Organization's administrative and financial functioning, which would require the maintenance of a strong independent civil service of the highest calibre. At the same time, Member States had to ensure continu-

ous and predictable political and financial support in order for the Organization to meet its challenges.

**CPC consideration (September).** CPC, at the second part of its thirty-sixth session in September, took note of the Secretary-General's note and welcomed the strict observance of the format that it had recommended. The Committee was able to present conclusions and recommendations on 21 of the 25 proposed programmes of the medium-term plan, with certain modifications. It could not reach agreement on four programmes: political affairs; trade and development; human settlements; and human rights. The Committee recommended that they be considered by the General Assembly, taking into account the views expressed and amendments proposed by Member States. CPC discussions, conclusions and recommendations were reflected in its report [A/51/16 (Part II)].

### **Programme performance for 1994-1995**

In May, the Secretary-General reported [A/51/128 & Add.1] on programme performance of the United Nations for the 1994-1995 biennium. The report captured the wide range of the Organization's activities identified in the programme budget for those years and reflected the degree of their implementation. It also indicated the extent to which programmed activities had been modified during implementation, along with explanations for the modifications and an indication of attendant resources. It did not attempt to assess the quality of outputs and services produced. The information presented distinguished between four groups of activities: the first covered outputs and services specifically indicated and quantified in the programme budget; the second corresponded to activities described in the budget in general terms, with little or no indication of the quantities; operational activities were subject to a third format of reporting; and conference and administrative services were reported through relevant workload indicators.

The report contained an overview of programme performance, a summary of resource utilization, findings and conclusions and a set of annexed tables summarizing implementation and the reasons for changes made during the biennium. The findings provided feedback for improving the formulation of programmes and for enhancing implementation. An addendum to the report highlighted the factors that affected programme deliveries during the biennium by section of the programme budget, including a brief report on the activities undertaken by the Office of the United Nations High Commis-

sioner for Refugees (UNHCR) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) that did not fit under the standardized presentation of the other programme budget sections.

Of the 6,497 final outputs specifically identified in the 1994-1995 programme budget, 4,888, or 75.2 per cent, were actually implemented during the biennium. The outputs specifically identified mainly fell under the major categories of parliamentary services, published material, and information material and services, which accounted for a large part of the work of the Organization, notably in the economic and social sectors, and utilized 62 per cent of Professional staff work-months.

"Non-outputs/services"—such as intergovernmental negotiations, good offices, promotion of legal instruments, and coordination and consultation with governmental and non-governmental organizations—were less measurable and not precisely quantified in the programme budget. Nevertheless, they were considered essential for the functioning of the Organization and involved the use of resources. In the 1994-1995 budget, they appeared under two major categories, i.e., international cooperation and coordination, harmonization and liaison. Operational activities—which also did not fall within standard categories of outputs mentioned in rule 104.4 (setting out standards for programme narratives for substantive activities in the programme budget) of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation—comprised advisory services, training seminars, workshops and field projects.

A distinction was made in the report between outputs implemented as programmed and those that were reformulated, i.e., their description had been modified as compared with the programme budget narrative, while continuing to address the same subject matter.

The overall level of implementation in 1994-1995 (73 per cent) was slightly lower than that of the previous biennium (74 per cent). However, the implementation of highest-priority outputs was substantially lower (66.4 per cent in 1994-1995, as against 81.7 per cent in 1992-1993). Of the 1,609 programmed outputs that were not implemented during the biennium, 590, or 9.1 per cent, were postponed and 1,019, or 15.7 per cent, were terminated. The postponed outputs were essentially published material (420, or 71 per cent).

In addition to the 6,497 programmed outputs, 1,226 outputs were added to the programme bud-

get during the biennium, either by intergovernmental bodies or at the initiative of the Secretariat. The number of outputs added by legislation in 1994-1995 was lower than in 1992-1993, whereas the number of those added at the Secretariat's initiative was substantially larger.

A total of 52,029 Professional work-months, including consultant services, were reported available to programme managers for implementation of the 1994-1995 work programme. Of those, an estimated 13,730, or 26 per cent, were funded from extrabudgetary resources. Sixty-two per cent of the total, i.e., 32,483 work-months, were committed to the implementation of activities that generated final outputs under the major categories of parliamentary services, published material and information services. The proportion of resources committed to activities that did not generate "final outputs" in the fields of international cooperation and coordination, harmonization and liaison was 14 per cent, or 7,505 work-months; of those, 62 per cent were utilized to implement activities of the Centre for Human Rights, the Department of Political Affairs (DPA), the Office of Legal Affairs, the Department of Humanitarian Affairs (DHA) and the Department of Peacekeeping Operations.

Operational activities—concentrated in the economic and social sectors with six entities, namely, the United Nations Conference on Trade and Development (UNCTAD), the Centre for Human Rights, the Economic and Social Commission for Asia and the Pacific (ESCAP), the United Nations Centre for Human Settlements (Habitat), the United Nations Environment Programme (UNEP), and the Department for Development Support and Management Services (DDSMS)—accounted for the balance of 12,041 work-months (23 per cent).

Summarizing his findings, the Secretary-General said that the balance sheet of what had been delivered appeared largely positive in terms of quantity of outputs and services produced, despite the various constraints resulting from the degree of programmatic details in the programme budget document, the need to respond to the multitude of new demands and the challenging requirements of delivering while simultaneously reforming the structures and methods of work through an ongoing process of streamlining and reorganization. However, the picture became blurred when the aspect of redundancy and duplication of many of the activities reported implemented was taken into account. The monitoring exercise covering the biennium suggested that legislative bodies had often been seized with a wide range of documentation and reports, the purpose of which was not clear other

than their general information nature. Duplication was also widely found among publications.

According to the Secretary-General, there was little evidence of any concerted efforts on the part of programme managers to use the programming and budgeting process more effectively in addressing additional mandates. Necessary adjustments in response to changing demands and emerging needs were translated more often than not into new activities, in addition to ongoing, mandated ones.

The Secretary-General noted that 181 outputs carried over from the previous biennium had been further postponed; nearly 73 per cent of that total consisted of publications, with the remainder being documentation and background material programmed under parliamentary services, as well as some information material. In the absence of further justification warranting their continuation, he recommended that those outputs be terminated.

Financial constraints required a more focused programme and greater integration of the work into fewer mutually supporting activities, the Secretary-General felt. They also required addressing, at the programme formulation stage, issues of duplication and complementarities within the same programme, as well as with others.

Based on problems found relating to a low implementation rate (below 70 per cent), outputs and subprogrammes designated as high priority, outputs added, or postponed and terminated, as well as resource utilization, the Secretary-General believed that inspection reviews were warranted for UNEP, Habitat, crime prevention, ESCAP, the Department for Policy Coordination and Sustainable Development, DDSMS and DHA. By and large, he said, the findings suggested that a tangible improvement in the quality of the monitoring and reporting exercise would always depend on the commitment of programme managers to institutionalize monitoring and evaluation as an integral part of their managerial practices. The quality of department submissions received within the 1994-1995 programme performance exercise clearly indicated that, in many departments and offices, there was an inadequate commitment to oversight and no coordinating or managerial mechanism for routinely collecting and analysing information on the progress made and results achieved under various activities and programmes. Many departments did not have a senior planning and coordinating function located in the office of the head of department or office to provide coordinated feedback on successes and shortfalls, to ensure coherent strategies and minimize duplication.

Concluding, the Secretary-General said that through its work in audit, inspection and evaluation, the Office of Internal Oversight Services (OIOS) (see PART FIVE, Chapter I) would continue to emphasize the need for adequate mechanisms and systems of programme oversight and control at the departmental level. To that end, OIOS would ensure that such mechanisms were established in various organizational units and used as a management tool.

**CPC conclusions and recommendations.** CPC considered the Secretary-General's report on 4 and 5 June. It commended its quality, expressed appreciation for its clarity and format of presentation and called it a useful contribution to the improvement of the programme planning and budgetary process. The Committee acknowledged the inherent limits of any purely quantitative approach to programme performance and the margin of error implied in such an exercise. It realized that a systematic exercise of measurement was the only opportunity for systematic control of the effectiveness of implementation of mandated activities to be carried out under a programme budget, and the only tool of control available to some programme managers.

CPC expressed concern at the overall low level of implementation, as compared to the previous biennium, in particular the decline in the implementation of high-priority designated activities. Recognizing that the current methodology did not do justice to the departments affected by decisions taken during the biennium by intergovernmental bodies, the Committee requested the Secretary-General to refine the reporting methodology for the next programme performance report, so as to reflect better both the extent to which activities had been mandated throughout the period concerned and the extent to which they had actually been implemented.

CPC recommended that measures be taken to ensure that programme managers adhered to the priorities mandated by the Assembly. In that connection, it stressed the need for continued efforts to improve the rate of implementation of the programme of the Economic and Social Commission for Western Asia (ESCWA); while noting the detrimental effect on ESCWA's performance of the continuing high number of vacancies, CPC was nevertheless of the view that the vacancy situation appeared to be chronic and deserved urgent attention, and requested that immediate action be taken to face problems in that regard as they affected programme performance.

The Committee voiced concern over the relatively large number of instances in which programme managers did not provide adequate reasons for outputs that were terminated; it reit-

erated that all changes and additions introduced by programme managers in the course of implementation should be submitted to the appropriate intergovernmental bodies for consideration and approval, and stressed the need for programme budget implication statements whenever additional activities were mandated. Those statements should indicate whether an activity of equivalent cost could be deleted or postponed within the same programme. The Committee stressed the need to ensure fully effective implementation of all mandated activities and reiterated the central role of the Assembly in changing or postponing activities and programmes, notwithstanding the discretion granted to the Secretary-General through rule 105.2 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation.

CPC noted that a substantial amount of regular budget resources was being used to fund operational activities. It also noted that an increasing proportion of extrabudgetary resources was being used to fund activities of a non-operational nature. The Committee felt that a clearer organizational distinction between those two areas of work would provide more transparency in resource utilization and ensure that regular budget resources were used to address the mandates for which they had been appropriated.

The Committee expressed concern at the findings on publications and documentation, noting that a number of departments were increasingly involved in producing and disseminating information material and services. It recommended rationalization in order to avoid duplication and to ensure that information activities were undertaken in close coordination with the Department of Public Information (DPI).

CPC noted that more than 80 per cent of outputs terminated had occurred in DPA, the Department for Policy Coordination and Sustainable Development, UNCTAD and the five regional commissions combined.

The Committee endorsed the Secretary-General's findings and conclusions and courses of action prescribed. It noted that his report had indicated that 181 outputs carried over from the 1992-1993 biennium had been further postponed to the biennium 1996-1997; CPC recommended that the Assembly consider the issue in the context of its consideration of the programme performance report at its fifty-first session.

### **Evaluation and programme planning**

In April 1996, the Secretary-General transmitted a March report [A/51/88] of OIOS on strength-

ening the role of evaluation findings in programme design, delivery and policy directives. The report contained a review of in-depth and self-evaluations during 1994-1995, information pertinent to General Assembly decisions on future topics for in-depth evaluations, and on strengthening programme oversight in departments and offices and, in that context, strengthening the link between the programme performance monitoring and self-evaluation systems.

In-depth evaluations had been conducted of UNEP, of peacekeeping operations and of DPI. For future in-depth evaluations, several considerations were pertinent, such as major events; the need to examine a successful programme in order to learn lessons applicable to related programmes; significant recent expansion of a programme or changes in problems addressed by it; and the need to cover substantive programmes not yet subject to in-depth evaluation or covered by an OIOS inspection.

In UN work involving large-scale field operations, such as peacekeeping, humanitarian activities and refugees, the evaluation function was either well established or in the process of becoming properly established. Other activities in the political, economic and social, and public information fields had a mixed record, according to the report, with some solid evaluation being conducted and some procedures in place for reporting on results. Findings of recent inspections indicated that oversight functions in certain regional commissions, the Centre for Human Rights and UNCTAD were diffused among several units, and that performance monitoring and self-evaluation functions had been poorly conducted. Corrections of those weaknesses recommended by the inspection reports had, by and large, been put into effect, but similar problems probably existed in less extreme forms in other departments and offices. The practical conclusion to be drawn was that appropriate institutional settings needed to be in place as prerequisites to improved departmental oversight.

The OIOS guidelines on departmental oversight should cover the following issues: institutional arrangements for oversight; minimum common standards; and training and other services to be provided by the Office. To assist departments and offices in their oversight functions, OIOS would provide training, a manual and a bi-annually issued bulletin.

**CPC conclusions and recommendations.** Considering the report in June, CPC commended it as comprehensive and objective. It noted that the compressed cycle of the in-depth evaluation had increased evaluation coverage without sacrificing quality. It recommended to the General As-

sembly that the crime prevention and criminal justice and international drug control programmes be the subject of in-depth evaluations, and that reports thereon be presented to it in 1998. CPC encouraged OIOS to develop guidelines on internal oversight within each unit at the departmental level, covering institutional arrangements for oversight, minimum common standards, and training and other services provided by OIOS.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/219**.

#### Programme planning

The General Assembly,

Recalling its resolutions 37/234 of 21 December 1982, 38/227 A of 20 December 1983, 41/213 of 19 December 1986, 45/253 of 21 December 1990, 47/214 of 23 December 1992 and section I.B of its resolution 48/218 A of 23 December 1993 and its decision 50/452 of 22 December 1995,

Having examined the proposed medium-term plan for the period 1998-2001,

Having considered the views of the Main Committees of the General Assembly on the proposed medium-term plan for the period 1998-2001,

Having also considered the report of the Committee for Programme and Coordination on the work of its thirty-sixth session,

Having further considered the report of the Secretary-General on the programme performance of the United Nations for the biennium 1994-1995 and the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on strengthening the role of evaluation findings in programme design, delivery and policy directives,

#### I

Medium-term plan for the period 1998-2001

1. Adopts the proposed medium-term plan for the period 1998-2001, together with the relevant recommendations of the Committee for Programme and Coordination and the additional conclusions and recommendations contained in the annex to the present resolution, taking into account the views of the Main Committees of the General Assembly;

2. Reaffirms that the medium-term plan, as adopted, is the principal policy directive of the United Nations and shall serve as a framework for the formulation of the biennial programme budgets;

3. Stresses the importance of ensuring that the medium-term plan reflects all mandated programmes and activities, and decides to include reference in the approved version of the plan to the legislative mandates relevant to the work to be carried out;

4. Requests the Secretary-General to propose revisions to the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, taking into account the views expressed by Member States thereon, and to submit such revisions to the Committee for Programme and Coordination at its thirty-eighth session;

5. Reaffirms the role of the Committee for Programme and Coordination as the main subsidiary organ of the General Assembly and the Economic and Social Council for planning, programming and coordination;

6. Emphasizes the importance of the consultative process with Member States;

7. Also emphasizes the importance of the contribution of the sectoral, regional and central intergovernmental bodies, in particular the Main Committees of the General Assembly, in reviewing and improving the quality of the medium-term plan and its revisions;

8. Regrets that some programmes of the medium-term plan for the period 1998-2001 were not reviewed by the relevant intergovernmental bodies;

9. Requests the Secretary-General to take all appropriate measures, including ad hoc measures, and to submit proposals to the General Assembly at its fifty-second session, so as to enable the Main Committees of the General Assembly as well as the sectoral, functional and regional bodies effectively to review the relevant portions of the medium-term plan or its revisions, with a view to facilitating their consideration by the Committee for Programme and Coordination and the Fifth Committee;

#### II

##### Structure

1. Notes with concern that the Secretary-General, in presenting the programme structure of the medium-term plan for the period 1998-2001, did not take fully into account the recommendations of the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions or the views and opinions expressed by Member States, as requested in decision 50/452;

2. Decides to approve the programme structure of the medium-term plan, subject to the provisions of the present resolution;

3. Decides also to maintain disarmament as an independent programme in the medium-term plan;

4. Decides further to adopt programme 19 (Human rights) without prejudice to consideration by the General Assembly of the ongoing process of restructuring the Centre for Human Rights of the Secretariat;

5. Decides to review in depth the structure of the medium-term plan at its fifty-fifth session, through the Committee for Programme and Coordination;

#### III

##### Priorities

1. Stresses the importance of priority-setting as an integral part of the planning, programming and budgeting process;

2. Requests the Secretary-General to present to the Committee for Programme and Coordination at its thirty-eighth session recommendations on priority-setting, including at the subprogramme level, within the medium-term plan for the period 1998-2001;

3. Also requests the Secretary-General to implement the medium-term plan in accordance with the agreed overall priorities as contained in the annex to the present resolution;

## IV

## Programme performance report

1. Takes note of the report of the Secretary-General on the programme performance of the United Nations for the biennium 1994-1995;

2. Endorses the conclusions and recommendations of the Committee for Programme and Coordination regarding the report of the Secretary-General on the programme performance of the United Nations for the biennium 1994-1995;

## V

## Other conclusions and recommendations of the Committee for Programme and Coordination

1. Endorses the conclusions and recommendations of the Committee for Programme and Coordination at its thirty-sixth session that have not otherwise been approved by the General Assembly at its fifty-first session;

2. Notes with concern the low rate of implementation of the self-evaluation of the programmes, as reflected in paragraph 269 of the report of the Board of Auditors.

## ANNEX

**Conclusions and recommendations on programmes and subprogrammes of the medium-term plan for the period 1998-2001**

**Introduction and priorities**

1. The medium-term plan is a translation of legislative mandates into programmes. Its objectives and strategies are derived from the policy orientations and goals set by the intergovernmental organs. In this respect, the medium-term plan constitutes the principal policy directive of the United Nations.

2. In response to the need to address efficiently and effectively persistent problems, as well as to respond to emerging trends and challenges of the future, the Organization will, in accordance with the Charter of the United Nations, give priority to the following areas of work during the implementation of the medium-term plan for the period 1998-2001:

(a) Maintenance of international peace and security;

(b) Promotion of sustained economic growth and sustainable development, in accordance with relevant General Assembly resolutions and recent United Nations conferences;

(c) Development of Africa;

(d) Promotion of human rights;

(e) Effective coordination of humanitarian assistance efforts;

(f) Promotion of justice and international law;

(g) Disarmament;

(h) Drug control, crime prevention and combating international terrorism in all its forms and manifestations;

Programme 1. Political affairs

Paragraph 1.1

The General Assembly approves the proposal contained in paragraph 46 (a) of the report of the Committee for Programme and Coordination.

At the end of the paragraph add:

The programme also includes the promotion of a comprehensive, just and lasting settlement of the question of Palestine in accordance with all relevant United Nations resolutions.

Paragraph 1.3

The General Assembly approves the proposal contained in paragraph 46 (b) of the report of the Committee for Programme and Coordination.

In the third line, ~~for~~ recent resolutions 47/120 A read relevant resolutions, including resolution 47/120 A

Paragraph 1.4 (b)

The General Assembly approves the proposal contained in paragraph 46 (c) of the report of the Committee for Programme and Coordination.

Paragraph 1.4 (d)

The General Assembly approves the proposal contained in paragraph 46 (d) of the report of the Committee for Programme and Coordination.

Paragraph 1.4 (h)

The General Assembly approves the proposal contained in paragraph 46 (e) of the report of the Committee for Programme and Coordination.

At the end of the paragraph, insert:

as well as assistance to and cooperation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People in the implementation of its mandate

Paragraph 1.5

The General Assembly approves the proposal contained in paragraph 46 (f) of the report of the Committee for Programme and Coordination.

Paragraph 1.6

The General Assembly approves the proposal contained in paragraph 46 (g) of the report of the Committee for Programme and Coordination.

Paragraph 1.7

The General Assembly approves the proposal contained in paragraph 46 (h) of the report of the Committee for Programme and Coordination.

Paragraph 1.8

The General Assembly approves the proposal contained in paragraph 46 (i) of the report of the Committee for Programme and Coordination.

Paragraph 1.9

The General Assembly approves the proposal contained in paragraph 46 (j) of the report of the Committee for Programme and Coordination.

Paragraph 1.10

Replace the first sentence with the following:

In implementing the subprogramme, the Department will strive in particular to reinforce the Organization's capacity for early warning and good offices, and for non-military measures to prevent disputes from escalating into conflicts, as well as for resolving those which have erupted, while fully respecting the principles of sovereignty, territorial integrity and political independence of Member States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, as well as the principle of consent, which is an essential element for the success of such efforts.

Paragraph 1.11

The General Assembly approves the proposal contained in paragraph 46 (l) of the report of the Committee for Programme and Coordination.

Paragraph 1.12

Replace the last sentence with the following:

Contact with relevant regional organizations, non-governmental organizations and other private and academic research institutes, without compro-

misgiving the impartiality of the United Nations, will also be maintained as part of this subprogramme to assist the Secretary-General in his political contacts with Member States.

Paragraphs 1.13 to 1.18

Replace the text of the paragraphs with the following, as a separate programme:

1.13. The mandate for the programme on disarmament stems from the Charter of the United Nations and from the aims and purposes proclaimed by the General Assembly. The implementation of this programme should be guided by the priorities established in the relevant General Assembly resolutions and decisions. The Centre for Disarmament Affairs is responsible for implementing this programme.

1.14. The first objective of this programme is to provide organizational and substantive secretariat support to multilateral bodies entrusted with deliberation and/or negotiations on disarmament issues, including the meeting of States parties and other international meetings related to multilateral disarmament agreements.

1.15. The second objective is to follow and assess current and future trends in the field of disarmament and international security in order to assist Member States, and to enable the Secretary-General also to assist them, in their search for agreement. Apart from substantive issues involved in the deliberative and/or negotiating process, this activity should address the challenges arising from the implementation of the relevant General Assembly resolutions as well as relevant treaties.

1.16. The third objective will be to support and promote regional disarmament efforts and initiatives using approaches freely among the States of the region and taking into account the legitimate requirements of States for self-defence and specific characteristics of each region. Regional solutions will be more vigorously pursued as regional conflicts increasingly pose a threat to peace and security. Regional dialogue on crucial disarmament and security issues will be advanced through, inter alia, the organization of conferences.

1.17. The fourth objective consists of providing impartial, factual information on the disarmament efforts of the United Nations to Member States, parliamentarians, research and academic institutions and specialized non-governmental organizations through the disarmament information programme and by providing Member States with full access to all relevant databases, including on disarmament. This would include, as appropriate, organizing open-ended conferences, seminars and workshops for informal exchanges of views on arms control, disarmament and international security issues. The disarmament fellowship programme will continue to be pursued with the primary objective of promoting further the disarmament expertise of Member States, particularly in the developing countries. Member States will be assisted in addressing specific disarmament concerns through the provision of training and advisory services.

1.18. The fifth objective would be to continue to inform the public on an objective and updated basis of the United Nations disarmament activities. In

this context, the three regional centres for peace and disarmament established in Nepal, Peru and Togo should be utilized. These centres should address the important security problems in their respective regions and subregions in a balanced manner.

1.19. This programme is expected to enable Member States to conduct deliberations and negotiations on disarmament issues in a smooth and efficient manner; facilitate the task of the Secretary-General in the conduct of his relations with Member States on disarmament matters; contribute to an integrated approach to issues relating to the maintenance of peace and security; and facilitate the exchange of ideas between governmental and non-governmental sectors with a view to promoting a better understanding of United Nations endeavours in the field of disarmament.

Paragraph 1.19

The General Assembly approves the proposal contained in paragraph 46 (v) of the report of the Committee for Programme and Coordination, with the following modification:

After in accordance with the insert relevant

Paragraph 1.21

The General Assembly approves the proposal contained in paragraph 46 (w) of the report of the Committee for Programme and Coordination.

Paragraph 1.30

Replace the text of the paragraph with the following, as a new subprogramme:

The objectives of the subprogramme are:

(a) To promote the decolonization process in accordance with the Charter of the United Nations and relevant resolutions of the General Assembly for the seventeen remaining Non-Self-Governing Territories;

(b) To strengthen the dissemination of information on decolonization in order to mobilize world opinion and to ensure the provision by the specialized agencies and institutions associated with the United Nations of assistance to the peoples of the Non-Self-Governing Territories.

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples will continue to examine the application of the Declaration and to seek suitable means for its immediate and full implementation in all Territories that have not yet exercised their rights in accordance with the Charter and relevant resolutions of the General Assembly. It will formulate specific proposals to this effect, examine the full compliance with the Declaration and other resolutions, formulate specific proposals for the elimination of the remaining manifestations of colonialism and report thereon to the General Assembly and enlist worldwide support for decolonization. The Special Committee will continue to dispatch visiting missions periodically to colonial Territories, in consultation with the administering Powers, so as to enable the Special Committee to obtain first-hand information on conditions in those Territories; examine the views, expressed orally or in writing by peoples of the Non-Self-Governing Territories, and also the views of the representatives of non-governmental organizations and individuals with a knowledge of



conditions in those Territories; and assist the General Assembly in making arrangements, in cooperation with the administering Powers, to secure a United Nations presence in the Non-Self-Governing Territories to observe or supervise the final stages of the process of decolonization.

The Department of Political Affairs will continue to assist the Special Committee in the implementation of its mandate, as well as the General Assembly, in connection with issues under this subprogramme, as appropriate. To that end, the Department will:

(a) Provide substantive servicing to the Special Committee and its visiting and other missions, as well as to the General Assembly when they review issues relating to decolonization;

(b) Undertake research, analytical studies and reports on conditions in the Territories;

(c) Provide assistance to the Special Committee in the preparation of its reports to the General Assembly;

(d) Collect, review and disseminate basic material, studies and articles relating to decolonization;

(e) Promote, in cooperation with the Department of Public Information, a publicity campaign on decolonization. Subject to the relevant decisions by the Special Committee, this will entail organizing panel discussions and seminars, producing and disseminating publications, organizing exhibits and coordinating international activities aimed at the elimination of colonialism, including liaison with international organizations and individuals concerned with the problems of decolonization;

(f) Promote flows of assistance from specialized agencies and institutions associated with the United Nations to the people in the Non-Self-Governing Territories.

Paragraph 1.31

Replace the paragraph with the following:

The General Assembly Affairs Division will provide the required substantive services and prepare reports of the Trusteeship Council if it should meet, in accordance with its rules of procedure.

Paragraph 1.33

In the last line, after their insert inalienable

Paragraph 1.34

The General Assembly approves the proposal contained in paragraph 46 (z) of the report of the Committee for Programme and Coordination.

Replace the second sentence with the following:

The Division for Palestinian Rights, which works in consultation with and under the guidance of the Committee, is responsible for providing secretariat services in support of this subprogramme.

Paragraph 1.35

The General Assembly approves the proposal contained in paragraph 46 (aa) of the report of the Committee for Programme and Coordination.

Replace the second sentence with the following:

The Middle East peace process gave rise to renewed hopes for final settlement and opened new possibilities for supportive action by the United Nations.

Paragraph 1.36

Replace the paragraph with the following:

A third objective will be to heighten awareness of all aspects of the question of Palestine by providing

forums to facilitate consideration of relevant issues and promote dialogue among parties concerned, Governments, United Nations bodies, non-governmental organizations and prominent personalities.

Paragraph 1.37

Replace the paragraph with the following:

A fourth objective will be to continue to provide information on the question of Palestine and continue the development of the United Nations computer-based information system on the question of Palestine (UNISPAL), in cooperation with relevant departments of the United Nations Secretariat, including the Department of Public Information, and United Nations organs, organizations, bodies and specialized agencies, as well as non-governmental organizations.

Programme 3. Outer space affairs

Modify the title of the programme to read:

Peaceful uses of outer space

Programme 4. Legal affairs

Paragraph 4.9

At the end of the paragraph, add:

The negotiation, where required, of status-of-forces agreements between the United Nations and the host Governments in connection with the activities of United Nations peacekeeping operations will also form an important objective of this subprogramme. In this regard, due consideration should be given to the obligation of United Nations officials in the conduct of their duties to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization.

Programme 6. Africa: New Agenda for Development

Paragraph 6.2

In the tenth line, for is to be read was

Paragraph 6.6

In subparagraph (a), after New Agenda insert in accordance with General Assembly resolution 51/32

Paragraph 6.8

In subparagraph (b), after New Agenda, insert including those agreed upon at its mid-term review;

Paragraph 6.10

In subparagraph (b), after New Agenda and insert the complementary role of

Add a new subparagraph (d) reading:

(d) To promote and strengthen subregional and regional cooperation and integration through appropriate programmes, especially those identified in the mid-term review of the United Nations New Agenda for the Development of Africa in the 1990s.

Programme 7. Economic and social information and policy analysis

Paragraph 7.5

At the end of the paragraph, insert:

and provide for improved coordination and cooperation between the United Nations and other relevant statistics-producing intergovernmental organizations

Programme 8. Development support and management services

Paragraph 8.1

Replace the paragraph with the following:

The general purpose of the programme, for which the Department for Development Support and Management Services has responsibility, is to sup-

port the efforts of the developing countries, in particular the least developed countries, as well as countries with economies in transition, to create and support a favourable climate for sustainable development. Thus, it should support, by means of technical cooperation, the activities of Member States aimed at strengthening their administrative and financial systems for development, consolidating institutional capabilities and infrastructures and implementing economic and social policies, according to their national development priorities, so as to contribute to sustainable development. To this end, the programme makes available to the developing countries and those with economies in transition technical know-how and personnel specialized in the fields of public administration and finance, economic and social policy and planning, as well as the planning and management of natural and energy resources.

Subprogramme 8.1

Modify the title of the subprogramme to read:

Public administration, finance and development

Programme 9. Trade and development

Paragraph 93

Replace the first sentence with the following:

At the ninth session of UNCTAD, Governments recognized that development had evolved from a narrow focus on economic growth and capital accumulation to a multidimensional process, with the ultimate goal of bettering the human condition.

In the second sentence, after confront insert growing

Paragraph 9.5

Replace the paragraph with the following:

At its ninth session, UNCTAD, as part of the United Nations system and a contributor to its revitalization, has adopted far-reaching reforms, as embodied in the Midrand Declaration and "A Partnership for Growth and Development", adopted by consensus at that session of the Conference, which encompass its programme of work, its intergovernmental machinery and the reform of its secretariat, including its complementarity with the World Trade Organization, inter alia, by making its analysis of trade and development available to the World Trade Organization, and its cooperation with the United Nations Industrial Development Organization and relevant organizations. In consequence, UNCTAD is adapting itself to new economic and institutional modalities created by the process of globalization, the conclusion of the Uruguay Round of multilateral trade negotiations and agreements, and the creation of the World Trade Organization.

Add a new paragraph 9.5 (bis) reading:

UNCTAD will continue its role as the focal point within the United Nations for the integrated treatment of development and interrelated issues in the areas of trade, finance, technology, investment and sustainable development.

Add a new paragraph 9.5 (ter) reading:

UNCTAD will deal with the problems of the least developed countries, sustainable development, poverty alleviation, the empowerment of women and economic cooperation among developing countries in a cross-cutting manner. While concentrating on its main activities and objectives, UNCTAD will pay due attention to the outcome of global conferences.

Paragraph 9.11

Add a new subparagraph (e) reading:

(e) To continue the work of UNCTAD, in accordance with its mandate, in assisting the Palestinian people to develop capacities for effective policy-making and management pertaining to international trade, investment and related services. In this regard, UNCTAD should take into account the work done by other international organizations in order to enhance synergies, avoid duplication and coordinate related activities.

Paragraph 9.17

In the fourth line, after developing countries insert, such as landlocked and small island developing States,

Paragraph 9.21

In the second line, for Least Developed Countries, read Least Developed, Landlocked and Island Developing Countries

Paragraph 9.22

Add a new subparagraph (c) reading:

(c) To ensure the effective implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, particularly as it relates to the specific role assigned to UNCTAD in the areas of trade research and analysis.

Paragraph 9.23

Delete the paragraph.

Paragraph 9.24

The last sentence should read:

In accordance with the outcome of the ninth session of the Conference, in particular paragraphs 106 and 113 of "A Partnership for Growth and Development", least developed countries will constitute a cross-cutting issue in the work of UNCTAD and the sectoral issues will be dealt with by the divisions of UNCTAD within their respective mandates.

Programme 11. Human settlements

Modify the title of subprogramme 4 to read:

Assessment, monitoring and information

Programme 13. International drug control

Paragraph 13.1

In the first sentence, delete, both of which have proliferated in the wake of the globalization of trade, travel and communications

Programme 15. Economic and social development in Asia and the Pacific

Paragraph 15.4

At the end of the paragraph, add:

It will emphasize South-South cooperation, including the triangular modality of collaboration, to guide specific activities in achieving the objectives of the various subprogrammes.

Paragraph 15.6

In the second sentence, for with support ~~and~~ with appropriate support

In the same sentence, after developed countries insert as well as from United Nations agencies, funds and programmes

In the same sentence, delete, that is, tripartite cooperation

Paragraph 15.11

Replace the second sentence with the following:

The goal is to strengthen national capacities in achieving environmentally sound and sustainable development, focusing on the regional strategies and action programmes that have emerged from recent global conferences such as the World Summit

for Social Development, held at Copenhagen in March 1995, and the United Nations Conference on Human Settlements (Habitat II), held at Istanbul in June 1996.

Add a new subparagraph (c) (bis) reading:

To work with Governments and regional and international associations of local authorities, non-governmental organizations, the private sector, academic institutions and other regional or sub-regional groupings to develop regional human settlement plans of action, addressing priority issues specific to the Asia and Pacific region.

Add a new subparagraph (f) (bis) reading:

To promote opportunities that will enable developing countries to acquire environmentally friendly or sound technology to contribute to the strengthening of national capacities in achieving sustainable development.

#### Programme 19. Human rights

##### Paragraph 19.1

Replace the last sentence with the following:

The programme is based on the principles and recommendations of the Vienna Declaration and Programme of Action.

##### Paragraph 19.2

The beginning of the paragraph should read:

The programme is under the responsibility of the United Nations High Commissioner for Human Rights, who performs his functions under the direction and authority of the Secretary-General in accordance with resolution 48/141, and its objectives are to provide the leading role on human rights issues . . .

In the eighth line, delete potential

##### Paragraph 19.3

The General Assembly approves the proposals contained in paragraphs 199 (e) and (f) of the report of the Committee for Programme and Coordination.

Replace subparagraph (h) with the following:

(h) The adoption of more efficient methods within the United Nations to promote and protect human rights, including by preventing human rights violations throughout the world and removing obstacles to the full realization of human rights; Delete subparagraph (j).

In subparagraph (m), for participation read contribution

At the end of subparagraph (m), insert according to the legislative mandates in effect regarding these issues

##### Paragraph 19.4

Delete the paragraph.

##### Paragraph 19.5

The beginning of the paragraph should read:

The primary objectives of this subprogramme will include promotion and protection of the right to development. In this regard, the objectives will be . . .

The General Assembly approves the proposals contained in paragraph 199 (h) of the report of the Committee for Programme and Coordination, with the following amendments:

In the fourth line, after Right to Development insert and subsequent mandates

In the seventh line, after right to development insert as an integral part of fundamental human rights

##### Paragraph 19.7

Delete the first sentence.

##### Paragraph 19.8

Delete the first sentence.

#### Programme 23. Public information

Add a new paragraph 23.6 (bis) reading:

Some long-standing world problems persist and an informed understanding among the peoples of the world is still needed and remains one of the objectives of the Department. This is especially true in the areas of peace, security and disarmament; the question of Palestine; self-determination and decolonization; human rights, including racial discrimination; and development.

##### Paragraph 23.7

For major read first

#### Programme 24. Administrative services

##### Paragraph 24.12 (a)

At the end of paragraph 231 (h) of the report of the Committee for Programme and Coordination, insert under relevant regulations established by the General Assembly.

#### General Assembly resolution 51/219

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/748) without vote, 18 December (meeting 47); draft by Vice-Chairman (A/C.5/51/L.37), orally revised; agenda item 114.

Meeting numbers. GA 51st session: 5th Committee 10, 12, 14, 15, 18-20, 22, 26-29, 47; plenary 89.

Introducing the draft in the Fifth Committee, Bangladesh said CPC had been unable to reach consensus on the programme planning item, nor had it agreed on the structure or priority of the different programmes. The draft was nevertheless a milestone because it proved that Member States could ultimately agree on some of even the most contentious issues. The text envisaged a total of 26 programmes, disarmament having become an independent programme and decolonization a separate subprogramme; a separate programme would be devoted to OIOS activities. A total of eight priorities were envisaged, and the section of the annex entitled "Introduction and priorities" embodied an integrated view of the planning process and thus avoided linkage to any specific opinion with regard to the document on the plan's perspective and the August note by the Secretary-General.

Explaining the position of the Group of 77 and China, Costa Rica said the text reflected the fact that, for the developing countries, sustained economic growth and sustainable development were of paramount importance. In accepting the consensus language used in documents emanating from earlier UN conferences, the commitment to growth and development had been reinforced.

## Chapter III

**United Nations staff**

In 1996, the General Assembly, on the recommendation of the Security Council, appointed Kofi Annan of Ghana to a five-year term as Secretary-General of the United Nations beginning on 1 January 1997. He was to become the seventh Secretary-General since the establishment of the Organization. The General Assembly expressed its appreciation to outgoing Secretary-General Boutros Boutros-Ghali of Egypt for his contribution to international peace and security and development, his services in the promotion and protection of human rights and fundamental freedoms for all, and his commitment towards a just and peaceful world.

Mr. Annan, a United Nations staff member for more than 30 years, has had a remarkably varied career, focusing not only on questions of management—administration, budget, finance and personnel—but also on refugee issues and peacekeeping. He has also carried out a number of sensitive diplomatic assignments, including negotiating the repatriation of over 900 international staff and the release of Western hostages in Iraq following that country's invasion of Kuwait in 1990; initiating discussions on the "oil-for-food" formula to ease the humanitarian crisis in Iraq; and overseeing the transition from the United Nations Protection Force (UNPROFOR) in the former Yugoslavia to the multinational Implementation Force led by the North Atlantic Treaty Organization (NATO), following the 1995 Dayton-Paris Peace Agreement.

In 1996, the General Assembly also considered a number of questions related to the conditions of service of United Nations staff members. The International Civil Service Commission (ICSC) made recommendations to the Assembly on the common scale of staff assessment used to determine pensionable remuneration of staff in the Professional and higher categories and General Service categories; level of dependency allowances; level of education grant; and mobility and hardship allowance. The Assembly requested the Secretary-General to limit to a minimum the designation of special representatives, envoys and related positions and to avoid overlapping of their responsibilities; and invited the Sixth (Legal) Committee to examine, as a matter of priority, the legal implications of reform of the internal justice system of the UN Secretariat. The Assem-

bly also requested the Secretary-General and the heads of UN organizations to submit proposals on the introduction of a system of performance awards and bonuses and requested ICSC to review all issues relating to the post adjustment system. On the question of employment of retirees, the Assembly increased the remuneration ceiling across the board to \$22,000, and \$40,000 for language-service staff, and limited such employment in all cases to no more than six months per calendar year.

The principal of the United Nations Joint Staff Pension Fund increased to \$16.9 billion during the year. In December, the Assembly decided to admit the International Tribunal for the Law of the Sea to membership in the Fund as of 1 January 1997.

**Appointment of Secretary-General**

Kofi Annan of Ghana was appointed Secretary-General of the United Nations on 17 December 1996 for a five-year term beginning on 1 January 1997. He was to succeed Boutros Boutros-Ghali of Egypt, who completed his five-year term on 31 December 1996.

Mr. Annan, at the time of his appointment, was Under-Secretary-General for Peacekeeping Operations of the United Nations. Prior to that, he held the positions of Assistant Secretary-General for Peacekeeping Operations, Assistant Secretary-General for Programme Planning, Budget and Finance and Controller, Assistant Secretary-General in the Office of Human Resources Management, and Security Coordinator, Director of Budget and Deputy Director of Administration and Head of Personnel in the Office of the United Nations High Commissioner for Refugees.

He had also served as the Special Representative of the Secretary-General to the former Yugoslavia and Special Envoy to the North Atlantic Treaty Organization.

Ghana, in its letter [S/1996/1021] to the Security Council President nominating Mr. Annan, said that he was a proud son of Africa who had lived, studied and worked in Ghana, Ethiopia and Egypt and was sensitive to the problems faced by developing countries. Ghana stated that Mr. An-

nan was singularly placed to lead the United Nations in all the priority tasks facing the new Secretary-General.

### Nominations

The candidates nominated by their Governments for the post of Secretary-General were: Amara Essy (Cote d'Ivoire); Boutros Boutros-Ghali (Egypt); Kofi Annan (Ghana); Hamid Algabid (Niger); and Ahmedou Ould-Abdallah (Mauritania).

A draft resolution [S/1996/952] sponsored by Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia and the Russian Federation, recommending the appointment of Mr. Boutros-Ghali for a second term of office, was considered by the Security Council in closed session on 19 November. In a communique issued on the same date, it was reported that the draft resolution had received 14 votes in favour to 1 against. Since the negative vote had been cast by a permanent member, the draft resolution was not adopted, and the Council continued its consultations on the matter.

The Chairman of the Organization of African Unity (OAU), in a letter of 29 November [S/1996/997] addressed to OAU heads of State, said that, as far as he was aware, the Council still appeared to favour the idea of Africa being represented for a second term in the position of Secretary-General, and he invited African States to put forward other suitable candidates, in addition to Mr. Boutros-Ghali.

Subsequently, Mr. Essy, Mr. Annan, Mr. Algabid and Mr. Ould-Abdallah were also nominated.

### SECURITY COUNCIL ACTION

At a meeting held in private on 13 December, the Security Council adopted **resolution 1090** (1996).

The Security Council,

Having considered the question of the recommendation for the appointment of the Secretary-General of the United Nations,

Recommends to the General Assembly that Mr. Kofi Annan be appointed Secretary-General of the United Nations for a term of office from 1 January 1997 to 31 December 2001.

Security Council resolution 1090(1996)

13 December 1996 Meeting 3725 Adopted unanimously

### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/200**.

### Appointment of the Secretary-General of the United Nations

The General Assembly,

Having considered the recommendation contained in Security Council resolution 1090(1996) of 13 December 1996,

Appoints Mr. Kofi Annan Secretary-General of the United Nations for a term of office beginning on 1 January 1997 and ending on 31 December 2001.

General Assembly resolution 51/200

17 December 1996 Meeting 88 Adopted without vote

5-nation draft (A/51/L.66); agenda item 16.

Sponsors: Canada, Congo, Mexico, Mongolia, Poland.

Ukraine, in a 10 December letter [A/51/727] addressed to the Security Council President, referred to the President's statement of 4 December on behalf of the Council, pointing out the right of the African Group and individual African countries to recommend their candidatures for the post of Secretary-General, thus confirming the existence de facto of the rotation principle. Since the Eastern European Group had never had its representative elected to the post, Ukraine was proceeding from the understanding that at the next elections of the Secretary-General, to be held in 2001, the Council would show its consistency and reconfirm the right of the Eastern European Group of countries to submit their candidatures.

### Tributes to Boutros Boutros-Ghali

On 13 December, the Security Council adopted **resolution 1091**(1996).

The Security Council,

Recognizing the central role that Secretary-General Dr. Boutros Boutros-Ghali has played in guiding the Organization in the discharge of his responsibilities under the Charter of the United Nations,

Further recognizing his sustained efforts towards finding just and lasting solutions to various disputes and conflicts around the globe,

Commending the reforms that he has initiated and the many proposals that he has made on the restructuring and strengthening of the role and functioning of the United Nations system,

1. Acknowledges the contribution of Secretary-General Dr. Boutros Boutros-Ghali to international peace, security and development, his exceptional efforts to solve international problems in economic, social and cultural fields, as well as his endeavours to meet humanitarian needs and to promote and encourage respect for human rights and fundamental freedoms for all;

2. Expresses its deep appreciation to Secretary-General Dr. Boutros Boutros-Ghali for his dedication to the purposes and principles enshrined in the Charter and to the development of friendly relations among nations.

Security Council resolution 1091(1996)

13 December 1996 Meeting 3725 Adopted unanimously

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/201**.

#### **Tribute to Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations**

The General Assembly,

Welcoming Security Council resolution 1091(1996) of 13 December 1996,

Acknowledging with deep gratitude the indefatigable efforts and dedicated service provided to the Organization during the past five years by Secretary-General Boutros Boutros-Ghali,

Recognizing the high professional and personal qualities he brought to the performance of his duties and responsibilities,

1. Places on special record the many achievements—political, diplomatic and organizational, as well as reforms—of Secretary-General Boutros Boutros-Ghali in leading the Organization during a period of profound change in international relations;

2. Appreciates deeply the contributions of Secretary-General Boutros Boutros-Ghali to international peace and security and development, his services in the promotion and protection of human rights and fundamental freedoms for all and his commitment towards a just and peaceful world.

General Assembly resolution 51/201

17 December 1996 Meeting 88 Adopted without vote

5-nation draft (A/51/L.67); agenda item 16.

Sponsors: Canada, Congo, Mexico, Mongolia, Poland.

## Conditions of service

### **International Civil Service Commission**

In 1996, the International Civil Service Commission (ICSC), a 15-member body established by the General Assembly in 1974 [GA res. 3357(XXIX)], continued to regulate and coordinate the conditions of service of the UN common system. Thirteen organizations had accepted the ICSC statute: the United Nations; the International Labour Organization; the Food and Agriculture Organization of the United Nations; the United Nations Educational, Scientific and Cultural Organization; the World Health Organization; the International Civil Aviation Organization; the Universal Postal Union; the International Telecommunication Union; the World Meteorological Organization; the International Maritime Organization; the World Intellectual Property Organization; the United Nations Industrial Development Organization; and the International Atomic Energy Agency. Two other organiza-

tions—the International Fund for Agricultural Development and the World Trade Organization—had not formally accepted the statute of ICSC, but participated fully in the Commission's work.

In 1996, the Commission held its forty-third (Vienna, 10 April-7 May) and forty-fourth (New York, 31 July-13 August) sessions. It examined issues that derived from decisions and resolutions of the General Assembly, as well as from its own statute. A summary of the Commission's deliberations, recommendations and decisions was provided in an addendum to its twenty-first annual report [A/50/30/Add.1] and in its twenty-second annual report [A/51/30], on which the Assembly acted in September and December.

### **Noblemaire principle**

In 1995, the General Assembly had considered the Commission's in-depth review of the Noblemaire principle and had requested it to re-examine the manner in which net remuneration comparisons were made with the current comparator, the United States federal civil service, and to clarify outstanding difficulties in making comparisons with the German civil service. In response to those requests [GA res. 50/208], the Commission, in a 20 June 1996 addendum [A/50/30/Add.1] to its 1995 report, reviewed the cases raised by the Assembly and reaffirmed its decisions on the reduction of dominance in margin comparisons through the use of the equal weighting method, and the inclusion in those comparisons of all bonuses and performance awards of the various pay systems except the distinguished and meritorious awards granted to senior executive services staff. Concerning comparisons with the German civil service, the Commission reported that the total compensation levels of the German civil service continued to be superior to the current comparator. However, it would not be possible to narrow existing differences on the scope of the study or the applicability of the Master Standard to the German civil service without substantially modifying the current methodology. The Commission did not consider a modification of the approved methodology justified. It also did not consider it opportune to recommend a change of comparator.

The General Assembly, by **decision 50/504** of 17 September, took note of the addendum to ICSC's report for 1995 entitled "Conditions of service of the Professional and higher categories: examination of the Noblemaire principle and its application" and deferred its consideration until the fifty-first session.

### Structure of salary scale

In resolution 47/216 [YUN 1992, p. 1055], the General Assembly had requested that the Commission continue to keep under review the structure of the salary scale at all levels of the Professional and higher categories, taking into account, *inter alia*, the overall United Nations/United States pay relativities as established by the Assembly and the imbalance of those relativities at different Professional grade levels.

The Commission recommended revised staff assessment rates for the determination of gross salaries for application to the net salaries of the Professional and higher categories, effective 1 March 1997. It also recommended, in the context of its 1995 recommendations, that the desirable mid-point of 115 for the United Nations/United States net remuneration margin should be restored in 1997, through: application of an across-the-board increase of 3.089 in the current base/floor salary scale, without consolidation; a further differential increase of 1 per cent (on average) at various grades/steps of the base/floor salary scale resulting from the across-the-board increase to implement the scale-restructuring proposals made by the Commission in 1995; a consolidation of 2.51 per cent of post adjustment on a no-loss no-gain basis into the base/floor salary scale to reflect a corresponding increase in net salaries of the comparator effective 1 January 1996; and implementation of the base/floor salary scale effective 1 March 1997. The Commission established a working group to review the General Service salary methodologies for headquarters and non-headquarters duty stations, and another working group to review the non-pensionable component of the survey methodologies. It recommended salary scales for General Service and related categories at Vienna and at the International Maritime Organization in London.

The Consultative Committee on Administrative Questions (Personnel and General Administrative Questions) (CCAQ(PER)) of the Administrative Committee on Coordination (ACC), at its eighty-fifth session (New York, 22-26 July) [ACC/1996/14], considered the question of the evolution of the margin between the net remuneration of the United States federal civil service and that of the UN system and the base/floor salary scale, and recommended a draft statement to ACC for adoption.

The Secretary-General, in a 12 November note [A/C.5/51/25 & Corr.1], transmitted to the Assembly the ACC statement on UN conditions of service adopted at its second 1996 regular session (New York, 25-26 October). ACC recommended that the Assembly pursue efficiency, enhanced per-

formance and structural and managerial reform, as well as measures to restore competitive conditions of service through the rebuilding of the Noblemaire principle.

On 12 November, the Secretary-General stated [A/C.5/51/24] that there would be an increase of \$15.7 million in the regular budget for the 1996-1997 biennium, net of staff assessment, should the Assembly adopt the Commission's recommendations.

The Special Adviser to the Secretary-General, in a statement before the Fifth (Administrative and Budgetary) Committee on 25 November, reiterated the views of ACC, and stated that by taking action on the Commission's recommendations the Assembly would give renewed impetus to the ongoing processes to reform management and maximize efficiency, productivity and cost-effectiveness. He also stated that at a time of budgetary cutbacks and other measures affecting job security and conditions of service, the concerns of staff must be articulated at all levels, including that of ICSC. The absence of dialogue with duly recognized staff representatives in the Commission was a major gap and an obstacle to reform of the common system.

### Functioning of ICSC

ICSC considered the point raised by CCAQ about difficulties resulting from the inclusion of disparate views in the body of the ICSC report. CCAQ felt that the Commission should consider altering the manner in which its reports were presented, since the inclusion of dissenting views in the body of the report created complications for delegations in the Fifth Committee.

The Commission concluded that minority views should normally be reflected in the body of its report, while retaining the balance between the majority and minority views; exceptionally, individual views might be annexed; and draft reports should be prepared by the secretariat, which was responsible for ensuring that balance and for verifying that texts faithfully reflected the discussion.

### Remuneration issues

In April, at its resumed fiftieth session, the General Assembly considered the 1994 report of the Secretary-General concerning the designation of special representatives, envoys and related positions [YUN 1994, p. 1390] and the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) thereon [YUN 1995, p. 1408].

## GENERAL ASSEMBLY ACTION

On 3 April, the General Assembly adopted **resolution 50/219**.

**Special representatives, envoys and related positions**

The General Assembly,

Reaffirming its resolution 48/259 of 14 July 1994,

1. Takes note of the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions;

2. Endorses the conclusions and recommendations of the Advisory Committee as contained in its report;

3. Reiterates its request to the Secretary-General to ensure that the number of special envoys, special representatives and other special high-level positions is kept at a minimum, that their functions and responsibilities are more clearly defined and streamlined, avoiding any possible duplication, and that current financial regulations and budgetary procedures are fully complied with, and requests him to report on the action he has taken in this regard to the General Assembly at its resumed fiftieth session.

General Assembly resolution 50/219

3 April 1996 Meeting 103 Adopted without vote

Approved by Fifth Committee (A/50/834/Add.1) without vote, 26 March (meeting 48); draft by Chairman (A/C.5/50/L.31), based on informal consultations; agenda items 116, 138 (a) & 159.

Meeting numbers. GA 50th session: 5th Committee 40, 42, 46, 48; plenary 103.

In response to the Assembly's request, the Secretary-General, in a 20 September report [A/C.5/50/72], stated that as of 31 July the number of special representatives and envoys stood at 32: 5 at the Under-Secretary-General (USG) and 11 at the Assistant Secretary-General (ASG) levels assigned to peacekeeping or observer missions; 8 USGs, 1 ASG and 2 Directors performing good offices and related functions; and 4 USGs and 1 ASG assisting the Secretary-General in various capacities. The reduction in the number of special representatives and envoys compared to 1994 (44) was attributable for the most part to the decreasing number of peacekeeping missions. The report described how the rank and type of appointment for special representatives and envoys were generally determined. Annexed to the report were the draft guidelines governing the use of "when actually employed" contracts for special representatives and envoys and other high-level positions, to be issued in a Secretary-General's bulletin; a list of special representatives and envoys in the various categories as at 31 July, including funding source and contractual status; and a historical breakdown of appointments in each category since 1991.

The Assembly, in **decision 50/480 B** of 17 September, deferred consideration of the Secretary-General's report to its fifty-first session.

ACABQ, in a 4 November report [A/51/646], reiterated its concern regarding any flexible interpretation of the guidelines for the use of funds

appropriated from general temporary assistance and the avoidance of review by ACABQ and the Assembly of the functional responsibilities of such posts.

In 1995, the General Assembly had taken note of the report of the Secretary-General on conditions of service and compensation for ICSC members and the ACABQ Chairman [GA res. 50/216, section VI] and requested ACABQ to report thereon at its resumed fiftieth session. In an exchange of letters [A/C.5/50/55] between them, the Chairman of ACABQ informed the Chairman of the Fifth Committee of the ACABQ recommendation that the Assembly should take up the matter directly because of the inherent conflict of interest in taking up the Secretary-General's proposals, even as they related to the Commission, since each and every member of ACABQ was a potential chairman there.

On 4 April, the Fifth Committee had before it a draft resolution [A/C.5/50/L.43] submitted by its Chairman, in which the Assembly would have requested the Secretary-General to implement fully paragraphs 3 and 4 of section III of Assembly resolution 46/192 [YUN 1991, p. 908] with regard to the pensionable remuneration of the full-time members of ICSC and the Chairman of ACABQ. The United Nations Controller informed the Committee that the Secretariat was guided in the matter by that Assembly resolution, which provided that the pensionable remuneration and pensions of the officials in question should be adjusted between comprehensive reviews in accordance with the procedure applicable for adjustment of the scale of pensionable remuneration of staff of the Professional and higher categories. The Committee, by a vote of 46 to 1, with 1 abstention, agreed to take no action on the draft resolution. After the vote, the United States representative explained that his delegation reserved its position, since the Secretary-General's relevant report seemed to indicate that there was no clear source of funding to meet the financial implications.

**Post adjustment**

The Commission considered the report of the working group on the operation of the post adjustment system, which had been established to identify the elements of pay (expenditure) that should not be indexed for local price changes; evaluate their relative importance as percentage of pay; and study the appropriateness of applying the out-of-area index to some of those elements.

The Commission decided to inform the General Assembly that effective 1 March 1997 expenditures corresponding to a minimum amount of 20 per cent of net remuneration (net base salary



plus post adjustment) at the duty station, which would be added to 5 per cent of the net base salary for the non-consumption component, would be considered to have been incurred outside the duty station. That would constitute the out-of-area expenditure weight to be used in the calculation of post adjustment indices. Pension contribution would continue to be taken into account as under the current system.

The Commission considered the 1995 Assembly request [GA res. 50/208] to establish a single post adjustment index in 1996 for Geneva that would be fully representative of all staff working at that duty station. In that regard, it had sought the advice of its Advisory Committee on Post Adjustment Questions, which had pointed out several technical difficulties with respect to data collection and analysis. Moreover, there were policy, administrative and legal ramifications to the matter. The Commission decided to inform the Assembly that a combination of those factors militated against establishing in 1996 a single post adjustment index for Geneva, reflecting the cost of living of all staff working at the duty station. The Commission would continue consideration of the matter and report to the Assembly at the earliest opportunity on its progress in resolving the various issues.

The Commission approved the results of the comprehensive place-to-place surveys conducted in 1995 for Geneva, London, Montreal, Paris, Rome, Vienna and Washington, D.C. It decided that the survey results for London, Montreal, Paris, Rome, Vienna and Washington should be taken into account for determining their respective post adjustment classification from 1 May 1996, and those for Geneva for determining that duty station's post adjustment classification from 1 June 1996. The existing gap between the post adjustment index resulting from the survey plus 5 per cent and the pay index for Geneva should be adjusted at the time of the next review of the post adjustment classification for cost-of-living increases.

#### Common staff assessment scale

In response to General Assembly resolution 48/225 [YUN 1993, p. 1229], the Commission, assisted by a working group, developed a common scale of staff assessment to determine the pensionable remuneration for the Professional and higher categories and the General Service and related categories. In developing the scale, ICSC addressed, *inter alia*, the main cause of the phenomenon of income inversion (significantly higher levels of pensionable remuneration for General Service than for Professional staff with

the same or even higher net remuneration levels). In addition to inputs from the United Nations Joint Staff Pension Board, the Commission considered that the income inversion phenomenon should be addressed particularly at net income levels applicable to both Professional and General Service staff; that low net income levels should not be adversely affected; and that high net income levels should receive no additional benefit as a result of the adoption of a common scale of staff assessment.

The Commission concluded that the tax systems at the seven headquarters duty stations should be equally weighted in aggregating the net-to-gross tax relationships among them, and should be based on employee deductions at each duty station. The same regression analysis method should be used in smoothing the net-to-gross tax relationship for married and single staff for application to the Professional and higher categories and the General Service and related categories, respectively. The Commission recommended to the Assembly the common scale of staff assessment for the Professional and higher categories and the General Service and related categories, and agreed, with regard to the General Service and related categories, that the 1992 modalities should be used. With regard to the Professional and higher categories, the Commission agreed that the scale should be effective from 1 March 1997.

The Commission did not recommend any modification of the major components for calculating the special index for pensioners.

The Commission considered the methodology for determining pensionable remuneration and recommended to the Assembly that income replacement in New York should continue to be used as the basis for doing so for the Professional and higher categories. The methodology used to establish the current scale of pensionable remuneration should continue to be used; and the current interim adjustment procedure for adjusting pensionable remuneration between comprehensive reviews should continue.

The Assembly approved the revised common scale of staff assessment with effect from 1 January 1997 (**resolution 51/216**).

#### Other remuneration matters

##### Dependency allowances

As part of its biennial review of the level of dependency allowances, the Commission recommended to the Assembly an increase of 7.98 per cent of the children's allowance (including that for disabled children) and secondary de-

pendant's allowance, with effect from 1 January 1997, for the Professional and higher categories of staff to reflect an increase in the value of tax abatement and payments under social legislation at the seven headquarters duty stations that occurred between 1993 and the current review.

#### Education grant

Under the methodology approved by General Assembly resolution 47/216 [YUN 1992, p. 1055], a review of education grant levels was warranted whenever 5 per cent or more of the cases in a given currency area exceeded the existing maximum admissible expenditure levels. The Commission recommended increases in the maximum reimbursement levels in seven currency areas (Swiss franc, pound sterling, Italian lira, Netherlands guilder, Norwegian krone, Swedish krona and United States dollar) in a range of between 5 and 12.1 per cent. Pending the in-depth review of the education grant scheduled for 1997, it also recommended that the amount of additional reimbursement of boarding costs for staff at designated duty stations be increased for three currency areas (pound sterling, Italian lira and United States dollar) where it was lower than the normal reimbursement. The amount of the special education grant for each disabled child was reconfirmed at an amount equal to 100 per cent of the revised amount of maximum allowable expenses for the regular education grant. The Commission requested the Assembly to delegate to the Chairman of ICSC the authority to approve a special measure for Beijing that allowed reimbursement of expenditure up to the approved level of maximum allowable expenses for the United States dollar/United States area.

Those measures, applicable from the school year in progress on 1 January 1997, were endorsed by the General Assembly (**resolution 51/216**).

#### Mobility and hardship scheme

In response to General Assembly resolution 47/216 [YUN 1992, p. 1055], the Commission reviewed the operation of the mobility and hardship scheme [YUN 1989, p. 886] which had been introduced with effect from 1 July 1990, and noted the unanimous satisfaction among the member organizations with the functioning of the scheme, which was found to be a useful and cost-efficient management tool. ICSC concluded that current hardship levels and the structure of the mobility element were working well and should continue in their existing form. With respect to the non-removal element, a time limitation for a period of five years at one duty station, to be ex-

tended for up to seven years on an exceptional basis, would be introduced as of 1 January 1997. The Commission also reviewed the linkage between the base/floor salary and the mobility and hardship allowance, and concluded that there was no technical reason to depart from the current adjustment procedure.

In compliance with Assembly resolution 49/223 [YUN 1994, p. 1374], the Commission reconsidered its 1994 decision to increase the level of hazard pay for international staff from a flat amount and to link its future movements to the base/floor salary. It decided to delink hazard pay for Professional and higher category staff from the base/floor salary, and to review the amounts every two years. As for locally recruited staff, hazard pay would continue to be linked to the local salary scale and paid at the rate of 20 per cent of the mid-point of the relevant scale. The Assembly endorsed the conclusions and recommendations of the Commission.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/216**.

#### United Nations common system: report of the International Civil Service Commission

The General Assembly,

Having considered the twenty-second annual report of the International Civil Service Commission and other related reports,

Reaffirming its commitment to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

Reaffirming the central role of the Commission in the regulation and coordination of the conditions of service of the United Nations common system,

Taking note of the statement of the Administrative Committee on Coordination and of the introductory statement of the Secretary-General regarding the report of the Commission,

#### I

##### Conditions of service of the Professional and higher categories

##### A. Examination of the Noblemaire principle and its application

Recalling its resolutions related to the study of all aspects of the application of the Noblemaire principle,

Recalling also section I.B of its resolution 44/198 of 21 December 1989, by which it reaffirmed that the Noblemaire principle should continue to serve as the basis of comparison between United Nations emoluments and those of the highest-paying national civil service,

Recalling further section I.A of its resolution 50/208 of 23 December 1995, by which it decided to defer consideration of the Noblemaire principle and its application and requested the International Civil Service Commission to review the recommendations and conclusions contained in chapter III.A of its twenty-first annual report, taking into account the views ex-

pressed by Member States at the fiftieth session of the General Assembly, in particular regarding the appropriateness of the reduction of dominance and the treatment of bonuses in determining net remuneration comparisons,

1. Reconfirms the continued application of the *No-blemaire* principle;

2. Reaffirms the need to continue to ensure the competitiveness of the conditions of service of the United Nations common system;

#### B. Comparator

1. Takes note of the further steps taken by the International Civil Service Commission to complete its study to identify the highest-paid national civil service, as outlined in paragraph 47 of the addendum to its twenty-first annual report;

2. Decides to consider at its fifty-second session the report of the Commission as contained in paragraphs 33 to 47 of the addendum to its twenty-first annual report;

#### C. Margin considerations and base/floor salary scale

Recalling that, in the past, the General Assembly had requested the International Civil Service Commission to make recommendations on the net remuneration margin methodology and that the Assembly has taken decisions in this regard,

Recalling also that, by section I.C, paragraph 3, of its resolution 44/198, it had endorsed the methodological approach for the calculation of the net remuneration margin as outlined in paragraph 173 (d) of volume II of the fifteenth annual report of the Commission,

Recalling further section VIII of its resolution 46/191 A of 20 December 1991, by which the Commission was invited to pursue, as a matter of priority, its review of merit systems and performance appraisal in the United Nations common system as a vehicle for enhancing productivity and cost-effectiveness, as well as section VII of its resolution 49/223 of 23 December 1994,

1. Decides that the net remuneration margin methodology without the modifications in paragraph 119 (b) (ii) and (iii) of the twenty-first annual report of the International Civil Service Commission should continue to apply;

2. Reaffirms that the range of 110 to 120, with a desirable mid-point of 115, for the margin between net remuneration of officials in the Professional and higher categories of the United Nations in New York and officials in comparable positions in the United States federal civil service should continue to apply, on the understanding that the margin would be maintained at a level around the desirable mid-point of 115 over a period of time;

3. Notes that the margin between net remuneration of officials in the Professional and higher categories of the United Nations in New York and that of officials in comparable positions in the United States federal civil service for 1996, on the basis of its decision in paragraph 1 above, is 114.6;

4. Approves, with effect from 1 January 1997, the revised scale of gross and net salaries for staff in the Professional and higher categories contained in annex I to the present resolution and the consequential amendment to the Staff Regulations of the United

Nations, as reflected in annex II to the present resolution;

5. Reiterates its request contained in section I.A, paragraph 4, of its resolution 50/208 that organizations should collect data to substantiate the recruitment and retention problems they face in respect of certain specialized occupations, and that the Commission should make recommendations for the implementation of special occupational rates as appropriate;

6. Requests the Secretary-General to make operational proposals to the General Assembly by 1 October 1997, for its consideration at its fifty-second session, on the possibility of introducing a system of performance awards or bonuses, in the context of the performance appraisal system, to a limited number of staff in recognition of their outstanding performance and specific achievements in a given year;

7. Invites the executive heads of the organizations of the United Nations common system to develop and submit proposals to their relevant intergovernmental bodies, as a matter of priority, on the possibility of introducing performance awards or bonuses to a limited number of staff in recognition of their outstanding performance and specific achievements in a given year, and to coordinate, to the extent possible, these proposals with those developed by the Secretary-General;

8. Requests the Commission to provide general comments on the concept of performance awards and bonuses to the General Assembly at its fifty-second session;

#### D. Supplementary payments

Recalling the resolutions adopted by the General Assembly at its forty-fifth session regarding the decisions of the International Civil Service Commission with respect to the practice of some Member States of making supplementary payments with respect to their nationals, and recalling also the affirmation by the Commission that such arrangements are unnecessary, inappropriate and undesirable, and are inconsistent with the staff regulations of the organizations,

1. Requests the Secretary-General of the United Nations and the executive heads of the organizations of the common system to take such measures and make such proposals as they consider appropriate in order to end such practices;

2. Requests all organizations to issue or reissue, as appropriate, instructions to staff regarding the unacceptability of receiving supplementary payments;

3. Invites Member States to discontinue such practices;

#### E. Post adjustment matters

Recalling its request in section II.G of its resolution 48/224 of 23 December 1993, regarding place-to-place surveys conducted at headquarters duty stations,

Recalling also its request in section I.B, paragraph 3, of its resolution 50/208, regarding the operation of the post adjustment system and the examination of the system by the working group on post adjustment of the International Civil Service Commission, including the identification of elements of pay (expenditures) that should not be indexed for local price changes, the evaluation of out-of-area expenditures as part of pay and the study of the appropriateness of applying the out-of-area index to some of those elements,

Recalling further its request in section I.B, paragraph 2, of its resolution 50/208, regarding the establishment in 1996, in respect of staff members whose duty station is Geneva, of a single post adjustment index which is fully representative of the cost of living of all staff working in the duty station and which ensures equality of treatment with staff in other headquarters duty stations,

1. Endorses the decision of the International Civil Service Commission regarding the out-of-area expenditure weights as contained in paragraph 188 of its report, and requests the Commission to continue to monitor this issue and to report to the General Assembly as appropriate;

2. Notes the introduction, with effect from 1 March 1997, of minimum out-of-area expenditure weights in the calculation of post adjustment indices, as contained in paragraph 188 of the report of the Commission;

3. Reiterates its request to the Commission urgently to complete its study regarding the methodology for establishing a single post adjustment index for Geneva, and to complete the study needed to implement the single post adjustment at the earliest date, and no later than 1 January 1998;

4. Requests the Commission to review further all the issues relating to the post adjustment system, including those listed in section I.B, paragraph 3, of resolution 50/208, and to report thereon to the General Assembly at its fifty-third session;

#### F. Dependency allowances

Recalling section II.F, paragraph 2, of its resolution 47/216 of 23 December 1992, in which it noted that the International Civil Service Commission would review the level of dependency allowances every two years,

Noting the Commission's review of dependency allowances, reflecting relevant changes in tax abatement and social legislation at the seven headquarters duty stations since 1993,

1. Approves, with effect from 1 January 1997, an increase of 7.98 per cent in the children's allowance (including that for disabled children) and in the second dependant's allowance;

2. Takes note of the updated list of hard currency duty stations for which the allowances are specified in local currency, as contained in annex X to the report of the International Civil Service Commission;

## II

### General Service and other locally recruited categories

Recalling that, in section XIV of its resolution 45/241 of 21 December 1990, the General Assembly had requested the International Civil Service Commission to consider, inter alia, the relativities between the terms and conditions of service of staff in the Professional and higher categories and those in other categories,

Recalling also section III, paragraph 1, of its resolution 47/216, in which it endorsed the reaffirmation by the Commission of the Flemming principle as the basis for determining the conditions of service of the General Service and related categories,

1. Notes the preparations undertaken for the 1997 review of the methodologies for the surveys of the best

prevailing local conditions of employment at headquarters and non-headquarters duty stations;

2. Urges the representatives of staff to participate fully in the working groups of the International Civil Service Commission in its review of the salary survey methodologies;

3. Requests the Commission, as part of its review of the methodology for salary setting for staff in the General Service and other locally recruited categories:

(a) To resolve, to the extent possible, inconsistencies between that methodology and the one which is applied pursuant to the Noblemaire principle, inter alia, by examining the question of overlap in remuneration between the two categories;

(b) To study the feasibility of increasing the weight of public-sector employers in the salary surveys at headquarters duty stations;

(c) To submit a report based on the review of the methodology to the General Assembly at its fifty-second session;

4. Also requests the Commission to defer a final decision on the General Service salary-setting methodology pending the review of the application of the Flemming principle by the General Assembly at its fifty-second session and to adjust its programme of headquarters salary surveys as appropriate;

5. Decides that the requests contained in section I.C above, paragraphs 6, 7 and 8, shall also apply in respect of staff in the General Service and other locally recruited categories;

## III

### Common staff assessment scale

Recalling that, in section I, paragraph 4, of its resolution 48/225 of 23 December 1993, it approved the procedure in paragraph 44 of the nineteenth annual report of the International Civil Service Commission for determining the common staff assessment scale, with two separate sets of rates (single and dependent), and recalling also that, in paragraph 5 of its resolution 48/225, it requested the Commission, in close cooperation with the United Nations Joint Staff Pension Board, as part of the comprehensive review of the methodology for determining the scale of pensionable remuneration of staff in the Professional and higher categories scheduled for 1996, to develop a common staff assessment scale for the determination of the pensionable remuneration of all categories of staff using the above-mentioned procedure and reflecting the latest available tax rates,

Noting with satisfaction that the close cooperation between the Commission and the Board has resulted in agreement between the two bodies, inter alia, on the methodology and its application for the common staff assessment scale for all categories of staff, as reflected in their respective reports,

Noting that the Commission, in accordance with article 10 (a) of its statute, has developed the common staff assessment scale for pensionable remuneration purposes contained in annex IV to the report of the Commission, taking into account the views of the United Nations Joint Staff Pension Board set out in paragraphs 152 to 159 of its report, and the considerations set out in paragraphs 83 to 89 of the report of the Commission,

1. Approves, with effect from 1 January 1997, the revised staff assessment scale recommended by the International Civil Service Commission in annex IV to its report for determining the pensionable remuneration of all categories of staff, subject to the procedure set out in paragraph 107 of its report in the case of General Service and related categories, as well as for use in conjunction with gross salaries of the General Service and related categories of staff, and the consequential amendments to the Staff Regulations as shown in annex II to the present resolution;

2. Requests the Commission to report on the impact of the differences in national and local tax rates at the seven headquarters duty stations on the gross pension benefits of locally recruited staff in the General Service and related categories at those duty stations in comparison with the compensation for such taxes provided by the common staff assessment rates;

#### IV

##### Education grant

Recalling section IV, paragraph 1, of its resolution 47/216, by which it endorsed the revised methodology for the determination of the education grant,

1. Approves increases in the maximum reimbursement levels in seven currency areas, as well as other adjustments to the management of the reimbursement of expenses under the education grant, as recommended by the International Civil Service Commission in paragraphs 230 (a) to (f) of its report;

2. Notes the intention of the Commission to undertake in 1997 an in-depth review of the methodology for determining the education grant;

3. Decides, pending the completion of the above review, to delegate to the Chairman of the Commission the authority requested in paragraph 230 (e) of the report of the Commission;

#### V

##### Appointments of limited duration

Takes note of chapter VLB of the report of the International Civil Service Commission, and requests the Commission to continue its review of the subject of appointments of limited duration without delay;

#### VI

##### Mobility and hardship

Recalling section I.E of its resolution 44/198, by which it introduced a mobility and hardship allowance with effect from 1 July 1990 and requested the International Civil Service Commission to report to the General Assembly at its forty-seventh session on the operation of the allowance and the assignment grant,

Recalling also section V of its resolution 47/216, by which it took note of the intention of the Commission to review the operation of the mobility and hardship scheme after more experience had been gained in its operation and requested the Commission to report thereon to the General Assembly at its fifty-first session,

Recalling further section VI, paragraph 2, of its resolution 49/223, by which it requested the Commission to reconsider its decision to link hazard pay to the base/floor salary scale for internationally recruited staff and its decision on the level of hazard pay and to

propose alternative approaches to hazard pay and to report thereon to the General Assembly at its fifty-first session,

1. Takes note of the conclusions of the International Civil Service Commission in respect of the operation of the mobility and hardship scheme as contained in chapter VII of its report;

2. Approves the recommendations of the Commission regarding the mobility and hardship scheme as contained in paragraphs 304 (d) to (g) of its report;

3. Endorses the decision of the Commission to de-link hazard pay from the base/floor salary scale for staff in the Professional and higher categories, and to review the level of hazard pay every two years;

4. Requests the Commission to review further the linkage between the base/floor salary scale and the mobility and hardship allowance, taking into account the views expressed by Member States in the Fifth Committee of the General Assembly;

#### VII

##### Staff participation in the work of the Commission

Recalling section I.B of its resolution 47/216, section I of its resolution 48/224 and section II of its resolution 49/223,

1. Notes with appreciation the recent developments regarding the resumption of the dialogue between the International Civil Service Commission and the staff associations, as expressed in relevant statements in the Fifth Committee;

2. Reiterates its request in section IV, paragraph 4, of its resolution 50/208, wherein it called upon the Coordinating Committee for International Staff Unions and Associations of the United Nations System and the Federation of International Civil Servants' Associations to resume participation in the work of the Commission in a spirit of cooperation and non-confrontation;

#### VIII

##### Functioning of the Commission

Recognizing that an audit of the work of the International Civil Service Commission has not been undertaken since its establishment,

Calls upon the Board of Auditors, without prejudging its programme of work, to conduct a management review of all aspects of the work done by the secretariat of the Commission in time for the submission of a report thereon to the General Assembly during its fifty-second session;

#### IX

##### State of the United Nations common system

Recalling its resolution 46/191 A,

Requests the International Civil Service Commission to take the lead in analysing new approaches in the human resources management field so as to develop standards, methods and arrangements that will respond to the specific needs, especially regarding future staffing, of the organizations of the United Nations common system, including consideration of flexible contractual arrangements, performance-based pay and the introduction of special occupational pay rates, and to report to the General Assembly thereon at its fifty-third session.

## ANNEX I

**Salary scale for the Professional and higher categories showing  
annual gross salaries and net equivalents after  
application of staff assessment<sup>a</sup>**

(United States dollars)

(Effective 1 January 1997)

Level	Steps														
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
Under-Secretary-General															
USG Gross	142,546														
NetD	99,059														
NetS	89,069														
Assistant Secretary-General															
ASG Gross	129,524														
NetD	90,855														
NetS	82,245														
Director															
D-2 Gross	106,053	108,373	110,704	113,056	115,409	117,763									
NetD	76,033	77,516	78,998	80,480	81,963	83,446									
NetS	69,824	71,112	72,384	73,616	74,849	76,083									
Principal Officer															
D-1 Gross	93,810	95,797	97,784	99,767	101,754	103,741	105,728	107,715	109,700						
NetD	68,210	69,479	70,749	72,016	73,286	74,556	75,825	77,095	78,364						
NetS	63,030	64,132	65,235	66,336	67,439	68,541	69,644	70,747	71,849						
Senior Officer															
P-5 Gross	82,758	84,534	86,310	88,085	89,861	91,655	93,453	95,251	97,047	98,845	100,643	102,439	104,237		
NetD	61,090	62,239	63,387	64,536	65,685	66,833	67,982	69,131	70,278	71,427	72,576	73,724	74,873		
NetS	56,664	57,707	58,749	59,791	60,833	61,834	62,832	63,829	64,826	65,824	66,822	67,819	68,817		
First Officer															
P-4 Gross	68,181	69,891	71,597	73,303	75,013	76,743	78,474	80,206	81,938	83,667	85,397	87,132	88,862	90,601	92,355
NetD	51,597	52,718	53,838	54,957	56,078	57,198	58,318	59,438	60,559	61,678	62,797	63,920	65,039	66,159	67,280
NetS	48,019	49,044	50,068	51,092	52,118	53,133	54,149	55,166	56,182	57,198	58,213	59,232	60,247	61,249	62,222
Second Officer															
P-3 Gross	55,700	57,282	58,866	60,446	62,030	63,612	65,196	66,802	68,405	70,011	71,614	73,218	74,822	76,445	78,073
NetD	43,326	44,378	45,431	46,482	47,535	48,587	49,639	50,692	51,744	52,797	53,849	54,901	55,953	57,005	58,058
NetS	40,419	41,387	42,356	43,323	44,292	45,260	46,228	47,191	48,153	49,116	50,079	51,041	52,003	52,958	53,914
Associate Officer															
P-2 Gross	44,830	46,208	47,586	48,967	50,345	51,726	53,106	54,485	55,869	57,303	58,717	60,134			
NetD	35,921	36,864	37,804	38,745	39,686	40,627	41,568	42,509	43,451	44,391	45,332	46,274			
NetS	33,701	34,556	35,408	36,261	37,113	37,966	38,820	39,672	40,534	41,399	42,265	43,132			
Assistant Officer															
P-1 Gross	34,152	35,417	36,710	38,004	39,297	40,590	41,887	43,180	44,473	45,786					
NetD	28,435	29,341	30,245	31,150	32,054	32,958	33,864	34,768	35,671	36,576					
NetS	26,825	27,658	28,488	29,319	30,149	30,979	31,811	32,641	33,471	34,296					

D = Rate applicable to staff members with a dependent spouse or child.

S = Rate applicable to staff members with no dependent spouse or child.

<sup>a</sup> This scale will be implemented in conjunction with a consolidation of 5.26 per cent of post adjustment. There will be consequential adjustments in the post adjustment indices and multipliers at all duty stations, effective 1 January 1997. Thereafter, changes in post adjustment classifications will be effected on the basis of the movements of the consolidated post adjustment indices.

**ANNEX II**  
Amendments to the Staff Regulations  
of the United Nations

Regulation 33

1. Replace the tables in paragraph (b) (i) with the following:

Total assessable payments (United States dollars)	Staff assessment rates for purposes of pensionable remuneration and pensions (percentage)	
Up to 20,000 per year	11	
20,001 to 40,000 per year	18	
40,001 to 60,000 per year	25	
60,001 and above per year	30	

Total assessable payments (United States dollars)	Staff assessment rates used in conjunction with gross base salaries (percentage)	
First 15,000 per year	9.0	Staff member with a dependent spouse or a dependent child
Next 5,000 per year	18.1	Staff member with neither a dependent spouse nor a dependent child
Next 5,000 per year	21.5	
Next 5,000 per year	24.9	
Next 5,000 per year	27.5	
Next 10,000 per year	30.1	
Next 10,000 per year	31.8	
Next 10,000 per year	33.5	
Next 10,000 per year	34.4	
Next 15,000 per year	35.3	
Next 20,000 per year	36.1	
Remaining assessable pay- ments	37.0	47.6

2. Replace the table in paragraph (b) (ii) with the following:

Total assessable payments (United States dollars)	Assessment (percentage)
Up to 20,000 per year	19
20,001 to 40,000 per year	23
40,001 to 60,000 per year	26
60,001 and above per year	31

General Assembly resolution 51/216

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/745) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.35), based on informal consultations; agenda item 121.

Meeting numbers. GA 51st session: 5th Committee 32-34, 36, 37, 39, 46; plenary 89.

## Other staff matters

### Personnel policies

#### Staff redeployment

The Secretary-General, in response to General Assembly resolution 50/214 [YUN 1995, p. 1386], submitted on 28 March, in his proposed programme budget for the 1996-1997 biennium [A/C.5/50/57], proposals for possible savings to

achieve the \$ 154 million of additional cost reductions required by the Assembly (see PART FIVE, Chapter II). Those reductions were to be achieved through reduced staff and other savings. The Assembly had decided on a vacancy rate of 6.4 per cent for both Professional and General Service posts. However, the Secretary-General anticipated that an average biennial vacancy rate of 9 per cent for Professional posts and 7 per cent for General Service posts could be realized in 1996-1997. The increase in vacancies was expected to be realized through full use of attrition in 1996-1997; strict enforcement of retirement age; freeze in recruitment, subject to limited exceptions; implementation of an early separation programme; introduction of a programme for lateral redeployment of staff; and involuntary separation of staff if those measures did not prove sufficient. The Secretary-General had issued an administrative instruction setting out the consequences of budgetary reductions for staff members. Involuntary reductions in staff would be achieved through a mechanism that would ensure that affected staff were considered for all available vacancies. That mechanism, which was designed to protect the rights of staff and to ensure their retention on the basis of relative competence, was being established in consultation with staff representatives Secretariat-wide. An early separation programme for 1996 had been offered worldwide, with the expectation that voluntary buyouts would have a significant effect on achieving the overall reduction target. Outplacement and job search support would be needed for those losing their employment. The Secretary-General said the human dimension of the process deserved the most serious concern and attention.

In a 28 August addendum [A/C.5/50/57/Add.1], the Secretary-General identified reductions to bring the 1996-1997 programme budget to \$2,608 million. The additional \$14.1 million in reductions identified related to the higher than anticipated vacancies. The higher vacancy levels experienced as of the end of July (900 total: 466 Professional and 434 General Service) reflected the impact of the 1995 and 1996 early separation programmes. Some 290 Professional and 148 General Service staff had been granted early separation. By freezing posts vacated as a result of those separations, as well as other vacant posts, higher levels of savings had been realized.

The Assembly, in **decision** 50/506 of 17 September, noted the decision of the Secretary-General to defer action related to the involuntary separation of staff to achieve the objectives of resolution 50/214 until the Assembly had considered his report, it being understood that, in the mean-

time, efforts would continue to be made to find appropriate placement for them.

In a 9 October report [A/51/7/Add.1], ACABQ advised that the Secretary-General should not carry out any involuntary separations solely to achieve budget savings, since no decision had been taken by the Assembly to abolish posts and the Assembly was still to consider the Secretary-General's proposals on budget reductions, including an increase of the vacancy rate for Professionals above 6.4 per cent. In that regard, the Advisory Committee recommended that staff regulation 9.1 should be clarified to ensure that "reduction of staff" was used only as a consequence of abolition of posts, it being further understood that any changes in the number of posts under the regular budget required the specific approval of the Assembly. In seeking to create a certain level of vacancies in established posts, the Secretary-General should avoid creating a situation leading to the de facto existence of supernumeraries. Decisions to effect involuntary separation of staff should be taken with due regard to the accountability of senior officials for the implications—financial or otherwise—of their actions, should those actions be subject to judicial or administrative review.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/221 B**.

The General Assembly,

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

Recalling its resolution 50/214, in which it decided, inter alia, that the vacancy rate would be 6.4 per cent for both Professional and General Service posts, and its resolutions 50/215 A to C and 50/216 of 23 December 1995 and 50/230 of 7 June 1996,

Recalling also the request made to the Secretary-General in section II, paragraph 7, of resolution 50/214 to submit, as soon as possible, and no later than 31 March 1996, to the General Assembly, through the Advisory Committee, a report containing proposals of possible savings for its consideration and approval,

Reaffirming the role of the current intergovernmental process in reviewing the efficiency and reform of the programmes and activities and the need to avoid duplication,

Recognizing the need to integrate all elements of internal reviews of efficiency in the Secretariat,

Recognizing also the role of the Office of Internal Oversight Services and the Office of Programme Planning, Budget and Accounts in management reforms and in ensuring adequate programme delivery and efficiency,

Regretting that the information requested by the Advisory Committee on personnel- and programme-related issues, including whether consultants were hired to carry out work previously performed by staff on posts, was not provided,

Recalling its decision 50/506 of 17 September 1996,

1. Reaffirms its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987;

2. Reaffirms also part VI of its resolution 45/248 B of 21 December 1990, which relates to the involvement of different bodies in the budgetary process;

3. Reaffirms further the requirement of all Member States to fulfil their financial obligations as set out in the Charter of the United Nations promptly and in full;

4. Recognizes the detrimental effect of the withholding of assessed contributions on the administrative and financial functioning of the United Nations;

5. Reaffirms that the authority to create, transfer and abolish posts under the regular budget is the prerogative of the General Assembly;

6. Recalls the authority of the Secretary-General as chief administrative officer, as provided for under Article 97 of the Charter;

7. Endorses the report of the Advisory Committee on Administrative and Budgetary Questions, with the exception of paragraph 28, second sentence, and subject to the provisions of the present resolution;

8. Expresses its concern that the report of the Secretary-General does not contain a clear indication of the extent to which the approved vacancy level of 6.4 per cent has been exceeded in order to reach the savings called for in its resolution 50/214;

9. Reiterates its decision that savings in the programme budget for the biennium 1996-1997 should not affect the full implementation of mandated programmes and activities;

10. Reiterates that any proposal to change mandated programmes and activities is subject to prior approval of the General Assembly, through the Fifth Committee and other relevant bodies;

11. Notes the assurances of the Secretary-General that he will not take any decision on the involuntary separation of staff members, including those on the redeployment list, to achieve savings in the context of the implementation of General Assembly resolution 50/214;

12. Requests the Secretary-General, in the light of General Assembly decision 50/506, to report to the Fifth Committee during the resumed session of the Assembly on the progress achieved in the placement of the staff on the redeployment list, taking into account their skills and experience;

13. Requests that the information requested by the Advisory Committee in its report be presented no later than 1 March 1997;

14. Requests the Secretary-General, in connection with paragraphs 25 to 31 of the report of the Advisory Committee, to report, through the Office of Internal Oversight Services, no later than 1 March 1997, on the use of consultants and associated contractual procedures in the United Nations during the calendar year 1996;

15. Also requests the Secretary-General to review the effect of vacant posts on programme delivery and to recommend, if appropriate, restoration of the funding of these posts in the context of the budget for the biennium 1998-1999;

16. Further requests the Secretary-General to take all necessary action to avoid duplication of efficiency review procedures;



17. Requests the Secretary-General to integrate and harmonize, where appropriate, efficiency reviews, including those of the intergovernmental machinery, with programme planning and budget reviews;

18. Also requests the Secretary-General to report to relevant intergovernmental bodies on the efficiency proposals which have programmatic and programme budget implications that require prior legislative approval;

19. Regrets that the programme performance report on the impact of approved savings measures on the implementation of mandated programmes and activities, requested in section II, paragraph 11, of its resolution 50/214, to be submitted no later than the end of its fiftieth session, has not been submitted;

20. Requests the Secretary-General to submit, no later than 1 March 1997, the above-mentioned programme performance report, and decides to consider it as a matter of priority during the first part of its resumed session;

21. Decides that no changes to the budget methodology, to established budgetary procedures and practices or to the financial regulations can be implemented without prior review and approval by the General Assembly, through the Advisory Committee, in accordance with agreed budgetary procedures.

General Assembly resolution 51/221 B

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/750) without vote, 17 December (meeting 46); draft by Vice-Chairman (A/C.5/51/L.33); agenda item 116. Meeting numbers. GA 51st session: 5th Committee 7-9, 11-15, 17, 20, 23, 25, 32, 33, 39, 40, 42-46; plenary 89.

### Human resources management issues

The Secretary-General submitted a 19 August report on implementation of his strategy for the management of the Organization's human resources and other human resources management issues [A/C.5/51/1], endorsed by the General Assembly in 1994 [GA res. 49/222 A]. The report reflected the challenges confronted over the past 18 months and the efforts to effect the human resources measures required in implementing the 1996-1997 programme budget, including areas where delays occurred in the delivery of strategy components. It highlighted successes, where adjustments needed to be made, where action could perhaps not have been taken and the need for guidance and support from Member States. The report showed how implementation of the strategy focused on facilitating action and encouraging change through increased delegation to programme managers of authority for human resources and benefits administration. The report also described the evolving role of human resources management, and the search for support and guidance from Member States in setting a strategic vision for the future and continued advancement of human resources management as perhaps the most critical element of management reform.

On 5 November, the Secretary-General transmitted to the General Assembly the report of the Joint Inspection Unit (JIU) on the application of UN recruitment, placement and promotion policies [A/51/656]. The Inspectors recommended that the Secretary-General urgently review and improve all personnel policies and procedures. He should, in particular, emphasize the authority of the Office of Human Resources Management (OHRM) to enforce recruitment, placement and promotion policies throughout the Secretariat; ban the practices of granting temporary appointments at the P-2 and P-3 levels for periods longer than three months (if they were not related to replacement of staff serving on mission); ensure strict implementation of the policy of entry-level appointments exclusively through competitive examinations and G-to-P promotion; forbid the "regularization" of temporary contracts; ban the placing of staff on vacant posts which were at a higher level for more than three months and consider those staff placed for longer periods as non-eligible for promotion against them; cancel automatic preferences in recruitment, placement or promotion based on gender as contradicting Articles 8 and 101, paragraph 3, of the Charter and staff regulation 4.2; ensure strict application of the requirements concerning education standards in recruitment for posts in the Professional category; and introduce specific criteria for accelerated promotion. The Secretary-General should explain to the Assembly why a career development plan had been neither put in place nor included in the proposed medium-term plan, and inform the Assembly on what policies, staffing and programmes would replace a comprehensive career development system, with time-limited objectives for achieving those actions. The Secretary-General should issue specific guidance to establish clearly responsibility and accountability of programme managers for proper use of human resources, as well as sanctions for non-performance. Those sanctions should include reimbursement for any financial loss suffered by the United Nations as a result of gross negligence, such as improper motivation, wilful violation or reckless disregard of Staff Regulations, Staff Rules and established policies regulating recruitment, placement and promotion.

In a 9 December addendum [A/51/656/Add.1], the Secretary-General submitted his comments on the JIU report. He explained that due to the financial crisis and the mandated regular and extrabudgetary reductions, resulting in the loss of some 40 staff in OHRM, as well as increased departmental activity, the degree of focus and the level of activity needed to progress with imple-

mentation of his 1994 strategy for the management of human resources as thoroughly and as quickly as desired had decreased. Delays in introducing measures to modernize and improve the Secretariat's human resources management policies and practices had also delayed implementation of JIU's recommendations on recruitment. He noted that fuller implementation of his strategy would have addressed a number of the major JIU concerns. The Secretary-General regretted that the report missed the interrelationship between individual elements of policy and procedural change and their collective importance in implementing a human resources management strategy. Some of the conclusions and factual information utilized in the report did not serve well JIU's efforts to address the inadequacies of the current system. Nevertheless, he could support a number of the Inspectors' recommendations, in particular those which closely correlated with the course of the Secretariat initiatives in the implementation of his human resources management strategy.

The Assembly, in **decision 51/456** of 18 December, deferred to its 1997 resumed fifty-first session consideration of the JIU report.

Pursuant to a 1994 General Assembly request [GA res. 49/222 A, section II], the Secretary-General submitted a 22 November report on the ratio between career and fixed-term appointments [A/C.5/51/34]. The report traced the evolution of the distinction between "career" and "fixed-term" appointments and provided data on staff in posts subject to geographical distribution and the proportion of fixed-term appointments for all staff. The report explained that the fixed-term appointment, which traditionally applied to staff who were not expected to remain beyond a limited number of years, after which they would leave the Organization, had evolved over the years to such an extent that that type of appointment could no longer be usefully contrasted to career appointments, because all staff on fixed-term appointments were potentially on a career track, as a result of Assembly resolution 37/126 [YUN 1982, p. 1455] and other factors.

Against that background, the Secretary-General proposed to the Assembly three possible approaches, which could be adopted individually or in combination. First, a desirable proportion of career appointments could be set, with no change to the existing types or conditions of appointments. The Assembly might establish that proportion on the basis of the number of established posts in the regular budget, so as to relate to the long-term resources of the Organization the overall number of long-term contractual appointments given to staff members. Within that

limit, most staff members would be placed against extrabudgetary posts when consistent with the nature of the functions and the funding of the posts in question. Second, resolution 37/126 could be clarified to specify that staff members would be entitled to consideration for conversion to career appointment, not only when staff members completed five years of continuing good service, but also when the work and functions to be performed were of a continuing nature. If the Assembly decided to set a desirable proportion as proposed, resolution 37/126 should be further elaborated to specify that the number of career appointments should not exceed the resulting overall limit. Third, building on the best attributes of both proposals, a dual-track system of career and non-career appointments could be introduced, with new types of appointment better suited than the existing ones to the current and future needs of the Organization. The Secretary-General felt that the third approach would reinforce and refocus the concept of career service, making it more responsive to ongoing mandates and programme needs; allow for a more effective application of the applicable standards of performance and a better management of human resources; and ensure that the current and future needs of the Organization and its constraints were taken into account, while protecting the legitimate rights and expectations of the staff.

In a 4 December note [A/51/705], the Secretary-General transmitted to the Assembly the JIU report on comparison of methods of calculating equitable geographical distribution within the UN common system. The Inspectors recommended that, in the interest of a fairer interpretation and application of the principle of geographical equity in the staffing of the organizations, current use of the basic principles, such as membership and contributions, should at least be allocated on a fixed basis. More consideration should be given to demographic profile and post-level weighting principles. In the cases where applying such principles for each member State raised technical or statistical difficulties, more emphasis should be given to regional and subregional groupings. At the very least, high-level managerial posts should be distributed equally among the geographical regions of the world, as determined by each organization. Given the dwindling number of top administrative posts, the application of a principle of rotation, particularly in the higher categories, was desirable. Bearing in mind those considerations, a post at one grade in a given category could not be compared to one at a different grade in that category, and far less to one in a different category. It

was thus desirable to adopt a principle of weighting, thereby assigning a certain coefficient to each grade in each category of post. The system currently applied in the Food and Agriculture Organization of the United Nations merited consideration, without prejudice to any other similar, equitable system. An equitable system of grade weighting would rationalize the practice of high-level appointments in large part, as already empirically applied within the UN organizations. To preserve the universality and objectivity of international organizations, voluntary contributions from member States should not be accompanied by pressure or stipulations regarding the recruitment of nationals from a particular country or region to carry out the projects or programmes thus financed. To avoid overrepresentation, the secretariats of international organizations should be cautious in accepting nationals from any country provided free of charge to perform tasks normally assigned to staff recruited by the organizations themselves. Such an assignment might be considered as an exceptional measure only when a full- or part-time international civil servant was not justified by programme implementation requirements, and should not be allowed as an indirect way of integrating such contractees into the category of staff member. The Inspectors also recommended the use of a factor of "time a post is occupied" by a staff member of a given nationality: instead of measuring the geographical distribution of posts year by year, post distribution should preferably be considered over a certain number of years. That would give a truer indication of how the principle of equitable geographical distribution was really being applied. The Inspectors felt that it would be necessary to initiate a follow-up study to develop viable options for methodologies for calculating geographical distribution formulas.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **decision 51/456**.

#### Human resources management

At its 89th plenary meeting, on 18 December 1996, the General Assembly, on the recommendation of the Fifth Committee:

(a) Decided to defer until the first part of its resumed fifty-first session consideration of agenda item 120, entitled "Human resources management", and the reports submitted under that item, including the reports of the Joint Inspection Unit entitled "Inspection of the application of United Nations recruitment, placement and promotion policies (Part II—Placement and promotions)" and "Comparison of methods of calculating equitable geographical distribution within the United Nations common system" and the outstanding report of the Unit entitled "Manage-

ment-Staff Union relationships in the United Nations system", and to consider the agenda item as a priority item;

(b) Requested the Secretary-General, pending that consideration and on an interim basis:

- (i) To review the need for the general recruitment freeze and to oversee and monitor all recruitments, appointments, placements and promotions through the Office of Human Resources Management of the Secretariat, taking into account the need to recruit from unrepresented and under-represented Member States and to achieve gender balance;
- (ii) Not to expand arrangements that exist with regard to delegation of authority in recruitment, appointment, placement and promotion matters;
- (iii) To limit short-term appointments against regular budget posts to temporary replacements in case of mission service and leave;
- (iv) To limit exceptions to regular rules and procedures to the recruitment, appointment, placement and promotion of under-secretaries-general, assistant secretaries-general, special envoys at all levels and staff of the Executive Office of the Secretary-General;
- (v) To continue not to convert fixed-term contracts into permanent contracts until the General Assembly has taken action on the relevant report;
- (vi) To report to the General Assembly at the first part of its resumed fifty-first session on all recruitment, appointment, placement and promotion activities after 1 November 1996.

General Assembly decision 51/456

Adopted without vote

Approved by Fifth Committee (A/51/643/Add.1) without vote, 17 December (meeting 46); draft by Rapporteur (A/C.5/51/L.30), based on informal consultations; agenda item 120.

Meeting numbers. GA 51st session: 5th Committee 21, 23, 25, 26, 30, 31, 34, 37, 46; plenary 89.

#### Gratis personnel

Pursuant to a 1994 General Assembly request [GA res. 48/226 C], the Secretary-General submitted a report on the question of gratis personnel provided to the Secretariat by Governments and other entities [A/51/688 & Corr.1]. The Assembly had requested the report in relation to the secondment, at no cost to the Secretariat, of military and civilian personnel to the Department of Peacekeeping Operations (DPKO) and the establishment of guidelines for that purpose. However, the number of such personnel had significantly increased, and the scope of their functions had expanded to backstopping of peacekeeping operations, disarmament and humanitarian assistance, and to other areas such as economic and social research, internal oversight services, and administration and management. Consideration of policies and procedures for accepting gratis personnel could not be separated from the overall financial situation of the Organization and

the current environment of increasing demands coupled with growing budgetary constraints. In some parts of the Organization, certain areas of Secretariat work were becoming increasingly dependent on the provision of gratis personnel. That raised such questions as the impact of the practice on the international character of the Secretariat and its ability to service impartially the activities of the Organization, in accordance with the provisions of the Charter and the Staff Rules and Regulations; its impact on the international civil service and the composition of the Secretariat; the implications for the principle of collective responsibility of Member States for financing the Organization's mandates, programmes and activities; and the financial implications, including ways to meet programme support costs connected with gratis personnel. Annexed to the report were: guidelines for the acceptance of gratis personnel; number and distribution of gratis personnel in the Secretariat; their number and nationality; number and nationality of military officers, including gratis military officers, in DPKO; distribution of gratis military officers in DPKO; and estimated annual costs of backstopping gratis military officers charged to the UN budget.

In its conclusions, the report stated that gratis personnel should be accepted on an exceptional basis, for a defined, limited period and in accordance with guidelines that preserved the international character of the responsibilities of the Organization. In keeping with the requirement that budgeted resources from assessed contributions should not be used to support staff or activities financed by voluntary contributions, the charge for programme support costs to support gratis personnel should be enforced. The report invited the Assembly to reaffirm the principle that Member States collectively should provide the necessary staffing resources to implement UN programmes and activities, and to note the conditions and guidelines under which gratis personnel might be accepted by the Secretary-General. The Assembly was also invited to reaffirm the policy concerning the financial liability of the Organization in accepting gratis personnel.

#### Employment of retirees

The General Assembly, in resolution 49/222 B [YUN 1995, p. 1412], had granted a temporary derogation to the rule that no former staff member who was in receipt of a pension benefit from the United Nations should receive more than \$ 12,000 in total in any calendar year, pending the development by the Secretary-General of a comprehensive policy on the use of retirees. That derogation, which was granted with a view to

maintaining the effectiveness of conference services, was due to lapse in mid-September 1996. The Secretary-General, in a 7 May report [A/C.5/50/61], recommended that the temporary derogation granted to conference-servicing staff be extended to 31 December.

On 7 June, the General Assembly in **decision 50/485** extended the derogation until 30 October 1996 and decided that no further extension should be granted beyond that date. It also decided to consider as a matter of priority and not later than 15 October the Secretary-General's report on the subject of the use of retirees, and requested ACABQ to report by 1 October. It invited the United Nations Joint Staff Pension Board to examine at its July session the possibility of suspending pension benefits for periods of less than six months.

In a 16 August report [A/C.5/51/2], the Secretary-General discussed the general policy regarding the use of retirees and the concerns of Member States. He examined the employment of retirees for administrative, peacekeeping, humanitarian, development and other functions and for conference services; presented a cost-benefit analysis of their employment and proposed arrangements to govern their hiring; and discussed the control and monitoring aspects and the decision of the Pension Board.

The Secretary-General concluded that, while he was mindful of the concerns of the Assembly and the need to control the employment of retirees, imposing too stringent a limit on their employment would be costly and detrimental to the Organization in quantitative budgetary terms and in qualitative servicing and programme delivery terms. He therefore proposed the establishment of a six-month ceiling per calendar year for short-term retiree staff, with a modified earnings limit under Special Service Agreements (SSAs), and without the obligation to re-enter the Pension Fund. Assignments for six months or longer, without a 30-day break in service, would require mandatory re-entry into the Fund, in line with the Fund's regulations. That would also require exceptional approval by OHRM, which would grant it only after the requesting department had presented proof that all other alternatives either were not feasible or were more costly. An SSA earnings ceiling would be set at the equivalent of three months of gross salary at the mid-point of the salary scale. For conference service language staff, the limit would be set at six months' gross salary.

The Secretary-General recognized that the formula did not address the concerns of Member States with respect to "double dipping" by those retirees in receipt of a contributory and earned

UN pension or to the related concern that the same proscriptions did not apply to the earnings of a freelancer who might be receiving a pension from a non-UN source, including national civil service or private-sector sources.

Concerning control and monitoring, the Secretary-General undertook to ensure that all programme managers were aware of the responsibility to ensure that retirees were employed only as a last resort, after all other options had been explored and rejected for good reason. In addition, close cooperation would be maintained with the Pension Fund to ensure that all recipients of a UN pension were properly identified. In that regard, consideration was being given to establishing an interface between the Integrated Management Information System and the Fund's computer system.

ACABQ, in an 8 October report [A/51/475], proposed that the arrangements currently in place should continue, but updated to take account of inflation, since the \$12,000 limit was set by the Assembly in 1982. It believed that those retirees employed for conference services should be exempt from the earnings limitation, but the six-month limit during any calendar year should apply to all retirees temporarily hired by the Organization.

ACABQ recommended that the Assembly set a ceiling across the board of \$22,000 per calendar year for the employment of retired staff in receipt of a pension benefit from the Pension Fund, with the exception of staff used in conference servicing. However, no retired staff should be employed for more than six months per year. It also recommended that the Secretary-General be requested to report every two years on the use of such personnel, providing information on retirees recruited on a short-term basis, at all categories and levels, as well as under SSAs; the next report, on the period from 1 January 1995 to 31 December 1996, should be submitted to the Assembly's fifty-second session. The Assembly should request the Pension Board to make its recommendations, as requested in its June decision.

On 4 November, the General Assembly in **decision 51/408** endorsed the recommendations and observations of ACABQ and set a ceiling across the board of \$22,000 per calendar year, representing an amount updated from the \$12,000 limit set in 1982, for the employment of retired staff in receipt of a pension benefit from the Pension Fund, with the exception of language-services staff for whom the ceiling would be \$40,000 per calendar year, and to limit such employment in all cases to no more than six months per calendar year. The Assembly also decided that no former staff member in receipt of a pension benefit should be re-

employed at a level higher than that at which he or she separated from the organization concerned, nor should be remunerated at a level higher than that at which regular staff were remunerated for the same function at the same duty station. It requested the Secretary-General, in employing retirees, to continue to seek geographical and gender balance and to observe the current practice whereby retirees must be medically cleared before re-employment.

The Assembly requested the Secretary-General to report to it every two years on all aspects of the use of retired personnel, including possible revision of the limits and providing information concerning retirees recruited on a short-term basis in all categories and at all levels as well as under SSAs. The first report should exceptionally cover the period from 1 January 1995 to 31 December 1997 and be transmitted through ACABQ to the Assembly at its fifty-third session, in 1998. The Assembly also requested the UN Joint Staff Pension Board to re-examine the request made in its **decision 50/485** of 7 June and to report to the Assembly in 1998. It further requested the Office of Internal Oversight Services to audit the compliance of recruitment of retirees in the Secretariat and to report thereon in 1998.

By **decision 51/460** of 18 December, the Assembly decided that the Fifth Committee should continue consideration of the item "Human resources management" at its resumed fifty-first (1997) session.

### Staff composition

On 27 September, the Secretary-General submitted to the General Assembly his annual report [A/51/421] on staff composition of the UN Secretariat, by nationality, gender, grade and type of appointment. The total number of staff as at 30 June 1996 was 14,166, of whom 8,781 were paid from the regular budget and 5,385 from extra-budgetary sources. There were 4,387 in the Professional category and above, 9,214 in the General Service and related categories and 565 project personnel.

Staff in posts subject to geographical distribution numbered 2,514. As at 30 June, there were 23 unrepresented Member States, compared to 25 at 30 June 1995, and 22 under-represented Member States, compared to 25 the year before. Changes in representation derived not only from staff appointments and separations from service, but also from such factors as adjustments in desirable ranges resulting from an increase or decrease in the number of posts subject to geographical distribution, changes in the number of Member States, variations in assessed contributions or population of individual Member States, and

changes in the status of some staff members. The report also provided information on groupings of Member States, representation of developing and other countries among staff at the senior levels, representation of women and recruitment activities.

Between 1 July 1995 and 30 June 1996, 129 appointments were made to posts subject to geographical distribution. Of those, 5 (3.9 per cent) were nationals of unrepresented Member States; 20 (15.5 per cent) of under-represented Member States; 99 (76.7 per cent) of within-range Member States; and 5 (3.9 per cent) of over-represented Member States.

### Status of women in the Secretariat

In 1996, the Secretary-General submitted two reports on improving the status of women in the Secretariat.

In a 7 March report [E/CN.6/1996/7] to the Commission on the Status of Women, he provided statistical data and described developments that had taken place since June 1995. The overall level of representation within the global Secretariat rose 0.5 per cent to reach 34.6 per cent at the end of 1995, falling only 0.4 per cent short of the 35 per cent target set by the Assembly. As of that date, 16.9 per cent of posts at the D-1 level and above were encumbered by women. However, the number of women promoted within the Professional and higher levels had generally declined, except for the D-1 level, which showed an increase from 29.2 per cent to 31.4 per cent. The percentage of promotions of women to the P-3, P-4 and P-5 levels decreased from 60 per cent to 48.6 per cent, from 47.3 per cent to 41 per cent, and from 58.9 per cent to 52.5 per cent, respectively. There was a small increase in the percentage of women appointed to the lower and middle Professional levels. The Secretary-General said that it was to be expected that the mandated increase in vacancy rates and cost reductions in the 1996-1997 programme budget would have a direct impact on the availability of placement opportunities for all staff and on those to improve the representation of women in the Secretariat. However, guidelines for dealing with the human resources aspect of any downsizing exercise would be developed in the context of ensuring full compliance with the Charter.

To consolidate all policy issuances on achieving gender balance, the Secretariat had issued two documents: "Policies to achieve gender equality in the United Nations" and "Special measures for the achievement of gender equality". The new Steering Committee for the Advancement of the Status of Women in the Secre-

tariat, appointed by the Secretary-General, was expected to focus its attention on developing its role in monitoring progress towards achieving the goals of the Secretary-General's strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000). Under that plan, the Secretariat had received a grant to finance the development of a questionnaire to gauge the degree to which harassment, including sexual harassment, existed in the Secretariat.

In a 13 September report [A/51/304] to the General Assembly, the Secretary-General provided statistics as at 30 June 1996 and described the achievements and challenges in meeting the prescribed gender-distribution goals. The percentage of women in posts subject to geographical distribution stood at 35.1 per cent, compared with 23.1 per cent in 1985, an increase of 12 per cent over the last 11 years. The percentages of women at the D-1 and D-2 levels were 19.3 and 19.7, respectively. The percentages of women at the Assistant Secretary-General and Under-Secretary-General levels decreased to 6.7 and 4.8, compared to 14.3 and 10 in 1995. Between 30 June 1995 and 30 June 1996, a total of 196 staff members, 41.32 per cent of whom were women, were promoted. At every level, from P-3 to D-1, more men than women were promoted.

The Secretary-General stated that he would continue to pursue the goal set by the Assembly with respect to the improvement of the status of women. The target of 35 per cent overall representation in posts subject to geographical distribution had been achieved, but in view of the financial crisis the goal of 50/50 gender distribution by the year 2000 was not realistic. The Assembly might wish to set more realistic goals, such as 37 per cent by 1997 and 41 per cent by 1999. While the target of 25 per cent for women in senior decision-making levels had not been achieved, it should continue to be a guiding factor. The next century should find the United Nations at the forefront of gender issues. Member States needed to collaborate with the United Nations and demonstrate their commitment to gender equality, and to identify the means and resources for achieving those objectives.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/67**.

#### Improvement of the status of women in the Secretariat

The General Assembly,

Recalling Articles 1 and 101 of the Charter of the United Nations, as well as Article 8, which provides that the United Nations shall place no restrictions on the eligibility of men and women to participate in any

capacity and under conditions of equality in its principal and subsidiary organs,

Recalling also its resolutions 45/125 of 14 December 1990 and 45/239 C of 21 December 1990, as well as the relevant paragraphs of the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,

Concerned at the serious and continuing under-representation of women in the Secretariat, particularly at the D-1 level and above, where the numbers of women remain unacceptably low,

1. Welcomes the report of the Secretary-General;
2. Also welcomes the achievement of the goal of 35 per cent overall participation rate of women in posts subject to geographical distribution;
3. Reaffirms the goal of 50/50 gender distribution by the year 2000, and expresses its concern that this goal may not be met, especially at policy-making and decision-making levels (D-1 and above);
4. Calls upon the Secretary-General to ensure full and urgent implementation of the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) in order to achieve the goal contained in the Platform for Action adopted by the Fourth World Conference on Women for overall gender equality, particularly at the Professional level and above, by the year 2000;
5. Requests the Secretary-General to ensure that individual managers are held accountable for implementing the strategic plan within their areas of responsibility;
6. Also requests the Secretary-General to continue his work to create a gender-sensitive work environment, including through training and implementation of all appropriate administrative procedures, in particular the special measures outlined in his report, and through further development of a policy on sexual harassment;
7. Further requests the Secretary-General to enable the Focal Point for Women within the Secretariat effectively to monitor and facilitate progress in the implementation of the strategic plan;
8. Strongly encourages Member States to support the strategic plan and the efforts of the United Nations and the specialized agencies to increase the percentage of women in Professional posts, especially at the D-1 level and above, by identifying and regularly submitting more women candidates and by encouraging women to apply for posts within the Secretariat, the specialized agencies and the regional commissions;
9. Urges the Secretary-General to increase the number of women employed in the Secretariat from developing countries, including at the D-1 level and above, particularly those that are unrepresented or under-represented and from countries that have a low representation of women, including countries with economies in transition;
10. Requests the Secretary-General to report on progress made on the status of women in the Secretariat to the Commission on the Status of Women at its forty-first session and to the General Assembly at its fifty-second session.

General Assembly resolution 51/67

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/612) without vote, 18 November (meeting 42); 112-nation draft (A/C.3/51/L.19), orally revised; agenda item 103.

Meeting numbers. GA 51st session: 3rd Committee 13-18, 29, 35, 42; plenary 82.

The Economic and Social Council, by **decision 1996/310** of 13 November, decided that the coordination segment of its 1997 substantive session would be devoted to consideration of mainstreaming of a gender perspective into all policies and programmes of the UN system.

### Staff rules and regulations

In a 10 October report [A/C.5/51/7], the Secretary-General submitted to the General Assembly amendments to the Staff Rules under the 100 series, amending the terminology of the rule on the Appointment and Promotion Board to refer to "subsidiary panels" rather than "working groups" and to simplify the process under which cases were considered by the Appointment and Promotion Committees; the rule on special leave by the addition of a new paragraph to allow, for the 1996-1997 biennium, the granting of special leave for pension purposes, at no cost to the Organization, to protect the pension benefits of staff who were within two years of achieving age 55 and 21 years of service, or who were 55 years of age and within two years of 25 years of service; the rule on termination indemnity by the addition of new paragraphs to implement the new special leave for pension purposes; and the rule on appeals to broaden the scope of conciliation procedures and introduce a simplified and expedited procedure to handle small claims. Other amendments concerned rules in the 200 series relating to pensionable remuneration and compensation for death, injury or illness attributable to service.

The General Assembly, by **decision 51/455** of 18 December, took note of the amendments to the 100 and 200 series of the Staff Rules, without prejudice to the consideration of agenda item 120, entitled "Human resources management", at the first part of its resumed (1997) fifty-first session.

### Staff representation

On 10 May, the Secretary-General reported [A/C.5/50/64] on the question of the definition of "reasonable time" for staff representational activities. The report described the quantifiable definition of reasonable time for staff representational activities, as recommended by the Staff-Management Coordination Committee in 1995 and subsequently endorsed by the Secretary-

General. The definition stipulated full-time release for the President or Chairman of the Executive Committee/Council representing staff in the range of 1,000, and 60 per cent release if that number was smaller. At duty stations other than New York and Geneva, release for the First and Second Vice-Presidents was 3 days per week or 96 hours per month if the staff represented was 1,000, and 1.5 days per week (or 48 hours per month) if it was smaller. Members of the Executive Committee would be allowed 32 hours per month release, except for New York, where 44 hours per month would apply, and members of the Staff Council would be allowed 10 hours per month, with those at New York being allowed 15 hours and those on field missions an average of 5 hours. Annexed to the report was a breakdown of "reasonable time" to be granted per duty station for the conduct of staff representational activities.

The Assistant Secretary-General for Human Resources Management informed the Fifth Committee on 15 May that the preliminary estimate of the indirect cost of applying the "reasonable time formula" was \$2.4 million at 1996 rates. At its reconvened session on 3 June, the Fifth Committee decided that, pending consideration of the Secretary-General's relevant report at the Assembly's fifty-first session, the proposals concerning the number of hours and the full-time secondment of the Second Vice-Chairman of the Staff Committee in New York would not be implemented. The Secretary-General would submit a detailed report indicating the direct and indirect costs of those activities.

The General Assembly, by **decision 50/483** of 7 June, deferred consideration of the Secretary-General's report on the costs and modalities of staff representational activities until its fifty-first session.

In response to the Fifth Committee's request, the Secretary-General submitted an 8 October report [A/C.5/51/6] on cost and modalities of staff representational activities: financial data pertaining to UN staff associations and unions. Direct costs for 1994 amounted to \$441,900 and indirect costs to \$576,400. Annexed to the report were information and data by staff associations and unions throughout the global Secretariat on their paying membership levels, assets, expenditures and activities.

The General Assembly, in **decision 51/456** of 18 December, deferred consideration of the item "Human resources management" until its resumed (1997) session.

### Privileges and immunities

The General Assembly, by **decision 50/484** of 7 June, took note of the Secretary-General's note [YUN 1995, p. 1419] on respect for the privileges and immunities of officials of the United Nations and specialized agencies and related organizations and the statement by the UN Security Coordinator on 14 December 1995, and requested the Secretary-General to report on the question to the Assembly at its fifty-first session.

In response to the Assembly's request, the Secretary-General submitted a 30 September report on behalf of and with the approval of ACC [A/C.5/51/3] containing updated information on respect for the privileges and immunities of officials as well as their security and safety for the period from 1 July 1995 to 30 June 1996. The Secretary-General said that 10 civilian staff members belonging to different organizations had lost their lives in performance of their duties during the reporting period, while others were subjected to attack, injury, abuse or harassment. In Liberia in April and in the Central African Republic in May 1996, it had become necessary to relocate dependants and/or non-essential staff to safe havens as a result of a serious deterioration in the security situation. As part of the effort to further improve staff security and security management in the field, the Office of the UN Security Coordinator convened an ad hoc inter-agency meeting on security (Geneva, 8-9 May), followed by a working group on technical security issues (New York, 5-7 June) to review security matters of concern to organizations of the UN system. Issues considered included the need for security training for all staff, hostage crisis management and strengthening of inter-agency cooperation in the area of security. The meeting concluded that the issue of the costs of providing security for staff had to be addressed with renewed urgency, and stressed the need for sufficient resources to be allocated to implement the required security measures (see PART FIVE, Chapter IV, for details). The arrest and detention of staff members continued to be a major issue, particularly in the case of Rwanda, where numerous locally recruited UN staff continued to be detained. As at 30 June 1996, 27 staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East remained in detention. The report also discussed the issue of taxation of UN officials by host countries and restrictions on their official travel.



### UN Joint Staff Pension Fund

During 1996, the number of participants in the United Nations Joint Staff Pension Fund (UNJSPF) decreased from 68,708 to 67,997, or by 1.03 per cent; the number of periodic benefits in award increased from 38,914 to 41,433, or by 6.47 per cent. On 31 December, the breakdown of the periodic benefits in award was as follows: 13,356 retirement benefits, 8,115 early retirement benefits, 6,196 deferred retirement benefits, 5,842 widows' and widowers' benefits, 7,130 children's benefits, 745 disability benefits and 49 secondary dependants' benefits. In the course of the year, 5,622 lump-sum withdrawal and other settlements were paid.

The Fund was administered by the 33-member United Nations Joint Staff Pension Board, which held its forty-seventh session in Turin, Italy, from 8 to 19 July [A/51/9 & Corr.1]. Major items considered at the session were: actuarial matters including, in particular, the twenty-third actuarial valuation of the Fund as at 31 December 1995; management of the Fund's investments and membership of the Investments Committee; the Fund's financial statements; transfer agreements between the Fund and the former USSR, Ukrainian SSR and Byelorussian SSR; and amendments to the Fund's Regulations, Administrative Rules and Pension Adjustment System. The Board reviewed the interest rate used to determine lump-sum commutations and held a preliminary discussion on the entitlement to survivors' benefits of spouses and former spouses. In close cooperation with ICSC, the Board carried out a comprehensive review of the pensionable remuneration and consequent pensions for all categories of staff, as requested by the General Assembly in 1990, 1992 and 1994 [GA res. 45/242, 47/203 and 49/224]. Also, at the request of the General Assembly in 1996 (**decision** 50/485), the Board reviewed the issue of suspension of benefits in cases of re-employment of UNJSPF retirees in member organizations of the Fund.

The Board recommended to the General Assembly that the International Tribunal for the Law of the Sea be admitted as a member organization of the Fund.

ACABQ submitted, in October, its comments on the Board's report [A/51/644], and the Assembly acted on the Board's recommendations in December (see below).

### Pension Fund investments

The market value of UNJSPF assets as at 31 December 1996 was \$16,913 million, an increase of \$1,725 million over the previous year. The total investment return for the year was 12.1 per

cent, which, after adjusting for inflation, represented a "real" rate of 8.5 per cent. Investment income from interest and dividends amounted to \$609 million in 1996. New funds which became available for investment (contributions plus investment income, less benefit payments and administrative expenses) totalled \$644 million, while realized capital gains amounted to \$171 million.

The Fund remained one of the most diversified pension funds in the world, as the proportion of its assets exposed to currencies other than the United States dollar, which was the Fund's unit of account, as well as the ratio of equities to total assets, continued to increase. The value of the development-related investments was \$1,755 million as at 31 December 1996. Close contacts were maintained with international organizations, regional development institutions, Governments and private sources to ensure full awareness of investment opportunities in developing countries.

Arrangements for new advisory services were completed in November, and the Fund then had three regional advisers representing North America, Europe and Asia and the Pacific. That arrangement provided the Fund with additional diversification of advice. The custody arrangement implemented in 1994 was fully operational and working efficiently. The diversification of the custodians had provided the Fund with better safety and security of the assets. Both arrangements had resulted in substantial savings.

In a 20 September report on the Fund's investments for the period from 1 April 1994 to 31 March 1996 [A/C.5/51/4], the Secretary-General noted that economic activity had improved worldwide during most of that period, but had slowed down in most major industrialized countries towards the end of the period. The period had been dominated by extensive structural reforms in most countries to liberalize trade and investments and reduce budget deficits, and by the continued struggle by the European Union to meet the convergence criteria for economic and monetary union. The currency and financial markets were relatively volatile; hence the extensive diversification of the Fund was beneficial, as economic cycles and market movements were not synchronized. The markets in which the Fund had investments, the strength of the major currencies against the United States dollar and the level of investments in those markets contributed more to the total return of the Fund during the year ended 31 December 1996. Equity investment was the key contributor, notably the commitment to the United States and

Europe. The contributions from fixed income were mainly the result of exposure to securities denominated in currencies other than the United States dollar due to significant investments in those markets. However, exposure to the deutsche mark and yen was favourable. After doing very poorly over the last two years, the real estate portfolio had a total return of 11.6 per cent. Over the longer periods, three and five years, equity also did better than other assets, particularly United States equities.

### **Admission of the International Tribunal for the Law of the Sea**

The fifth meeting of the States parties to the International Convention on the Law of the Sea (New York, 24 July-12 August) instructed the International Tribunal for the Law of the Sea to apply for membership in UNJSPF.

The General Assembly, in **resolution 51/217**, admitted the Tribunal to membership of UNJSPF, in accordance with article 3 of the Regulations of the Fund, with effect from 1 January 1997.

#### **GENERAL ASSEMBLY ACTION**

On 18 December, the General Assembly adopted **resolution 51/217**.

### **United Nations pension system**

The General Assembly,

Recalling its resolutions 45/242 of 21 December 1990, 46/192 of 20 December 1991, 47/203 of 22 December 1992, 48/224 and 48/225 of 23 December 1993 and 49/224 of 23 December 1994, as well as section VII of its resolution 50/216 of 23 December 1995 and its decision 50/485 of 7 June 1996,

Having considered the report of the United Nations Joint Staff Pension Board for 1996 to the General Assembly and to the member organizations of the United Nations Joint Staff Pension Fund, chapter III of the report of the International Civil Service Commission for the year 1996, the report of the Secretary-General on the investments of the Fund and the related report of the Advisory Committee on Administrative and Budgetary Questions,

#### **I**

##### **Actuarial matters**

Recalling section II of its resolutions 47/203 and 48/225 and section I of its resolution 49/224,

Having considered the results of the valuation of the United Nations Joint Staff Pension Fund as at 31 December 1995 and the observations thereon of the Consulting Actuary of the Fund, the Committee of Actuaries and the United Nations Joint Staff Pension Board,

1. Takes note of the decrease in the actuarial imbalance from 1.49 to 1.46 per cent of pensionable remuneration, reflected in the valuation of the United Nations Joint Staff Pension Fund as at 31 December 1995, and, in particular, of the opinions provided by the Consulting Actuary and the Committee of Actuaries, as reproduced in annexes IV and V, respectively, to the re-

port of the United Nations Joint Staff Pension Board, that there was no requirement, as at 31 December 1995, for deficiency payments under article 26 of the Regulations of the Fund and that the current contribution rate of 23.7 per cent of pensionable remuneration could be maintained for funding purposes, pending a review at the time of the next valuation, as at 31 December 1997, and in the light of future developments;

2. Takes note also of the reviews by the Standing Committee of the Board in 1995 and the Board in 1996 of the interest rate used to determine lump-sum commutations, and of the decision by the Board, under article 11 of the Regulations of the Fund, to retain the current 6.5 per cent interest rate, which would be reviewed again by the Board in 1998;

3. Takes note further of the review by the Board of further amendments required to article 28 of the Regulations of the Fund as a consequence of the increase in the maximum number of years of creditable contributory service that had been adopted by the General Assembly in its resolution 49/224 and had entered into effect on 1 July 1995;

4. Approves, with retroactive effect as from 1 July 1996, amendments to paragraphs (d) and (g) of article 28 of the Regulations of the Fund, as set out in annex I to the present resolution.

#### **II**

##### **Pensionable remuneration of staff in the Professional and higher categories and in the General Service and related categories**

Recalling section I, paragraph 3, of its resolution 45/242 and section I, paragraph 3, of its resolution 47/203 concerning its request to the International Civil Service Commission to undertake, in full cooperation with the United Nations Joint Staff Pension Board, a further comprehensive review of the methodology for the determination of the scale of pensionable remuneration of staff in the Professional and higher categories, for monitoring the level of the scale and for its adjustment between comprehensive reviews, and to submit recommendations thereon to the General Assembly at its fifty-first session, in 1996,

Recalling also section I of its resolution 48/225, in which it approved (a) the use of the income replacement approach to determine the pensionable remuneration of staff in the General Service and related categories; (b) the application of an interim adjustment procedure similar to that applicable to staff in the Professional and higher categories, namely, on the basis of a 1:1 relationship to increases in the net salaries; and (c) the procedure recommended by the Commission for determining a common staff assessment scale, with two separate sets of rates (single and dependent), for introduction in 1997,

Recalling further its request to the Commission, in the same resolution, in close cooperation with the Board and as part of the comprehensive review in 1996 of the methodology to determine the pensionable remuneration and consequent pensions of staff in the Professional and higher categories, to develop a common staff assessment scale for the determination of the pensionable remuneration of all categories of staff using the approved procedure and reflecting the latest available tax rates,

Noting with satisfaction that the close cooperation between the Commission and the Board has resulted in agreement between the two bodies on the methodologies for determining the pensionable remuneration of all categories of staff and on the development and application of a common staff assessment scale for pensionable remuneration purposes, as reflected in their respective reports,

Noting that the Commission, in accordance with article 10 (d) of its statute, has developed the common staff assessment scale for pensionable remuneration purposes, contained in annex IV to the report of the Commission, taking into account the views of the Board as set out in paragraphs 152 to 159 of its report and the considerations set out in paragraphs 83 to 89 of the report of the Commission,

Recalling its decision in section III of its resolution 51/216 of 18 December 1996 that the common staff assessment scale recommended by the Commission should be applied in determining the pensionable remuneration of all categories of staff, with effect from 1 January 1997, subject, in the case of staff in the General Service and related categories, to the procedure set out in paragraph 107 of the report of the Commission,

1. Decides, as regards staff in the Professional and higher categories, that:

(a) Income replacement in New York should continue to be used as the basis for the methodology for the determination of the pensionable remuneration of such staff;

(b) The methodology to determine the current scale of pensionable remuneration, described in annex I to the report of the International Civil Service Commission, should continue to be used in the future;

(c) The current interim adjustment procedure for adjusting pensionable remuneration of such staff between comprehensive reviews should be continued, as described in annex I to the report of the Commission;

(d) The monitoring of pensionable remuneration and the United Nations/United States income replacement ratios should be carried out on the occasion of periodic comprehensive reviews of the pensionable remuneration and consequent pensions of such staff; between comprehensive reviews, the Commission should review every two years the factors affecting the comparisons of pensionable remuneration and income replacement ratios and, if necessary, submit a report thereon to the General Assembly;

2. Takes note of the decision of the Commission to carry out, in close cooperation with the United Nations Joint Staff Pension Board, on the occasion of future comprehensive reviews of the pensionable remuneration of staff in the Professional and higher categories, actuarial analyses of the pension benefits from the United Nations Joint Staff Pension Fund scheme and those applicable to the staff of the comparator service, and to report thereon to the General Assembly;

3. Amends, with effect from 1 January 1997, article 54 (b) of the Regulations of the Fund, as set out in annex I to the present resolution, to incorporate the revised scale of pensionable remuneration of staff in the Professional and higher categories, using the approved common staff assessment scale;

4. Decides, as regards staff in the General Service and related categories, that:

(a) The income replacement approach and the methodology related thereto should continue to be used for the determination of pensionable remuneration of such staff, including the use of 66.25 per cent of the net pensionable salary for grossing-up purposes;

(b) The current interim adjustment procedure should continue to be used in the future;

5. Takes note of the decision of the Commission to establish a working group to review the methodology for identifying and quantifying the non-pensionable components of the salaries of staff in the General Service and related categories, as part of the Commission's review of the General Service salary-setting methodologies for headquarters and other duty stations scheduled for 1997;

6. Requests the Commission, in full cooperation with the Board, to undertake in 2002 further comprehensive reviews of the methodologies for the determination of the pensionable remuneration of staff in the Professional and higher categories and in the General Service and related categories, and for the adjustment of pensionable remuneration between comprehensive reviews, and to submit recommendations thereon to the General Assembly at its fifty-seventh session.

### III

#### Pension adjustment system

Recalling section IV of its resolution 46/192, section V of its resolution 47/203, section I of its resolution 48/225 and section III of its resolution 49/224,

1. Takes note of the reviews carried out by the United Nations Joint Staff Pension Board, as described in section VII of its report, on various aspects of the pension adjustment system;

2. Takes note also of the results of the monitoring of the costs/savings of recent modifications of the two-track feature of the pension adjustment system and of the intention of the Board to continue to monitor those costs/savings every two years, on the occasion of the actuarial valuations of the Fund;

3. Approves changes in the pension adjustment system, as set out in annex II to the present resolution, (a) to include, without creating a precedent for other situations, with retroactive effect from 1 January 1996, a special measure for determining local currency track pension amounts for beneficiaries residing in countries where a new currency unit has been introduced that significantly strengthens the relationship of the local currency to the United States dollar, subject to the eligibility criteria set out in paragraph 208 of the report of the Board, and (b) to provide greater specificity in the criteria set out in paragraph 26 of the pension adjustment system for discontinuing the local currency track pension amounts when they lead to aberrant results in a particular country;

4. Takes note of the further review carried out by the International Civil Service Commission and the Board of the provisions of the special index for pensioners, which are used to reduce or eliminate the compensation made for cost-of-living differences in the determination of the initial local currency track pensions under the two-track feature of the pension adjustment system whenever beneficiaries have a tax advantage in an otherwise high-cost country of retirement, and approves the agreed recommendation of the Commission

and the Board that the current provisions of the special index for pensioners should be maintained.

#### IV

Activities related to resolving problems concerning the implementation of the transfer agreements between the United Nations Joint Staff Pension Fund and the former Union of Soviet Socialist Republics, the former Ukrainian Soviet Socialist Republic and the former Byelorussian Soviet Socialist Republic. Recalling its resolutions 48/225 and 49/224,

Noting that the United Nations Joint Staff Pension Fund had transferred to the Social Security Fund of the former Union of Soviet Socialist Republics the actuarial value of the pension rights accrued by individual former participants, as required under the relevant transfer agreements with the former Union of Soviet Socialist Republics, the former Ukrainian Soviet Socialist Republic and the former Byelorussian Soviet Socialist Republic,

1. Takes note of the legal opinion of the Legal Counsel of the United Nations set out in paragraph 124 of the report of the United Nations Joint Staff Pension Board to the General Assembly at its forty-eighth session;

2. Notes that the proposed agreement between the Government of the Russian Federation and the Board, as set out in annex VI to the report of the Board, does not give rise to any rights or entitlements of any kind for any person under the Regulations of the United Nations Joint Staff Pension Fund, and that the provisions of the proposed agreement are not incorporated in any way in the Regulations or Administrative Rules of the Fund;

3. Concurs with the proposed agreement, which would represent the first step in resolving the problems that have arisen with respect to the application of the transfer agreements;

4. Notes that some Member States have expressed concern that the proposed agreement only covers certain former Fund participants who are now citizens of the Russian Federation;

5. Endorses the further steps envisaged in the proposed agreement and in paragraph 246 of the report of the Board, as endorsed by the Advisory Committee on Administrative and Budgetary Questions in paragraph 32 of its report, and, towards this end, urges the Governments of the Member States concerned to undertake direct discussions aimed at resolving the financial issues involved in respect of those former participants who are their citizens or permanent residents;

6. Requests the Board to report to the General Assembly at its fifty-third session on the developments in respect of the further steps mentioned in paragraph 5 above and to submit to it recommendations related thereto, as appropriate.

#### V

Financial statements of the United Nations Joint Staff Pension Fund and report of the Board of Auditors

1. Notes with satisfaction that the report of the Board of Auditors on the accounts of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 1995 had revealed no material weakness or

errors in the procedures and operational systems of the Fund, nor any evidence of fraud;

2. Takes note of the measures taken and under consideration by the secretariat of the Fund to improve the procedures for verifying continuing eligibility for benefits from the Fund;

3. Takes note also of the arrangements made for internal audits of the Fund, to be carried out by the United Nations Office of Internal Oversight Services;

4. Requests the Secretary-General to continue to make available to the Fund the United Nations machinery for contracting and procurement, as recommended by the United Nations Joint Staff Pension Board in paragraph 111 of its report.

#### VI

Admission to membership in the United Nations Joint Staff Pension Fund of the International Tribunal for the Law of the Sea

Noting that the International Tribunal for the Law of the Sea meets the conditions set out in article 3 of the Regulations of the United Nations Joint Staff Pension Fund for membership in the Fund,

Decides to approve the admission to membership in the United Nations Joint Staff Pension Fund of the International Tribunal for the Law of the Sea, as from 1 January 1997.

#### VII

Administrative expenses of the United Nations Joint Staff Pension Fund

Recalling section VII of its resolution 50/216 and its request, made on the recommendation of the Advisory Committee on Administrative and Budgetary Questions, that the United Nations Joint Staff Pension Board review the additional staffing proposals for the Investment Management Service that had been presented to the General Assembly at its fiftieth session in the budget proposals for the biennium 1996-1997,

Having considered the observations of the Board on the staffing of the Investment Management Service and on other requests for additional resources, as set out in paragraphs 313 to 328 of its report,

Approves the additional staffing and other resources recommended by the Board, in paragraphs 330 and 332 of its report, involving expenses amounting to 1,187,200 United States dollars net for the biennium 1996-1997, chargeable directly to the United Nations Joint Staff Pension Fund, for the administration of the Fund.

#### VIII

Other matters

Recalling its decision 50/485 concerning the provisions of the Regulations of the United Nations Joint Staff Pension Fund governing the suspension of benefits in cases of re-employment of retirees in a member organization of the Fund and, in particular, its invitation to the United Nations Joint Staff Pension Board to examine the possibility of suspending benefits in cases of re-employment for periods of less than six months,

1. Takes note of the review carried out by the United Nations Joint Staff Pension Board, as set out in paragraphs 252 to 261 of its report, and of its decision to defer consideration of a possible amendment of article 40 (a) of the Regulations of the United Na-

tions Joint Staff Pension Fund, pending action by the General Assembly at its fifty-first session on the report it had requested from the Secretary-General on the question of the employment of retirees by the United Nations;

2. Recalls its decision 51/408 of 4 November 1996, in which it decided, *inter alia*, to set a ceiling on the amount that retired staff in receipt of a pension benefit from the Fund who are re-employed by the United Nations may earn per calendar year and to limit such employment to no more than six months per calendar year;

3. Requests the Board to continue its consideration of an amendment of article 40 (a) of the Regulations of the Fund in respect of the re-employment of retirees in receipt of benefits from the Fund under appointments of more than two but less than six months, and to submit a recommendation thereon to the General Assembly at its fifty-third session;

4. Takes note of the review by the Board of the entitlement to survivors' benefits for spouses and former spouses, and of the intention of the Board to examine further the various aspects of this issue, including consideration by the Standing Committee of the Board in 1997 of a limited modification to the Fund's administrative rule B.4 on confidentiality and of the implications of introducing a payment facility in respect of court orders on family support, as well as consideration by the Board at its session in 1998 of the more far-reaching issue of the possible revision of articles 34 and 35 of the Regulations of the Fund;

5. Notes the other matters dealt with in section IX of the report of the Board.

## IX

### Investments of the United Nations Joint Staff Pension Fund

1. Takes note of the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund, on the review of the new custodial arrangements for the Fund's assets implemented in 1994

and on the review of the arrangements for the provision of institutional advisory services, as well as the observations of the United Nations Joint Staff Pension Board thereon in its report;

2. Takes note also of the observations of the Board of Auditors on the outstanding tax refunds due to the Fund from some Member States in respect of direct taxes imposed on the Fund's investment income, as set out in paragraphs 41 to 43 of the report of the Board of Auditors and reproduced in annex III to the report of the Pension Board, and the comments of the Pension Board thereon;

3. Takes note with satisfaction of the increase in the number of Member States that have granted tax exemption for the investments of the Fund;

4. Reiterates its request to those Member States which do not grant such exemptions to make every possible effort to do so as soon as possible;

5. Urges those Member States which have outstanding balances on foreign tax accounts receivable, as shown in schedule 6 of the financial statements contained in annex II to the report of the Board, to make every possible effort to reimburse the amounts due as quickly as possible.

## ANNEX I

### Amendments to the Regulations of the United Nations Joint Staff Pension Fund

#### Article 28

##### Retirement benefit

1. Replace paragraph (d) (i) (B) with the following:  
"(d) (i) (B) The maximum benefit payable under the same provisions of (b) or (c) above to a participant at the level D-2 (top step for the preceding five years) separating on the same date as the participant."
2. Replace paragraph (g)(i) (B) with the following:  
"(g) (i) (B) The actuarial equivalent of one third of the maximum benefit that would be payable to a participant retiring at the normal retirement age, on the same date as the participant, with a final average remuneration equal to the pensionable remunera-

## APPENDIX B

### Pensionable remuneration of staff in the Professional and higher categories

(United States dollars)  
(Effective 1 January 1997)

#### Steps

Level	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
USG	175,139													
ASG	161,876													
D-2	134,605	137,664	140,723	143,779	146,838	149,897								
D-1	119,218	121,663	124,107	126,547	128,992	131,558	134,177	136,797	139,413					
P-5	105,510	107,722	109,934	112,146	114,358	116,567	118,779	120,991	123,201	125,413	127,625	129,842	132,212	
P-4	87,233	89,392	91,547	93,702	95,861	98,016	100,173	102,330	104,487	106,642	108,797	110,959	113,113	115,270
P-3	72,604	74,457	76,311	78,162	80,016	81,869	83,721	85,576	87,516	89,544	91,569	93,595	95,620	97,645
P-2	59,564	61,224	62,880	64,538	66,194	67,852	69,509	71,165	72,825	74,481	76,137	77,796		
P-1	46,832	47,978	49,569	51,163	52,755	54,346	55,942	57,533	59,125	60,719				

tion on that date for the top step of level P-5 on the scale of pensionable remuneration appended to article 54."

#### Article 54

##### Pensionable remuneration

1. Replace the first sentence of paragraph (b) with the following:

"In the case of participants in the Professional and higher categories, the scale of pensionable remuneration effective 1 January 1997 shall be as set out in appendix B hereto."

2. Replace appendix B with the following:

[See Appendix B, p. 1337]

#### ANNEX II

##### Changes in the pension adjustment system

##### I. Payment of the benefit

1. In paragraph 26, replace subparagraph (a) with the following:

"(a) For countries where the application of the local currency track would lead to aberrant results, with wide fluctuations depending on the precise commencement date of the underlying benefit entitlement, establishment of a local currency base amount in accordance with section C may be discontinued by the Secretary of the Pension Board. In such cases, the Secretary shall duly inform the Board or the Standing Committee of this action, as soon as feasible;"

2. In paragraph 26, add a new subparagraph (b) reading:

"(b) Aberrant results in (a) above may be due to, inter alia:

- "(i) A very high inflation rate and an exchange rate which either remained fixed or whose fluctuation was very limited in relation to the level of the inflation rate;
- "(ii) The 36-month average of exchange rates covered different currency units or included a currency unit that was no longer applicable;
- "(iii) Substantial depreciation of the local currency, combined with non-existent, inconsistent or outdated information on the movement of the country's consumer price index."

3. Renumber paragraph 26 (b) as 26 (c).

4. Add a new section Q reading:

"Q. Special measure for determination of the local currency base amount in certain countries with a new currency unit

"38. (a) For countries where a new currency unit was introduced on or after 1 January 1990 which represented, at the time of its introduction, an increase in the value of the local currency in relation to the United States dollar of at least 100 per cent, the local currency base amount under section C, paragraph 5 (b) (iii), above shall be determined in the following manner:

- "(i) For beneficiaries separating before or during the month of introduction of the new currency unit: by applying to the dollar base amount, as adjusted under section H above to the date of introduction of the new local currency unit, the United Nations operational exchange rate in effect as of such date;
- "(ii) For beneficiaries separating after the end of the month of introduction of the new currency unit: by applying to the dollar base amount the average of the United Nations operational exchange rates for

the new local currency unit over the period from the effective month of introduction of the new currency unit to the month of separation, up to a maximum of 36 months;

"(b) This special measure shall apply to all beneficiaries who have provided, or will provide in future, proof of residence in a country which meets the criteria in subparagraph (a) above;

"(c) (i) The local currency base amount determined in accordance with subparagraph (a) (i) above shall be adjusted by the consumer price index movement, in accordance with section H above, as from the date of introduction of the new currency unit;

"(ii) The local currency base amount determined in accordance with subparagraph (a) (ii) above shall be adjusted by the consumer price index movement, in accordance with section H above;

"(d) The local currency amount calculated under this special measure will be paid only with effect from the first day of the quarter following submission of proof of residence, or, in cases where proof of residence had been submitted earlier, as from the first day of the quarter following the date of introduction of the new local currency unit, with retroactive effect only as from 1 January 1996;

"(e) Should the new local currency unit depreciate against the United States dollar by 50 per cent or more from its value on the date of introduction, beneficiaries covered by the special measure may exercise an option, within two years as from the date of implementation of the special measure, 1 January 1997, to withdraw their proof of residence and to have their pension benefits paid thereafter solely on the United States dollar track. Such reversion to the dollar track alone would be effective as from the first quarter following receipt of the beneficiary's withdrawal of proof of residence by the Fund secretariat."

#### General Assembly resolution 51/217

18 December 1996 Meeting 89 102-1-12 (recorded vote)

Approved by Fifth Committee (A/51/746) by recorded vote (78-1-19), 18 December (meeting 47); draft by Chairman (A/C.5/51/L.36), based on informal consultations; agenda item 122.

Meeting numbers. GA 51st session: 5th Committee 32-34, 36, 37, 39, 46, 47; plenary 89.

#### Recorded vote in Assembly as follows:

In favour: Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Cyprus, Czech Republic, Denmark, Egypt, Finland, France, Georgia, Germany, Grenada, Guyana, Haiti, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saint Lucia, Samoa, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: Ukraine.

Abstaining: Azerbaijan, Belarus, Bulgaria, Estonia, Fiji, Ghana, Liberia, Lithuania, Mexico, Paraguay, Republic of Moldova, Uruguay.

### Travel-related matters

On 17 September 1996, the General Assembly, by **decision** 50/505, deferred consideration of 1992, 1993, 1994 and 1995 reports of the Secretary-General on standards of accommodation for air travel until its fifty-first session. By the same decision, it deferred consideration of his 1992, 1993 and 1994 reports on review of travel and related entitlements for members of organs and subsidiary organs and staff members of the United Nations. It also deferred consideration of 1992 and 1994 reports of ACABQ on those two topics. The Assembly also postponed consideration of the Secretary-General's 1995 report on the lump-sum option for air travel, his 1993 report on granting travel assistance to least developed and other developing countries that are members of the United Nations Commission on International Trade Law, and a 1995 JIU report on efficiency and travel cost.

On 24 October, the Secretary-General submitted a report [A/C.5/51/18] on exceptions to the standards of accommodation for air travel for the period from 1 July 1995 to 30 June 1996.

On 27 November, he submitted a further report on standards of accommodation for air travel [A/C.5/51/35] which addressed concerns of ACABQ [YUN 1995, p. 1421] with respect to the nine-hour threshold, the definition of the standards of accommodation on aircraft and innovative techniques employed by the Secretariat for procuring air services. He believed that the nine-hour threshold for providing accommodation in a class just below first class for travel on official business for staff members below the level of Assistant Secretary-General achieved an optimal balance between savings to the Organization and efficiency considerations. That allowed staff to perform their duties on arrival at their destination by being in a physical condition conducive to work. Considering the desirability of harmonizing travel standards throughout the UN system, the Secretary-General recommended that the matter be referred to ICSC for review and recommendations.

With regard to the term "the class immediately below first class" used for determining the standards for accommodation, the Secretary-General stated that the term in use appeared to be more precise and practical than the terms "business class" or "class of service" used by some other organizations. Concerning innovative techniques for procuring air services, the Secretariat had obtained, through preferred carrier agreements with major airlines, system-wide volume-based rebates in the range of 8 to 12 per cent of flown revenue, resulting in reimbursements to the United Nations of almost \$6 million to date. The

Secretariat had also negotiated additional special agreements for most of its top destinations in Europe, Asia and Africa, resulting in discounts of up to 47 per cent on the normally applicable low-cost economy-class fare and up to 51 per cent for business-class fares. The Secretariat would continue to explore all possible means to reduce travel expenses while ensuring expedient and reliable transportation.

### Efficiency and cost savings

The Secretary-General, in a 9 September note [A/50/692/Add.1], submitted to the General Assembly his comments on the JIU report on "Travel in the United Nations: issues of efficiency and cost savings" [YUN 1995, p. 1422]. Responding to the Inspectors' comment that the Secretariat was not properly equipped to face the challenges or to profit from the opportunities of the travel market, the Secretary-General stated that the Secretariat's travel operations had been significantly modified to allow for managing a travel volume that had more than doubled as a result of peacekeeping operations, without increasing staff. It had aggressively negotiated with the airlines and developed the concept of preferred carrier agreement, which had allowed the Organization to obtain cash rebates of more than \$5 million. An additional net saving of \$2.5 million over the past two years had been realized from negotiations with airlines in connection with conference, peacekeeping and election-monitoring travel. Those agreements were appraised by independent experts as being among the most cost-effective in the industry. In addition, the staff of the Travel Unit frequently participated in training offered by rate audit companies and rate desks of many international airlines.

In another 9 September note [A/50/692/Add.2], the Secretary-General submitted the comments of ACC on the JIU report.

### Administration of justice

In its annual note [A/INF/51/5] to the General Assembly, the United Nations Administrative Tribunal reported that it had delivered 62 judgments during the year. They related to cases brought by staff against the Secretary-General or the executive heads of other UN bodies to resolve disputes involving terms of appointment and related issues and regulations.

The Tribunal met in plenary in New York on 22 November and also held two panel sessions (Geneva, 1 July-2 August; New York, 21 October-22 November).

### Reform of the internal justice system

The General Assembly, by decision 50/454 [YUN 1995, p. 1425], had deferred to its 1996 resumed fiftieth session consideration of the reports of the Secretary-General on the reform of the internal justice system in the UN Secretariat and the observations of ACABQ thereon [YUN 1995, pp. 1423-1425].

On 7 June, the Assembly adopted **resolution 50/240**.

#### Reform of the internal system of justice in the United Nations Secretariat

The General Assembly

1. Takes note of the reports of the Secretary-General on the reform of the internal system of justice in the United Nations Secretariat and the observations of the Advisory Committee on Administrative and Budgetary Questions thereon;

2. Invites the Sixth Committee to examine, as a matter of priority, at the beginning of the fifty-first session of the General Assembly, the legal implications of the proposals of the Secretary-General contained in his reports on the reform of the internal system of justice in the United Nations Secretariat;

3. Requests the Fifth Committee, in the light of the above, to revert to the question of the reform of the internal system of justice in the United Nations Secretariat during the main part of the fifty-first session of the General Assembly.

General Assembly resolution 50/240

7 June 1996 Meeting 120 Adopted without vote

Approved by Fifth Committee (A/50/834/Add.2) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.46), based on informal consultations; agenda item 159.

Meeting numbers. GA 50th session: 5th Committee 60, 64; plenary 120.

As requested by the Assembly, the Sixth (Legal) Committee discussed the legal implications of the Secretary-General's proposals on 30 September and 1 October [A/C.6/51/7]. There was general support for reform of the internal justice sys-

tem; however, there were many critical comments relating to the proposals to replace the Joint Appeals Board and the Joint Disciplinary Committee. The contention that participation of members elected by the staff to those bodies was a source of inefficiency and delay, because not enough staff members were available and they frequently lacked the necessary capacity or objectivity, was rejected as a reason for replacing those bodies. With regard to replacing the Joint Appeals Board by an arbitration board, it was contended that arbitration as a system depended on a background of equality between the parties, which was absent from the relations between the Administration and the staff, since the applicable rules and regulations were already determined; the procedure for choice of arbitrators was not evenly balanced, with consequent concerns about their independence and perceptions as to their impartiality; and the Secretary-General was responsible, under the Charter, for administrative and disciplinary decisions and accountable to the Member States in respect of them. Serious doubts were expressed about recruiting arbitrators from outside the United Nations because they would lack the benefit of familiarity with the special regime pertaining to UN staff. Concern was also expressed about the adequacy of arrangements for legal representation of staff members.

Concerning the proposed replacement of the Joint Disciplinary Committee by a disciplinary board, doubt was expressed with regard to the desirability of externally recruited arbitrators acting as chairmen of the board, and objection was raised to the proposal that staff members should be selected for the board rather than being elected. It was suggested that the role of the Administrative Tribunal should also be considered in the context of the reform.



## Chapter IV

## Institutional and administrative matters

In 1996, a number of institutional and administrative matters remained of concern to the United Nations. The General Assembly held its fifty-first session and its resumed fiftieth session. The Assembly granted observer status to the International Seabed Authority, the International Tribunal for the Law of the Sea and the International Criminal Police Organization (Interpol).

During the year, the Security Council held 114 formal meetings to deal with regional conflicts, peacekeeping operations and a wide variety of other issues related to the maintenance of international peace and security. The Council announced changes concerning its documentation and other procedural matters, including procedures for deleting items from the annual list of matters of which the Council was seized. It also strengthened measures on consultation and exchange of information with troop-contributing countries. The General Assembly called on the Council to adopt measures concerning the content of its future reports to the Assembly.

The Economic and Social Council held its 1996 organizational session in January, February, April and May, and its substantive session in June, July, October and November. The Council adopted several resolutions on a wide range of economic, social and related issues. It also granted consultative status in various categories to a number of non-governmental organizations.

Other UN bodies concerned with administrative and coordination matters, including the Administrative Committee on Coordination, the Committee on Programme and Coordination and the Joint Inspection Unit, also continued their work in 1996.

The Committee on Conferences examined requests for changes to the calendar of conferences and meetings for 1996. It recommended measures to improve the utilization of conference-servicing resources, including the introduction of new technologies, and to limit and control documentation, particularly in the light of the UN reform process. In the area of information systems and telecommunications, the Economic and Social Council adopted a resolution on the need to harmonize and improve UN informatics systems. Progress was also reported in the implementation of the Integrated Management Information System.

### Institutional machinery

#### General Assembly

During 1996, the General Assembly met throughout the year—to resume and conclude its fiftieth session, and to hold the major part of its fifty-first session. The fiftieth session was resumed in plenary meetings on 28 February, 6 March, 3, 11, 19, 23 and 25 April, 10 and 24 May, 7 June, 16 July, 29 August, and 9, 10, 16 and 17 September.

The fifty-first (1996) session opened on 17 September and continued until its suspension on 18 December.

#### Organization of Assembly sessions

On 20 September, by **decision 51/401**, the General Assembly, on the recommendation of the General Committee as set forth in its first report [A/51/250], adopted a number of provisions concerning the organization of the fifty-first session.

The Committee's recommendations concerned rationalization of the Assembly's work; closing date of the session; schedule of meetings; general debate; explanations of vote, right of reply, points of order and length of statements; records of meetings; concluding statements; resolutions; documentation; questions related to the programme budget; observances and commemorative meetings; special conferences; and meetings of subsidiary organs.

The General Committee made observations and proposals on the organization of future sessions of the Assembly. At the suggestion of the Secretary-General, it recommended to the Assembly that it consider a possible rationalization of its meetings between January and August to allow advance planning for delegations and the UN Secretariat. The Assembly had met frequently during that period in the past few years and, during its fiftieth session, it convened every month between February and September. As those meetings were not envisaged in the calendar of meetings, ad hoc arrangements had to be made to provide adequate Secretariat services at

the expense of other requirements, the Committee noted.

By **decision 51/403 A** of 17 September, the General Assembly authorized the Executive Board of the United Nations Children's Fund (UNICEF), the Committee on Conferences, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee on Peacekeeping Operations to hold meetings during its fifty-first session. On 20 September, by **decision 51/403 B**, the Assembly authorized the Committee on Relations with the Host Country and the Working Group on the Financing of the United Nations Relief and Work Agency for Palestine Refugees in the Near East to hold meetings during that session.

In a 4 October letter [A/51/525] to the Secretary-General, Iraq complained that since 1990 the Assembly had ignored its requests to speak during the first week of the general debate. It wanted to draw attention to the unfairness of that treatment, since Secretariat bodies were required to apply impartially the principle of the equal rights and prerogatives of States under the Charter of the United Nations.

### Credentials

On 11 October, at its first meeting [A/51/548] of the fifty-first session, the Credentials Committee had before it a memorandum by the Secretary-General indicating that, as at 9 October, 118 Member States had submitted formal credentials of their representatives. Subsequently, six other States submitted their credentials. The Committee decided to defer any decision on the credentials of the representatives of Afghanistan until a later meeting.

At its second meeting [A/51/548/Add.1], on 12 December, the Committee examined a memorandum by the Secretary-General which stated that 42 additional Member States had submitted formal credentials. In addition, information regarding the appointment of representatives to the fifty-first session had been communicated to the Secretary-General from 17 Member States.

Concerning the credentials of the representatives of Afghanistan, the Committee Chairman reported the two views that had emerged from contacts with certain Committee members: one, that those representatives currently in New York should continue to occupy the seat of the Member State concerned, with their credentials approved; and the second, that no further decision was necessary or appropriate. He proposed that the Committee take a decision on the matter by consensus. Since there was no consensus, the Committee adopted the Chairman's proposal to defer a decision on the question.

The Committee Chairman proposed that the Committee accept the credentials of all those Member States, including those communicated by facsimile, letter or note verbale, on the understanding that the latter would submit formal credentials as soon as possible.

At each meeting, the Committee adopted a resolution accepting the credentials received. The Committee also recommended to the General Assembly two draft resolutions. On 29 October and 17 December, the Assembly, by **resolutions 51/9 A and B**, respectively, approved the first and second reports of the Credentials Committee.

### Agenda

At its resumed fiftieth session, by **decision 50/402 B** of 28 February, the General Assembly, on the proposal of the Secretary-General, included the following items on its agenda: financing of the United Nations Mission in Bosnia and Herzegovina; financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium; and financing of the United Nations Preventive Deployment Force. It also decided to reopen consideration of the item on financial reports and audited financial statements, and reports of the Board of Auditors.

On 6 March, by the same decision, the Assembly, on a request by Cuba, reopened for consideration, in plenary, the item on the United Nations Decade for International Law (1990-1999). On 3 April, the Assembly, on a request by Venezuela, reopened consideration of the sub-item on trade and development and, on the proposal of the Secretary-General, the sub-item on the United Nations Conference on Human Settlements (Habitat II) and the item on the report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions.

On 23 April, by the same decision, the Assembly, on a request by Colombia, reopened consideration of the situation in the Middle East. On a proposal by the Secretary-General, the Assembly, on 10 May, by the same decision, reopened consideration of the sub-item on appointment of members of the Committee on Contributions. On 16 July, by the same decision, the Assembly, on a request by Belgium, reopened consideration of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, and, on a proposal by its President, the item on building a peaceful and better world through sport and the Olympic Ideal. At the request of Australia, on 9 September, the Assembly

resumed consideration of the comprehensive test-ban treaty.

By a 17 July letter [A/51/142], 16 Member States (Burkina Faso, Central African Republic, Dominica, Dominican Republic, El Salvador, Gambia, Grenada, Guatemala, Guinea-Bissau, Honduras, Nicaragua, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Solomon Islands, Swaziland) requested that the Assembly include an item entitled "Consideration of the exceptional situation of the inability, resulting from General Assembly resolution 2758(XXVI), of the 21.3 million people of Taiwan, Republic of China, to participate in the activities of the United Nations". China, in a 23 July letter [A/51/223], expressed its opposition to inclusion of the item. The General Committee did not recommend inclusion of the item.

By **decision 51/402 A**, on the recommendation of the General Committee [A/51/250 & Add.1-3], the Assembly on 20 September, 11 October, 29 November and 10 December adopted the agenda for its fifty-first session and the allocation of agenda items to the plenary or appropriate Main Committee [A/51/252 & Add.1-3].

On 11 October, by the same decision, the Assembly decided to include in the agenda an item on observer status for the International Seabed Authority in the General Assembly. On 29 November, by the same decision, it decided to include in the agenda two more items, on cooperation between the United Nations and the International Organization for Migration and on the proclamation of 7 December as International Civil Aviation Day. On 10 December, by the same decision, the Assembly included in the agenda items on observer status for the International Tribunal for the Law of the Sea and on proclamation of 21 November as World Television Day. It also decided, on a request by Italy, to consider the latter item before the session's recess in December.

By the same decision, on 20 September, the Assembly decided to defer consideration of the following items and to include them in the agenda of its fifty-second (1997) session—the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India and the question of East Timor. Also deferred were: question of the Falklands Islands (Malvinas) (**decision 51/407** of 25 October); the situation in the occupied territories of Croatia (**decision 51/428**, 13 December); declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986 (**decision 51/432**, 16 December); armed Israeli aggression against the

Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security (**decision 51/433**, 16 December); consequences of the Iraqi occupation of and aggression against Kuwait (**decision 51/434**, 16 December); implementation of the resolutions of the United Nations (**decision 51/435**, 16 December); question of the Comoran island of Mayotte (**decision 51/436**, 16 December); and launching of global negotiations on international economic cooperation for development (**decision 51/452**, 17 December).

The Assembly also decided, on 10 December, to include in the provisional agenda of its fifty-second session items on the non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects (**decision 51/414**) and on review of the implementation of the Declaration on the Strengthening of International Security (**decision 51/415**). On 13 December, it deleted from its agenda the item on the question of the composition of the relevant organs of the United Nations (**decision 51/429**).

On 18 December, by **decision 51/462**, the Assembly retained 53 items or sub-items for consideration during the resumed fifty-first session, and, by **decision 51/460**, decided to continue consideration of 28 items or sub-items.

### Third Committee

The Secretariat, in a 26 November note [A/C.3/51/L.72], presented measures on the organization of work and the draft biennial programme of work of the Third (Social, Humanitarian and Cultural) Committee for the biennium 1997-1998. The organizational measures related to guidelines concerning time-limits of statements, draft resolutions on reports of treaty bodies and reports of the Secretary-General on the status of treaties and draft proposals emanating from subsidiary organs of the Economic and Social Council.

On 12 December, by **decision 51/425**, the General Assembly approved the organization of work of the Third Committee and its 1997-1998 programme of work.

### Second and Fifth Committees

In a 26 November note [A/C.2/51/L.40], the Secretariat submitted the draft biennial programme of work of the Second (Economic and Financial) Committee for 1997-1998.

On 16 December, by **decision 51/449**, the General Assembly approved the 1997-1998 programme of work of the Second Committee.

On 18 December, the Assembly, by **decision 51/461**, approved the biennial programme of work of the Fifth (Administrative and Budgetary) Committee for 1997-1998.

### Security Council

In 1996, the Security Council held 114 formal meetings, adopted 57 resolutions and issued 49 presidential statements. It considered 33 agenda items (see APPENDIX IV for agenda). In a 30 January note [A/50/442/Add.1], the Secretary-General, in accordance with Article 12, paragraph 2, of the UN Charter and with the consent of the Security Council, notified the Assembly of the removal of an item relating to the maintenance of international peace and security from the list of matters of which the Council was seized. On 10 May, the Assembly, by **decision 50/458 B**, took note of the Secretary-General's note.

On 17 October, the Secretary-General notified [A/51/521] the General Assembly of 30 matters relative to the maintenance of international peace and security that the Council had discussed since its previous annual notification [YUN 1995, p. 1429]. He also listed 12 matters that had been deleted from the list of matters of which the Council was seized, and 94 matters not discussed during the period of which the Council remained seized. By **decision 51/416** of 12 December, the Assembly took note of the matter.

On 13 November [S/1996/935], the Security Council adopted its draft report covering the period from 16 June 1995 to 16 June 1996 [A/51/2].

### Documentation

On 24 January, the Security Council President stated [S/1996/54] that members of the Council had agreed to the proposal that the chairman of each sanctions committee should give an oral briefing to interested UN Members after each meeting, in the same way as the Council President gave oral briefings following informal consultations of Council members. The chairman of each committee should bring to the attention of its members and UN Members the improvements in procedures of the committees agreed on in 1995 [YUN 1995, p. 1429].

The Council President, in a note [S/1996/55] of the same date, indicated that the Council had reviewed the list of matters of which it was seized [S/1996/15] and had decided to delete from the list items on the statute and rules of procedure of the Military Staff Committee, reports on the Trust Territory of the Pacific Islands, the question of Haiti and rule 18 of the Council's provisional rules of procedure concerning its presidency. That decision was taken after extensive consid-

eration and consultation by an informal working group of the Council concerning Council documentation and other procedural questions.

In a 30 July note [S/1996/603 & Corr.1], the Council announced changes concerning its documentation and other procedural matters. As of 15 September 1996, matters that had not been considered by the Council in the preceding five years would be automatically deleted from the list of matters of which it was seized. As a result, in the next summary statement issued after that date, the matters listed in the annex to the note would be deleted. A matter would, however, be provisionally retained for a period of one year if a UN Member notified its objection to the deletion before 15 September 1996. If, at the end of one year the matter had still not been considered by the Council, it would be automatically deleted. The removal of such matters had no implication for the substance of the matter and would not affect the exercise by Member States of their right to bring matters to the attention of the Council under Article 35 of the Charter. The Council might at any time decide to include any matter in the agenda of a Council meeting, whether or not it was on the list.

On 9 August, Djibouti, on behalf of the Arab Group, recorded [S/1996/655] its opposition to those measures, particularly as they related to Arab issues. The Arab Group urged that the arrangements be reconsidered; that there was need for prior consultation and the highest degree of transparency with the State or States that originally requested the inclusion of an item; and that the principle of automatic deletion should be completely abandoned.

On 13 August, Pakistan, in a letter [S/1996/649] to the Council President, requested the Council to review and rescind its decision on the simplification of the list of matters of which it was seized, with recourse to the principle of prior consultations with the concerned Member States. Pakistan pointed out that matters should normally be taken off the list only when the issue was resolved, or with the consent of the parties concerned, and the termination of their consideration should require a formal decision of the Council. Although the Council decision allowed a Member State to object to the deletion of an item, it also imposed an untenable limitation of retention for only a year. The automatic cut-off period of five years also raised questions as to the distinction between "consideration" in formal and informal meetings. There were different ways in which the Council responded to the several issues brought to its attention and such a distinction would erode the importance of the work of the Council.

The Sudan, on 15 August, expressed [S/1996/666] its concern about the Council decision, particularly the automatic deletion as of 15 September 1996 of matters not considered in the preceding five years, which, it said, had no legal standing since it was not taken at any formal Council meeting. The Sudan objected to the deletion of an item relating to a border dispute it claimed to have with Egypt, and requested that it be retained. It was of the view that no item should be deleted without prior consultations and with the consent of the country or countries concerned, and deletion based on a criterion unilaterally established by the Council might result in serious implications. The Sudan requested that all items be retained indefinitely, if a UN Member objected to the Council's proposal for deletion.

In a 16 August letter [S/1996/667] to the Council President, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People conveyed the Committee's objection to the decision to delete items related to the exercise of those rights, the Palestine question and the Middle East problem. The Committee believed that those items should remain on the list of matters of which the Council was seized, and expressed the hope that decisions of such fundamental importance would be taken in consultation with all the parties concerned.

The United Arab Emirates, on 26 August, informed [S/1996/693] the Council President of its objection to the proposed procedures and to the deletion of an item relating to the Iranian occupation of the islands of the Greater Tunb, the Lesser Tunb and Abu Musa. It expressed the hope that the Council would retain the item on the list and requested that it be informed of any Council decision to retain or delete the item at some future time to allow it the opportunity to participate in the discussions in the Council's formal meetings.

Also on 26 August, the Syrian Arab Republic communicated [S/1996/695] its objection to the deletion of the items relating to Israel's practice of State terrorism, the Palestine question and the Middle East problem. It was of the view that the retention of an item for one year after objection to its deletion before 15 September 1996 was unacceptable. The automatic deletion provision might motivate States to insist on raising issues that would otherwise be deleted from the list of matters of which the Council was seized and might be a disservice to its work. It requested the Council to reconsider its decision in the interests of international peace and security.

On 29 August, the Council further announced [S/1996/704] that no item would be deleted without

the prior consent of the Member States concerned in accordance with the following procedure: the annual summary statement issued in January of each year by the Secretary-General on matters of which the Council was seized would identify the items to be deleted in the absence of any notification by a Member State by the end of February of the year in question; an item would be retained if a Member State so notified the Secretary-General; and the notification would remain in effect for one year, subject to annual renewal. Notifications received by 15 September 1996 would remain in effect until the issuance of the January 1998 summary statement.

Cuba, in an 11 September letter [S/1996/747], informed the Secretary-General of its interest in retaining four items indicated in the list. On 12 September, the Libyan Arab Jamahiriya notified [S/1996/748] him of seven items it wished to be retained, and, on 13 September, Tunisia informed [S/1996/751] the Security Council President of its opposition of the automatic deletion of matters from the list, and affirmed its commitment to maintaining the principle of prior consultations between the Council and the States concerned. It requested that two items be retained.

## Council report to Assembly

### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/193**.

### Report of the Security Council

The General Assembly,

Recalling its resolutions 47/233 of 17 August 1993 and 48/264 of 29 July 1994 on the revitalization of the work of the General Assembly,

Reiterating the importance of the objectives and principles relevant to the revitalization of the work of the General Assembly as set out in resolutions 47/233 and 48/264,

Reaffirming the need to improve the reporting procedures of the Security Council,

Bearing in mind the ongoing work of the Open-ended High-level Working Group on the Strengthening of the United Nations System and the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,

Taking note of the ongoing efforts of the Security Council to enhance the transparency of its working methods,

1. Stresses the importance of enhanced interaction and an effective relationship between the General Assembly and other principal organs, in particular the Security Council, in accordance with the relevant provisions of the Charter of the United Nations;

2. Takes note of the report of the Security Council to the General Assembly at its fifty-first session, as well as the views expressed thereon in the course of the consideration of the report by the Assembly;

3. Encourages the Security Council, in the submission of its reports to the General Assembly, to provide in a timely manner a substantive, analytical and material account of its work;

4. Calls upon the Security Council to adopt the following measures, inter alia, in connection with the content of its future reports to the General Assembly:

(a) To include, as appropriate, information on the consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(b) To include the decisions, recommendations or progress of work of the subsidiary organs of the Council, in particular the sanctions committees;

(c) To highlight the extent to which resolutions of the General Assembly on issues falling within the scope of the General Assembly and the Security Council have been taken into account by the Council in its decision-making;

(d) To strengthen further the section in the report on the steps taken by the Council to improve its working methods;

(e) To include information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

5. Encourages the Security Council to provide special reports in accordance with Articles 15 and 24 of the Charter;

6. Requests that the annual report of the Security Council be made available before the beginning of the general debate of the General Assembly;

7. Requests the President of the General Assembly to raise with the President of the Security Council during their monthly informal meetings and, when deemed appropriate, the matters covered by the present resolution and to report to the Assembly on the steps taken by the Council in this regard;

8. Invites the Security Council, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating with respect to improving its reporting to the Assembly.

General Assembly resolution 51/193

17 December 1996 Meeting 87 111-4-41

Draft by Colombia for Non-Aligned Movement (A/51/L.64); agenda item 11.

Meeting numbers. GA 51st session: plenary 65, 66, 87.

Recorded vote in Assembly as follows:

In favour: Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Dominica, Ecuador, Egypt, El Salvador, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: France, Russian Federation, United Kingdom, United States.

Abstentions: Andorra, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina,\* Bulgaria, Canada, China, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Liechtenstein, Lithuania,

Luxembourg, Monaco, Netherlands, Norway, Palau, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia.

\*Later advised the Secretariat it had intended to vote in favour.

Speaking before the vote, the representatives of France, the Russian Federation, the United Kingdom and the United States expressed their disagreement with the intent of the draft resolution.

France said the request that the annual report should include information on the Council's informal consultations would require that there be an official account of work that had to be done informally if it were to be effective. That was a contradiction in terms and materially impossible to satisfy.

The Russian Federation stated that the sponsors of the draft resolution did not carry out the necessary serious consultations with all interested parties, including all the members of the Council, and the resolution would weaken the relationship between the Assembly and the Council set forth in the Charter.

The United Kingdom said the draft preempted discussion in a variety of working groups.

The United States said that the text of the draft resolution raised problems, which could have been resolved or mitigated. Unfortunately, the text did not reflect a common basis or even an attempt to reach one, and parts of it were distinctly ill-advised.

### Working methods and procedure

The Security Council, in order to bring about transparency and increased consultation in matters related to peacekeeping operations, on 28 March [S/PRST/1996/13] set out the procedures to improve arrangements for consultations and exchange of information with troop-contributing countries. These included the holding of meetings between members of the Council, troop-contributing countries and the Secretariat for consultations and the exchange of information and views. (For further details, see PART ONE, Chapter I.)

### Membership

In 1996, the General Assembly continued to consider the issue of expanding the membership of the Security Council, and received the report [A/50/47 & Corr.1 & Add.1] of its Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, established under Assembly resolution 48/26 in 1993 [YUN 1993, p.212] (see PART FIVE, Chapter I).

On 16 September, the General Assembly, by decision 50/489, took note of the Working Group's report, and decided that it should continue its work and report before the end of the fifty-first session with any agreed recommendations.

### **Economic and Social Council**

In 1996, the Economic and Social Council held in New York its organizational session on 25 January and 9 February, its resumed organizational session on 2 April and on 2 and 3 May, its substantive session from 24 June to 26 July and its resumed substantive session on 10 October and on 13, 14 and 20 November.

On 25 January, the Council elected five members to its Bureau—the President for 1996 and four Vice-Presidents (see APPENDIX III). On the same date, it adopted the agenda of its organizational session [E/1996/2 & Add.1,2]. By decision 1996/203 of 9 February, it approved the provisional agenda of the 1996 substantive session.

On 24 June, by decision 1996/224, the Council adopted the agenda of its substantive session [E/1996/100] and approved the organization of work of the session [E/1996/L.16]. On 2 July, by the same decision, it approved requests by non-governmental organizations (NGOs) to be heard by the Council [E/1996/78].

On 26 July, by decision 1996/300, the Council decided to resume its substantive session later in the year at a date to be determined. On 10 October, it adopted the agenda for the resumed substantive session.

(For agenda lists, see APPENDIX IV.)

### **Sessions and segments**

During its 1996 substantive session (24 June–26 July), the Economic and Social Council adopted 50 resolutions and 84 decisions. At the resumed substantive session, it adopted 1 resolution and 13 decisions.

In accordance with General Assembly resolutions 45/264 [YUN 1991, p. 749] and 48/162 [YUN 1993, p. 1118], the Council's substantive session was divided into a high-level segment (24–27 June), an operational activities segment, a coordination segment and a general segment. The Council, by decision 1996/202 of 9 February, had decided that the high-level segment should be devoted to the consideration of the major theme "International cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities" (see PART THREE, Chapter XIV). The coordination segment was devoted to the coordination of UN system activities for poverty eradi-

cation (see PART THREE, Chapter I). At the operational activities segment, the Council considered the follow-up to policy recommendations of the General Assembly.

The work of the Economic and Social Council at its resumed substantive session of 1995 was summarized in its report to the Assembly [A/50/3/Rev.1]. On 3 April, the Assembly by decision 50/478 took note of the Council's report.

By decisions 51/426 of 12 December, 51/437 and 51/448 of 16 December, and 51/450 of 17 December, the General Assembly took note of various chapters of the Council's report on its 1996 session [A/51/3/Rev.1].

### **Work programme**

On 9 February, the Economic and Social Council considered its proposed basic programme of work for 1996 and 1997, submitted by the Secretary General in January [E/1996/1 & Add.1]. By decision 1996/204, the Council took note of the list of questions for inclusion in the programme of work for 1997.

### **1997 sessions**

On 25 July, by decision 1996/299, the Economic and Social Council approved changes in the dates of its sessions and those of some of its subsidiary bodies in 1997.

On 13 November, by decision 1996/310, the Council decided that the high-level segment of the substantive session of 1997 should be devoted to the theme "Fostering an enabling environment for development: financial flows, including capital flows; investment; trade". Its coordination segment would be devoted to the cross sectoral theme "Mainstreaming of a gender perspective into all policies and programmes of the United Nations system", and the sectoral theme "Freshwater, including clean and safe water supply and sanitation". The operational activities segment (high-level meeting) would be devoted to the theme "Funding for operational activities for development: implementation of General Assembly resolution 50/227".

### **Restructuring issues**

The General Assembly, in resolution 50/227 of 24 May entitled "Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields", adopted a number of measures regarding improvement of the functioning of the substantive sessions of the Economic and Social Council (see PART FIVE, Chapter I). The Council agreed to consider during its substantive session the question of the implementation of that resolution in

terms of its provisions pertaining to the Council, and, by **resolution 1996/41** of 26 July, decided to consider as a matter of priority before the end of 1996, at its resumed substantive session, possible changes in and/or adjustments to its agenda, with a view to ensuring that all issues included in resolution 50/227 would be examined by the Council. At its resumed substantive session, the Council, by **decision 1996/320** of 20 November, postponed consideration of the issue.

## Coordination, monitoring and cooperation

### Institutional mechanisms

#### Activities of ACC

In 1996, the Administrative Committee on Coordination (ACC) continued to address main policy issues facing the international community and to promote and organize joint initiatives towards common objectives. It reported [E/1997/54 & Corr.1] that it had devoted special attention to the reform and strengthening of the UN system, recognizing that, at the inter-agency level, it had a lead role to play in that process. Its main contribution should be to help clarify, from a system-wide perspective, the issues to be addressed at the intergovernmental level; to promote a clear delineation of responsibilities among the organizations of the system as part of the overall effort to enhance the system's cost-effectiveness; to strengthen inter-agency coordination and cooperation in relation to activities of common concern; and, further, to develop flexible modalities for joint actions on cross-cutting issues. It also identified a number of broad objectives around which it intended to focus its contribution to the reform process.

Concerning African economic recovery and development, on 15 March, ACC launched the UN System-wide Special Initiative on Africa (see PART THREE, Chapter III). ACC ensured that, in the execution of the Initiative, an effective division of labour had been established within the UN system and that implementation strategies for achieving the best results had been developed, in close cooperation with African Governments, at the national and regional levels. It also recognized that further programme development was required in a number of areas of the Initiative, including sustainable livelihoods in environmentally marginal areas, poverty alleviation, human rights, population and gender issues.

In the coordination of follow-up to recent major international conferences, ACC kept under review the three inter-agency task forces—on the enabling environment for social and economic development, on employment and sustainable livelihood, and on basic social services for all—established in 1995. It established an Inter-Agency Committee on Women and Gender Equality to address all aspects of the implementation of the Platform for Action adopted by the Fourth World (1995) Conference on Women [YUN 1995, p. 1169] and gender-related recommendations emanating from other international conferences, as well as questions relating to the improvement of the status of women within the UN system.

In 1996, ACC also took measures to integrate the outcome of the second United Nations Conference on Human Settlements (Habitat II) into the work of the three task forces, in particular the Task Force on Basic Social Services for All. It directed that arrangements be put in place within its subsidiary machinery to sustain the improvements in inter-agency collaboration achieved through those task forces and to monitor the use being made at the country level of the task forces' end products after completion of their work (see below).

ACC requested the Inter-Agency Committee on Sustainable Development to complete a joint statement to be addressed by the UN system to the 1997 special session of the General Assembly on Agenda 21. It strengthened the responsibilities of task managers, in respect of the formulation of common approaches to the implementation of specific programme areas of Agenda 21 and the development of joint policy proposals for consideration by the Commission on Sustainable Development. It also promoted greater interaction with inter-agency arrangements established to follow up other recent UN conferences.

With regard to operational activities for development, ACC, through its Consultative Committee on Programme and Operational Questions, gave priority attention to the improvement of the coherence, efficiency and effectiveness of the operational activities of the UN system. ACC adopted a common advocacy statement underlining the importance of the effective and coherent implementation of Assembly resolution 50/120 [YUN 1995, p. 883] and Economic and Social Council **resolution 1996/42** on the review of operational activities for development. It endorsed the plan for the implementation of the 1995 resolution, which was submitted to the Council.

ACC reviewed the experience with the principles and guidelines, adopted in 1993 [YUN 1993, p. 1129], governing its functioning, mandate and methods of work, as well as the structure of its



subsidiary bodies. Measures were also set in motion to provide more integrated secretariat support for the entire ACC machinery. The ACC Subcommittee on Rural Development was discontinued and replaced by flexible arrangements for system-wide coordination, with a focus on the country level.

Other issues considered by ACC included management reform, the common system of organizations of the UN system, the Joint Inspection Unit (JIU), security of the staff and associated personnel of the UN system, and financial and budgetary issues.

By **decision 51/453** of 18 December, the General Assembly took note of the ACC report on the budgetary and financial situation of organizations of the United Nations system [A/51/505 & Corr. 1].

During the year, ACC held two regular sessions, in Nairobi, Kenya (28-30 April), and in New York (25-26 October). Its principal subsidiary bodies met as follows:

Organizational Committee (Geneva, 9-12 April, and New York 30 September-3 October); Consultative Committee on Administrative Questions (Financial and Budgetary Questions), eighty-fourth (Rome, Italy, 12-16 February) and eighty-fifth (New York, 26-30 August) sessions; Consultative Committee on Programme and Operational Questions, eighth (Geneva, 11-15 March) and ninth (New York, 16-20 September) sessions.

Bodies on specific subjects met as follows:

Information Systems Coordination Committee, fourth session (Geneva, 7-9 October); Joint United Nations Information Committee, twenty-second session (Geneva, 3-5 July); Inter-Agency Committee on Sustainable Development, seventh (New York, 5-6 and 8 February) and eighth (New York, 10-12 July) sessions; Subcommittee on Oceans and Coastal Areas, fourth session (London, 28-30 May); twenty-first Ad Hoc Inter-Agency Meeting on Women (New York, 6-8 March); Inter-Agency Committee on Women and Gender Equality, first session (New York, 22-23 October); Ad Hoc Inter-Agency Meeting on Security (Geneva, 8-9 May); Subcommittee on Nutrition, twenty-third session (Accra, Ghana, 24 February-1 March); Subcommittee on Statistical Activities, thirtieth session (New York, 7-9 May); Subcommittee on Drug Control, fourth session (Vienna, 4-6 September); Subcommittee on Demographic Estimates and Projections, nineteenth session (Geneva, 25-27 June); Subcommittee on Rural Development, twenty-fourth session (Geneva, 15-17 May); Subcommittee on Water Resources, seventeenth session (Paris, 9-11 October).

## Report for 1995

ACC's annual overview report [E/1996/18 & Add.1] for 1995 was considered on 10 June by the Committee for Programme and Coordination,

which stressed the need for ACC documentation to be submitted in a more timely fashion and to include more information on achievement of ACC objectives to permit a better assessment of its effectiveness. The Committee expressed the hope that the inter-agency task forces established to improve coordination of the follow-up to international conferences would take the UN System-wide Special Initiative on Africa into consideration in the implementation of their work. Stressing the importance of the continued attention by the Secretary-General to assisting countries invoking Article 50 of the Charter of the United Nations, the Committee requested that information continue to be provided to it on the subject in the future. It also stressed the need to provide organizations of the UN system with adequate resources to implement their programmes of work, and the legal obligation of all Member States to fulfil their financial commitments on time and in full.

The Economic and Social Council, by **decision 1996/312** of 14 November, took note of the annual overview report of ACC for 1995.

## Programme coordination

In 1996, the Committee for Programme and Coordination (CPC) held an organizational meeting on 3 May and its thirty-sixth session [A/51/16 (Parts I & II)] from 3 to 28 June and from 26 August to 6 September, all in New York.

The Committee reviewed the UN programme performance for the 1994-1995 biennium and examined the medium-term plan for 1998-2001. It also discussed strengthening the role of evaluation findings in programme design, delivery and policy directives; in-depth evaluation of public information and of the termination phase of peacekeeping operations; and the triennial review of the in-depth evaluation of the Office of the United Nations High Commissioner for Refugees. Coordination issues considered included the annual report of ACC for 1995 (see above) and preparation for the joint meetings of ACC and CPC (see below); implementation of the System-wide Plan of Action for African Economic Recovery and Development; the proposed system-wide medium-term plan for the advancement of women, 1996-2001; and JIU reports.

On 14 November, the Economic and Social Council, by **decision 1996/312**, took note of the CPC report on its thirty-sixth session.

The General Assembly, in **resolution 50/227** of 24 May, stated that the role and working methods of CPC should be reviewed by the High-level Open-ended Working Group on the Strengthening of the United Nations System to find ways of improving programme coordination.

### Joint meetings of CPC and ACC

The General Assembly, in **resolution 50/227** of 24 May, stated that the functions of the joint meetings of ACC and CPC, which were discontinued, should be assigned to the coordination segment of the Economic and Social Council.

On 14 November, by **decision 1996/312**, the Council took note of the report of the twenty-ninth series of joint meetings of CPC and ACC, held in 1995 [YUN 1995, p. 1433].

### Joint Inspection Unit

On 7 June, the General Assembly, in **resolution 50/233**, requested the Joint Inspection Unit (JIU) to report at its fifty-first (1996) session on measures taken to develop internal standards and guidelines for inspection, evaluation and investigation, and invited legislative organs of other participating organizations to take concrete action on the JIU recommendations.

JIU, in its twenty-eighth annual report [A/51/34] to the Assembly, gave an overview of its activities from 1 July 1995 to 30 June 1996. The Secretary-General also transmitted to the Assembly the JIU work programme for 1996-1997 and the indicative list for 1997-1998 [A/51/559 & Corr.1].

The annual report examined measures to enhance JIU functioning; relations and cooperation with participating organizations, external oversight bodies and other relevant bodies within the UN system; and follow-up and implementation of JIU recommendations. In response to the Assembly's June request, JIU approved a revised set of internal standards and procedures for planning, designing, conducting and reporting on inspections, evaluations and investigations. It also continued to develop an internal technological information system.

The Unit continued to strengthen its cooperation and coordination with legislative bodies and the secretariats of participating organizations. Its relations with ACC and its subsidiary bodies continued to be constructive and pragmatic. Nevertheless, the six-month period for ACC to produce comments on JIU reports had too often not been observed, hindering meaningful consideration of the reports by the legislative organs. The Unit was developing new procedures and techniques of questionnaire preparation and data collection to facilitate the provision of information by the secretariats of participating organizations. The Unit continued its good relations and practical cooperation with other external oversight bodies, especially with the Advisory Committee on Administrative and Budgetary Questions (ACABQ), CPC, the Panel of External Auditors and the UN Board of Auditors. It strengthened relations with

the Office of Internal Oversight Services (OIOS); they were working out a procedure, in accordance with General Assembly resolution 48/218 B [YUN 1994, p. 1362], whereby OIOS was to ascertain compliance with recommendations emanating from external oversight bodies, including JIU. JIU was further developing relations with specialized institutions such as the International Organization of Supreme Audit Institutions. It was also developing a follow-up system to track actions taken on its reports and recommendations. In that regard, it would request heads of organizations to provide a timetable for the implementation of JIU recommendations.

### ACABQ report

The General Assembly, by **decision 50/476** of 3 April, took note of the report of ACABQ on its activities during the forty-ninth session of the Assembly [A/50/489].

### Other coordination matters

#### Follow-up to international conferences

**ACC consideration.** At its first regular session of 1996 (Nairobi, 28-30 April) [ACC/1996/4], ACC noted that the arrangements initiated by it for the integrated follow-up, at the country level, to global conferences—in particular the establishment of three thematic task forces (Task Force on Basic Social Services for All, Task Force on Employment and Sustainable Livelihoods, Task Force on the Enabling Environment for Economic and Social Development)—had been received well at the intergovernmental level. It emphasized the importance of close substantive links between the task forces and the standing committees of ACC to ensure continuity in inter-agency cooperation relating to conferences follow-up once the task forces had completed their work. However, there was a need for close interaction among the task forces themselves and the development of a common format for reporting to ACC. ACC stressed that policy objectives and cross-cutting issues should be pursued by each task force in the context of the theme or themes assigned to it. The outcome of the second United Nations Conference on Human Settlements (Habitat II) (see PART THREE, Chapter VIII) would similarly need to be integrated into the work of the task forces. In addition, close inter-linkages should be established between the task forces and the inter-agency arrangements for the follow-up to the Fourth World Conference on Women [YUN 1995, p. 1169], as well as the Steering Committee on the UN System-wide Special Initiative on Africa. To avoid duplication of

work, ACC invited the three task forces to have common working groups for similar areas of work and to utilize ongoing work in the ACC subsidiary machinery and elsewhere that was relevant to their respective areas of competence. It encouraged organizations to promote collaborative actions at the country level, under the leadership of the resident coordinators, who should keep organizations fully informed of developments at that level.

#### **Economic and Social Council consideration.**

The Secretary-General, in a May report [E/1996/59], presented the follow-up to the 1995 agreed conclusions [YUN 1995, p. 1435] of the Economic and Social Council on coordinated follow-up by the UN system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields.

The Council, in resolution 1996/36 of 26 July, invited ACC to take into consideration the decisions, resolutions and agreed conclusions of the Council and its functional commissions as the basis for inter-agency follow-up of those conferences, including selection of cross-cutting themes for its work.

**Further consideration by ACC.** At its second regular session of 1996 (New York, 25-26 October), ACC decided [ACC/1996/20] to undertake in 1997 a first comprehensive assessment of overall progress within the system to promote the coordinated follow-up to recent global conferences. This included assessing the effectiveness of new inter-agency mechanisms, and considering further arrangements for such work, with the aim of maintaining and strengthening the momentum that had been created in galvanizing the system around priority goals and objectives. ACC's three task forces were called upon to contribute to that review. ACC requested the Task Force on Basic Social Services for All to integrate relevant aspects of the outcome of Habitat II in its work, and invited the other two task forces, the Consultative Committee on Programme and Operational Questions and the Inter-Agency Committee on Sustainable Development to consider the implications of Habitat II for their respective work programmes and to make recommendations thereon.

ACC included in the agenda of its 1997 second regular session an item on the preparations for the five-year review of the implementation of the Vienna Declaration and Programme of Action of the World Conference on Human Rights and the observance of the fiftieth anniversary of the Universal Declaration of Human Rights (see PART TWO, Chapter I). It authorized the convening of

inter-agency consultations during 1997 to prepare for its consideration of both events.

The General Assembly, in **resolution 51/202** of 17 December, welcomed the initiative of ACC to establish inter-agency task forces on follow-up to international conferences, and emphasized the importance of continued and enhanced cooperation and coordination by relevant organs of the UN system and the specialized agencies in the implementation of the programmes of action that emerged from the World Summit for Social Development [YUN 1995, p. 1113] and other recent UN conferences.

#### **Communication for UN development programmes**

The Secretary-General submitted an August 1996 report [A/51/314] on communication for development programmes in the UN system, in response to General Assembly resolution 50/130 [YUN 1995, p. 1438]. The report gave an overview of the coordination arrangements and activities of organizations and agencies of the UN system in the field of communication for development programmes. The Secretary-General concluded that those arrangements indicated that the programmes and funds of the UN system paid considerable attention to the key dimension of success in development programmes. A variety of working arrangements had been devised for cooperation and coordination, particularly the inter-agency round tables, such as the one organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO), at Harare, Zimbabwe (2-5 September), and bilateral arrangements, such as those between the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP) to establish linkages between their information networks on environment and sustainable development. System-wide inter-agency mechanisms were also in place to promote coordination, including the Joint United Nations Information Committee (JUNIC).

At the country level, the resident coordinator system and JUNIC field arrangements provided mechanisms for promoting the integration of communication in development projects. However, a number of gaps remained. To address those gaps, the Secretary-General recommended that the system develop a common working definition and understanding of communication for development at the country level in order to define more clearly the goals, processes and technologies to be pursued and shared among concerned UN agencies and other development partners so as to maximize the impact of development programmes at all levels. That could be

facilitated by the resident coordinator system in collaboration with JUNG arrangements, taking into account the result of the round tables. The round-table mechanism should be used more systematically with the participation of international financial institutions at the country level. The experience gained should be disseminated more widely within and among regions to enhance the application of communications as an essential tool for development. Organizations of the UN system should assist Governments to analyse and assess the impact of new and appropriate technologies on and innovative methods for communication for development, with a view to developing sound application of such technologies and methods. Coordinated support and assistance should be provided under the auspices of ACC, through inter-agency mechanisms such as ad hoc task forces for the follow-up to major UN conferences. Resource mobilization for capacity-building should be pursued as an integral component of the mobilization of resources for development programmes in general, as well as for humanitarian activities. At the headquarters level, the inter-agency mechanisms for the coordination of programmes and operational activities, and for follow-up to major UN conferences, should incorporate the communications dimension in their efforts to coordinate the work of the UN system.

#### GENERAL ASSEMBLY ACTION

On 16 December, the General Assembly adopted **resolution 51/172**.

#### **Communication for development programmes in the United Nations system**

The General Assembly,

Having considered the report of the Secretary-General, as well as the report prepared by the United Nations Educational, Scientific and Cultural Organization on the sixth Inter-Agency Round Table on Communication for Development, held at Harare from 2 to 5 September 1996, and the report of the Joint Inspection Unit entitled "Communication for development programmes in the United Nations system" and the comments of the Administrative Committee on Coordination thereon,

1. Recalls its resolution 50/130 of 20 December 1995;
2. Considers that informal round tables, such as the sixth Inter-Agency Round Table on Communication for Development, organized at Harare by the United Nations Educational, Scientific and Cultural Organization, can constitute a notable mechanism of inter-agency cooperation and coordination for promoting and advancing communication for development, owing, inter alia, to their openness to partners outside the United Nations system and the outreach of their outcomes;
3. Recognizes the importance of addressing the issue of communication for development within the inter-governmental processes of the United Nations system,

according to the respective mandates of the agencies concerned;

4. Takes note of the report of the Secretary-General, and invites the agencies, organizations, funds and programmes of the United Nations system to take the recommendations contained in the report into consideration when planning and implementing relevant projects and programmes, with the cooperation of the resident coordinator;

5. Recognizes the relevance for concerned actors in development at the country level, including policy makers and decision makers at all levels, to attribute increased importance to communication for development, and encourages them to include it, in an appropriate manner, as an integral component in the development of projects and programmes;

6. Stresses the need to support two-way communication systems that enable dialogue and that allow communities to speak out, express their aspirations and concerns and participate in the decisions that relate to their development;

7. Acknowledges the interest in holding the next informal round table in the Latin American and Caribbean region, to build upon the meetings held in Asia and Africa, and invites interested States to cooperate with the relevant agencies, organizations, funds and programmes of the United Nations system in the convening of these informal round tables on communication for development, with the participation of the international financial institutions and the regional banks, at the country level;

8. Reaffirms the importance of resource mobilization, including financial cooperation, the transfer of technology and capacity-building for communication in development programmes and projects, and calls upon the international community and organizations of the United Nations system to assist developing countries in introducing technologies and innovative methods for enhancing communication for development;

9. Requests the Secretary-General, in consultation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, in accordance with the agency's mandate, to inform the General Assembly officially, at its fifty-third session, under an appropriate agenda item, on the implementation of the present resolution, in accordance with the periodicity that was agreed upon in Assembly resolution 50/130.

General Assembly resolution 51/172

16 December 1996 Meeting 86 Adopted without vote

Approved by Second Committee (A/51/604/Add.8) without vote, 2 December (meeting 37); draft by Vice-Chairman (A/C.2/51/L.45), based on informal consultations on draft by Costa Rica, for Group of 77 (A/C.2/51/L.23); agenda item 96.

Meeting numbers. GA 51st session: 2nd Committee 17, 18, 20-27, 34, 37; plenary 86.

## **The UN and other organizations**

### **Cooperation with organizations**

In 1996, the General Assembly reviewed cooperation between the United Nations and the

Asian-African Legal Consultative Committee, the Caribbean Community, the Economic Cooperation Organization, the International Organization for Migration, the Inter-Parliamentary Union, the League of Arab States, the Organization of African Unity, the Organization of American States, the Organization of the Islamic Conference and the Organization for Security and Cooperation in Europe. It granted observer status to the International Seabed Authority, the International Tribunal for the Law of the Sea and the International Criminal Police Organization (Interpol).

#### Asian-African Legal Consultative Committee

The Secretary-General submitted, in response to General Assembly resolution 49/8 [YUN 1994, p. 1327], a report [A/51/360] on cooperation between the United Nations and the Asian-African Legal Consultative Committee. The report highlighted activities undertaken by the two organizations in areas of cooperation, which included the United Nations Decade of International Law (1990-1999); promoting wider use of the International Court of Justice; measures for the promotion of ratification and implementation of the UN Convention on the Law of the Sea; international economic cooperation for development; and the question of refugees (see also PART FOUR, Chapter V).

The General Assembly, by **resolution 51/11** of 4 November, took note of the Secretary-General's report.

#### Caribbean Community

As requested by the Assembly in 1994 [res. 49/141], the Secretary-General reported [A/51/299] in August 1996 on cooperation between the United Nations and the Caribbean Community (CARICOM). The report described consultations and information exchanges between the two organizations, held since 1994, and provided information on collaborative activities undertaken with CARICOM by the UN Secretariat and other UN bodies and organizations (see PART ONE, Chapter III).

The General Assembly, by **resolution 51/16** of 11 November, took note of the Secretary-General's report and his efforts to strengthen cooperation.

#### Economic Cooperation Organization

In response to General Assembly resolution 50/1 [YUN 1995, p. 1025], the Secretary General submitted an August report with later addendum [A/51/265 & Add.1] on cooperation between the United Nations and the Economic Cooperation

Organization (ECO). The report focused on cooperation between ECO and the Economic and Social Commission for Asia and the Pacific, and developments pertaining to cooperation between ECO and other UN bodies and specialized agencies.

The General Assembly, in **resolution 51/21** of 27 November, took note of the Secretary-General's report and invited him to promote and expand cooperation and coordination between the two secretariats.

#### International Organization for Migration

In 1992, the General Assembly granted observer status to the International Organization for Migration (IOM). In an 18 July 1996 note [E/1996/90], the Secretary-General brought to the attention of the Economic and Social Council the cooperation agreement signed in Geneva on 25 June between the United Nations and IOM. The agreement provided for cooperation and consultations, exchange of information and documentation, administrative and technical cooperation, and joint action.

On 24 July, by **decision 1996/296**, the Council took note of the note by the Secretary-General.

On 11 November, Bangladesh, Nicaragua, Pakistan and the Philippines requested [A/51/232] the inclusion in the agenda of the fifty-first session of the General Assembly of an item on cooperation between the United Nations and IOM. In an explanatory memorandum, they said IOM was committed to the principle that humane and orderly migration benefited migrants and society, and acted with its partners in the international community to assist in meeting the operational challenges of migration. Its activities and functions had also changed to meet the new and evolving needs and challenges faced by the international community. The conclusions [YUN 1994, p. 956] of the 1994 International Conference on Population and Development on issues related to migration were an important element in planning the organization's strategic direction towards the next century. Its cooperation with the United Nations on concrete initiatives had experienced considerable growth over recent years. Its work was centred around humanitarian migration, migration for development, technical cooperation, and the migration debate, research and information. IOM maintained a revolving fund for emergency assessment use and for initial start-up of emergency operations.

On 2 December [A/51/702], the Russian Federation brought to the attention of the Secretary-General the 29 November opinion of IOM Director-General James N. Purcell. It concerned the statement in the explanatory memorandum

which indicated that IOM's independent status had occasionally permitted it to operate in such areas as "in Chechnya, at a time when the United Nations was unable to gain access". According to the Director-General, that sentence might have conveyed the impression that the Russian Federation had prevented the United Nations from acting in the Chechen Republic of the Russian Federation. That had not been the intention of IOM. It had been able, it said, to count on the support of the Russian authorities to start its activities in Chechnya at a time when the United Nations, at the invitation of the Russian Federation, was still considering possible operations inside Chechnya.

#### GENERAL ASSEMBLY ACTION

On 13 December, the General Assembly adopted **resolution 51/148**.

#### **Cooperation between the United Nations and the International Organization for Migration**

The General Assembly,

Recalling its resolution 47/4 of 16 October 1992, by which it granted observer status to the International Organization for Migration,

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in addressing international issues of an economic, social or humanitarian nature,

Recalling further that the International Organization for Migration assists in meeting the operational challenges of migration and that it is committed to the principle that humane and orderly migration benefits migrants and society, advancing understanding of migration issues, encouraging social and economic development through migration and to working towards effective respect of the human dignity and well-being of migrants,

Affirming the need to strengthen the cooperation that already exists between the two organizations in matters of common interest,

Noting the desire of both organizations to consolidate and enhance the cooperation existing between them in the economic, social, humanitarian and administrative fields,

1. Takes note with satisfaction of the conclusion, on 25 June 1996, of the Cooperation Agreement between the United Nations and the International Organization for Migration;

2. Invites the Secretary-General of the United Nations to take the appropriate measures, in consultation with the Director-General of the International Organization for Migration, to ensure that the needed effective cooperation and liaison between the secretariats of the two organizations is undertaken in order to ensure complementary actions between the two organizations;

3. Requests the Secretary-General of the United Nations, in consultation with the Director-General of the International Organization for Migration, to foster systematic consultations on matters of common interest;

4. Invites the specialized agencies and other organizations, funds and programmes of the United Nations system to cooperate with the Secretary-General of the

United Nations and the Director-General of the International Organization for Migration, in order to initiate, maintain and increase consultation and programmes with the International Organization for Migration in the attainment of their objectives;

5. Requests the Secretary-General to ensure that, in the context of the report to be submitted pursuant to General Assembly resolution 50/123 of 20 December 1995 under the agenda item entitled "International migration and development, including the convening of a United Nations conference on international migration and development", the Assembly is informed of the co-operation between the United Nations and the International Organization for Migration as it develops under the Cooperation Agreement.

General Assembly resolution 51/148

13 December 1996 Meeting 84 Adopted without vote  
27-nation draft (A/51/L.53 & Add.1); agenda item 161.

#### **Inter-Parliamentary Union**

The Secretary-General submitted a September report [A/51/402] on cooperation between the United Nations and the Inter-Parliamentary Union, in response to General Assembly resolution 50/15 [YUN 1995, p. 1443]. He reported that on 24 July a cooperation agreement had been signed between the United Nations and the Union, aimed at strengthening relations between the two organizations by facilitating mutually complementary activities and undertaking joint efforts in particular areas for the benefit of mankind. It provided for the holding of regular consultations between the two organizations and the initiation of joint projects and programmes, as well as for the exchange of information and documentation. A meeting (New York, 5-6 September 1996) on follow-up to the 1995 World Summit for Social Development [YUN 1995, p. 1113] was organized jointly by the Union, the UN Department for Policy Coordination and Sustainable Development and UNDP.

#### GENERAL ASSEMBLY ACTION

On 25 October, the General Assembly adopted **resolution 51/7**.

#### **Cooperation between the United Nations and the Inter-Parliamentary Union**

The General Assembly,

Recalling its resolution 50/15 of 15 November 1995, in which it requested the Secretary-General to conclude an agreement on cooperation between the United Nations and the Inter-Parliamentary Union,

Having considered the report of the Secretary-General, transmitting the text of the cooperation agreement signed on 24 July 1996,

Stressing its desire to strengthen existing cooperation between the United Nations and the Inter-Parliamentary Union and of giving it a new and adequate framework,

1. Welcomes the conclusion on 24 July 1996 of the co-operation agreement between the United Nations and the Inter-Parliamentary Union;

2. Considers that the signature of the agreement constitutes an important step for increased and strengthened cooperation between the two organizations;

3. Decides to include in the provisional agenda of its fifty-second session the item entitled "Cooperation between the United Nations and the Inter-Parliamentary Union";

4. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session on various aspects of cooperation that have taken place between the United Nations and the Inter-Parliamentary Union in implementation of the cooperation agreement.

General Assembly resolution 51/7

25 October 1996 Meeting 41 Adopted without vote  
82-nation draft (A/51/L.6 & Add.1); agenda item 29.

### League of Arab States

In September, the Secretary-General submitted a report [A/51/380 & Add.1] on cooperation between the United Nations and the League of Arab States, as requested in General Assembly resolution 50/16 [YUN 1995, p. 1440]. He stated that the secretariats of the two organizations continued to maintain close contact on matters of mutual concern. His report summarized the action taken by UN bodies and organizations in follow-up to previous joint meetings of the two organizations.

#### GENERAL ASSEMBLY ACTION

On 19 November, the General Assembly adopted **resolution 51/20**.

#### Cooperation between the United Nations and the League of Arab States

The General Assembly,

Recalling its previous resolutions on the promotion of cooperation between the United Nations and the League of Arab States,

Having considered the report of the Secretary-General on cooperation between the United Nations and the League of Arab States,

Recalling the decision of the Council of the League of Arab States that it considers the League a regional organization within the meaning of Chapter VIII of the Charter of the United Nations,

Noting the desire of both organizations to consolidate, develop and enhance further the ties existing between them in the political, economic, social, humanitarian, cultural and administrative fields,

Taking into account the report of the Secretary-General entitled "An Agenda for Peace", in particular section VII, concerning cooperation with regional arrangements and organizations, and the "Supplement to an Agenda for Peace",

Convinced that the maintenance and further strengthening of cooperation between the United Nations system and the League of Arab States contribute

to the promotion of the purposes and principles of the United Nations,

Convinced also of the need for more efficient and co-ordinated utilization of available economic and financial resources to promote common objectives of the two organizations,

Recognizing the need for closer cooperation between the United Nations system and the League of Arab States and its specialized organizations in realizing the goals and objectives of both organizations,

Welcoming the second meeting on cooperation between the United Nations and regional organizations, held on 15 and 16 February 1996,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Commends the continued efforts of the League of Arab States to promote multilateral cooperation among Arab States, and requests the United Nations system to continue to lend its support;

3. Expresses its appreciation to the Secretary-General for the follow-up action taken by him to implement the proposals adopted at the meetings between the representatives of the secretariats of the United Nations and other organizations of the United Nations system and the General Secretariat of the League of Arab States and its specialized organizations, including the last meeting held at Vienna in 1995;

4. Requests the Secretariat of the United Nations and the General Secretariat of the League of Arab States, within their respective fields of competence, to intensify further their cooperation towards the realization of the purposes and principles of the Charter of the United Nations, the strengthening of international peace and security, economic development, disarmament, decolonization, self-determination and the eradication of all forms of racism and racial discrimination;

5. Requests the Secretary-General to continue his efforts to strengthen cooperation and coordination between the United Nations and other organizations and agencies of the United Nations system and the League of Arab States and its specialized organizations in order to enhance their capacity to serve the mutual interests of the two organizations in the political, economic, social, humanitarian, cultural and administrative fields;

6. Calls upon the specialized agencies and other organizations and programmes of the United Nations system:

(a) To continue to cooperate with the Secretary-General and among themselves, as well as with the League of Arab States and its specialized organizations, in the follow-up of multilateral proposals aimed at strengthening and expanding cooperation in all fields between the United Nations system and the League of Arab States and its specialized organizations;

(b) To maintain and increase contacts and improve the mechanism of consultation with the counterpart programmes, organizations and agencies concerned regarding projects and programmes, in order to facilitate their implementation;

(c) To associate whenever possible with organizations and institutions of the League of Arab States in the execution and implementation of development projects in the Arab region;

(d) To inform the Secretary-General, not later than 15 June 1997, of the progress of their cooperation with the League of Arab States and its specialized organizations, in particular the follow-up action taken on the multilateral and bilateral proposals adopted at the previous meetings between the two organizations;

7. Also calls upon the specialized agencies and other organizations and programmes of the United Nations system to intensify cooperation with the League of Arab States and its specialized organizations in the following priority sectors, namely, energy, rural development, desertification and green belts, training and vocational training, technology, environment, and information and documentation;

8. Requests the Secretary-General of the United Nations, in cooperation with the Secretary-General of the League of Arab States, to encourage periodic consultation between representatives of the Secretariat of the United Nations and the General Secretariat of the League of Arab States to review and strengthen coordination mechanisms with a view to accelerating implementation of, and follow-up action on, multilateral projects, proposals and recommendations adopted at the meetings between the two organizations;

9. Decides that, in order to enhance cooperation and for the purpose of review and appraisal of progress, a General meeting between the United Nations system and the League of Arab States should take place once every two years, and inter-agency sectoral meetings should be organized regularly on areas of priority and wide importance in the development of the Arab States, on the basis of agreement between the counterpart programmes of the United Nations system and the League of Arab States and its specialized organizations;

10. Recommends that the next general meeting on cooperation between the representatives of the secretariats of the United Nations system and the General Secretariat of the League of Arab States and its specialized organizations be held during 1997;

11. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-second session the item entitled "Cooperation between the United Nations and the League of Arab States".

General Assembly resolution 51/20  
19 November 1996 Meeting 60 Adopted without vote  
19-nation draft (A/51/L.8); agenda item 30.

### Organization of African Unity

The Secretary-General, as requested in General Assembly resolution 50/158 [YUN 1995, p. 416], in September submitted a report [A/51/386] on cooperation between the United Nations and the Organization of African Unity (OAU). He discussed consultations and exchange of information and reported on action by UN bodies, agencies and programmes in the field of economic and social development. Meetings between the two organizations were held in New York and

during the Assembly of Heads of State and Government of OAU, held in Yaounde, Cameroon, from 8 to 10 July (see PART ONE, Chapter II).

The General Assembly, in **resolution 51/151** of 13 December, took note of the Secretary-General's report.

### Organization of American States

The Secretary-General, responding to General Assembly resolution 49/5 [YUN 1994, p. 435], submitted a report [A/51/297 & Add.1] on cooperation between the United Nations and the Organization of American States (OAS). Following a meeting of representatives of the UN system and OAS (New York, 17-18 April 1995), a cooperation agreement was signed between the two secretariats. In 1996, after a review of methods, a more flexible mechanism of cooperation and coordination was introduced to facilitate more pragmatic and cost-effective cooperation. It provided for focal points within the departments, offices, programmes and agencies of the UN system, allowing for direct contacts between the two organizations. The Secretary-General also summarized information from agencies, programmes and offices of the UN system on their relations with OAS (see PART ONE, Chapter III).

The General Assembly, in **resolution 51/4** of 24 October, expressed the hope that the Secretary-General would continue to strengthen the mechanism for cooperation between the two organizations.

### Organization of the Islamic Conference

In response to General Assembly resolution 50/17 [YUN 1995, p. 1441], the Secretary-General in September reported [A/51/381] on cooperation between the United Nations and the Organization of the Islamic Conference (OIC). He reported that regular consultations were held and information exchanged between the secretariats of the United Nations and OIC, with regard to ongoing peacemaking efforts of the two organizations, particularly in Afghanistan, Tajikistan and Somalia. Periodic consultations were also held between the Head of the UN Special Mission to Afghanistan and senior OIC officials on promoting closer coordination and cooperation to bring peace to Afghanistan. Regular information was also exchanged with regard to their efforts to bring about peace and national reconciliation in Somalia.

A general meeting on cooperation between the representatives of the United Nations and OIC and its specialized institutions was held in Geneva from 26 to 28 June. The meeting endorsed proposals on ways to enhance cooperation be-



tween the two organizations and urged that the follow-up action be taken by mechanisms set up for that purpose. The meeting also reviewed proposals for strengthening cooperation in the political field and identified modalities for enhancing UN/OIC information exchange, consultations and coordination, and agreed that those modalities would apply to areas of mutual interest. It was agreed that further high-level consultations on the identified modalities would be held between the representatives of the two secretariats during annual sessions of the Assembly.

The Secretary-General's report also summarized action taken by UN organizations and agencies serving as focal points for cooperation with OIC to follow up the recommendations of previous meetings.

#### GENERAL ASSEMBLY ACTION

On 14 November, the General Assembly adopted **resolution 51/18**.

#### **Cooperation between the United Nations and the Organization of the Islamic Conference**

The General Assembly,

Recalling its resolutions 37/4 of 22 October 1982, 38/4 of 28 October 1983, 39/7 of 8 November 1984, 40/4 of 25 October 1985, 41/3 of 16 October 1986, 42/4 of 15 October 1987, 43/2 of 17 October 1988, 44/8 of 18 October 1989, 45/9 of 25 October 1990, 46/13 of 28 October 1991, 47/18 of 23 November 1992, 48/24 of 24 November 1993, 49/15 of 15 November 1994 and 50/17 of 20 November 1995,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Organization of the Islamic Conference,

Taking into account the desire of both organizations to continue to cooperate closely in the political, economic, social, humanitarian, cultural and technical fields and in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights and economic and technical development,

Recalling the Articles of the Charter of the United Nations that encourage the activities through regional cooperation for the promotion of the purposes and principles of the United Nations,

Noting the strengthening of cooperation between the United Nations, its funds and programmes and specialized agencies and the Organization of the Islamic Conference, its subsidiary organs and its specialized and affiliated institutions,

Noting also the encouraging progress made in the nine priority areas of cooperation, as well as in the identification of other areas of cooperation,

Convinced that the strengthening of cooperation between the specialized agencies and other organizations of the United Nations system and the Organization of the Islamic Conference and its organs and institutions contributes to the promotion of the purposes and principles of the United Nations,

Taking into account the report of the Secretary-General entitled "An Agenda for Peace", in particular section VII, concerning cooperation with regional arrangements and organizations, and the "Supplement to An Agenda for Peace",

Noting with appreciation the determination of both organizations to strengthen further the existing cooperation by developing specific proposals in the designated priority areas of cooperation, as well as in the political field,

Welcoming the results of the general meeting of the organizations and agencies of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions, held at Geneva from 26 to 28 June 1996,

Welcoming also the high-level meeting convened by the Secretary-General on 15 February 1996 of regional and other intergovernmental organizations, including the Organization of the Islamic Conference, with which the United Nations has cooperated in preventive diplomacy, peacemaking and peacekeeping,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Takes note of the conclusions and recommendations adopted by the general meeting of the organizations and agencies of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions;

3. Notes with satisfaction the active participation of the Organization of the Islamic Conference in the work of the United Nations towards the realization of the purposes and principles of the Charter of the United Nations;

4. Requests the United Nations and the Organization of the Islamic Conference to continue cooperation in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights, social and economic development and technical cooperation;

5. Welcomes the proposals of the general meeting of the United Nations and the Organization of the Islamic Conference to strengthen cooperation between the two organizations in areas of common concern and to review the ways and means for enhancing the actual mechanisms of such cooperation;

6. Welcomes also the efforts of the secretariats of the two organizations to strengthen information exchange, coordination and cooperation between them in areas of mutual interest in the political field, and their ongoing consultations with a view to developing the modalities of such cooperation;

7. Welcomes further the periodic high-level meetings between the Secretary-General of the United Nations and the Secretary-General of the Organization of the Islamic Conference, as well as between senior secretariat officials of the two organizations, and encourages their participation in important meetings of the two organizations;

8. Encourages the specialized agencies and other organizations of the United Nations system to continue to expand their cooperation with the subsidiary organs and specialized and affiliated institutions of the Organization of the Islamic Conference, particularly by negotiating cooperation agreements, and invites them

to multiply the contacts and meetings of the focal points for cooperation in priority areas of interest to the United Nations and the Organization of the Islamic Conference;

9. Urges the United Nations and other organizations of the United Nations system, especially the lead agencies, to provide increased technical and other forms of assistance to the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions in order to enhance cooperation;

10. Expresses its appreciation to the Secretary-General for his continued efforts to strengthen cooperation and coordination between the United Nations and other organizations of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions to serve the mutual interests of the two organizations in the political, economic, social and cultural fields;

11. Also expresses its appreciation to the Secretary-General for his initiative to convene a high-level meeting of regional and other intergovernmental organizations on 15 February 1996, and looks forward to similar meetings in the future;

12. Further expresses its appreciation to the Secretary-General for his efforts in the promotion of cooperation between the United Nations and the Organization of the Islamic Conference, and expresses the hope that he will continue to strengthen the mechanisms of coordination between the two organizations;

13. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the state of cooperation between the United Nations and the Organization of the Islamic Conference;

14. Decides to include in the provisional agenda of its fifty-second session the item entitled "Cooperation between the United Nations and the Organization of the Islamic Conference".

General Assembly resolution 51/18

14 November 1996 Meeting 58 Adopted without vote

Draft by Guinea (A/51/L.17); agenda item 31.

### Organization for Security and Cooperation in Europe

The Secretary-General, as requested in General Assembly resolution 50/87 [YUN 1995, p. 623], submitted an October report [A/51/489 & Add.1] on cooperation between the United Nations and the Organization for Security and Cooperation in Europe (OSCE). He noted that contacts had been established and maintained between the two organizations. In continuation of the informal understanding that there should be a division of labour between the two organizations, the United Nations retained the lead in peacemaking efforts in Tajikistan and in Abkhazia, Georgia, while OSCE maintained the lead on the question of the Nagorny Karabakh region of Azerbaijan, the Republic of Moldova and South Ossetia, Georgia (see PART ONE, Chapters IV and V). Efforts were made to improve cooperation in the field, at the

negotiating table and between the respective headquarters, resulting in enhanced coordination and better use of international resources. The Secretary-General also summarized action taken by organizations of the UN system to cooperate with OSCE.

The General Assembly, by **resolution 51/57** of 12 December, welcomed the Secretary-General's report and the progress in common work in the field between the two organizations.

### Granting of observer status

#### International Seabed Authority

The Council of the International Seabed Authority, at its resumed second session (Kingston, Jamaica, 5-16 August), recognizing [ISBA/C/10] that a relationship agreement between the Authority and the United Nations should identify areas of mutual interest and facilitate close cooperation between the two organizations, requested the Secretary-General of the Authority to negotiate with the UN Secretary-General a relationship agreement.

In a 16 September letter [A/51/231], Australia, Brazil, Cameroon, Fiji, Finland, Germany, Iceland, India, Indonesia, Italy, Jamaica, Japan, New Zealand, Portugal, Samoa, Sweden, Trinidad and Tobago and the United Kingdom requested the inclusion in the agenda of the fifty-first session of the General Assembly of an item entitled "Observer status for the International Seabed Authority". In an explanatory memorandum, they said that the Authority was an autonomous intergovernmental organization established under the 1982 Convention on the Law of the Sea [YUN 1982, p. 178]. At its August 1996 session, the Assembly of the Authority decided to seek observer status for the Authority at the United Nations to enable it to participate in the deliberations of the General Assembly, and requested the Secretary-General of the Authority to take the necessary measures towards that end.

#### GENERAL ASSEMBLY ACTION

On 24 October, the General Assembly adopted **resolution 51/6**.

#### Observer status for the International Seabed Authority in the General Assembly

The General Assembly,

Aware of the importance of the effective implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, and their uniform consistent application, as well as of the growing need to promote and facilitate international coop-

eration on the law of the sea and ocean affairs at the global, regional and subregional levels.

Noting the decision of the Assembly of the International Seabed Authority at its resumed second session to seek observer status for the Authority at the United Nations in order to enable it to participate in the deliberations of the General Assembly,

1. Decides to invite the International Seabed Authority to participate in the deliberations of the General Assembly in the capacity of observer;

2. Requests the Secretary-General to take the necessary action to implement the present resolution.

General Assembly resolution 51/6

24 October 1996 Meeting 40 Adopted without vote  
75-nation draft (A/51/L.2 & Add.1); agenda item 160.

### International Criminal Police Organization (Interpol)

#### GENERAL ASSEMBLY ACTION

On 15 October, the General Assembly adopted **resolution 51/1**.

#### Observer status for the International Criminal Police Organization (Interpol) in the General Assembly

The General Assembly,

Considering the importance of the role and activities of the International Criminal Police Organization (Interpol) in the fight against international transborder crime,

Considering also the need that has often been expressed by the United Nations to coordinate, harmonize and strengthen that fight at the international level,

Recalling the discussions of the World Ministerial Conference on Organized Transnational Crime, organized by the United Nations at Naples from 21 to 23 November 1994, as well as the declarations made by various heads of State and Government at the fiftieth session of the General Assembly,

Desirous of promoting cooperation between the United Nations and the International Criminal Police Organization (Interpol),

Recalling its decision 49/426 of 9 December 1994,

1. Decides to invite the International Criminal Police Organization (Interpol) to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. Requests the Secretary-General to take the necessary action to implement the present resolution.

General Assembly resolution 51/1

15 October 1996 Meeting 35 Adopted without vote  
43-nation draft (A/51/L.1 & Add.1); agenda item 156.

### International Tribunal for the Law of the Sea

The fifth meeting of the States parties to the United Nations Convention on the Law of the Sea (New York, 24 July-2 August) recognized [SPLOS/14] that, since the proceedings of the General Assembly were of interest to the International Tribunal for the Law of the Sea, the Tribu-

nal should apply for observer status at meetings of the Assembly.

On 26 November, Germany [A/51/234], later joined by Argentina, Finland, Lebanon, Senegal and Sierra Leone [A/51/234/Add.1], Belize and Jamaica [A/51/234/Add.2] and Tunisia [A/51/234/Add.3], requested the inclusion in the agenda of the fifty-first session of the General Assembly of an item entitled "Observer status for the International Tribunal for the Law of the Sea".

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/204**.

#### Observer status for the International Tribunal for the Law of the Sea in the General Assembly

The General Assembly,

Stressing the importance of the uniform interpretation or application of the provisions of the United Nations Convention on the Law of the Sea, the agreements related thereto and any other agreement which may confer jurisdiction on the International Tribunal for the Law of the Sea,

Aware of the need for States to settle any disputes concerning the interpretation or application of the Convention by peaceful means,

Welcoming the establishment of the Tribunal in Hamburg, Germany,

Noting the decision of the Meeting of States Parties at its fifth session to seek observer status for the International Tribunal for the Law of the Sea in order to enable it to participate in the sessions and the work of the General Assembly and the decision of the Tribunal at its first session to seek such observer status,

1. Decides to invite the International Tribunal for the Law of the Sea to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. Requests the Secretary-General to take the necessary action to implement the present resolution.

General Assembly resolution 51/204

17 December 1996 Meeting 88 Adopted without vote  
73-nation draft (A/51/L.56 & Add.1); agenda item 163.

### Participation of organizations in UN work

#### Intergovernmental organizations

On 24 June, the Economic and Social Council, by **decision 1996/225**, having considered the application of the Union of Economic and Social Councils of Africa, decided that the organization might participate on a continuing basis, without the right to vote, in the deliberations of the Council on questions within the scope of its activities.

#### Non-governmental organizations

On 25 July, the Economic and Social Council, by **decision 1996/297**, reaffirmed the importance of the contributions of non-governmental

organizations (NGOs) to the work of the United Nations and, taking into account their contributions to recent international conferences, recommended that the General Assembly examine, at its fifty-first session, the participation of NGOs in all areas of UN work, in the light of the experience gained through the arrangements for consultation between NGOs and the Council (see below).

#### Update of consultation arrangements

At its third session (New York, 10-23 January and 3 May 1996) the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations had before it a statement [E/AC.70/1996/NGO/1] submitted by the World Federation of United Nations Associations; and a statement [E/AC.70/1996/NGO/2] by the World Wide Fund for Nature International, the Anti-Slavery Society for the Protection of Human Rights, the Habitat International Coalition, the International Commission of Jurists, International Service for Human Rights, the Lawyers Committee for Human Rights, the Netherlands Organization for International Development Cooperation, OXFAM (United Kingdom and Ireland) Service, Justice and Peace in Latin America, the World Student Christian Federation, the Asian Cultural Forum on Development, the International Movement against Racism and Racial Discrimination, and Women's Environment and Development Organization.

On 3 May, the Working Group decided to transmit to the Economic and Social Council a text reflecting the current status of negotiations on arrangements for consultation with NGOs, which was annexed to its report [E/1996/58], and that the entire results of its work would be transmitted on an ad referendum basis.

In a 21 June letter [E/1996/92] to the President of the Council, the Chairman of the Committee on Non-Governmental Organizations stated that the Committee had considered the report of the Working Group and it expressed its support and encouragement to the Chairman of the Group, and hoped that the matter would be resolved before the end of the 1996 substantive session of the Council.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, the Economic and Social Council adopted **resolution 1996/31**.

#### Consultative relationship between the United Nations and non-governmental organizations

The Economic and Social Council,

Recalling Article 71 of the Charter of the United Nations,

Recalling also its resolution 1993/80 of 30 July 1993, in which it requested a general review of arrangements for consultation with non-governmental organizations, with a view to updating, if necessary, Council resolution 1296(XLIV) of 23 May 1968, as well as introducing coherence in the rules governing the participation of non-governmental organizations in international conferences convened by the United Nations, and also an examination of ways and means of improving practical arrangements for the work of the Committee on Non-Governmental Organizations and the Non-Governmental Organizations Section of the Secretariat,

Recalling further its decision 1995/304 of 26 July 1995,

Confirming the need to take into account the full diversity of the non-governmental organizations at the national, regional and international levels,

Acknowledging the breadth of non-governmental organizations' expertise and the capacity of non-governmental organizations to support the work of the United Nations,

Taking into account the changes in the non-governmental sector, including the emergence of a large number of national and regional organizations,

Calling upon the governing bodies of the relevant organizations, bodies and specialized agencies of the United Nations system to examine the principles and practices relating to their consultations with non-governmental organizations and to take action, as appropriate, to promote coherence in the light of the provisions of the present resolution,

Approves the following update of the arrangements set out in its resolution 1296(XLIV):

#### Arrangements for consultation with non-governmental organizations

##### Part I

#### Principles to be applied in the establishment of consultative relations

The following principles shall be applied in establishing consultative relations with non-governmental organizations:

1. The organization shall be concerned with matters falling within the competence of the Economic and Social Council and its subsidiary bodies.

2. The aims and purposes of the organization shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations.

3. The organization shall undertake to support the work of the United Nations and to promote knowledge of its principles and activities, in accordance with its own aims and purposes and the nature and scope of its competence and activities.

4. Except where expressly stated otherwise, the term "organization" shall refer to non-governmental organizations at the national, subregional, regional or international levels.

5. Consultative relationships may be established with international, regional, subregional and national organizations, in conformity with the Charter and the principles and criteria established under the present resolution. The Committee, in considering applications for consultative status, should ensure, to the extent possible, participation of non-governmental organizations from all regions, and particularly from

developing countries, in order to help achieve a just, balanced, effective and genuine involvement of non-governmental organizations from all regions and areas of the world. The Committee shall also pay particular attention to non-governmental organizations that have special expertise or experience upon which the Council may wish to draw.

6. Greater participation of non-governmental organizations from developing countries in international conferences convened by the United Nations should be encouraged.

7. Greater involvement of non-governmental organizations from countries with economies in transition should be encouraged.

8. Regional, subregional and national organizations, including those affiliated to an international organization already in status, may be admitted provided that they can demonstrate that their programme of work is of direct relevance to the aims and purposes of the United Nations and, in the case of national organizations, after consultation with the Member State concerned. The views expressed by the Member State, if any, shall be communicated to the non-governmental organization concerned, which shall have the opportunity to respond to those views through the Committee on Non-Governmental Organizations.

9. The organization shall be of recognized standing within the particular field of its competence or of a representative character. Where there exist a number of organizations with similar objectives, interests and basic views in a given field, they may, for the purposes of consultation with the Council, form a joint committee or other body authorized to carry on such consultation for the group as a whole.

10. The organization shall have an established headquarters, with an executive officer. It shall have a democratically adopted constitution, a copy of which shall be deposited with the Secretary-General of the United Nations, and which shall provide for the determination of policy by a conference, congress or other representative body and for an executive organ responsible to the policy-making body.

11. The organization shall have authority to speak for its members through its authorized representatives. Evidence of this authority shall be presented, if requested.

12. The organization shall have a representative structure and possess appropriate mechanisms of accountability to its members, who shall exercise effective control over its policies and actions through the exercise of voting rights or other appropriate democratic and transparent decision-making processes. Any such organization that is not established by a governmental entity or intergovernmental agreement shall be considered a non-governmental organization for the purpose of these arrangements, including organizations that accept members designated by governmental authorities, provided that such membership does not interfere with the free expression of views of the organization.

13. The basic resources of the organization shall be derived in the main from contributions of the national affiliates or other components or from individual members. Where voluntary contributions have been received, their amounts and donors shall be faithfully revealed to the Committee on Non-Governmental Or-

ganizations. Where, however, the above criterion is not fulfilled and an organization is financed from other sources, it must explain to the satisfaction of the Committee its reasons for not meeting the requirements laid down in this paragraph. Any financial contribution or other support, direct or indirect, from a Government to the organization shall be openly declared to the Committee through the Secretary-General and fully recorded in the financial and other records of the organization and shall be devoted to purposes in accordance with the aims of the United Nations.

14. In considering the establishment of consultative relations with a non-governmental organization, the Council will take into account whether the field of activity of the organization is wholly or mainly within the field of a specialized agency, and whether or not it could be admitted when it has, or may have, a consultative arrangement with a specialized agency.

15. The granting, suspension and withdrawal of consultative status, as well as the interpretation of norms and decisions relating to this matter, are the prerogative of Member States exercised through the Economic and Social Council and its Committee on Non-Governmental Organizations. A non-governmental organization applying for general or special consultative status or a listing on the Roster shall have the opportunity to respond to any objections being raised in the Committee before the Committee takes its decision.

16. The provisions of the present resolution shall apply to the United Nations regional commissions and their subsidiary bodies *mutatis mutandis*.

17. In recognizing the evolving relationship between the United Nations and non-governmental organizations, the Economic and Social Council, in consultation with the Committee on Non-Governmental Organizations, will consider reviewing the consultative arrangements as and when necessary to facilitate, in the most effective manner possible, the contributions of non-governmental organizations to the work of the United Nations.

## Part II

### Principles governing the nature of the consultative arrangements

18. A clear distinction is drawn in the Charter of the United Nations between participation without vote in the deliberations of the Council and the arrangements for consultation. Under Articles 69 and 70, participation is provided for only in the case of States not members of the Council, and of the specialized agencies. Article 71, applying to non-governmental organizations, provides for suitable arrangements for consultation. This distinction, deliberately made in the Charter, is fundamental and the arrangements for consultation should not be such as to accord to non-governmental organizations the same rights of participation as are accorded to States not members of the Council and to the specialized agencies brought into relationship with the United Nations.

19. The arrangements should not be such as to overburden the Council or transform it from a body for co-ordination of policy and action, as contemplated in the Charter, into a general forum for discussion.

20. Decisions on arrangements for consultation should be guided by the principle that consultative arrangements are to be made, on the one hand, for the

purpose of enabling the Council or one of its bodies to secure expert information or advice from organizations having special competence in the subjects for which consultative arrangements are made, and, on the other hand, to enable international, regional, subregional and national organizations that represent important elements of public opinion to express their views. Therefore, the arrangements for consultation made with each organization should relate to the subjects for which that organization has a special competence or in which it has a special interest. The organizations given consultative status should be limited to those whose activities in fields set out in paragraph 1 above qualify them to make a significant contribution to the work of the Council and should, in sum, as far as possible reflect in a balanced way the major viewpoints or interests in these fields in all areas and regions of the world.

### Part III

#### Establishment of consultative relationships

21. In establishing consultative relationships with each organization, regard shall be given to the nature and scope of its activities and to the assistance it may be expected to give to the Economic and Social Council or its subsidiary bodies in carrying out the functions set out in Chapters IX and X of the Charter of the United Nations.

22. Organizations that are concerned with most of the activities of the Council and its subsidiary bodies and can demonstrate to the satisfaction of the Council that they have substantive and sustained contributions to make to the achievement of the objectives of the United Nations in fields set out in paragraph 1 above and are closely involved with the economic and social life of the peoples of the areas they represent and whose membership, which should be considerable, is broadly representative of major segments of society in a large number of countries in different regions of the world shall be known as organizations in general consultative status.

23. Organizations that have a special competence in and are concerned specifically with only a few of the fields of activity covered by the Council and its subsidiary bodies, and that are known within the fields for which they have or seek consultative status shall be known as organizations in special consultative status.

24. Other organizations that do not have general or special consultative status but that the Council, or the Secretary-General in consultation with the Council or its Committee on Non-Governmental Organizations, considers can make occasional and useful contributions to the work of the Council or its subsidiary bodies or other United Nations bodies within their competence shall be included in a list (to be known as the Roster). This list may also include organizations in consultative status or a similar relationship with a specialized agency or a United Nations body. These organizations shall be available for consultation at the request of the Council or its subsidiary bodies. The fact that an organization is on the Roster shall not in itself be regarded as a qualification for general or special consultative status should an organization seek such status.

25. Organizations to be accorded special consultative status because of their interest in the field of human rights should pursue the goals of promotion and

protection of human rights in accordance with the spirit of the Charter of the United Nations, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993.

26. Major organizations one of whose primary purposes is to promote the aims, objectives and purposes of the United Nations and a furtherance of the understanding of its work may be accorded consultative status.

### Part IV

#### Consultation with the Economic and Social Council

##### Provisional agenda

27. The provisional agenda of the Economic and Social Council shall be communicated to organizations in general consultative status and special consultative status and to those on the Roster.

28. Organizations in general consultative status may propose to the Committee on Non-Governmental Organizations that the Committee request the Secretary-General to place items of special interest to the organizations in the provisional agenda of the Council.

##### Attendance at meetings

29. Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the Economic and Social Council and its subsidiary bodies. Those on the Roster may have representatives present at such meetings concerned with matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.

##### Written statements

30. Written statements relevant to the work of the Economic and Social Council may be submitted by organizations in general consultative status and special consultative status on subjects in which these organizations have a special competence. Such statements shall be circulated by the Secretary-General to the members of the Council, except those statements that have become obsolete, for example, those dealing with matters already disposed of and those that had already been circulated in some other form.

31. The following conditions shall be observed regarding the submission and circulation of such statements:

(a) The written statement shall be submitted in one of the official languages;

(b) It shall be submitted in sufficient time for appropriate consultation to take place between the Secretary-General and the organization before circulation;

(c) The organization shall give due consideration to any comments that the Secretary-General may make in the course of such consultation before transmitting the statement in final form;

(d) A written statement submitted by an organization in general consultative status will be circulated in full if it does not exceed 2,000 words. Where a statement is in excess of 2,000 words, the organization shall submit a summary which will be circulated or shall supply sufficient copies of the full text in the working

languages for distribution. A statement will also be circulated in full, however, upon a specific request of the Council or its Committee on Non-Governmental Organizations;

(e) A written statement submitted by an organization in special consultative status or on the Roster will be circulated in full if it does not exceed 500 words. Where a statement is in excess of 500 words, the organization shall submit a summary which will be circulated: such statements will be circulated in full, however, upon a specific request of the Council or its Committee on Non-Governmental Organizations;

(f) The Secretary-General, in consultation with the President of the Council, or the Council or its Committee on Non-Governmental Organizations, may invite organizations on the Roster to submit written statements. The provisions of subparagraphs (a), (b), (c) and (e) above shall apply to such statements;

(g) A written statement or summary, as the case may be, will be circulated by the Secretary-General in the working languages, and, upon the request of a member of the Council, in any of the official languages.

#### Oral presentations during meetings

32. (a) The Committee on Non-Governmental Organizations shall make recommendations to the Economic and Social Council as to which organizations in general consultative status should make an oral presentation to the Council and on which items they should be heard. Such organizations shall be entitled to make one statement to the Council, subject to the approval of the Council. In the absence of a subsidiary body of the Council with jurisdiction in a major field of interest to the Council and to organizations in special consultative status, the Committee may recommend that organizations in special consultative status be heard by the Council on the subject in its field of interest;

(b) Whenever the Council discusses the substance of an item proposed by a non-governmental organization in general consultative status and included in the agenda of the Council, such an organization shall be entitled to present orally to the Council, as appropriate, an introductory statement of an expository nature. Such an organization may be invited by the President of the Council, with the consent of the relevant body, to make, in the course of the discussion of the item before the Council, an additional statement for purposes of clarification.

#### Part V

#### Consultation with commissions and other subsidiary organs of the Economic and Social Council

##### Provisional agenda

33. The provisional agenda of sessions of commissions and other subsidiary organs of the Economic and Social Council shall be communicated to organizations in general consultative status and special consultative status and those on the Roster.

34. Organizations in general consultative status may propose items for the provisional agenda of commissions, subject to the following conditions:

(a) An organization that intends to propose such an item shall inform the Secretary-General at least sixty-three days before the commencement of the session and before formally proposing an item shall give due

consideration to any comments the Secretary-General may make;

(b) The proposal shall be formally submitted with the relevant basic documentation not later than forty-nine days before the commencement of the session. The item shall be included in the agenda of the commission if it is adopted by a two-thirds majority of those present and voting.

#### Attendance at meetings

35. Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the commissions and other subsidiary organs of the Economic and Social Council. Organizations on the Roster may have representatives present at meetings concerning matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.

#### Written statements

36. Written statements relevant to the work of the commissions or other subsidiary organs may be submitted by organizations in general consultative status and special consultative status on subjects for which these organizations have a special competence. Such statements shall be circulated by the Secretary-General to members of the commission or other subsidiary organs, except those statements that have become obsolete, for example those dealing with matters already disposed of and those that have already been circulated in some other form to members of the commission or other subsidiary organs.

37. The following conditions shall be observed regarding the submission and circulation of such written statements:

(a) The written statement shall be submitted in one of the official languages;

(b) It shall be submitted in sufficient time for appropriate consultation to take place between the Secretary-General and the organization before circulation;

(c) The organization shall give due consideration to any comments that the Secretary-General may make in the course of such consultation before transmitting the statement in final form;

(d) A written statement submitted by an organization in general consultative status will be circulated in full if it does not exceed 2,000 words. Where a statement is in excess of 2,000 words, the organization shall submit a summary, which will be circulated, or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon the specific request of the commission or other subsidiary organs;

(e) A written statement submitted by an organization in special consultative status will be circulated in full if it does not exceed 1,500 words. Where a statement is in excess of 1,500 words, the organization shall submit a summary, which will be circulated, or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon the specific request of the commission or other subsidiary organs;

(f) The Secretary-General, in consultation with the chairman of the relevant commission or other subsidiary organ, or the commission or other subsidiary organ

itself, may invite organizations on the Roster to submit written statements. The provisions in subparagraphs (a), (b), (c) and (e) above shall apply to such statements;

(g) A written statement or summary, as the case may be, will be circulated by the Secretary-General in the working languages and, upon the request of a member of the commission or other subsidiary organ, in any of the official languages.

#### Oral presentations during meetings

38. (a) The commission or other subsidiary organs may consult with organizations in general consultative status and special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged upon the request of the organization;

(b) On the recommendation of the Secretary-General and at the request of the commission or other subsidiary organs, organizations on the Roster may also be heard by the commission or other subsidiary organs.

#### Special studies

39. Subject to the relevant rules of procedure on financial implications, a commission or other subsidiary organ may recommend that an organization that has special competence in a particular field should undertake specific studies or investigations or prepare specific papers for the commission. The limitations of paragraphs 37 (d) and (e) above shall not apply in this case.

#### Part VI

##### Consultations with ad hoc committees of the Economic and Social Council

40. The arrangements for consultation with ad hoc committees of the Economic and Social Council authorized to meet between sessions of the Council and organizations in general consultative status and special consultative status and on the Roster shall follow those approved for commissions of the Council, unless the Council or the committee decides otherwise.

#### Part VII

##### Participation of non-governmental organizations in international conferences convened by the United Nations and their preparatory process

41. Where non-governmental organizations have been invited to participate in an international conference convened by the United Nations, their accreditation is the prerogative of Member States, exercised through the respective preparatory committee. Such accreditation should be preceded by an appropriate process to determine their eligibility.

42. Non-governmental organizations in general consultative status, special consultative status and on the Roster that express their wish to attend the relevant international conferences convened by the United Nations and the meetings of the preparatory bodies of the said conferences shall as a rule be accredited for participation. Other non-governmental organizations wishing to be accredited may apply to the secretariat of the conference for this purpose in accordance with the following requirements.

43. The secretariat of the conference shall be responsible for the receipt and preliminary evaluation of requests from non-governmental organizations for accreditation to the conference and its preparatory process. In the discharge of its functions, the secretariat of the conference shall work in close cooperation and coordination with the Non-Governmental Organizations

Section of the Secretariat, and shall be guided by the relevant provisions of Council resolution 1296(XLIV) as updated.

44. All such applications must be accompanied by information on the competence of the organization and the relevance of its activities to the work of the conference and its preparatory committee, with an indication of the particular areas of the conference agenda and preparations to which such competence and relevance pertain, and should include, inter alia, the following information:

(a) The purpose of the organization;

(b) Information as to the programmes and activities of the organization in areas relevant to the conference and its preparatory process and the country or countries in which they are carried out. Non-governmental organizations seeking accreditation shall be asked to confirm their interest in the goals and objectives of the conference;

(c) Confirmation of the activities of the organization at the national, regional or international level;

(d) Copies of the annual or other reports of the organization with financial statements and a list of financial sources and contributions, including governmental contributions;

(e) A list of members of the governing body of the organization and their countries of nationality;

(f) A description of the membership of the organization, indicating the total number of members, the names of organizations that are members and their geographical distribution;

(g) A copy of the constitution and/or by-laws of the organization.

45. In the evaluation of the relevance of applications of non-governmental organizations for accreditation to the conference and its preparatory process, it is agreed that a determination shall be made based on their background and involvement in the subject areas of the conference.

46. The secretariat of the conference shall publish and disseminate to Member States on a periodic basis the updated list of applications received. Member States may submit comments on any of the applications on the list fourteen days from receipt of the above-mentioned list by Member States. The comments of Member States shall be communicated to the non-governmental organization concerned, which shall have the opportunity to respond.

47. In cases where the secretariat of the conference believes, on the basis of the information provided in accordance with the present resolution, that the organization has established its competence and the relevance of its activities to the work of the preparatory committee, it shall recommend to the preparatory committee that the organization be accredited. In cases where the secretariat does not recommend the granting of accreditation, it shall make available to the preparatory committee its reasons for not doing so. The secretariat should ensure that its recommendations are available to members of the preparatory committee at least one week prior to the start of each session. The secretariat must notify such applicants of the reasons for non-recommendation and provide an opportunity to respond to objections and furnish additional information as may be required.



48. The preparatory committee shall decide on all recommendations for accreditation within twenty-four hours after the recommendations of the secretariat have been taken up by the preparatory committee in plenary meeting. In the event of a decision not being taken within this period, interim accreditation shall be accorded until such time as a decision is taken.

49. A non-governmental organization that has been granted accreditation to attend a session of the preparatory committee, including related preparatory meetings of regional commissions, may attend all its future sessions, as well as the conference itself.

50. In recognition of the intergovernmental nature of the conference and its preparatory process, active participation of non-governmental organizations therein, while welcome, does not entail a negotiating role.

51. The non-governmental organizations accredited to the international conference may be given, in accordance with established United Nations practice and at the discretion of the chairperson and the consent of the body concerned, an opportunity to briefly address the preparatory committee and the conference in plenary meetings and their subsidiary bodies.

52. Non-governmental organizations accredited to the conference may make written presentations during the preparatory process in the official languages of the United Nations as they deem appropriate. Those written presentations shall not be issued as official documents except in accordance with the rules of procedure of the United Nations.

53. Non-governmental organizations without consultative status that participate in international conferences and wish to obtain consultative status later on should apply through the normal procedures established under Council resolution 1296(XLIV) as updated. Recognizing the importance of the participation of non-governmental organizations that attend a conference in the follow-up process, the Committee on Non-Governmental Organizations, in considering their application, shall draw upon the documents already submitted by that organization for accreditation to the conference and any additional information submitted by the non-governmental organization supporting its interest, relevance and capacity to contribute to the implementation phase. The Committee shall review such applications as expeditiously as possible so as to allow participation of the respective organization in the implementation phase of the conference. In the interim, the Economic and Social Council shall decide on the participation of non-governmental organizations accredited to an international conference in the work of the relevant functional commission on the follow-up to and implementation of that conference.

54. The suspension and withdrawal of the accreditation of non-governmental organizations to United Nations international conferences at all stages shall be guided by the relevant provisions of the present resolution.

#### Part VIII

##### Suspension and withdrawal of consultative status

55. Organizations granted consultative status by the Economic and Social Council and those on the Roster shall conform at all times to the principles governing the establishment and nature of their consultative rela-

tions with the Council. In periodically reviewing the activities of non-governmental organizations on the basis of the reports submitted under paragraph 61 (c) below and other relevant information, the Committee on Non-Governmental Organizations shall determine the extent to which the organizations have complied with the principles governing consultative status and have contributed to the work of the Council, and may recommend to the Council suspension of or exclusion from consultative status of organizations that have not met the requirements for consultative status as set forth in the present resolution.

56. In cases where the Committee on Non-Governmental Organizations has decided to recommend that the general or special consultative status of a non-governmental organization or its listing on the Roster be suspended or withdrawn, the non-governmental organization concerned shall be given written reasons for that decision and shall have an opportunity to present its response for appropriate consideration by the Committee as expeditiously as possible.

57. The consultative status of non-governmental organizations with the Economic and Social Council and the listing of those on the Roster shall be suspended for up to three years or withdrawn in the following cases:

(a) If an organization, either directly or through its affiliates or representatives acting on its behalf, clearly abuses its status by engaging in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations including unsubstantiated or politically motivated acts against States Members of the United Nations incompatible with those purposes and principles;

(b) If there exists substantiated evidence of influence from proceeds resulting from internationally recognized criminal activities such as the illicit drugs trade, money-laundering or the illegal arms trade;

(c) If, within the preceding three years, an organization did not make any positive or effective contribution to the work of the United Nations and, in particular, of the Council or its commissions or other subsidiary organs.

58. The consultative status of organizations in general consultative status and special consultative status and the listing of those on the Roster shall be suspended or withdrawn by the decision of the Economic and Social Council on the recommendation of its Committee on Non-Governmental Organizations.

59. An organization whose consultative status or whose listing on the Roster is withdrawn may be entitled to reapply for consultative status or for inclusion on the Roster not sooner than three years after the effective date of such withdrawal.

#### Part IX

##### Committee on Non-Governmental Organizations

60. The members of the Committee on Non-Governmental Organizations shall be elected by the Economic and Social Council on the basis of equitable geographical representation, in accordance with the relevant Council resolutions and decision and rules of procedure of the Economic and Social Council. The Committee shall elect its Chairman and other officers as necessary.

61. The functions of the Committee shall include the following:

(a) The Committee shall be responsible for regular monitoring of the evolving relationship between non-governmental organizations and the United Nations. With a view to fulfilling this responsibility, the Committee shall hold, before each of its sessions and at other times as necessary, consultations with organizations in consultative status to discuss questions of interest to the Committee or to the organizations relating to the relationship between the non-governmental organizations and the United Nations. A report on such consultations shall be transmitted to the Council for appropriate action;

(b) The Committee shall hold its regular session before the substantive session of the Council each year and preferably before the sessions of functional commissions of the Council to consider applications for general consultative status and special consultative status and for listing on the Roster made by non-governmental organizations and requests for changes in status, and to make recommendations thereon to the Council. Upon approval by the Council, the Committee may hold other meetings as required to fulfil its mandated responsibilities. Organizations shall give due consideration to any comments on technical matters that the Secretary-General may make in receiving such applications for the Committee. The Committee shall consider at each such session applications received by the Secretary-General not later than 1 June of the preceding year on which sufficient data have been distributed to the members of the Committee not later than six weeks before the applications are to be considered. Transitional arrangements, if possible, may be made during the current year only. Reapplication by an organization for status or a request for a change in status shall be considered by the Committee at the earliest at its first session in the second year following the session at which the substance of the previous application or request was considered, unless at the time of such consideration it was decided otherwise;

(c) Organizations in general consultative status and special consultative status shall submit to the Committee through the Secretary-General every fourth year a brief report of their activities, specifically as regards the support they have given to the work of the United Nations. Based on findings of the Committee's examination of the report and other relevant information, the Committee may recommend to the Council any reclassification in status of the organization concerned as it deems appropriate. However, under exceptional circumstances, the Committee may ask for such a report from an individual organization in general consultative status or special consultative status or on the Roster between the regular reporting dates;

(d) The Committee may consult, in connection with sessions of the Council or at such other times as it may decide, with organizations in general consultative status and special consultative status on matters within their competence, other than items on the agenda of the Council, on which the Council or the Committee or the organization requests consultation. The Committee shall report to the Council on such consultations;

(e) The Committee may consult, in connection with any particular session of the Council, with organizations in general consultative status and special consultative status on matters within the competence of the

organizations concerning specific items already in the provisional agenda of the Council on which the Council or the Committee or the organization requests consultation, and shall make recommendations as to which organizations, subject to the provisions of paragraph 32 (a) above, should be heard by the Council or the appropriate committee and regarding which subjects should be heard. The Committee shall report to the Council on such consultations;

(f) The Committee shall consider matters concerning non-governmental organizations that may be referred to it by the Council or by its commissions;

(g) The Committee shall consult with the Secretary-General, as appropriate, on matters affecting the consultative arrangements under Article 71 of the Charter of the United Nations, and arising therefrom;

(h) An organization that applies for consultative status should attest that it has been in existence for at least two years as at the date of receipt of the application by the Secretariat. Evidence of such existence shall be furnished to the Secretariat.

62. The Committee, in considering a request from a non-governmental organization in general consultative status that an item be placed on the agenda of the Council, shall take into account, among other things:

(a) The adequacy of the documentation submitted by the organization;

(b) The extent to which it is considered that the item lends itself to early and constructive action by the Council;

(c) The possibility that the item might be more appropriately dealt with elsewhere than in the Council.

63. Any decision by the Council Committee on Non-Governmental Organizations not to grant a request submitted by a non-governmental organization in general consultative status that an item be placed on the provisional agenda of the Council shall be considered final unless the Council decides otherwise.

#### Part X

##### Consultation with the Secretariat

64. The Secretariat should be so organized as to enable it to carry out the duties assigned to it concerning the consultative arrangements and the accreditation of non-governmental organizations to United Nations international conferences as set forth in the present resolution.

65. All organizations in consultative relationship shall be able to consult with officers of the appropriate sections of the Secretariat on matters in which there is a mutual interest or a mutual concern. Such consultation shall be upon the request of the non-governmental organization or at the request of the Secretary-General.

66. The Secretary-General may request organizations in general consultative status and special consultative status and those on the Roster to carry out specific studies or prepare specific papers, subject to the relevant financial regulations.

67. The Secretary-General shall be authorized, within the means at his disposal, to offer to non-governmental organizations in consultative relationship facilities that include:

(a) Prompt and efficient distribution of such documents of the Economic and Social Council and its subsidiary bodies as shall in the judgement of the Secretary-General be appropriate;

- (b) Access to the press documentation services provided by the United Nations;
- (c) Arrangement of informal discussions on matters of special interest to groups or organizations;
- (d) Use of the libraries of the United Nations;
- (e) Provision of accommodation for conferences or smaller meetings of consultative organizations on the work of the Council;
- (f) Appropriate seating arrangements and facilities for obtaining documents during public meetings of the General Assembly dealing with matters in the economic, social and related fields.

#### Part XI

##### Secretariat support

68. Adequate Secretariat support shall be required for fulfilment of the mandate defined for the Committee on Non-Governmental Organizations with respect to carrying out the wider range of activities in which the enhanced involvement of non-governmental organizations is envisaged. The Secretary-General is requested to provide the necessary resources for this purpose and to take steps for improving the coordination within the Secretariat of units dealing with non-governmental organizations.

69. The Secretary-General is requested to make every effort to enhance and streamline as appropriate Secretariat support arrangements, to improve practical arrangements on such matters as greater use of modern information and communication technology, establishment of an integrated database of non-governmental organizations, wide and timely dissemination of information on meetings, distribution of documentation, provision of access and transparent, simple and streamlined procedures for the attendance of non-governmental organizations at United Nations meetings and to facilitate their broad-based participation.

70. The Secretary-General is requested to make the present resolution widely known, through proper channels, to facilitate the involvement of non-governmental organizations from all regions and areas of the world.

Economic and Social Council resolution 1996/31  
25 July 1996 Meeting 49 Adopted without vote  
Draft by President (E/1996/L.25 & Corr.1), based on informal consultations; agenda item 10.  
Meeting numbers. ESC 48, 49.

##### Committee on NGOs

The Committee on NGOs, at its resumed 1995 session (New York, 29 January-2 February 1996) [E/1996/17], considered two applications for consultative status with the Economic and Social Council and reviewed the quadrennial reports submitted by NGOs in categories I and II consultative status on their activities over the periods 1988-1991 and 1990-1993. It approved the provisional agenda for its 1996 session and recommended four draft decisions for adoption by the Council.

On 2 May, the Council, by **decision 1996/216**, approved category II consultative status for ISIS International (Chile) and ISIS International

Women's Information and Communication Service. By **decision 1996/217** of the same date, the Council decided that the consultative status of 12 organizations in categories I and II that had failed to report on their activities for 1988-1991 be withdrawn. It also approved the 1996 provisional agenda of the Committee (**decision 1996/219**).

In accordance with **decision 1996/209** of 9 February, the Committee on NGOs met for its 1996 session [E/1996/102 & Add.1 & Add.1/Corr.1] in New York from 13 to 17 May, from 26 to 30 August and on 2 October. It considered applications for consultative status and reviewed the quadrennial reports [E/C.2/1996/3] submitted by NGOs in categories I and II consultative status with the Council. It also considered implementation of a 1995 Economic and Social Council decision [YUN 1995, p. 1445] on review of arrangements for consultation with NGOs and of **decision 1996/302** on NGOs on the Roster for the purposes of the work of the Commission on Sustainable Development. The Committee also considered the format of documentation for its 1997 session (see below). It recommended four draft decisions for adoption by the Council.

The Council, by **decisions 1996/313** and **1996/314** of 14 November, approved the Committee's recommendations that 11 NGOs be granted general consultative status (formerly category I), 62 be granted special consultative status (formerly category II) and 83 be listed on the Roster.

On 20 November, the Council, by **decision 1996/319**, took note of the report of the Committee on NGOs on its 1996 session.

The Council, by **decision 1996/316** of 14 November, decided that the 1997 session of the Committee, which was to have been held in New York from 31 March to 11 April, should be held from 5 to 16 May.

##### Committee documentation

The Committee on NGOs considered the format of documentation for its 1997 session and agreed that information submitted by NGOs relating to applications for consultative status and requests for reclassification would be circulated in the language of submission, and only certain questions of the application questionnaire would be translated. The questionnaire would also be revised. The Committee, noting that its documentation was issued only in English, French and Spanish, recommended to the Economic and Social Council that it be issued in all six official languages of the Council, from within existing resources.

In a November statement [E/1996/L.58] on programme budget implications of a draft decision

on the subject [E/1996/L.57], the Secretary-General stated that it would not be possible to accommodate the \$860,700 in additional conference-servicing requirements from within the resources budgeted for conference services. Accommodation of those requirements would be reviewed by the General Assembly at its fifty-first (current) session.

By decision 1996/318 of 20 November, the Council postponed consideration of the question of Committee documentation to its 1997 organizational session.

#### Requests for hearings

The Committee on NGOs met in New York on 21 June to hear requests from NGOs in category I consultative status to address the Council in connection with items on its agenda. The Committee recommended that 18 NGOs be heard by the Council at its 1996 substantive session [E/1996/78].

On 2 July, by decision 1996/224, the Council approved that recommendation.

#### Participation of NGOs not in consultative status

On 9 February, the Economic and Social Council, by decision 1996/208, invited all NGOs that were accredited to participate in the 1995 Fourth World Conference on Women and the 1995 World Summit for Social Development and that were not in consultative status with the Council to participate, respectively, at the fortieth (1996) session of the Commission on the Status of Women and the special (1996) session of the Commission for Social Development; those NGOs should be accorded rights of participation equivalent to NGOs with Roster status, but that would in no way confer on them Roster or any other consultative status with the Council and its subsidiary bodies.

On 14 November, the Council, by decision 1996/315, decided, as an interim measure and in conformity with paragraph 53 of resolution 1996/31, to invite those NGOs accredited to the Fourth World Conference on Women or the World Summit for Social Development to attend only the forty-first (1997) session of the Commission on the Status of Women or the thirty-fifth (1997) session of the Commission for Social Development, provided they had started the process of applying for consultative status no later than one month prior to the relevant session. It also requested the Secretary-General to draw to the attention of those NGOs accredited to the two conferences to the decision of the Council and to the process established under resolution 1996/31.

At meetings on 29 January [E/1996/17] and 2 October [E/1996/102/Add.1 & Corr.1], the Committee on NGOs recommended that the Council authorize 28 NGOs of indigenous people not in consulta-

tive status with it to participate in the open-ended inter-sessional Working Group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples (see PART TWO, Chapter II). On 2 May, 10 October and 14 November, the Council approved those requests in decisions 1996/218 and 1996/309 A and B, respectively.

On 26 July, the Council, by decision 1996/302, confirmed that the NGOs referred to in a 1993 Council decision [YUN 1993, p. 668] were on the Roster for the purposes of the work of the Commission on Sustainable Development. It decided that those NGOs wishing to expand their participation in other Council work should so inform the Committee on NGOs. The Council also decided to place the item on the agenda of the Committee for the second part of its 1996 session and requested the Secretary-General to inform those NGOs of the Council's decision.

## Conferences and meetings

In 1996 [A/51/32], the Committee on Conferences examined requests for additions and changes to the approved calendar of conferences and meetings for 1996 [A/AC.172/1996/2] and adopted a draft revised calendar for 1997. The Committee considered matters related to, and inter-sessional departures from, the approved calendar for 1996; improved utilization of conference-servicing resources, including consultations with UN bodies concerning utilization of conference services and facilities available to them, provision of interpretation services to meetings of regional and other major groupings and a cost-accounting system for conference services; control and limitation of documentation; UN publications policy; and review of the programme performance for the 1994-1995 biennium. Other matters considered by the Committee included the subprogramme on conference services of the medium-term plan for 1998-2001; the impact on conference services of the Secretary-General's report on the proposed programme budget for 1996-1997; host country agreements; audio-recording of informal consultations; and an e-mail address for transmission of requests for meeting rooms for the convening of bilateral meetings.

The Committee held an organizational session on 1 February, its substantive session on 19, 20, 22 and 23 August and its resumed substantive session on 19 September.

The Committee approved requests for changes in venue made by the Advisory Board on Disarmament Matters, to meet from 1 to 5 July in Geneva rather than in New York; by the Panel of External Auditors of the United Nations and the United Nations Board of Auditors, to meet in Vienna; and by the United Nations Group of Experts on Geographical Names, to meet in Geneva from 12 to 23 August rather than in New York from 10 to 21 June. It considered, but did not approve, the proposed convening by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of a seminar in Port Moresby, Papua New Guinea, from 12 to 14 June, to review the political, economic and social conditions in small island Non-Self-Governing Territories.

The Committee on Conferences recommended that the General Assembly adopt the draft revised calendar of conferences and meetings for 1997 as amended, and authorize the Committee to make adjustments to that calendar as a result of action by the Assembly. It invited bodies not to hold meetings on 10 February or 17 April 1997, in accordance with a 1995 Assembly decision [YUN 1995, p. 1449] to avoid holding meetings on those two Muslim holy days (Id al-Fitr and Id al-Adha), and requested the Secretariat to make similar arrangements when drafting the biennial calendar for 1998-1999. The Committee recommended that the Assembly grant waivers to the headquarters rule requiring bodies to meet at their established headquarters solely on the basis of a recommendation of the Committee. It also recommended that the Assembly invite all its subsidiary bodies authorized to meet away from their established headquarters to review the exception to the headquarters rule in the light of the current situation of their work, and to make recommendations thereon, through the Committee on Conferences, to the Assembly at its fifty-second (1997) session. The Economic and Social Council's subsidiary bodies should also be invited to carry out the same review. The Committee further recommended that the Assembly request those bodies that had not fully utilized their meeting entitlements, including the duration of their sessions, to review their meeting entitlements. The Assembly should also consider the budgetary impact of any meetings added to the calendar of conferences and meetings for the 1996-1997 biennium, taking into account the letter [A/C.5/50/66] of the Chairman of the Committee on Conferences (see below) to the Chairman of the Fifth Committee, to the effect that available resources would be sufficient to service only

those meetings approved in the calendar, and no additional meetings requested by any intergovernmental organ could be accommodated without additional resources.

With regard to requests for exceptions to be made to a 1985 General Assembly resolution [YUN 1985, p. 1256], which stated that no subsidiary organ of the Assembly should meet at Headquarters during a regular session of the Assembly unless so authorized, the Committee recommended that the Assembly authorize the following bodies to meet in New York during the fifty-first session: the Committee on Relations with the Host Country; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Working Group on the Financing of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East; the Executive Board of the United Nations Children's Fund; the Special Committee on Peacekeeping Operations; and the Committee on Conferences.

The Committee requested the Secretariat to continue to include data, in the letters of authorization, on their past utilization of conference-servicing resources during the General Assembly, and to encourage them to inform the Secretariat of the anticipated duration of meetings in order to achieve maximum utilization of conference-servicing resources.

### Intergovernmental meetings

At the request of the host Governments of several intergovernmental conferences in 1996, the main documents of those meetings were transmitted to the Secretary-General for circulation as documents of the General Assembly, the Security Council or both, as follows:

Sixty-fourth regular session of the Organization of African Unity (OAU) Council of Ministers (Yaoundé, Cameroon, 1-5 July) [S/1996/569]; thirty-second session of the Assembly of Heads of State and Government of OAU (Yaoundé, 8-10 July) [A/51/229]; Annual Coordination Meeting for the Ministers of Foreign Affairs of the Organization of the Islamic Conference (OIC) (New York, 2 October) [A/51/773-S/1997/43]; twenty-fourth session of the Conference of Foreign Ministers of OIC (Jakarta, Indonesia, 9-13 December) [A/51/774-S/1997/45]; Ministerial Council of the Gulf Cooperation Council, fifty-eighth session (Riyadh, Saudi Arabia, 16-17 March) [A/51/119-S/1996/305], fifty-ninth session (Riyadh, 1-2 June) [A/51/158-S/1996/409], sixtieth session (Riyadh, 7-8 September) [A/51/387-S/1996/767]; seventeenth session of the Supreme Council of the Gulf Cooperation Council (Doha, Qatar, 7-9 December) [A/51/717-S/1996/1030]; Tenth Summit of the Heads of State and Government of the Rio Group (Cochabamba, Bolivia, 3-4 September) [A/51/375]; Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries (New York, 25

September) [A/51/473-S/1996/839]; twentieth annual meeting of Ministers for Foreign Affairs of the Group of 77 (New York, 27 September) [A/51/471]; and twenty-seventh South Pacific Forum (Majuro, Marshall Islands, 3-5 September) [A/51/357].

### Use of conference services

As requested in General Assembly resolution 50/206 A [YUN 1995, p. 1449], the Secretary-General submitted in July 1996 a report [A/51/253] on the results of the active dialogue between the Office of Conference and Support Services and the substantive secretariats of intergovernmental bodies on measures to enhance the utilization of conference services. The Secretary-General said that a series of consultations were held on 30 January, 19 March and 24 May with the secretariats of all intergovernmental bodies meeting in New York in 1996, including sessional bodies. During those consultations, emphasis was placed on the need for secretariats regularly to apprise their bodies of the critical financial situation of the Organization and of the consequences for provision of conference services. It was agreed that intergovernmental bodies should realistically reassess their need for meeting and documentation services in the light of the cost-saving measures taken by the Organization.

Consultations were also held in Geneva between the Conference Services Division and secretariats of intergovernmental bodies meeting there. Emphasis was placed on the principal causes of underutilization, such as late starts, early adjournments and cancellations involving resources that could not be reassigned. Bodies concerned were urged to assess their need for conference-servicing resources with a view to shortening their sessions. The rules and regulations on control and limitation of documentation were also reviewed.

The consultations held in Vienna focused on ways to make the most cost-effective use of reduced conference resources. As a result of those consultations, a note to secretaries of meetings was updated, which highlighted issues such as the reduction of the number of copies of documents distributed and not redistributing pre-session documentation; not extending meetings without Assembly approval; and the costliness to the Organization of the cancellation of interpretation services once contracts had been issued.

The Chairman of the Committee on Conferences, as requested by the Committee in 1995 [YUN 1995, p. 1449], reported on 19 August to the Committee on consultations held with the Chairmen of the Committee on Information and the Ad Hoc Committee on the Indian Ocean, bodies that had consistently used less than the applica-

ble benchmark figures of their allocated resources in 1993-1995. He also reported on replies he had received from chairmen of subsidiary bodies that had utilized less than 80 per cent of their conference-servicing resources in 1994, in response to the Committee's request for reports on measures to improve their utilization of conference-servicing resources and to assess their need for such resources, with a view to reducing the conference resources requested. The Chairman reported further on consultations with various bodies and committees to ensure rational allocation and capacity utilization of all UN conference facilities at Headquarters and other duty stations to address the imbalance to enhance capacity utilization and cost-effectiveness of facilities.

In August, the Secretary-General reported [A/AC.172/1996/3] on the improved utilization of conference servicing and provided statistics for 1995 on the planned and actual use of UN conference resources allocation to a sample of bodies, as well as an analysis of the statistics, including the overall and average utilization factors, and a breakdown in terms of percentages of the meetings ratio and planning accuracy factor of the bodies in the sample. The average utilization factor for 1995 was 78 per cent, down 4 per cent from 1994 [YUN 1995, p. 1449].

In a 6 September letter [A/C.4/51/6] to the Chairman of the Assembly's Fourth (Special Political and Decolonization) Committee, the Chairman of the Committee on Conferences stated that the demand for services by intergovernmental bodies continued to grow, even as the Organization endeavoured to cut back in response to its increasingly severe financial constraints. He said that the cost to the Secretariat of producing a single page of documentation in the six official languages was \$916, of which \$602 stemmed from translation, while the average cost of one meeting was \$4,553, of which \$4,194 was for interpretation. In 1995, the overall utilization rate of allocated conference resources at Headquarters, Geneva and Vienna had been 76 per cent, compared to the benchmark figure of 80 per cent, owing to the late starting and early ending of meetings and sessions and repeated cancellations.

The Chairman proposed that bodies review their needs with a view to rationalizing requests for services. To save time, experience showed that the chairman's presence in a conference room set an example for delegations to arrive punctually. Full use of meeting time could be ensured if meetings were convened only when an adequate number of speakers were inscribed on the list and if several items were placed on the agenda. Sessions could be shortened if a time limit for speak-

ers were set. During the planning stage, arrangements could be made to dovetail brief sessional meetings with those of a body's regional groups or other bodies meeting on an "as available" basis. If Conference Services were informed at least a day in advance of a cancellation, the resources thus released could be "recycled" to other groups. Bodies could review their recurrent documentation and eliminate those deemed unnecessary; some reports could be considered on a biennial or triennial basis; agenda items could be merged and reports consolidated accordingly; bodies could request oral reports rather than written reports; and restraint could be exercised in making requests for new reports.

The Committee on Conferences noted with concern that the overall and average utilization factors (76 and 78 per cent, respectively) of the core sample of bodies included in the Secretary-General's report were below the benchmark figure of 80 per cent.

The Committee requested its Chairman to continue to consult with the chairmen of bodies that had consistently utilized less than the applicable benchmark figure of their allocated resources for the past three sessions and to make recommendations to achieve the optimum utilization of conference-servicing resources. He should invite those bodies that had utilized less than 80 per cent of their resources in 1995 to report on measures taken to improve their utilization of those resources and to assess their need for such resources, with a view to reducing the resources requested. It endorsed the idea that the Secretariat make the active dialogue between Conference Services and the secretariats of intergovernmental bodies a permanent coordination feature and directed that action be taken in that regard at Headquarters, in Geneva and in Vienna, where it had noted a need for improved coordination, including between the Secretariat and Member States, in the scheduling of meetings. The Chairman of the Committee, with the assistance of the Secretariat, should emphasize to intergovernmental bodies the importance of starting meetings in a timely manner, indicating the costs of conference servicing and measures that could be taken to improve utilization of conference-servicing resources.

The Committee recommended that Member States be informed of the existence of the model host country agreement contained in an administrative instruction of 8 May 1987 [ST/AI/342] in order to make them aware of the arrangements required in hosting a conference or meeting. It also recommended that the body accepting the invitation be kept informed of the progress made in negotiating the host country agreement in the

course of preparation for a conference with a view to encouraging the timely conclusion of a host country agreement before the conference took place.

#### Budget impact on conference services

Following the issuance of a 28 March report [A/C.5/50/57] of the Secretary-General on the proposed programme budget for the 1996-1997 biennium, the Committee on Conferences on 30 April considered the impact of the proposals therein on conference services. In his report, the Secretary-General proposed to achieve the budgetary savings of \$140 million out of the \$154 million mandated by the General Assembly [GA res. 50/214] in 1995, including a cost reduction resulting from a vacancy rate of 6.4 per cent, changes in programme delivery and efficiency gains related to procedural simplification (for details, see PART FIVE, Chapter II).

The Committee authorized its Chairman to send a letter to the Chairman of the Fifth (Administrative and Budgetary) Committee apprising that Committee of its concerns and views. In a 9 May letter [A/C.5/50/66], the Chairman of the Committee on Conferences stated that the proposals involved a major exercise for Conference Services, which kept its core staff at a lower level than necessary to cover requirements and relied heavily on temporary assistance. To achieve the required targets, it was necessary to reduce temporary assistance, increase the use of self-revision and postpone the purchase of computerized systems for use by Translation Services, as well as other technological innovations, thereby deferring anticipated productivity gains. No additional meetings could be accommodated without additional resources. Document-processing capacity would be reduced, with priority being given to parliamentary documents rather than meeting records.

The Committee on Conferences expressed concern at the impact of those measures on the capacity of Conference Services to meet mandated activities, in terms of both servicing meetings and processing documentation. It stressed that the concurrence of the body concerned had to be sought before any action was taken to alter entitlements to meetings; that increased reliance on self-revision should not impair translation quality; and that all official languages must receive equal treatment. It noted that the deferral of technological innovations, including the modernization of the text-processing services in Vienna, would be counterproductive in terms of cost-effectiveness. More information on the impact of the measures must be provided to enable the Assembly to take an informed decision. That

was provided in an August report of the Secretary-General [A/C.5/50/57/Add.1], in which he proposed measures to realize additional savings of \$14.1 million.

In September, the Committee on Conferences recommended that the Assembly consider the budgetary impact of any meetings added to the approved calendar for 1996-1997, taking into account the statement in the 9 May letter of the Chairman of the Committee regarding resources available for servicing additional meetings requested by intergovernmental organizations.

In a 4 November note [A/C.5/51/22], the Secretariat submitted a list of bodies that had requested additional meetings in 1997, with an indication as to whether those meetings could be accommodated; otherwise, possible alternative dates for doing so were suggested. Further proposals were submitted in addenda of 3 and 12 December [A/C.5/51/22/Add.1,2].

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/211 A** on the pattern of conferences.

The General Assembly,  
Having considered the report of the Committee on Conferences,

Recalling its relevant resolutions, including resolutions 40/243 of 18 December 1985, 43/222 B of 21 December 1988, 47/202 A to D of 22 December 1992, 48/222 A and B of 23 December 1993, 49/221 A to D of 23 December 1994 and 50/206 A to F of 23 December 1995,

1. Notes with appreciation the work of the Committee on Conferences, and takes note of its report;
2. Approves the draft revised calendar of conferences and meetings of the United Nations for 1997 as submitted and amended by the Committee on Conferences, subject to the provisions of the present resolution;
3. Authorizes the Committee on Conferences to make adjustments in the calendar of conferences and meetings for 1997 that may become necessary as a result of actions and decisions taken by the General Assembly at its fifty-first session;
4. Requests the Secretary-General to provide all the conference services required as a result of decisions taken by the General Assembly at its fifty-first session, taking into account, as necessary, the procedures established in Assembly resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987;
5. Also requests the Secretary-General to include in the list of official holidays of the United Nations *Id al-Fitr* and *Id al-Adha*;
6. Decides that no United Nations meetings shall be held on *Id al-Fitr* and *Id al-Adha*, which occur in 1997 on 10 February and 17 April, respectively, and requests the Secretary-General to make the necessary arrangements to ensure strict implementation of this decision when preparing all future draft calendars of conferences and meetings of the United Nations;

7. Decides also that requests for waivers to the headquarters rule contained in General Assembly resolution 40/243 shall be reviewed by the Committee on Conferences prior to consideration by the Assembly;

8. Invites all its subsidiary bodies that are authorized to meet away from their established headquarters to review, in the interest of improved efficiency and cost-effectiveness, the exception to the headquarters rule in the light of the current situation of their work and to make recommendations thereon, through the Committee on Conferences, to the General Assembly at its fifty-second session;

9. Invites the Economic and Social Council to request all its subsidiary bodies to carry out the review referred to in paragraph 8 above;

10. Requests the bodies that have not fully utilized their meeting entitlements, including the duration of their sessions, to review their entitlements and to report the results of their review to the General Assembly through the Committee on Conferences;

11. Expresses concern that the overall and average factors for the utilization of conference services have fallen further and were below the established benchmark figure of 80 per cent in 1995;

12. Reiterates its request to the Committee on Conferences, in consultation with the organs concerned, to examine the cases where the utilization factor is lower than the established benchmark figure for at least three sessions, with a view to reporting on problems and factors that have given rise to such a situation, and to make appropriate recommendations in order to achieve the optimum utilization of conference-servicing resources;

13. Expresses concern about the underutilization of conference facilities at duty stations outside Headquarters, and emphasizes the need to make the most effective use possible of such facilities;

14. Endorses the initiatives taken by the Chairman of the Committee on Conferences with a view to assisting bodies to achieve the optimum utilization of conference-servicing resources and, to that effect, to assess realistically their need for such resources;

15. Requests the Secretary-General to ensure closer cooperation between Headquarters, the United Nations Office at Geneva, the United Nations Office at Vienna and the United Nations Office at Nairobi in order to improve the coordination of conference services;

16. Requests the Secretariat to engage on a regular basis in an active dialogue with Member States as a permanent feature at Headquarters, as well as at the United Nations Office at Geneva, the United Nations Office at Vienna and the United Nations Office at Nairobi, in order to improve the coordination of conference services;

17. Expresses concern that 35 per cent of requests were denied for interpretation services for meetings of regional and other major groupings of Member States, in view of the importance of these meetings for the smooth functioning of sessional bodies, while recognizing that meetings of Charter and mandated bodies must be serviced as a priority;

18. Urges intergovernmental bodies to spare no effort at the planning stage to take into account meetings of regional and other major groupings of Member States, to make provision for such meetings in their programme of work and to notify Conference Services well



in advance of any cancellations so that unutilized conference-servicing resources may, to the extent possible, be reassigned to meetings of regional and other major groupings of States;

19. Reiterates its request to the Secretary-General to provide, within the resources requested for conference services for the biennium 1998-1999, interpretation services for meetings of regional and other major groupings of Member States upon request by those groupings, taking into account the priority due to meetings included in the calendar of conferences and meetings, and to submit a report on the implementation of this decision to the General Assembly at its fifty-second session through the Committee on Conferences;

20. Reaffirms that, in the use of conference rooms, priority should be given to meetings of Member States;

21. Decides that bodies which accept invitations to convene conferences and meetings in host countries should be kept informed, as appropriate, of the progress made in negotiating the host country agreement in the course of preparations for such a conference or meeting, with a view to encouraging the timely conclusion of such an agreement before the conference or meeting takes place.

General Assembly resolution 51/211 A

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/742) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.17), based on informal consultations; agenda item 118.

Meeting numbers. GA 51st session: 5th Committee 7, 8, 10, 13, 15, 17, 46; plenary 89.

### Bilateral and informal meetings

The Committee on Conferences considered establishment of an e-mail address for the transmission of requests for meeting rooms for the convening of bilateral meetings.

The Committee commended the Secretariat for its implementation of General Assembly resolutions [49/221 D and 50/206 F] requesting improved meeting arrangements during Assembly sessions. It recommended that the Secretariat proceed with the establishment of an e-mail capacity through which delegations could make requests for the use of meeting rooms for convening bilateral meetings and contacts among Member States during the general debate of the General Assembly.

As to audio-recording of bilateral consultations, the Committee noted the assurances by the Secretariat that the practice of making audio-recordings of the informal consultations of intergovernmental bodies would be discontinued and recommended that recordings of informal consultations of those bodies should not be made unless the body concerned decided otherwise.

### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/211 E**.

The General Assembly,

Reaffirming its resolutions 49/221 D of 23 December 1994 and 50/206 F of 23 December 1995,

Expresses its appreciation once again to the Secretary-General and the Secretariat for the proper and timely implementation of resolutions 49/221 D and 50/206 F.

General Assembly resolution 51/211 E

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/742) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.17), based on informal consultations; agenda item 118.

Meeting numbers. GA 51st session: 5th Committee 7, 8, 10, 13, 15, 17, 46; plenary 89.

### Regional groups

On 19 April [A/51/125], Cuba, on behalf of the Group of Latin American and Caribbean States, protested the non-granting of certain services by the Secretariat for a meeting of the Group held on 18 April in New York. It referred to General Assembly resolution 50/206 A [YUN 1995, p. 1449] which dealt with the provision of interpretation services to meetings of regional and other major groupings of Member States, and expressed confidence that the situation would not be repeated in the future. The Secretary-General was urged to ensure that all countries could hold their exchanges on important issues for the Organization's work in an adequate manner.

On 19 August, the Committee on Conferences considered the question of the provision of interpretation services to meetings of regional and other major groupings of Member States. The Committee expressed concern that 35 per cent of requests for such services had been denied. It urged intergovernmental bodies to spare no effort in the planning stage to take into account meetings of their regional and other major groupings of Member States, and to dovetail such meetings with those of the sessional body. They should notify Conference Services well in advance of any cancellations so that unutilized conference-servicing resources could, to the extent possible, be reassigned to meetings of regional and other major groupings of States.

### Document control

In response to 1995 General Assembly requests [res. 50/206 B, C and D], the Secretary-General submitted in August a report [A/51/268] on the control and limitation of documentation.

The report examined compliance with and review of the page limits for documentation; format of reports of subsidiary bodies; responses by intergovernmental organizations to a 1995 Assembly request for information on presentation of reports; the provision of written meeting records; and access to the optical disk system.

The Secretary-General reported that 83 per cent of the documents subject to control by the Secretariat complied with the 24-page limit, with an average length of 8.4 pages. In 1995, some 71 documents had exceeded that limit. He stated that considerable progress had been made in improving the format of documentation in all languages and, at the same time, in achieving economies by eliminating almost entirely the use of external typesetting and reducing the use of paper. That was made possible through the installation of advanced word-processing and desktop publishing equipment, respectively, in the text-processing and copy preparation units of the Office of Conference and Support Services. As to control and limitation of documentation, responses from intergovernmental bodies indicated that the Committee on Natural Resources had decided to eliminate from its report to the Economic and Social Council summaries covering the general debate and other statements. It also reduced the number of resolutions recommended for adoption by the Council and the number of reports from the Secretariat. The Committee on Relations with the Host Country had also decided to shorten its report to the General Assembly, without affecting the substance of the topics covered. The United Nations Commission on International Trade Law (UNCITRAL) concluded that, beyond the restraint it was already exercising, no additional measures of the kind suggested could be taken without adversely affecting the fulfilment of its mandate. With regard to the provision of unedited transcripts in place of verbatim records, that had already been implemented in the Committee on the Peaceful Uses of Outer Space.

The Secretary-General also reported that the Working Group on the need to harmonize and improve UN information systems (see below) was of the view that the future development of information services to Member States should focus on the use of Internet technology, and emphasized the need for Member States to have all official documents available via the Internet. To that end, the United Nations Development Programme (UNDP) and the International Telecommunication Union (ITU) were providing, at their request, Internet connectivity to all permanent and observer missions in New York and Geneva, respectively. The UN Office of Conference and Support Services was in the process of linking the optical disk system to the UN Web server to make all documents available to Member States on the Internet in all languages. Direct connections to the optical disk system would remain available. Training in information retrieval and downloading was also being provided.

The Committee on Conferences recommended that the General Assembly reiterate its recommendations to intergovernmental bodies on the control and limitation of documentation and request them to report on measures taken to exercise that control. The Committee on the Peaceful Uses of Outer Space should keep the Assembly informed, through the Committee on Conferences, of its experience with the use of unedited verbatim transcripts. The Committee on Conferences should inform those intergovernmental bodies that received written meeting records of the relevant discussion in the Committee and of the notional costs of written meeting records and unedited verbatim transcripts, and invite them to request the Secretariat to issue unedited transcripts of one meeting for comparison purposes, with a view to the possible substitution of such transcripts for their usual records in the future. The Committee further recommended that the Assembly stress again the need for strict compliance with the existing limits of 24 and 32 pages; request the Secretariat to submit to it, every two years through the Committee, updated information on the number and length of documents. The Secretariat should inform bodies, at the time they requested reports, whether the documents could be produced within established page limits. The Assembly should also request the Secretariat to improve the quality in the substance and presentation of documentation, applying new publishing techniques to enhance readability and reduce paper consumption. Working documents in all languages on the daily list of documents or in the Journal introduced into the optical disk system should be so identified. During the transitional period, the use of such technologies as the optical disk system and the Internet should not constitute an alternative to traditional documents. The Assembly should request the Secretariat to make proposals on facilitating access by developing countries to the optical disk system in all official languages.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/211 B**.

The General Assembly,

Recalling its resolutions on the control and limitation of documentation, including resolutions 47/202 B of 22 December 1992, 48/222 B of 23 December 1993, 49/221 B of 23 December 1994 and 50/206 B and C of 23 December 1995,

1. Takes note of the report of the Secretary-General;
2. Requests the Secretary-General to continue to invite Member States to review their document requirements in order to identify and, where possible, reduce the number and types of documents requested;

3. Also requests the Secretary-General to review the internal requirements of the Secretariat in order to avoid a surplus of documents provided in the Secretariat;

4. Notes that only two intergovernmental bodies have taken positive action in response to paragraphs 6, 7 and 8 of resolution 50/206 C;

5. Reiterates its recommendations on the control and limitation of documentation made to intergovernmental bodies in its resolution 50/206 C, and requests these bodies to report to it, through the Committee on Conferences, on measures taken to implement that resolution;

6. Requests the Committee on the Peaceful Uses of Outer Space to continue to keep it informed, through the Committee on Conferences, of its experience with the use of unedited transcripts;

7. Takes note of the decision of the Committee on Conferences contained in paragraph 89 of its report, and requests the Committee to report on the implementation of that decision to the General Assembly at its fifty-second session;

8. Stresses once again the need for strict compliance with the existing limits of twenty-four pages for documents originating in the Secretariat and thirty-two pages for reports of subsidiary bodies;

9. Requests the Secretary-General to submit every two years, through the Committee on Conferences, updated information on the number and length of documents;

10. Also requests the Secretary-General, to the extent possible, to inform bodies, at the time they request reports, whether the documents can be produced within established page limits;

11. Further requests the Secretary-General to pursue his efforts to improve the quality in the substance and presentation of documentation, applying new publishing techniques to enhance readability and reduce consumption of paper;

12. Reiterates its request to the Secretary-General to ensure that documentation is available in accordance with the six-week rule for the distribution of documents, simultaneously in each of the six official languages of the United Nations;

13. Reaffirms its decision that, should a report be issued late, the reasons for the delay should be indicated when the report is introduced;

14. Reiterates its request to the Joint Inspection Unit to conduct a comprehensive survey of the role publications play in implementing mandates of intergovernmental bodies and the extent to which recurrent publications could be made more cost-effective in this regard, and to submit a report on this matter no later than the end of the fifty-first session.

General Assembly resolution 51/211 B

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/742) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.17), based on informal consultations; agenda item 118.

Meeting numbers. GA 51st session: 5th Committee 7, 8, 10, 13, 15, 17, 46; plenary 89.

Also on 18 December, the General Assembly adopted **resolution 51/211 C**.

The General Assembly,

Recalling its resolution 50/206 D of 23 December 1995,

Stressing the need to provide Member States and United Nations bodies with more comprehensive and accurate information on the costs of meetings and documentation,

Noting that the introduction of new technologies enhances the quality, cost-effectiveness and efficiency of conference services,

Stressing the importance of equal access to, and benefit from, the optical disk system and other new technologies in all six official languages by all Member States and the need to overcome the difficulties faced by some Member States, in particular developing countries, in acquiring the technology to access the optical disk system, as well as other available technologies,

Welcoming the actions taken by the Ad Hoc Open-ended Working Group on Informatics of the Economic and Social Council to expand and improve connectivity between United Nations databases and those of Member States, including through their permanent missions, and the training programmes initiated to that end,

Appreciating the relevance of these actions as part of the effort to increase efficiency and to decrease costs,

1. Strongly urges the Secretary-General, as a matter of priority, having recourse to voluntary and internal expertise within the United Nations system, to develop the cost-accounting system for conference services no later than the next substantive session of the Committee on Conferences;

2. Requests the Secretary-General to report, through the Committee on Conferences, to each subsidiary organ of the General Assembly and the Economic and Social Council on the cost of conference services it utilized in the year concluded in order to enable those organs to plan more effectively;

3. Decides that, in the absence of a General Assembly decision to the contrary, the use of such technologies as the optical disk system and the Internet shall not constitute an alternative to traditional documents;

4. Strongly urges the Secretary-General, as a matter of priority, to provide proposals to the Fifth Committee at the first part of the resumed fifty-first session, in accordance with paragraph 3 of General Assembly resolution 50/206 D, on facilitating access by developing countries to the optical disk system in all six official languages, taking into account the possible savings from reduced reproduction and distribution costs;

5. Requests the Secretary-General to ensure that the texts of all new public documents, in all six official languages, and information materials of the United Nations are made available through the United Nations Web site daily and are accessible to Member States without delay;

6. Also requests the Secretary-General to complete the task of uploading all important older United Nations documents on the United Nations Web site on a priority basis, so that these archives are also available to Member States through that medium.

General Assembly resolution 51/211 C

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/742) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.17), based on informal consultations; agenda item 118.

Meeting numbers. GA 51st session: 5th Committee 7, 8, 10, 13, 15, 17, 46; plenary 89.

### Translation services

In 1995, the General Assembly had requested [res. 50/206 E] the Secretary General to report to the Committee on Conferences on actions taken to improve the quality of translations into all official languages, in particular the efforts of the Arabic Translation Service.

The Committee on Conferences in 1996 commended the translation services for the efforts made to improve the quality of translation of documents in all official languages and encouraged those services to continue to spare no effort to that end.

#### GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted **resolution 51/211 D**.

The General Assembly,

Recalling its resolutions 49/221 C of 23 December 1994 and 50/206 E of 23 December 1995,

1. Notes the efforts made by the translation services to improve the quality of translation of documents in all six official languages of the United Nations, and encourages those services to continue to spare no effort to that end and to continue to report to the Committee on Conferences on additional efforts made in this regard;

2. Requests the Secretary-General to pay due attention to the rules of management in translation-related matters.

General Assembly resolution 51/211 D

18 December 1996 Meeting 89 Adopted without vote

Approved by Fifth Committee (A/51/742) without vote, 17 December (meeting 46); draft by Chairman (A/C.5/51/L.17), based on informal consultations; agenda item 118.

Meeting numbers. GA 51st session: 5th Committee 7, 8, 10, 13, 15, 17, 46; plenary 89.

### Cost-accounting system

The Committee on Conferences took note of a Secretariat paper [A/AC.172/1996/CRP.3] on a cost-accounting system for conference services and requested it to continue to develop the system as a priority and to report thereon to the 1997 substantive session of the Committee. It regretted that the Secretariat had not been able to devise such a system as requested by the Assembly [res. 50/206 D], and expressed the view that in-house resources should be utilized to develop the system without recourse to outside consultants.

## UN information systems

As requested by the Economic and Social Council in 1995 [res. 1995/61], the Secretary-General submitted a July report [E/1996/81] on international cooperation in the field of informatics. The report examined the work of the Ad Hoc Open-ended Working Group on the need to harmonize and improve UN information systems for optimal utilization and accessibility by all States; actions taken by the Secretariat and UNDP in response to concerns raised in the Working Group; and video conferencing plans for the UN system.

The Open-ended Working Group addressed the issue of how Member States could be provided with unhindered access to UN data and identified the problems experienced in so doing, including the lack of a comprehensive policy for the Organization in that area and budgetary constraints. As a result, new computer technologies had not been adopted rapidly by the United Nations and the corresponding benefits could not therefore be fully realized by Member States. However, the Secretariat and UNDP had started to address the concerns of Member States, in particular through the capabilities of the Internet. The Working Group was of the view that future development of information services to Member States should be focused using Internet technology. It also examined a number of issues that needed to be addressed by the Secretariat.

In response to those concerns, a focal point (the Director of Information Technology within the Office of Conference and Support Services of the Secretariat) was appointed to address issues related to the provision of information in electronic format to Member States; to collate the needs of missions for UN information; and to co-ordinate actions to ensure that missions could easily connect to electronic sources of data. The Secretariat established a dedicated help desk for permanent and observer missions to handle any technical problems. UNDP also embarked on an accelerated programme to provide Internet connectivity to missions in New York. Similar services were being provided by ITU in Geneva. Concerning information access and dissemination, UNDP worked closely with UN information centres and UN organizations and agencies on information dissemination at the country level, in support of the UN resident coordinator system. A major thrust of its country information access was in sub-Saharan Africa, Eastern Europe and the Commonwealth of Independent States. Partnerships and cost-sharing arrangements to promote information access and extend the Internet

to country locations were made with donor and UN organizations. A \$5 million project to promote the introduction and utilization of information and communication technologies in support of sustainable human development at country locations was approved at the end of the year.

The United Nations and its specialized agencies disseminated information over the Internet through the World Wide Web server and the Gopher server. The Secretariat was expanding the amount of information on its Web server in New York, including press releases and summaries, and other features that made the site more attractive and user-friendly. It initiated an interdepartmental group to expand the Web service to include information prepared by all substantive departments. Many offices in Vienna also took advantage of the potential of the Internet to disseminate information to Member States as well as information provided by Member States themselves, through the United Nations Office at Vienna World Wide Web server. The information available on the UN Web server had been substantially revised, with a new multilingual home page introduced in September. Guidelines to standardize the presentation of information on the Internet were elaborated, and guidelines on electronic publishing drawn up.

In addition, the Secretariat linked the optical disk system to the UN Web server to ensure that Member States had unimpeded Internet access to documents on the system. The use of the UN electronic mail network by permanent and observer missions was expanded during the year, allowing them to communicate with UN and UNDP offices worldwide. Training was also provided for those missions on the use of the Internet. With regard to access by permanent and observer missions to the UN mainframe computer, initiatives were taken to convert applications from older mainframe formats to newer technology. A considerable amount of information was also available on CD-ROM.

A video teleconferencing capability at Headquarters was first used on 26 February. Given its potential usage for conferences and the reduction in funds needed for travel to conferences, the Secretariat prepared a proposal, in the 1998-1999 programme budget, to equip the eight major duty stations with that facility.

The Commission on Sustainable Development, at its fourth session (18 April-3 May), requested [E/1996/28 (dec. 4/5)] the Department for Policy Coordination and Sustainable Development, in cooperation with other organizations of the UN system, to establish a sustainable development home page on the World Wide Web, with "hot links" to relevant databases throughout the

UN system, to facilitate access by countries to sources of information relevant to sustainable development. It also requested the Working Group on informatics to give particular attention to devising a means of facilitating the access of Member States to environmental databases throughout the UN system, within available resources.

On 16 July, the Chairman of the Working Group, speaking before the Economic and Social Council, stated that the Group had achieved significant progress in ensuring that Member States had easy, economical and unhindered access through their permanent missions to UN computerized databases and information systems. Its immediate objective included providing connectivity to all 185 Member States, working towards a uniform e-mail system to which all permanent missions could have easy access, establishing connectivity between the optical disk system and the UN Web site, and encouraging the posting of information on the World Wide Web server in a systematic and computer-literate manner. The Secretariat would have to give greater priority to the question of effecting savings by employing information technology to a much fuller degree. The Working Group had concluded that the importance of informatics to Member States had not been fully grasped by the Secretariat, which would have to demonstrate greater keenness and technical cooperation if the Group was to accomplish its tasks.

**Inter-agency cooperation.** The ACC Information Systems Coordination Committee (ISCC) held its fourth session in Geneva from 7 to 9 October [ACC/1996/18]. It urged the widest participation by libraries of its member agencies in the United Nations Shared Cataloguing and Public Access System, once the pilot project had been completed and determined to be a success by the Task Force on Inter-Library Cooperation, Standards and Management. The Internet was to be the primary but not sole technology for electronic access and dissemination for external clients. Each UN body should establish an information dissemination policy. ISCC needed to create, promulgate and maintain system-wide standards, and recommended best practices for electronic information access and dissemination. UN bodies should adopt best practices for information access and dissemination to promote non-duplication and a consistent orientation. Agencies were to be required to register their main Internet universal resource locators with ISCC, and to notify it of any changes for reflection on the official locator. Web sites of individual UN bodies should contain a link to the official Web site locator, to encourage wide navigability and knowledge of the location of the official home

page for the UN system as a whole and to provide easy access to other UN system information sources. Common searching and indexing mechanisms were required, and UN standard subject-searching mechanisms should be used, commencing in the 1998-1999 biennium.

The Food and Agriculture Organization of the United Nations (FAO) was selected as the lead agency for the Task Force on Document Management Technology. An ISCC working group on Internet security should be set up and charged with Internet domain-naming for the UN system. The ISCC secretariat should implement at the International Computing Centre in Geneva a restricted Web site, available only to ISCC focal points under password control, to contain information on desktop migration. ISCC members should be encouraged to share information about client server projects and associated external consultants. Taking into account the work of the Inter-Agency Telecommunication Coordination Group, the Task Force on Information Management and Standards should recommend best practices on electronic conferencing, with the initial priority being video conferencing. The Chairman of the Task Force had been requested to write to the ACC Organizational Committee concerning the creation of a standing committee on classification to review and amend its outdated scheme and to provide a solid basis for ISCC to develop recommended practices on access and dissemination in a harmonized manner, specifically for subject search mechanisms.

In July [A/50/1005], the Secretary-General transmitted to the General Assembly the report of the Office of Internal Oversight Services (OIOS) on the management audit of electronic mail at UN Headquarters.

### Telecommunications

In 1995 [YUN 1995, p. 1455], the Joint Inspection Unit (JIU) had submitted a report reviewing telecommunications and related information technologies in the UN system. In a February 1996 report [A/C.5/51/46] on telecommunications in the United Nations, the Secretary-General addressed the concerns JIU had expressed. He examined the status of communications in the United Nations and changes that had occurred since his original proposals [YUN 1993, p. 1239], reassessed the UN global network and discussed a UN corporate network. He said that a wide range of telecommunications services were provided to the Secretariat, its programmes and funds and the specialized agencies. Dedicated telecommunications links existed between UN Headquarters in New York and seven other principal offices (Addis Ababa, Amman, Bangkok, Geneva, Nai-

robi, Santiago, Vienna). Services to those offices were carried over terrestrial circuits leased from commercial service providers or national postal, telephone and telegraph companies. In addition, the United Nations maintained satellite-based services to all major peacekeeping missions. The UN global network was used primarily by the Secretariat and by specialized agencies on a cost-recovery basis.

Significant changes had occurred in the telecommunications industry and in the UN system, which called for a re-evaluation of the Secretary-General's original proposals for a telecommunications network owned and operated by the United Nations. High-speed digital telecommunications services were increasingly available to corporate clients at favourable rates, and in many countries there had been a rapid development of telecommunications infrastructures. The result for organizations such as the United Nations had been the possibility for high-speed digital communications at commercially competitive prices. Eventually, the network services required by the Organization would be available commercially, relieving it of the need to invest heavily in equipment and related technology. Given the concerns raised by Member States, the changing climate in the telecommunications industry and a more constrained funding situation in the United Nations, the Secretary-General's original proposals were being revised, and the strategic direction of telecommunications in the United Nations reviewed, in the current climate of improving the cost-benefit ratio of Secretariat programmes. It was concluded that the former strategy for the United Nations to own and operate its own telecommunications facilities was now outdated, since many of those services could be procured less expensively through commercial suppliers. Although the General Assembly had approved the establishment of a European telecommunications hub facility, such large capital expenditures were now considered unnecessary. Improvements continued to be made to the New York facility to meet peacekeeping requirements. However, the Secretary-General was of the opinion that, given the lower cost of leasing circuits from commercial sources, it was no longer necessary to purchase and operate earth stations for each of the UN offices away from Headquarters, except where commercial service providers could not provide high-speed digital circuits or it was too expensive. He proposed to continue to investigate the increased use of outsourcing for telecommunications operations, maintenance and other related functions to achieve further cost benefits. Proposals would be solicited from vendors in operational areas where outsourcing could be used

effectively. The Secretary-General also intended to integrate the UN global network with the Mercure satellite network (see PART THREE, Chapter VII) of the United Nations Environment Programme, with a view to achieving economies.

Concerning the UN corporate network, comprising the Organization's own internally supported network and the telecommunications networks of all specialized agencies, funds and programmes, the UN Office of Legal Affairs had been providing advice on the setting up of the network. A memorandum of understanding between the World Bank and the United Nations, providing for shared use of telecommunications facilities, had been signed. The Inter-Agency Telecommunications Advisory Group, formed to address issues related to use of the UN corporate network, had taken up a number of issues of concern to organizations that were represented, including the concept of sharing telecommunications resources and facilities. A database had been established to report on common requirements for telecommunications services and to coordinate the use of new or existing facilities. The Group considered the setting up of telecommunications facilities quickly in an emergency, particularly the use of on-demand satellite-based voice communications. Similar arrangements for data communications were being established with another global service provider that would allow the United Nations and all participating agencies, funds and programmes to benefit from special pricing arrangements for data communications services worldwide. The Group would also provide a forum for coordination of the introduction to the United Nations of new technologies and services.

In conclusion, the Secretary-General stated that additional efforts would be made to bring further efficiencies in the operations of the UN global network, utilizing further opportunities for outsourcing and establishing cooperative arrangements with specialized agencies. For the 1998-1999 biennium, he proposed to continue to request resources for telecommunications as part of the regular programme of activities under the proposed programme budget, while resources for telecommunications as they related to peace-keeping would continue to be incorporated into those budgets.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, the Economic and Social Council adopted **resolution 1996/35**.

#### **The need to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States**

The Economic and Social Council,

Conscious of the deep interest of Member States in harnessing the benefits of new information technologies for furthering the objectives of the United Nations, including the objectives of economic and social development,

Recalling its resolutions 1991/70 of 26 July 1991, 1992/60 of 31 July 1992, 1993/56 of 29 July 1993, 1994/46 of 29 July 1994 and 1995/61 of 28 July 1995 on the need to harmonize and improve United Nations information systems for optimal utilization and accessibility by all States, with due regard to all official languages,

Recalling also that in its resolution 1995/61 it requested the President of the Economic and Social Council to convene, initially for one year, an ad hoc open-ended working group, from within existing resources, to make appropriate recommendations for the due fulfilment of the provisions of previous resolutions on this item,

Welcoming the oral report presented by the Chairman of the Ad Hoc Open-ended Working Group on the need to improve United Nations information systems for optimal utilization and accessibility by all States on the progress achieved so far by the Working Group in fulfilling its mandate,

Appreciating that the work of the Working Group has not involved any additional expenditures and that its needs have been met from within existing resources,

Appreciating also the actions taken by the Working Group significantly to expand and improve the connectivity between United Nations databases and those of Member States, including their permanent missions, and the training programme initiated to that end,

Taking note with interest of the proposed initiatives, including the setting up of videoconferencing rooms that the permanent missions could use, and the updating of the connection between the United Nations Internet facility and its optical disk system,

Taking note of the request made by the Commission on Sustainable Development in its decision 4/5 of 3 May 1996 that the Working Group give particular attention to devising a means of facilitating the access of Member States to environmental databases throughout the United Nations system,

Agreeing with the assessment contained in the report of the Working Group that further work needs to be done by the Working Group to fulfil its mandate,

Taking note of the report of the Secretary-General on follow-up action taken,

1. Reiterates, once again, the high priority it attaches to easy, economical, uncomplicated and unhindered access for States Members of the United Nations and for observers, through, inter alia, their permanent missions, to the growing number of computerized databases and information systems and services of the United Nations;

2. Calls for the urgent and continued implementation of measures required to achieve these objectives;

3. Stresses the continuing need for representatives of States to be closely consulted and actively associated with the respective executive and governing bodies of United Nations institutions dealing with informatics within the United Nations system, so that the specific needs of States as internal end-users can be given due priority;

4. Decides that the action programme to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States should continue to be implemented from within existing resources and in full consultation with the representatives of States;

5. Commends the Ad Hoc Open-ended Working Group on the need to improve United Nations information systems for optimal utilization and accessibility by all States for the concrete actions it has taken in pursuance of its mandate;

6. Requests the President of the Economic and Social Council to convene the Working Group for one more year, from within existing resources, for the due fulfilment of the provisions of the Council resolutions on this item;

7. Requests the Secretary-General to extend full co-operation to the Working Group and to give priority to implementing its recommendations;

8. Also requests the Secretary-General to report on the follow-up action taken on the present resolution, including the findings of the Working Group, to the Economic and Social Council at its substantive session of 1997.

Economic and Social Council resolution 1996/35  
25 July 1996 Meeting 50 Adopted without vote  
115-july draft (E/1996/L.27), orally revised following informal consultations; agenda item 9 (b).  
Meeting numbers. ESC 36, 43, 50.

### Integrated Management Information System (IMIS)

The Secretary-General submitted a November report [A/C.5/51/23] on the Integrated Management Information System (IMIS) to the Fifth Committee. The purpose of IMIS, launched in 1990, was to provide all major duty stations with a modern administrative system. In 1996, major steps were achieved towards the completion of the development and implementation of the system and the establishment of a maintenance structure. The project had also emerged as one of the major components of the reform process in the United Nations (see PART FIVE, Chapter I). Because of its complexity and the broad range of activities it covered, difficulties common to that kind of undertaking were being faced and dealt with. During the year, the human resources applications had been installed at six offices away from Headquarters and implemented at two of them. At Headquarters, the new financial systems, including procurement, were implemented, together with a new account code structure, a funds sufficiency checking mechanism and a new cheque printing system; The difficulties encountered should not hide the fact that the system generally worked satisfactorily, was stable and reliable, and that the integration between the various applications had been successful.

ACABQ recommended [A/51/7/Add.4] that the Secretary-General exercise greater efforts to co-

ordinate with all organizations, agencies, funds and programmes of the UN system a broader and more extensive use of IMIS applications, with a view to realizing long-term economies in the development, utilization and maintenance of computer-based information systems that adhered to common standards. It also recommended that the General Assembly take note of the Secretary-General's report on IMIS.

## Other matters

### Common services

In May [A/51/124-E/1996/44], the Secretary-General transmitted to the Economic and Social Council and the General Assembly the comments of the Administrative Committee on Coordination (ACC) on the report of the Joint Inspection Unit (JIU) on UN system common premises and services in the field [E/1996/43] (see PART THREE, Chapter II).

The Council, by **decision 1996/227** of 10 July, took note of the JIU report and the comments of ACC. In **resolution 1996/42** of 26 July, the Council expressed concern at the lack of progress made towards the use of common administrative services. It requested the funds and programmes of the UN system to simplify and harmonize administrative and financial procedures so that common administrative services could be established where feasible, and to set measurable targets and time-frames for the achievement of those services, including the identification of priority areas, such as telecommunications and financial- and personnel-related services.

In November [A/51/686], the Secretary-General transmitted to the General Assembly a JIU report on common services at UN Headquarters, which presented an overview of those services (telecommunications, IMIS, legal services, conference services, public information, medical services, procurement, travel, buildings management, security and safety, pouch and mail, and insurance) as well as of their organization and management. JIU also proposed a new framework for such services.

JIU found that although a number of services were provided by the United Nations on a reimbursable basis to the programmes and funds, only a few qualified as a genuine common service. Barely 3 per cent of the combined administrative and programme support resources at the common headquarters of the organizations concerned had been brought under common services arrangements. In addition, their role as instru-



ments for achieving a cohesive and cost-effective UN system had still to be properly recognized and established within the Secretariat.

JIU recommended that the General Assembly provide policy guidance on the question of common services and endorse the new framework for common services, requiring the organizations concerned to pool progressively most of their non-statutory or non-core functions under common services arrangements within a five-year period. The Assembly should include in its agenda a regular item on common services and require the Secretary-General to report every two years on progress made in that area. The executive boards of the programmes and funds should also require their respective secretariats to report every two years on progress in strengthening common services at Headquarters and in field locations. The Secretary-General and executive heads should formulate and agree on a plan of action for the progressive implementation of common services at Headquarters, including a list of those services to be shared by all Headquarters organizations, and those to be shared only by the programmes and funds; measures for upgrading the quality and efficiency of existing common services; establishment of interdependent linkages between common services at Headquarters and in other duty stations; and standardization of operational policies, administrative rules and procedures and technical specifications. Those common services managed by Headquarters that had broad system-wide responsibilities should be enhanced and properly established within the Secretariat to ensure that: their budgetary and staff resources were fully commensurate at all times with their common system responsibilities and tasks; and they were self-supporting and had the authority and autonomy to manage their budgetary and staff resources efficiently.

### **UN insurance programmes**

Pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General transmitted a August report [A/51/302] by the Office of Internal Oversight Services (OIOS) on the management audit of UN global cargo and motor vehicle insurance programmes. Those programmes—the global cargo insurance policy, which insured UN shipments worth more than \$100 million annually, and the global third-party vehicle liability insurance policy, which provided third-party liability coverage for some 20,000 UN-owned and military contingent-owned vehicles worldwide—were of special relevance to peacekeeping operations. The audit confirmed that the global insurance programmes were an ef-

fective means of protecting the Organization against unexpected losses. However, there were several areas where the administration of those policies required improvement to reduce costs and provide for the insurance coverage to be taken out in an efficient and coherent manner.

OIOS recommended that a task force be established under the leadership of the Office of Programme Planning, Budget and Accounts to develop formal policy guidelines for the insurance of UN shipments. Other recommendations were aimed at establishing clear lines of responsibility for insurance matters at Headquarters and peacekeeping missions, improving the procedures and work flow for arranging insurance and filing claims, and exploring self-insurance as an alternative to commercial insurance coverage. To improve the administration of the global motor vehicle insurance policy, OIOS recommended that the Department of Peacekeeping Operations and the Insurance, Claims and Compensation Section of the Office of Programme Planning, Budget and Accounts improve the monitoring of vehicle fleets and the reporting of fleet data to the insurance broker.

### **Procurement reform**

The Secretary-General, responding to General Assembly resolution 49/216 C [YUN 1994, p. 1369], submitted to the Fifth Committee a February report [A/C.5/50/13/Rev.1] on procurement reform in the UN Secretariat. That process had been reviewed by a high-level group of experts, and the Secretary-General had accepted most of its recommendations. The report provided information and details on action taken or planned to implement the reform measures, including training of procurement officers, delegation of procurement authority, systems contracts, updating and enhancing the supplier roster, revamping the Headquarters Committee on Contracts, designation of a supplier relations officer, defining responsibilities and streamlining procedures, reviewing relevant financial regulations and rules, publicizing contract activities and awards, and developing information technology in support of procurement activities.

The Secretary-General said that the heavy workload within the Procurement and Transportation Division had restricted the speed with which some of the recommendations could be implemented. However, there was a renewed determination and commitment to implement the reforms. The Procurement and Transportation Division had been structured to ensure a modern, commodity-based procurement. It also provided a "flatter" structure that would ensure

maximum productivity from all staff members concerned. The new structure concentrated expertise where it belonged and reduced the need for layers of unnecessary supervisors. Work had also started on providing a firm foundation upon which further changes could be implemented by improving specifications, establishing a comprehensive supplier database and reviewing documentation to achieve greater standardization and simplification. The new procurement policy would include revised procedures to provide for a truly competitive, fair and transparent process, including the establishment of clear lines of responsibility, authority and accountability, and inherent control mechanisms.

In March, ACABQ recommended [A/50/7/Add.13] that: more vigorous efforts be made by the Procurement and Transportation Division in cooperation with the Department of Peacekeeping Operations to identify the goods and services that might be appropriate for system/requirement contracts; concerted efforts be made by the parties involved so that sufficient time was allowed to research the market properly and ensure that as many suppliers as possible were invited to bid; high priority be accorded to the establishment of full inventory systems of existing assets so that UN assets were identified and their location and condition established, and the Secretary-General be requested to report on steps taken in that regard; in all cases, the reasons for seeking exception from competitive bidding be adequately documented by the requisitioning unit at the time of requisition, and that aspect of the procurement process be monitored by the Board of Auditors; the terms of reference of the Headquarters Committee on Contracts and its composition and procedures be issued at once; and the participation by an OIOC staff member in meetings of the Contracts Committee as an observer be discontinued immediately, as that might compromise the role of the internal audit of procurement operations at Headquarters.

The General Assembly, in **decision 50/479** of 11 April, took note of the report of the Secretary-General and the related report of ACABQ, and requested him to submit to the Assembly at its fifty-first session a comprehensive report on the implementation of procurement reform.

In response to that request, the Secretary-General reported in November [A/C.5/51/9] that, effective 1 October, the Commodity Procurement Section was divided into two separate sections. The number of clusters had been consolidated and reduced from 11 to 8, with each Chief of Section responsible for four clusters. The new structure and organization of the Procurement

and Transportation Division would enhance internal supervision, strengthen control mechanisms and provide lines of responsibility, authority and accountability. The Headquarters Committee on Contracts had also achieved the necessary authority and confidence to assert itself independently and to demand full compliance with regulations and rules and established procedures. There had been an improvement in the coordination of procurement efforts between the Division, the Field Administration and Logistics Division and the Office of Legal Affairs, effectively creating economies of scale and achieving savings for the Organization, as well as improving delivery rates.

In December, ACABQ submitted its comments [A/51/7/Add.3] on the report of the Secretary-General.

### UN access control system

Pursuant to General Assembly resolution 48/218 [YUN 1994, p. 1362], the Secretary-General transmitted an OIOS report [A/51/467] on the investigation of the UN access control system. The United Nations had spent \$ 1.5 million on the system, which was never activated. Only a small component of the system—the video imaging badge system—was being utilized by the Security and Safety Service. Following the audit of the system in 1995 [YUN 1995, p. 1458] by OIOS, a review was conducted to determine whether the project had been properly planned and managed; and whether the contract award and acceptance and payment were in compliance with UN rules and regulations. The investigation concluded that responsibility for the financial loss sustained by the Organization could not be attributed to any acts of any particular staff member either individually or collectively. OIOS reiterated its recommendations that feasibility studies be performed whenever projects were undertaken involving new technology or whenever no in-house expertise was available; and that management ensure that the interests of the United Nations were safeguarded in all contracts. Contract terms regarding performance of contractors should be standardized and be required on all service contracts. The United Nations should immediately establish a security working group made up of security professionals from various government agencies to evaluate current physical security and procedural policies with a view to identifying the deficiencies and needs of the Organization, especially in the light of the recent wave of terrorist attacks worldwide and the vulnerability of the UN Headquarters facilities. Senior management should ensure that a responsible experienced

manager was assigned to each project and that a chain of command was established and adhered to. The access control system contract should be reviewed by the Purchase and Transportation Division in the same fashion as that of the Lessons-Learned Group in the Department of Peace-keeping Operations, with the expectation that there should be no further occurrence of such a case. The Office of Legal Affairs and the Purchase and Transportation Division should conduct training exercises in how to prepare requests for proposals in order to eliminate the need for contract amendments and protracted negotiations. They should also consult in the development of rules, regulations and procedures specific to requests for proposals.

### **Inter-agency security**

The Ad Hoc Inter-Agency Meeting on Security of the Administrative Committee on Coordination (ACC) met in Geneva on 8 and 9 May [ACC/1996/21] to discuss the report of the UN Security Coordinator on security developments; issues raised by the World Food Programme (WFP) related to field security coordination; policy issues regarding inter-agency security coordination; and training.

It recommended to the ACC Consultative Committee on Administrative Questions (CCAQ) that greater flexibility be given to staff members in the choice of the security improvements available to them to enable them to select electronic security equipment. It agreed that recommendations on possible system-wide changes to the malicious acts insurance policy that were being developed by WFP and other interested organizations would be forwarded to CCAQ for consideration.

The meeting decided that an informal working group would be convened to review some elements of the unified inter-agency security system with a view to further strengthening it and increasing its flexibility, taking into account the experience gained (see below). It recommended the Ad Hoc Inter-Agency Security Meeting be convened every year. It endorsed the proposals for streamlining the recruitment and assignment of field security officers and requested the Office of the United Nations Security Coordinator (UNSECOORD) to examine further the possibility of allowing implementing partners to execute a global arrangement for including staff within the UN security umbrella instead of on an individual duty-station basis. The meeting also recommended that, in situations where there was no law and order and it was not possible to sign a contract with a duly registered company providing licensed armed guards, alternative methods

of providing security be considered, in consultation with UNSECOORD. With regard to locally recruited staff, care needed to be exercised to prevent the special measures designed to assist local staff from promoting the voluntary self-evacuation of large numbers of local staff and their families during a crisis. Instructions issued by one agency, programme or fund to provide assistance to its own staff should not be provided to staff of other organizations, unless so authorized by that agency, programme or fund concerned, to avoid problems for the latter. The meeting also recommended that agencies, programmes and funds instruct their representatives at the country level to share security-related information with the designated official and to participate fully in the activities of the security management team; a standardized system-wide security training programme be implemented as soon as possible using the UNSECOORD/Office of the United Nations High Commissioner for Refugees training package; methods of monitoring and evaluating officials responsible for security be developed; and that the International Civil Aviation Organization explore further the area of security-related implications for UN staff who were obliged to fly in aircraft whose safety standards might be unacceptable.

An informal working group of the Ad Hoc Inter-Agency Meeting on Security met in New York from 5 to 7 June. The group made recommendations for the approval of ACC relating to security coordination at Headquarters and in the field, security management and preparedness, and the provision of adequate resources for security.

In October, ACC agreed [ACC/1996/20] that staff security should remain a standing issue on its agenda, with preparations being undertaken through the Ad Hoc Meeting on Security, which would be convened on an annual basis. In the intervals between meetings, informal working groups would be convened to resolve security issues. ACC shared the concern that that priority be given to providing adequate resources to ensure effective security arrangements at the inter-agency level, especially in the field.

### **UN premises and property**

#### **Addis Ababa and Bangkok conference facilities**

In a December report [A/C.5/51/37] to the Fifth Committee, the Secretary-General stated that substantial completion and handover of the project for the construction of additional conference facilities at the Economic Commission for Africa (ECA) in Addis Ababa, Ethiopia, had been

achieved on 21 and 22 April, respectively. As at 31 August, disbursements amounted to \$98,970,026. Preliminary estimates indicated that the final project cost would amount to \$114,213,588, an increase of \$6,636,688 above the approved level of the project of \$107,576,900.

The conference centre in Bangkok, Thailand, inaugurated in 1993, was the site of 156 major meetings in the first six months of 1996. In 1995, the revised estimated cost of the project was \$48,540,000. It was expected that there would be additional charges against the project for minor retrofit of the main vehicular entrance and final finishes before the exact total project cost could be known. However, it was anticipated that the cost would be within the level approved by the General Assembly.

### **UN Gift Centre**

The Secretary-General submitted to the General Assembly in July a report [A/50/1004] of the Under-Secretary-General for Internal Oversight Services on the investigation of alleged misappropriation of UN assets at the UN Gift Centre. The review, which concerned the operation of the Centre from 1 January 1992 to 30 June 1994, was conducted following a report that mismanagement by the General Manager had resulted in the misappropriation of UN assets at the Centre and in a decrease of its profits. Irregularities in the internal controls of the Centre had also been recorded by the External Auditors and the Audit and Management Consulting Division of OIOS in the form of audit observations.

The capital, assets and revenue of the Centre were owned by the United Nations, while personnel were provided under a labour contract with Ogden Allied Building and Airport Services Inc. (Ogden). That contract expired on 14 February 1995, and since then it had been renewed on a month-to-month basis pending further review of the Centre's operation by the Commercial Activities Service, Office of Conference and Support Services, which had been responsible for the operations of the Gift Centre since 1993. OIOS reported that because of inadequate, missing or non-existent documentation of Gift Centre activities as managed by Ogden, it was not possible to confirm that either funds or other assets had been misappropriated, but neither had they been safeguarded. The United Nations had allowed deviations from its financial rules and from sound retail management practices by failing to monitor Ogden's management, which received substantially increased fees without being held to any industry standards. Serious doubts were created regarding the General Manager's competence and good faith to continue in that position

because of his non-compliance with his duties as General Manager.

OIOS recommended that the Commercial Activities Service should request the replacement of the General Manager, whose duties and responsibilities should be segregated from those of other personnel; procedures established for the Gift Centre should be adhered to; a buying plan should be formulated to control the buying process and set limits to the quantities purchased; an adequate computer system should be purchased to meet the Centre's operational needs and provide the tools to monitor and handle Centre resources effectively and efficiently; monthly financial statements should be prepared and passed on to the Accounts Revenue Unit; attempts should be made to recover a \$3,000 double payment to a vendor; controls should be implemented to secure the cash handling process; and there should be increased supervision of the Centre by the Commercial Activities Service. The majority of the recommendations had been implemented, except for the replacement of the Centre's General Manager, and the request for the formalization of a buying plan and investment in a computer system.

The Commercial Activities Service indicated that the Organization had the option to undertake the entire operation itself, identify and enter into contract with an experienced labour broker, or farm out the entire operation. It had requested bids from contractors to operate the Centre and pay the United Nations a rental fee plus a percentage of the receipts.

### **Management of facilities and artworks**

The General Assembly, in **decision 50/503** of 17 September, took note of the Secretary-General's 1995 report on facilities management [YUN 1995, p. 1457], and his note on the report of JIU entitled "Managing works of art in the United Nations" [YUN 1995, p. 1457].

### **UN Postal Administration**

In 1996, the gross revenue of the United Nations Postal Administration (UNPA) from the sale of philatelic items both at Headquarters and at overseas offices totalled more than \$11 million. Revenue from the sale of stamps for philatelic purposes was retained by the United Nations. Under the terms of an agreement between the Organization and the United States, revenue from the sale of United States dollar-denominated stamps used for postage from Headquarters was reimbursed to the United States Postal Service. Similarly, postal agreements between the United Nations and the Governments of Switzer-

land and Austria required that revenue derived from the sale of Swiss franc-denominated stamps and Austrian schilling-denominated stamps for postage be reimbursed to the Swiss and Austrian postal authorities, respectively.

During the year, UNPA released six commemorative stamp issues, six definitive stamps, two souvenir cards and nine maximum cards.

The first set of three commemorative stamps was issued on 2 February to commemorate the fiftieth anniversary of the World Federation of United Nations Associations. A souvenir card accompanied the issue. Six definitive stamps were issued on the same day.

On 14 March, the fourth set of 12 stamps in UNPA's multi-year Endangered Species Series was released. Each year, 12 endangered species of fauna or flora are featured on stamps to highlight the need for the protection of endangered species throughout the world. Three maximum cards accompanied the issue.

The United Nations issued three se-tenant strips of five stamps on 3 June on the theme City Summit (Habitat II) to commemorate the second United Nations Conference on Human Settle-

ments (see PART THREE, Chapter VIII, and artwork on cover of dust-jacket).

Sport and the Environment was the theme of a set of six stamps and three souvenir sheets which were issued on 19 July to commemorate the hundredth anniversary of the modern Olympic Games. Six maximum cards accompanied the issue.

On 17 September, UNPA issued a set of six stamps on the theme "A plea for peace" to draw attention to UNICEF's continuing commitment to assist children ravaged by war emergencies across the globe as well as UNICEF's work towards the goal of reducing child mortality, disease and illiteracy.

The fiftieth Anniversary of UNICEF was commemorated on 20 November by a set of six stamps created exclusively for the United Nations by the Walt Disney Company. A souvenir card was released on the same day.

The General Assembly in 1993 [YUN 1993, p. 1194, GAres.48/219B, 23 Dec. 1993] had resolved that direct expenses of UNPA, which were not provided for under the budget appropriations, should be charged against the income derived from its activities.

## PART SIX

### Intergovernmental organizations related to the United Nations

## Chapter I

## International Atomic Energy Agency (IAEA)

The International Atomic Energy Agency (IAEA), established in 1957 to promote the peaceful uses of atomic energy, continued its efforts in 1996 to improve the impact and efficiency of its activities, which dealt with nuclear power, waste management, nuclear and radiation safety, international safeguards, and the use of nuclear techniques to improve human health, food supply and environmental protection.

The fortieth session of the IAEA General Conference (Vienna, 16-21 September) adopted resolutions to strengthen international safeguards and global cooperation in the areas of nuclear safety and technical assistance. The Conference also addressed nuclear inspections in Iraq, implementation of IAEA safeguards in the Democratic People's Republic of Korea (DPRK) and in the Middle East, establishment of an African nuclear-weapon-free zone, prevention of illicit trafficking in nuclear materials, nuclear desalination of sea water to produce potable water, and nuclear techniques for water resources management. The African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), aimed at establishing a nuclear-weapon-free zone in the continent, was signed in Cairo, Egypt, in April. The Treaty entrusted IAEA with the task of verifying compliance with the peaceful use undertakings of the signatories (see PART ONE, Chapter VII).

In 1996, IAEA membership increased to 124, with the admission of Georgia.

### Nuclear safety

The Agency's nuclear safety efforts concentrated in 1996 on supporting intergovernmental action to strengthen nuclear safety worldwide through the exchange of information, development of common safety standards, provision of expert services, and support for coordinated research.

The 1994 Convention on Nuclear Safety entered into force on 24 October 1996. The Convention, which binds countries to basic principles covering the regulation, management and operation of land-based civil nuclear power plants, lays down a number of fundamental safety principles and establishes a procedure under which parties must report on the safety of nuclear power plants on their territory, for review by the contracting

parties. By the end of the year, 65 countries had signed the Convention and 32 had ratified it.

Negotiations on a convention covering the safety of spent fuel and waste management continued during the sixth session (Pilansberg, South Africa, November) of an open-ended group of legal and technical experts.

During the year, the Operational Safety Review Team undertook 11 missions to assess nuclear power plants in Bulgaria, China, France (2), Mexico, Pakistan, Slovakia (2), Switzerland, Ukraine (2). Assessment of Safety Significant Events Teams carried out seven training seminars (China, Finland, Russian Federation, Slovakia, Slovenia, Switzerland, Ukraine) and four peer reviews (Czech Republic, Russian Federation, Slovenia, Sweden).

Preparations were made to launch an Incident Reporting System for Research Reactors to promote the exchange of experience on the safety of some 270 such reactors in operation worldwide. Safety-related advisory missions visited research reactors in Colombia, Egypt, the Syrian Arab Republic, Thailand and Zaire.

During the year, 59 countries provided information on 66 incidents—3 of which were classified as serious—to the International Nuclear Event Scale (INES), a seven-level classification tool which identifies and ranks the severity of nuclear incidents and accidents.

### Nuclear power

The IAEA nuclear power programme in 1996 emphasized information exchange and provision of technical assistance in the field of nuclear power plant planning and implementation. The Agency's sixteenth Fusion Energy Conference, held in Montreal, Canada, reviewed the status of research and of recent progress in relation to various fusion reactor concepts. The Power Reactor Information System database was made available on the Internet, providing easier access to that information resource for the statistical analysis of nuclear power plant performance indicators. In 1996, the database was accessed by 280 users in 54 member States and eight international organizations, representing a growth of 25 per cent over 1995.

During the year, technical assistance was provided to Belarus, Brazil, Colombia, Pakistan,

Peru, Poland and Romania to assess the role of nuclear power in the future expansion of electrical supply systems. Assistance was also given to Albania, Armenia, Estonia, Iran, Latvia, Lithuania, the Republic of Moldova, Slovakia, the former Yugoslav Republic of Macedonia, and Viet Nam for projects on energy, electricity and nuclear power planning. In addition, technical support continued to be provided to Indonesia on various aspects of nuclear power.

The Agency's main activities with regard to small and medium-size reactors (SMRs) in 1996 included a second Advisory Group Meeting (Tunis, Tunisia, September) on the status and introduction of SMRs in developing countries. The overall market for SMRs was estimated at about 70-80 units, to be implemented up to the year 2015. About one third of SMRs were expected to supply heat or electricity or both to integrated sea water desalination plants.

### **Nuclear fuel cycle**

After falling nearly 50 per cent from 1988 to 1994, world uranium production totalled 34,000 tonnes, representing the first increase in production since 1988. Worldwide power reactor requirements were estimated at about 62,000 tonnes per year, which was some 28,000 tonnes greater than world uranium production. While 55 per cent of the demand was met by production, the balance was filled by inventory drawdowns. Some 90 per cent of world uranium production was supplied by Australia, Canada, France, Kazakhstan, Namibia, the Niger, the Russian Federation, South Africa, the United States and Uzbekistan.

During 1996, IAEA carried out several comprehensive studies related to the nuclear fuel cycle. It also published the first global edition of a report known as the "Red Book", with information on uranium resources, production and demand in 54 countries.

At a technical meeting held in Vienna, experts from 30 countries discussed the application of geoscientific research to such problems as the high concentration of radio-elements in some buildings and the rapid detection of isotopes resulting from nuclear power plant failures.

### **Radioactive waste management**

The Agency's 1996 programme on radioactive waste management focused on the establishment of international principles and standards for the safe management of wastes; preparations for a convention on the safe management of radioactive waste; development of infrastructures and tools for strengthening and solving waste man-

agement problems in developing member States; and assessing waste management situations and needs as a consequence of past practices. New advisory committees were established to deal with Agency activities related to waste technology and safety.

Progress was made with regard to providing guidance on waste minimization methods applicable at different nuclear facilities. A three-year assessment study of the radiological impact of high-level radioactive waste dumping in the Arctic seas was completed. A Global Marine Radioactivity Database (GLOMARD) was established to provide member States with information on radioactivity baselines and records for radiological assessments and international and national monitoring programmes.

### **Environment**

The Agency's activities related to sustainable energy programmes sought to merge health, environmental, technical and economic factors into planning and decision-making for the electricity sector, since all fuel chains for electricity generation involved some health risks and involved certain environmental consequences.

IAEA continued to contribute to the work of the Intergovernmental Panel on Climate Change, providing information on the potential role of nuclear power in reducing global greenhouse gas emissions from the energy sector. In that connection, two advisory group meetings were held in 1996—on greenhouse gas emissions from hydro-power, and on wind and solar technologies.

The IAEA/United Nations Environment Programme/United Nations Industrial Development Organization/World Health Organization project on risk management in large industrial areas was completed. Two documents were prepared, providing risk classification and guidelines for integrated risk assessments and management. The Agency carried out radiological assessments of nuclear test sites. An assessment of the Semipalatinsk site in Kazakhstan, where nuclear weapons had been tested for years, provided assurance that radiation levels in surrounding villages were very low. An assessment was carried out of the radiological situation on Bikini atoll in the Marshall Islands, and a study was initiated on conditions at the Mururoa and Fangataufa atolls in French Polynesia.

### **Food and agriculture**

In 1996, technologies developed through the Agency's food and agriculture programme, operated jointly with the Food and Agriculture Organization of the United Nations (FAO), were in-



creasingly applied to improve food security and assist member States in meeting international agricultural standards. Examples included the use of mutation breeding and biotechnology to support crop improvement and biodiversity under the Leipzig Declaration on Plant Genetic Resources, as well as the increasing use of FAO/IAEA-developed diagnostic tests, the sterile-insect technique, and food irradiation to assist member States to meet international standards.

Through plant breeding and genetics projects, including the use of induced mutations, promising results were obtained to help improve basic food crops in Africa. To determine ways of increasing livestock productivity, radio-immunoassay laboratories for animal steroid hormone determinations were established in more than 60 countries. Insect and pest control activities included a model project for applying the sterile-insect technique to eradicate the tsetse fly from the island of Zanzibar, United Republic of Tanzania, where the last wild fly was captured in September 1996. As a result, trypanosomiasis in cattle declined rapidly, reaching the lowest levels recorded since routine blood sampling was established. Other IAEA projects aimed at finding nuclear techniques for preserving food and reducing the impact of agrochemicals and residues.

### Physical and chemical sciences

Agency activities in the physical and chemical sciences involved the applications of nuclear and atomic data, nuclear instrumentation, utilization of research reactors and low-energy accelerators for a variety of applications, and radiochemical applications relevant to nuclear medicine and industry.

During 1996, the availability of nuclear and atomic data libraries for users worldwide was enhanced through the introduction of an Internet interface. New projects concerned nuclear instrumentation and the application of the X-ray fluorescence technique. The main focus of radiochemical applications was on the development of new radiopharmaceuticals for the diagnosis of neurological disorders.

IAEA's Analytical Quality Control Service continued efforts to improve the accuracy of analytical and radiometric measurements in member States' laboratories, to ensure the international acceptance of such measurements.

### Human health

Activities in the area of human health concentrated on applications of nuclear and radiation techniques, especially those suitable for the diagnosis and treatment of diseases prevalent in de-

veloping countries. Also emphasized were aspects of preventive medicine, such as early detection of neonatal hypothyroidism, hepatitis and other communicable diseases, evaluation of nutritional deficiencies in children and pregnant women, and diagnosis of common hereditary diseases. Agency work on the use of in vitro radio-nuclide methods to diagnose diseases yielded significant results: over 1.5 million newborn babies were screened for neonatal hypothyroidism in 14 Latin American countries; 650 were found to be suffering from the disease, enabling prompt and effective treatment. About 150,000 people in 10 Asian countries, mostly from high-risk groups such as pregnant women and blood donors, were screened for hepatitis B.

Activities aimed at reducing the cost of nuclear medicine practices in developing countries continued. Coordinated research programmes and new regional radiotherapy projects focused on improving cure rates of cancer of the cervix.

To establish a link to the International Measurement System, the Agency's laboratories in Seibersdorf, Austria, calibrated 18 reference ionization chambers and dosimeters for 12 laboratories. A total of 27 ionization chambers had been calibrated.

The Agency greatly expanded its work in the area of micronutrient malnutrition, with attention directed to the use of isotopic techniques to identify populations at risk and to monitor and improve the effectiveness of dietary intervention programmes.

### Technical cooperation

To improve the overall efficiency and effectiveness of the technical cooperation programme, greater attention was paid to pre-project preparation. During 1996, the Agency continued to improve guidance and training in project planning and formulation, along with related actions to automate and streamline project implementation in order to facilitate staff redeployment in support of pre-project activities. Efforts to streamline and simplify operations and improve management were aided by the introduction of new information systems and technology.

An additional 36 model projects were approved. One of the largest-ever technical cooperation projects, aimed at upgrading radiation safety infrastructures in developing countries, progressed significantly; by year's end, more than 90 per cent of the participating countries had endorsed their safety action plans. The project, covering some 50 countries, would bring national laws and regulations in line with international safety standards. In 1996, technical

cooperation resources amounted to \$63.3 million.

### **Agency safeguards responsibilities**

During 1996, 2,476 safeguards inspections were performed, compared with 2,285 inspections in 1995. IAEA continued to monitor and verify Iraq's compliance with relevant Security Council resolutions through the resident inspectors of the Nuclear Monitoring Group. During the year, IAEA resident inspectors conducted 354 inspections at some 107 facilities in Iraq, 34 of which were inspected for the first time. No instances of activities, equipment or materials proscribed by the relevant Security Council resolutions were detected (see PART ONE, Chapter IV).

The Agency maintained a continuous presence of inspectors in the DPRK and continued to monitor the freeze on the DPRK's graphite moderated reactors and related facilities. While the safeguards agreement between the DPRK and IAEA remained in force, the Agency was still unable to conclude that there had been no diversion of nuclear material in the country (see PART ONE, Chapter IV).

As at 31 December 1996, 214 safeguards agreements were in force with 131 States, compared with 207 agreements with 125 States at the end of 1995. Safeguards agreements pursuant to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) [GA res. 2373(XXII)] entered into force with Dominica and Saint Kitts and Nevis in May and with Monaco in June. Safeguards agreements pursuant to NPT and the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) [YUN 1967, p. 13] entered into force with Grenada in July, with Barbados in August and with Antigua and Barbuda in September.

Safeguards agreements were in force with 115 States pursuant to NPT as at 31 December 1996. For 64 non-nuclear-weapon States party to NPT, there were no safeguards agreements in force; safeguards were being applied in four of the five States with significant nuclear activities.

NPT safeguards agreements were in force with all 11 signatories of the 1985 South Pacific Nuclear Free Zone Treaty (Rarotonga Treaty); safeguards were applied in one of those States (Australia). Safeguards agreements pursuant to the Treaty of Tlatelolco were in force with 23 States. Safeguards agreements pursuant to Additional Protocol I of the Treaty of Tlatelolco were in force with two States with territories in the zone of application of the Treaty (Netherlands and the United States).

In September 1996, a trilateral initiative between the Agency, the Russian Federation and the United States was launched related to verification of fissile material from nuclear weapons. In November, a trilateral visit took place to sites in the United States at which fissile material excess to United States defence requirements was under Agency safeguards. The General Conference in 1996 requested the Director General to continue consultation with States in the Middle East to facilitate the early application of full-scope IAEA safeguards to all nuclear activities in the region, as a necessary step towards establishing a nuclear-weapon-free zone.

### **Nuclear information**

During 1996, the range of information available on the Agency's publicly accessible Internet site was significantly expanded with the addition of information circulars, the IAEA publications catalogue, new booklets on radiation safety, IAEA activities in the field of nutrition, and status reports on international conventions and treaties.

There were 99 States and 17 international organizations participating in the International Nuclear Information System (INIS) by the end of 1996. A total of 80,516 records of published literature were added to the INIS database, bringing the total number of records available to 1,936,722. In addition, IAEA published more than 170 books, reports, journal issues or booklets in English, as well as two publications in Chinese, eight in French, seven in Russian and seven in Spanish.

### **Secretariat**

At the end of 1996, the IAEA secretariat had 2,202 staff members, including 906 in the Professional and higher categories and 1,296 in the General Service category. Ninety nationalities were represented in posts subject to geographical distribution.

### **Budget**

The regular budget for 1996 amounted to \$256.4 million, of which \$246.2 million was to be financed from contributions by member States on the basis of the 1996 scale of assessment, \$7.4 million from income from reimbursable work for others and \$2.8 million from other miscellaneous income. Actual expenditures from the regular budget amounted to some \$250 million, of which \$243 million was related to the Agency's programmes. The unused budget from Agency programmes amounted to \$5.9 million. A total of \$29.3 million in extrabudgetary funds was pro-

vided by member States, the United Nations, international organizations and other sources.

The target for voluntary contributions to the Technical Cooperation Fund for 1996 was estab-

lished at \$64.5 million, of which \$50.5 million was pledged by member States.

NOTE: For further information, see The Annual Report for 1996, published by IAEA.

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## Chapter II

## International Labour Organization (ILO)

In 1996, the International Labour Organization (ILO) continued to promote social justice and economic stability and to improve labour conditions. Established in 1919 as an autonomous institution associated with the League of Nations, ILO has three primary objectives: promoting democracy and human rights; fighting unemployment and poverty; and ensuring equality and adequate protection for all categories of workers.

ILO membership in 1996 increased to 174, with the admission of Saint Kitts and Nevis.

### Meetings

The eighty-third session of the International Labour Conference (Geneva, 4-20 June) considered the annual report of the ILO Governing Body and the report of the Director-General. The Conference adopted a resolution on the elimination of child labour, as well as a new international convention on home work, which calls for the adoption of national policies aimed at improving the situation of home workers. General discussions were held on employment policies in a global context and on tripartite (Government/employer/worker) consultations at the national level on economic and social policy. An informal meeting of labour ministers at the Conference addressed the problem of child labour.

The eighty-fourth (maritime) session of the Conference (Geneva, 8-22 October) adopted three conventions and nine other international instruments pertaining to the working and living conditions of seafarers.

The following sectoral and other meetings were convened during 1996 in Geneva: the Tripartite Meeting on Social and Labour Issues concerning Migrant Workers in the Construction Industry (4-8 March); the Joint Meeting on the Impact of Structural Adjustment on Educational Personnel (22-26 April); the Tripartite Meeting on Social and Labour Problems caused by Structural Adjustments in the Port Industry (20-24 May); the Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Workers in the Context of Economic Restructuring (23-27 September); the Meeting of Experts on Workers' Privacy (1-7 October); the Tripartite Meeting on the Globalization of the

Footwear, Textiles and Clothing Industries: Effects on Employment and Working Conditions (28 October-1 November); and the Enterprise Forum (7-21 November).

### International standards

ILO activities concerning Conventions and Recommendations during 1996 included standard-setting and the supervision and promotion of the application of standards. Supervisory bodies engaged in a review of existing procedures and standard-setting policy, coinciding with the implementation of simplified reporting on ratified Conventions.

#### Standard-setting

In June 1996, the International Labour Conference adopted the Home Work Convention (No. 177) and Recommendation (No. 184) aimed at improving the situation of home workers. In October, it adopted the Labour Inspection (Seafarers) Convention (No. 178) and Recommendation (No. 185), the Recruitment and Placement of Seafarers Convention (No. 179) and Recommendation (No. 186), the Seafarers' Hours of Work and the Manning of Ships Convention (No. 180) and Recommendation (No. 187), and an optional Protocol to the 1976 Merchant Shipping (Minimum Standards) Convention (No. 147).

During the year, 65 ratifications of ILO Conventions by 33 member States were registered, resulting in the further increase of total ratifications of many important instruments, including those on basic human rights (freedom of association, discrimination, forced labour and child labour) and other issues, such as labour inspection, tripartite consultation and employment policy.

#### Supervision of standards

The Committee of Experts on the Application of Conventions and Recommendations, at its sixty-seventh session (Geneva, 28 November-13 December), dealt with a total of 245 observations from employers' and workers' organizations. The Committee noted 25 instances in which Governments changed their law and practice to conform with ratified Conventions, following the Committee's earlier comments.

The Committee carried out a general survey on the application by member States of selected international labour standards. The survey at the 1996 session dealt with reports submitted by States which had not ratified the 1978 Labour Administration Convention (No. 150) and Recommendation (No. 158) [YUN 1978, p. 1083].

The Governing Body Committee on Freedom of Association met three times in 1996 to examine complaints of violations of freedom of association received from employers' and workers' organizations.

### Promotion

Specialists on international labour standards were included on multidisciplinary teams set up in various developing regions to help Governments and employers' and workers' organizations with standard-setting and supervisory procedures and to assist in the integration of standards into ILO operational activities.

### Employment and development

In 1996, ILO published *World Employment 1996/97*, the second of a new series of ILO reports offering an international perspective on current employment issues. The report concluded that the concept of full employment, updated to reflect changing labour market structures and to include a qualitative dimension, was still a viable policy objective.

As a follow-up to the 1995 World Summit for Social Development [YUN 1995, p. 1113], a number of country employment policy reviews were carried out under the auspices of ILO and other UN organizations, and a synthesis report was prepared by ILO.

ILO's analytical and technical advisory activities focused on labour market policies, training policies and systems, the protection of international labour migrants and the rehabilitation of workers exposed to disability and drug and alcohol abuse.

### Working environment

The Meeting of Experts on Workers' Privacy (Geneva, October) adopted a Code of Practice on the Protection of Workers' Personal Data, which contained specific provisions regarding the collection, security, storage, use and communication of such data, as well as guidance on individual and collective rights and the role of employment agencies.

During the year, a series of stress-prevention studies in different occupations—air traffic control, oil and gas exploration, nursing, blue-collar workers in assembly-line production, and bus drivers—was published. Studies on trade unions

and child labour and on quality of work and performance in flexible organizations were also completed. Within the framework of technical cooperation activities in Asia, Latin America and Africa, training workshops and materials focused on improving conditions of work and productivity in small and medium-sized enterprises.

ILO's International Programme for the Elimination of Child Labour was implementing more than 700 projects on child labour in more than 40 countries in Asia, Africa and Latin America. Programme activities concentrated on building and strengthening national capacities and resources.

During the year, ILO launched an Action Programme on Safety in the Use of Chemicals at Work and began preparatory work on a major international conference on dust-related diseases. ILO publications produced in 1996 included six issues of the bulletin *Safety and Health at Work*, a modular training package entitled *Your Health and Safety at Work*, a code of practice on the recording and notification of occupational accidents and diseases, an updated code of practice on accident prevention on board ships, and *Ergonomic Checkpoints*, a manual of ideas to improve conditions in the workplace.

### Field activities

In 1996, expenditure on operational activities, under all sources of funding, totalled \$98.2 million, representing a 13 per cent decrease from the 1995 expenditure of \$112.9 million. The three leading programmes in terms of annual expenditure were in enterprise and cooperative development (\$23.3 million), development policies (\$22.8 million) and employment and training (\$18.6 million). Another significant programme dealt with working conditions and environment (\$11.6 million), which included the International Programme for the Elimination of Child Labour. Interregional and global activities accounted for \$17.8 million. In terms of regional distribution, Africa accounted for over 37 per cent of total expenditure (\$36.7 million), Asia and the Pacific for 25 per cent (nearly \$25 million), and Latin America and the Caribbean for 10 per cent (more than \$10 million). Expenditure in Europe decreased from \$8.8 million in 1995 to \$6 million in 1996, and the Arab States programme remained at \$2.6 million.

### Educational activities

The ILO International Institute for Labour Studies continued to undertake research, policy forums, courses, seminars and other activities on emerging issues of concern to ILO, particularly related to the interaction between labour institu-

tions, development and civil society in a global economy. The Institute examined labour institutions in the context of global production and market systems and, through a series of meetings, brought project findings on the patterns and causes of social exclusion to the attention of policy makers, practitioners and academics. Research continued on the strategic behaviour of enterprises in order to map the labour policy options available to countries wishing to enter or to expand in international markets. A new project was begun to identify the market preconditions that would enable developing countries to move to higher value-added production with improved labour and working conditions. Educational activities focused on capacity-building among ILO's tripartite constituents.

### Secretariat

As at 31 December 1996, the total number of full-time staff under permanent, fixed-term and short-term appointments at ILO headquarters and elsewhere was 2,286. Of those, 925 were in the Professional or higher categories and 1,361 were in the General Service or Maintenance categories. Of the Professional staff, 270 were assigned to technical cooperation projects.

### Budget

In June 1995, the International Labour Conference adopted a budget of \$579.5 million for the 1996-1997 biennium.

NOTE: For further information on ILO, see Report of the Director-General, Activities of the ILO, 1996-1997.

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ILO maintained regional offices at Abidjan, Cote d'Ivoire; Bangkok, Thailand; Geneva, Switzerland; and Lima, Peru, as well as liaison offices with the European Commission for Latin America and the Caribbean in Santiago, Chile.

## Chapter III

## Food and Agriculture Organization of the United Nations (FAO)

In 1996, the Food and Agriculture Organization of the United Nations (FAO), which was established in 1945, continued to work towards improving the nutrition, agricultural productivity and living standards of rural populations by assisting farmers, fishermen and foresters to produce more food using techniques that did not degrade the environment. FAO's primary objective remained the achievement of global food security, a situation where everyone would have access at all times to the food needed for an active and healthy life. Among its major activities, FAO provided early warning of potential food shortages, whether due to man-made or natural disasters, and brought food insecurity and nutrition problems to world attention through conferences, meetings and information campaigns.

During the year, FAO membership remained at 174 nations in addition to the European Community as a member organization.

FAO hosted the World Food Summit in Rome, Italy, from 13 to 17 November 1996, bringing together world leaders from 186 countries, including 41 presidents and 41 prime ministers. It was the first major gathering to discuss the problem of hunger since the 1974 World Food Conference [YUN 1974, p. 488]. Participants approved the Rome Declaration on World Food Security and a Plan of Action aimed at reducing undernutrition, afflicting some 840 million people worldwide, by at least half by 2015. The Plan of Action called for national commitments and international cooperation for collective solutions to global food security issues. (See also pp. 1129-31.)

### World food situation

In 1996, global food production expanded by just 2.6 per cent, according to preliminary estimates, similar to the stagnating rate recorded in 1995. However, world production of staple foods increased appreciably in 1996 compared with disappointing crop harvests in several regions the preceding year. As a result, the global supply situation improved, prices fell and aggregate cereal carryover stocks were expected to increase modestly for the first time in four years. Despite the positive developments, food shortages continued to grip a number of low-income food-deficit

countries, especially in sub-Saharan Africa and in some Asian countries, mainly due to civil unrest and unfavourable weather conditions.

As the only comprehensive international source of data and analysis of food supply situations worldwide, FAO's Global Information and Early Warning System (GIEWS) continued to provide early warnings of imminent food crises to ensure timely interventions in countries affected by natural and/or man-made disasters. In 1996, the System carried out a total of 30 crop- and food-assessment missions and participated in several inter-agency missions. Monitoring of the food situation in the countries of Eastern Europe and the former Soviet Union was intensified, while GIEWS continued to monitor intensively the food situation in several parts of Africa, including the Great Lakes region, the Horn of Africa, Angola, Liberia, Mozambique and Sierra Leone. FAO undertook, jointly with the World Food Programme, a number of crop- and food supply-assessment missions in response to a worsening food supply situation in the Democratic People's Republic of Korea. As a result, a joint one-year emergency operation amounting to some \$25.9 million was initiated to benefit about 4.7 million people. In all, there were 27 countries worldwide facing food emergencies by the end of 1996, of which 13 were in sub-Saharan Africa.

### Activities

#### Emergency assistance

The FAO Special Relief Operations Service approved 58 new projects in 31 countries during 1996, for a total of \$26,269,188, of which 5 per cent was for countries in Latin America and the Caribbean, 7 per cent for Asia and the Pacific, 18 per cent for the Near East, 26 per cent for Africa and 44 per cent for Europe.

International appeals for \$94.5 million were issued for emergency agriculture and livestock assistance to Angola, Bosnia and Herzegovina, Burundi, the Central African Republic, the Democratic People's Republic of Korea, Dominica/Antigua/Saint Kitts and Nevis, Ethiopia, the Great Lakes region and eastern Zaire, Liberia, Sierra Leone, Sri Lanka, Sudan and Tajikistan.

FAO's major activities in 1996 were in Bosnia and Herzegovina, Iraq and the Great Lakes region (Burundi and Rwanda). In addition to the delivery of agricultural inputs such as seed, fertilizer and hoes, FAO provided emergency assistance to the agricultural sector by sending emergency coordinators to Angola, Bosnia and Herzegovina, Burundi, Iraq, Liberia, Rwanda, Sierra Leone and Somalia.

#### Field programmes

In 1996, FAO provided technical assistance and support through 1,850 field projects, totalling \$240.4 million, in all areas of food and agriculture, fisheries, forestry and rural development. They were financed through trust funds provided by donor countries and other international sources (\$158 million), the United Nations Development Programme (\$43.4 million), and the Technical Cooperation Programme under FAO's regular budget (\$36.2 million).

During the year, international financing institutions approved some \$1.5 billion in funding for 41 agricultural and rural development projects, prepared with the assistance of FAO's Investment Centre. Total investments in those projects, including contributions from recipient Governments, amounted to \$2.5 billion.

#### Crops

Seeking to ensure that agricultural production met expanding human needs, FAO continued in 1996 a range of activities related to the conservation and use of plant biological diversity, crop management and diversification, seed production and improvement, crop protection, agricultural engineering, and food and agricultural industries. FAO's Integrated Pest Management programmes emphasized biological control methods and sought to introduce responsible limits to pesticide use. The Special Programme for Food Security continued to grow, with programmes designed to increase food production and productivity under way in 15 countries. The Programme promoted widespread adoption by farmers of improved production technologies, with emphasis on high-potential areas.

Also during the year, FAO's Emergency Prevention System for Transboundary Animal and Plant Pests and Diseases (EMPRES) continued efforts to protect crops and livestock, concentrating on desert locust and rinderpest, a fatal disease occurring in livestock. Progress was made in improving the exchange of information among locust-affected countries, in detecting important locust infestations at an earlier stage, and in strengthening the capacity of locust-control serv-

ices to react quickly and effectively. Desert locust outbreaks in Eritrea, Saudi Arabia and the Sudan were brought under control in late 1995 and early 1996.

#### Livestock

FAO's ongoing livestock activities addressed the improvement of feed resources and feeding systems, animal health, genetic resources and production systems, including both the meat and dairy sectors.

Sustainable feeding systems were given high priority in 1996. In semi-arid and arid zones, FAO focused on improving fodder conservation, fodder trees and grazing systems; and in humid and sub-humid regions, on providing high-quality feed from nitrogen-fixing legumes adapted to local means of production. Through an integrated programme of livestock, agriculture and forestry projects, FAO was spearheading the development of sustainable farm settlements in areas of the Volta basin recently freed of "river blindness" (onchocerciasis).

In July, experts attending a technical consultation in Rome adopted a blueprint for the global eradication of rinderpest by 2010. It was confirmed that control efforts had succeeded in clearing the disease from Egypt, the Gambia, Guinea, Togo and most of India.

#### Fisheries

In June 1996, FAO established EASTFISH, the first fish marketing and information service designed to assist Central and Eastern European countries. Based in Copenhagen, the \$3.5 million Danish Government-funded project was to assist those countries with the complex problems of fishing industries in transition as they competed with Western and developing-world fisheries. EASTFISH was to provide a source for marketing information, as well as managerial expertise in business procedures, in price and cost calculations, and in the preparation of investment proposals, feasibility studies and business plans.

#### Food standards and nutrition

During the year, FAO continued efforts to promote better nutrition by providing member countries with advice, information and technical assistance in three broad areas: formulation and implementation of national food policies and nutrition programmes; provision of technical and legislative advice on measures to ensure the quality and safety of food supplies; and assessment and monitoring of nutrition situations, including monitoring the effects of food and agricultural policies and development activities on nu-



trition. FAO also promoted community-level action programmes to analyse and deal with the causes of malnutrition.

FAO jointly organized the First World Congress on Calcium and Vitamin D in Human Life, held in Rome in October. The Congress discussed ways to improve the intake of those nutrients among all population groups in order to promote proper growth during childhood and adolescence and reduce diseases such as osteoporosis, cancer and hypertension.

#### Natural resources

FAO continued activities aimed at achieving more productive and efficient utilization of the earth's natural resources to meet current and future food and agricultural needs on a sustainable basis. Natural resources projects focused on six main areas: natural resources assessment and planning; farming systems development; plant nutrition development and management; water development, management and conservation; soil management, conservation and reclamation; and sustaining natural resources potential. Major programmes included Integrated Plant Nutrition Systems, promoting the use of all available plant nutrients to achieve sustainable crop production and protect the environment, and Farming Systems Development, a holistic and participatory approach to improving the situation of farm households and rural communities.

#### Plant and animal genetic resources

In June 1996, participants in the Fourth International Technical Conference on Plant Genetic Resources, held in Leipzig, Germany, adopted the first Global Plan of Action for the conservation and better use of those plant genetic resources important to food and agriculture. The Plan addressed the increasing loss of plant genetic resources, critical to future breeding of more productive varieties or to improving resistance to pests.

Through its comprehensive five-year programme for the conservation and sustainable use of animal genetic resources, launched in 1992, FAO continued activities to identify and preserve endangered breeds, promote conservation programmes, improve livestock breeding capacities in the developing world and establish an international legal framework on global trade in animals and their germ plasm. The World Information and Early Warning System on Plant Genetic Resources, established in 1995, contained information on about 4.8 million germ plasm accessions held in some 1,220 gene banks or botanical gardens. A primary goal of the System was the as-

essment of plant genetic resources erosion in seed collections and natural stands.

#### Commodities and trade

In 1996, FAO continued to assist countries to adjust trade regimes to conform with the new provisions of the Uruguay Round of multilateral trade negotiations. In July, FAO convened the first International Consultation on Tropical Fruits, in Kuala Lumpur, Malaysia, to discuss current and future trends of that growing industry, which generated trade worth \$1.3 billion in 1995. The Consultation was attended by 22 major producing and consuming countries.

#### Information

FAO continued to function as an information centre—collecting, analysing, interpreting and disseminating information through various media, including print, radio, television, video, film, photo displays and exhibitions. Materials produced included information booklets, technical documents, reference papers and reports of meetings, training manuals and audio-visuals.

Major regular periodicals included the annual State of Food and Agriculture, the FAO Quarterly Bulletin of Statistics, the annual Food and Agricultural Legislation, the forestry quarterly *Unasylva*, the quarterlies *World Animal Review* and *Plant Protection Bulletin*, and the annual *Rural Development*. FAO yearbooks were issued on rural development, trade, fertilizers, forest products, field projects, fishery statistics and animal health.

AGROSTAT PC, a user-friendly electronic version of FAO's statistical yearbooks, provided updated figures on all agriculture-related topics in six files: population, land use, production, trade, food balance sheets and forest products. Other important statistical information produced by FAO included the Fisheries Statistical Database, the Globefish Databank and Electronic Library, the Forest Resources Information System and the Geographic Information System. FAO compiled an extensive range of international databases, including AGRIS (the International Information System for the Agricultural Sciences and Technology) and CARIS (the Current Agricultural Research Information System). In addition, FAO operated the World Agricultural Information Centre (WAICENT), designed to improve access to agricultural data, particularly to external users, via the Internet, floppy disks and CD-ROMs.

#### Secretariat

As at 31 December 1996, the number of staff employed at FAO headquarters was 2,437, of whom 919

were in the Professional or higher categories and 1,518 in the General Service category. Field project personnel and those in regional and country offices numbered 1,549. There were also 217 Associate Professional officers, paid for by their Governments, working at headquarters, regional or country offices and in the field. During 1996, FAO opened new subregional offices in Tunis, Tunisia, and Bridgetown, Barbados. The offices would assist the countries of the subregions to reinforce their agriculture sectors through expert advice on

general policy, on strengthening institutions and on better use of human resources.

### Budget

The FAO Conference in 1995 approved a working budget for the 1996-1997 biennium of \$650 million. The largest appropriation was \$299 million for technical and economic programmes, followed by \$ 113 million for development services to member nations.

NOTE: For further information, see The State of Food and Agriculture, 1996 and 1997.

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FAO also maintained liaison offices in Washington, D.C, Geneva, Brussels and Tokyo; regional offices in Accra, Ghana; Bangkok, Thailand; Cairo, Egypt; and Santiago, Chile; and subregional offices in Harare, Zimbabwe; Apia, Samoa; Budapest, Hungary; Tunis, Tunisia; and Bridgetown, Barbados.

## Chapter IV

## United Nations Educational, Scientific and Cultural Organization (UNESCO)

The United Nations Educational, Scientific and Cultural Organization (UNESCO), which was established in 1946, continued in 1996 to promote cooperation among nations in education, science, culture and communication.

The UNESCO General Conference, which meets biennially to decide on policy, programme and budgetary matters, was scheduled to hold its twenty-ninth session in 1997. The Executive Board, consisting of members elected by the General Conference, held two sessions during 1996.

The membership of UNESCO increased to 185 in 1996, with the admission of Nauru.

### Education

In 1996, UNESCO activities continued to promote the goal of education for all (EFA). The basic EFA programme focused on the expansion and diversification of the provision of basic education, so that the largest number of potential learners, especially girls and women and certain disadvantaged groups, was reached. UNESCO assisted member States in the construction and equipment of affordable educational buildings and libraries. Particular emphasis was placed on literacy and adult education. In cooperation with intergovernmental and non-governmental partners, UNESCO organized regional conferences and technical meetings to prepare for the fifth International Conference on Adult Education in 1997.

During the year, the report of the International Commission on Education for the Twenty-first Century—*Learning: The Treasure Within*—was published in five languages, and preparations were made for more than 20 other language versions. To give new impetus to the international movement launched at the 1990 Jomtien Conference on Education for All, the Mid-Decade Review Meeting on Education for All (Amman, Jordan, 16-19 June) adopted the Amman Affirmation.

Learning Without Frontiers, a global effort to rethink some of the basic assumptions and approaches underlying traditional education systems, undertook activities aimed at creatively constructing new learning systems that were more responsive to the diversity of learning needs, styles and cultures throughout the world.

UNESCO promoted the renovation and reform of education at all levels from the perspective of lifelong education, including secondary, technical and vocational education, teacher education and higher education. During the year, a broadened and integrated approach to science and technology education, encompassing concerns including the environment, health and nutrition, was adopted. Through a network of centres of the International Project on Technical and Vocational Education, training workshops and seminars were organized to facilitate, in particular, the access of girls and women to scientific, technical and vocational education.

In the area of preventive education against drug abuse and AIDS, activities focused on the foundation, by mobilizing education decision makers, of national action plans for integrating prevention issues into school curricula and teacher training. UNESCO activities in population and environment education focused on fostering integrated approaches in different regions.

Through the Associated Schools Project—a network encompassing 4,057 schools in 136 countries—emphasis was placed on creating a culture of peace and non-violence in educational institutions, and new practical teaching materials on tolerance and human rights were initiated. A 1991 initiative to foster inter-university cooperation (UNITWIN) had launched the UNITWIN/UNESCO chairs programme, comprising 186 established chairs and 36 inter-university networks, and linking higher education institutions and research centres in more than 90 member States.

UNESCO supported 40 countries in their efforts to elaborate educational policies and action plans, with particular attention to least developed countries. The emerging States of Central Asia and Eastern Europe received technical support and access to information useful for rebuilding their educational systems. Assistance for the education of refugees was expanded in all regions.

### Sciences

In 1996, UNESCO's activities in the natural, social and human sciences, while retaining their

identities, were brought together within a single major programme called "The sciences in the service of development". Its aim was to create a synergy between different disciplines in order to promote the advancement, transfer and sharing of knowledge and its application to development. Activities under the programme sought to heighten the relevance of university education and research and to foster cooperation in the collection and dissemination of scientific and technical information.

#### Natural sciences

UNESCO enhanced human resources development and capacity-building related to the natural sciences through fellowships, grants, workshops, seminars and production of training tools.

In 1996, UNESCO assumed administrative responsibility for the International Centre for Theoretical Physics (ICTP), which it operated together with the International Atomic Energy Agency, in Trieste, Italy. ICTP provided research opportunities and advanced training in physics and applied mathematics to some 2,000 scientists from developing countries. UNESCO and Iowa State University (United States) continued to support the International Institute of Theoretical and Applied Physics in Ames, Iowa, in training and research benefiting developing-country scientists. UNESCO, the International Organization for Chemical Sciences in Development and the United Nations Industrial Development Organization (UNIDO) continued to carry out the international programme "Chemistry for life".

Through its Biotechnology Action Council and the global network of Microbial Resources Centres, UNESCO supported the training of young researchers. New Biotechnology Education and Training Centres were established in China, Hungary, Mexico, South Africa and Palestine.

During the year, UNESCO set up an International Scientific Advisory Board as an open-ended body to advise it on strategic issues of science, and on the service science offered for development and environmental protection. The second World Science Report, a biennial account of the state of science and technology worldwide, was published in English, French and Spanish. UNESCO sponsored seven conferences on the topic of university-industry cooperation, including the World Congress of Engineering Educators and Industry Leaders (Paris, 2-5 July), organized in cooperation with UNIDO.

The International Geological Correlation Programme (IGCP) continued to foster international cooperation in the earth sciences through 56 projects worldwide. Under the Man and the Bio-

sphere Programme, emphasis was given to the World Network of Biosphere Reserves, comprising 337 sites in 85 countries, as a means for reconciling conservation of biological diversity with regional development. The Intergovernmental Council of the International Hydrological Programme (IHP), at its twelfth session (Paris, 23-28 September), reviewed the completion of the fourth phase of IHP (1990-1995), and considered the activities for its fifth phase (1996-2001).

UNESCO's Intergovernmental Oceanographic Commission gave particular attention to preparations for the 1998 International Year of the Oceans; development of the Global Ocean Observing System, jointly with the World Meteorological Organization, the United Nations Environment Programme and the International Council of Scientific Unions; establishment of the Global Coral Reef Monitoring Network; implementation of the Harmful Algae Blooms programme; and strengthening of capacity-building activities in marine sciences, services and observations. Emphasis was also given to strengthening coastal zone activities, regional actions and data exchange.

The new transdisciplinary project on environment and development in coastal regions and small islands undertook cross-sectoral activities aimed at achieving environmentally sound, socially equitable and culturally appropriate development in those areas. UNESCO also organized the international academic conference "Ten Years after the Chernobyl Catastrophe" (Minsk, Belarus, 7-12 October) to assess scientific work carried out with regard to the ecological and social impacts of that nuclear accident.

#### Social and human sciences

UNESCO activities in the social and human sciences focused on the strengthening of research and training capacities, mainly through the establishment of UNESCO chairs, networks and mechanisms for inter-university cooperation. The international Management of Social Transformations (MOST) programme sought to improve the formulation of social development policies through social science research findings, focusing on data related to policy-making. MOST projects addressed population and migration, multicultural societies, participation of citizens in development efforts, and the revitalization of historic city centres, as well as improving conditions in rural and urban areas, combating social exclusion, and fostering the participation of young people in social and economic life.

The network of UNESCO chairs on human rights expanded to 25 throughout Africa, Asia, Europe and Latin America. A series of expert

meetings at the international, regional and national levels were organized to continue implementation of the recommendations of the UNESCO Advisory Committee on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance, established in 1994.

UNESCO undertook public information campaigns aimed at encouraging more tolerant societies. In line with the follow-up programme of the United Nations Year for Tolerance (1995), it submitted in December to the General Assembly a Declaration of Principles and Follow-up Plan of Action to promote tolerance. The first two regional networks against intolerance, discrimination and violence were established in the Mediterranean and Black Sea region and in the Asia and Pacific region.

During the year, UNESCO became the lead agency for the Inter-Agency Working Group on Basic Education established by the Task Force on Basic Social Services for All, which met in Paris on 29 April. Cross-cultural comparative research on poverty was promoted in Asia and Africa through regional social sciences organizations. The UNITWIN/UNESCO chairs network on sustainable development and the social sciences was extended, with six new chairs (Hungary, Jordan, Kenya, Lebanon, Palestine and the Russian Federation). The INFOYOUTH network was also extended, holding its first training seminars for coordinators in Africa and Asia. UNESCO's International Bioethics Committee at its fourth session (Paris, 3-5 October) discussed the moral issues of genetic research and examined a draft universal declaration on the human genome.

### Culture

UNESCO's cultural activities in 1996 continued to focus on integrating a cultural dimension into development policies and projects, protecting cultural heritage, and promoting cultural identities and intercultural dialogue. Activities implemented under the World Decade for Cultural Development (1988-1997) aimed primarily at promoting culturally sensitive sustainable development through seminars, research and projects in the fields of culture and health; culture and the environment; cultural industries; investing in culture; and culture and tourism. The World Day for Cultural Development was marked by an International Conference on the theme "Culture and Health" (Chiang Mai, Thailand, 27-31 May), co-organized by UNESCO and the World Health Organization. The report of the World Commission on Culture and Development, *Our Creative Diversity*, was presented in October to the General Assembly.

A UNESCO Mayors for Peace Prize was created in recognition of actions by municipalities leading to social cohesion, the improvement of living standards, and the creation of an urban environment respectful of cultural diversity while fostering neighbourhood solidarity and active citizenship. The routes that linked cultures and civilizations throughout history and consequent interactions and impact on world culture were the focus of a series of projects to revive intercultural dialogue.

Activities aimed at safeguarding, revitalizing and enhancing sites, monuments and traditional forms of cultural expression continued, with emphasis placed on encouraging the application of relevant international standards, coordination of safeguarding operations and promotion of the ideals of heritage conservation, particularly among young people. Special attention was given to underwater archaeological heritage. In 1996, UNESCO's list of protected cultural and natural sites included 506 outstanding sites in 107 countries that were to be preserved as the heritage of all humankind. These had been selected by the World Heritage Committee on the basis of proposals made by 149 States parties to the 1972 Convention for the Protection of the World Cultural and Natural Heritage [YUN 1972, p. 759].

Meetings at UNESCO headquarters during 1996 included the International Forum on Communication and Copyright in the Information Society (March); the International Meeting of Book Promotion Networks (May), which created a new mechanism, INTERBOOK, for coordinating international cooperation in that field; an international round table on culture, tourism and development (June); and UNESCO's Intergovernmental Committee on the Return of Cultural Property, which at its biennial meeting (September) discussed new ways of combating illicit international traffic in cultural property. The Danube International Folklore Conference (Budapest and Kalocsa, Hungary, 6-10 July) adopted recommendations on safeguarding and developing traditional culture and folklore in Central and Eastern Europe. A new International Centre for the Promotion of Crafts was established in September 1996 in Fez, Morocco. A UNESCO prize for the promotion of the performing arts was awarded to the Tapiola Choir of Finland.

### Communication

UNESCO continued to encourage and support the free flow of information and to help developing countries build up their communication, information and informatics capacities. A United Nations/UNESCO seminar on promoting independent and pluralistic Arab media (Sana'a,

Yemen, January) adopted a declaration emphasizing the need for economic and legal support for media independence. The International Freedom of Expression Exchange network increased to 260 subscribers, individuals and media organizations. UNESCO's network of chairs in communication expanded to 15 in all regions of the world.

The International Programme for the Development of Communication held its sixteenth session (Paris, 22-26 January), approving \$2.3 million in funding for 36 communication development projects. UNESCO hosted the Sixth Inter-Agency Round Table on Communication for Development (Harare, Zimbabwe, 2-5 September), with the participation of the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund, and the United Nations Population Fund. On the basis of the round-table report, the General Assembly adopted **resolution 51/172**, which recognized the importance of participatory communication as a major development factor (see text, p. 1352).

UNESCO continued to provide support for regional information networks and the restoration and revival of selected major libraries, such as the Library of Alexandria in Egypt, the Bosnia and Herzegovina National and University Library in Sarajevo, and the Russian State Library. The

UNESCO Network of Associated Libraries expanded to more than 300 libraries worldwide.

In 1996, UNESCO published 142 titles and produced 10 CD-ROMs. A new quarterly magazine, *World Heritage Review*, was published in English, French and Spanish. Also published in 1996 was an overview of the process of reforms begun in 1988 in programming and evaluation, management style and effectiveness, entitled *UNESCO: The Will to Reform*.

### Secretariat

As at 31 December 1996, UNESCO had a full-time staff of 2,405, of whom 1,016 were in the Professional or higher categories, drawn from 153 nationalities; 1,389 staff members were in the General Service category.

### Budget

The General Conference of UNESCO, at its 1995 session, approved a budget of \$518.4 million for the 1996-1997 biennium. The level of the Working Capital Fund was fixed at \$25 million and the total assessment on member States after deducting miscellaneous income was \$516.4 million.

NOTE: For further information, see Report of the Director-General 1996-1997, published by UNESCO.

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## Chapter V

## World Health Organization (WHO)

Established in 1948 as the directing and coordinating authority on international health, the World Health Organization (WHO) in 1996 remained committed to the goal of "Health for all", representing, at a minimum, a level of health for all people, enabling them to work productively and to participate actively in the life of the community in which they live. WHO activities focused in particular on disease prevention and control; primary health care and nutrition; the health of specific population groups; health aspects of the environment, development and lifestyle; and support for health care, organization and management worldwide. Priorities for action included chronic conditions that were major causes of death or avoidable ill-health and disability.

The World Health Assembly, the governing body of WHO, at its forty-ninth session (Geneva, 20-25 May 1996), adopted 29 resolutions on, inter alia, malaria prevention and control; destruction of the smallpox virus; the WHO revised drug strategy; prevention and control of iodine deficiency disorders; infant and young child nutrition; strengthening nursing and midwifery; the Joint and Co-sponsored United Nations Programme on HIV/AIDS; prevention of violence; assistance for health needs of the Arab population in the occupied Arab territories; and tobacco or health. The World Health Report 1996 focused on non-communicable chronic diseases.

As of 31 December 1996, WHO membership remained at 190 members and two associate members.

### Health policy

The Global Strategy for Health for All by the Year 2000, founded on primary health care and adopted by the World Health Assembly in 1981, continued to provide the policy framework for WHO's work programme and for worldwide health activities. In 1996, country consultations took place regarding a policy on health for all for the twenty-first century, to be presented to the World Health Assembly in 1998. The year 1996 was the first in WHO's ninth general programme of work for 1996-2001, which had four interrelated policy orientations: integrating health and human development in public policies; ensuring equitable access to health services; promoting

and protecting health; and preventing and controlling specific health problems.

In 1996, a WHO conference on health care reform in Europe (Ljubljana, Slovenia), attended by 45 countries, adopted the Ljubljana Charter, which emphasized developing health care systems governed by the principles of human dignity, equity, solidarity and professional ethics. Also during the year, the WHO Centre for Health Development opened in March in Kobe, Japan, with the objective of undertaking multisectoral research in support of health policy decisions. In addition, WHO provided support to more than 50 countries, covering all elements of national drug policies; formulated guidelines as a basis for globally recognized norms and standards related to biotechnology; and prepared documents and guidelines concerning national policy on and regulation of traditional medicine.

### Chronic conditions

During 1996, WHO took action on a wide range of chronic diseases, which were responsible for the deaths of more than 24 million people each year, equal to almost half of all deaths worldwide. Through the INTERHEALTH project, WHO adopted an integrated approach to the prevention of common risk factors, such as genetic factors. Integrated programmes were set up in all regions, including the integrated non-communicable diseases intervention (CINDI) programme, comprising 24 countries in Europe; the integrated chronic disease prevention project known as CARMEN, in the Americas; and, in the western Pacific, two integrated prevention and control programmes in China, which stressed tobacco control and hypertension. A series of national training workshops for health workers in Fiji focused on methods and skills for reducing risk factors.

Cancer continued to be a major threat to health worldwide. During the year, more than 10 million people developed cancer, and at least 6 million people who already had the disease died from it. Among WHO efforts to combat cancer was a multinational study in China, Japan, the Philippines, the Republic of Korea and Viet Nam which investigated workers' knowledge of cancer pain relief, with a view to developing an approach for training. Cancer pain relief methods were introduced in Fiji, Mongolia and Samoa. In

order to prevent liver cancer, the Gambia and Zimbabwe were administering systematic immunization programmes against hepatitis B.

The 10-year-old, 26-country MONICA project continued to monitor trends and determinants of circulatory diseases. In 1996, WHO disseminated the first five-year trend data on risk factors and incidence of heart attacks and strokes. It also made available a set of protocols and a training manual for monitoring cardiovascular disease risk factors in developing countries, as well as guidelines for promoting physical activity as part of a prevention strategy. A variety of regional initiatives related to the prevention and control of circulatory and cardiovascular diseases were also undertaken.

WHO conducted a study to determine the worldwide prevalence of diabetes mellitus, and set up a computerized information system known as DIABCARE, which processed data provided by countries. Diabetes liaison offices were in place in all European member States; 46 per cent of countries had a national diabetes programme, 80 per cent had a national diabetes task force, and 85 per cent had a diabetes patient organization.

WHO published a landmark technical report on the control of hereditary diseases, and addressed other chronic conditions, including: asthma; arthritis; mental and neurological disorders; nicotine, alcohol and psychoactive drug dependence; blindness and deafness; and oral disease. Injury prevention and community-based rehabilitation were also promoted.

### Health of specific populations

WHO continued to emphasize the concept of healthy ageing and stressed the need to avoid compartmentalizing older persons in "the elderly" category. It issued the first of a series of guidelines on the concept, which focused on active ageing. WHO also developed a conceptual framework for establishing priority areas for research on ageing and health worldwide. A joint conference with the United Nations, held at UN Headquarters in April, focused on the priority research topics of healthy ageing, policy development and ageing-related conditions. WHO also coordinated an international conference in July, sponsored by the Brazilian Government, which culminated in the Brasilia Declaration on Ageing. Among specific issues related to older populations, WHO activities during the year highlighted prevention of cataracts and early diagnosis of dementia.

Regarding the health of adults and women, WHO emphasized reproductive health and family planning programmes, as well as occupational

health. It assisted countries in implementing national plans for safe motherhood, and maintained databanks on maternal mortality and other issues related to the health of women. Reports were issued in 1996 on an informal consultation on hookworm infection and anaemia in girls; on assessing and preventing iron deficiency; and on menopause in the 1990s. Draft guidelines were being prepared on the preclinical evaluation of and clinical trials on drugs being considered to combat osteoporosis. WHO held a consultation on violence against women, and the WHO Global Commission on Women's Health addressed that issue at its April meeting.

Programmes for adolescents, which included the global school health initiative for health promotion through schools, provided youth with support and opportunities to acquire accurate information, as well as access to health services and counselling. Jointly with the United Nations Population Fund and the United Nations Children's Fund (UNICEF), WHO developed a human resources roster for adolescent health, aimed at helping countries to identify and deploy people with expertise in all aspects of programme development and delivery. WHO also focused on activities to prevent rheumatic fever/rheumatic heart disease, which often resulted in significant chronic morbidity for schoolchildren and young adults. Nutrition in school feeding was emphasized, as was preventing substance abuse and providing access to reproductive health services for young people.

The WHO/UNICEF integrated management of childhood illness strategies continued to provide a systematic process for diagnosing and treating five conditions affecting children: diarrhoea, acute respiratory infections, malnutrition, measles and malaria, which together were responsible for some 70 per cent of all child deaths. WHO activities also resulted in some 500 million immunization contacts a year with children. By the end of 1996, more than 7,700 hospitals in 171 countries had been designated as "baby-friendly". In addition, support was channelled, particularly to the least developed countries, to prevent malnutrition, which caused more than half of child deaths in developing countries. WHO maintained a global database on child growth and malnutrition, and began work on the development of new standards as international reference values for the growth of children. The WHO global data bank on breastfeeding was updated with new definitions and indicators; other activities focused on the nutritional status of mothers during pregnancy.



### Infectious diseases

WHO was one of six co-sponsors of the Joint and Co-sponsored United Nations Programme on HIV/AIDS (UNAIDS), which became operational on 1 January 1996 (see pp. 1121-1123). WHO action included providing epidemiological and technical support by maintaining the epidemiological surveillance and tracking of HIV/AIDS and sexually transmitted diseases. In the fight against tuberculosis, WHO continued to promote the adoption and implementation of the directly observed treatment short course, which was in use in some 80 States and had resulted in an increase in cure rates of up to 90 per cent in some countries. In addition to providing training and technical assistance for malaria prevention and control, WHO issued guidelines for malaria control among refugees and displaced populations. In January, a new African Programme for Onchocerciasis Control was started, covering 19 African countries where "river blindness" affected some 15 million people. WHO continued activities to eliminate leprosy, mobilizing resources, helping to define high-priority zones and collecting global information. In relation to the eradication of smallpox, the World Health Assembly recommended in 1996 that the world's remaining stocks of variola virus should be destroyed on 30 June 1999, with the smallpox vaccine seed virus maintained in the WHO collaborating centre on smallpox vaccine in Bilthoven, Netherlands. WHO also remained active in tropical disease research.

### Health protection and promotion

WHO continued to encourage the adoption of healthy lifestyles by focusing on advocacy for health, empowerment of communities and design of media strategies for health. To achieve that goal, a five-year action plan intended to lead health promotion into the twenty-first century was launched. Safe food and good nutrition were promoted by a variety of WHO activities and publications. During the year, WHO also produced information on environmental health hazards, ranging from climate change to water supply. A project to provide national training for developing countries on toxic chemicals, environment and health was launched in 15 countries in Africa, Asia and Latin America.

### Secretariat

At the end of 1996, WHO had a staff of 3,865, including 1,332 posts in the Professional and higher categories, and 2,533 in the General Service category.

### Budget

The forty-eighth (1995) World Health Assembly adopted a budget of \$842,654,000 for the 1996-1997 biennium.

NOTE: For further details of WHO activities, see The World Health Report 1997, published by the organization.

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WHO also maintained regional offices in Alexandria, Egypt; Brazzaville, Congo; Copenhagen, Denmark; Manila, Philippines; New Delhi, India; and Washington, D.C.

## Chapter VI

## International Bank for Reconstruction and Development (World Bank)

The International Bank for Reconstruction and Development (World Bank), established in 1945, continued to promote economic and social progress in developing nations by helping to raise productivity. In 1996, poverty reduction and sustainable development remained the Bank's central objectives. Together with one of its affiliates, the International Development Association (IDA), the Bank provided loans to the developing world, as well as assistance in designing and implementing policies to expand markets and strengthen the economies of developing countries. Several initiatives were launched during the fiscal year 1996 (1 July 1995-30 June 1996) to strengthen the Bank's development effectiveness and to focus Bank efforts on client services.

In particular, the Bank's ability to respond quickly to the needs of its clients was being strengthened. For example, the Bank set up a \$150 million Trust Fund for Bosnia and Herzegovina soon after the signing of the Peace Agreements in December 1995 (see PART ONE, Chapter V). A field office was opened in Sarajevo in early January 1996 to coordinate the Bank's reconstruction effort, and by the end of fiscal 1996, seven projects had been financed through the new Trust Fund. These addressed emergency needs in the areas of water, sanitation and solid waste urgent works; farm, transport, power and education reconstruction; and war victims rehabilitation.

The Debt-Reduction Facility continued to provide heavily indebted, low-income countries with grants to buy back their commercial debt at deep discounts. The Facility was financed by both the Bank's net income and contributions from donors. During 1996, the Facility advanced grants totalling \$77 million to Albania, Ethiopia, Mauritania and Nicaragua, which, combined with \$135 million in co-financing, extinguished a total of \$1.7 billion in eligible principal debt.

The International Finance Corporation (IFC), another Bank affiliate, approved \$3.2 billion for 264 projects during fiscal 1996 to stimulate private-sector investment in developing countries. The Multilateral Investment Guarantee Agency (MIGA), the newest member of the World Bank Group, continued to encourage direct for-

eign investment in developing countries by protecting investors from non-commercial risk. The International Center for Settlement of Investment Disputes (ICSID), which with IBRD, IDA, IFC and MIGA forms the World Bank Group, since 1966 has mediated disagreements between Governments and private foreign investors.

At the end of fiscal 1996, World Bank membership increased to 180, with the admission of Bosnia and Herzegovina and Brunei Darussalam.

### Lending operations

Gross disbursements by the Bank totalled \$13.3 billion in fiscal 1996, an increase of 5.5 per cent over fiscal 1995. Bank commitments totalled \$14.6 billion in 129 loans to 45 countries. The largest increase was in the Middle East and North Africa region, where 21 projects totalling \$1.5 billion were approved, compared with 14 projects totalling \$979 million in fiscal 1995. Lending volume also increased in Africa; the sharpest drop occurred in Latin America and the Caribbean.

The three largest borrowers of Bank funds were China (\$2.4 billion), the Russian Federation (\$1.8 billion) and Argentina (\$1.5 billion). Two projects in the West Bank and Gaza, totalling \$60 million, were funded from the Trust Fund for Gaza. Lending for electric power projects (\$3.2 billion) led all sectors by volume, followed by transportation (\$2.7 billion) and agriculture (\$2.5 billion).

Lending for human capital development was one of the fastest growth areas of Bank activities during the 1990s, increasing more than fivefold since the early 1980s. Loans totalling \$35 billion had been extended to more than 100 countries for education, health, population and nutrition programmes; the first loan in support of human capital development was approved in 1962. Lending for such programmes increased to 18 per cent of total Bank lending in the five-year period from fiscal 1992 to 1996. Average yearly lending amounts during that period totalled more than \$4 billion. Human capital development lending was also a central component of the Bank's poverty reduction strategy, along with broad-based growth and safety nets. Assistance to the poorest countries—those with a per capita gross national prod-

uct of \$765 or less (in terms of 1995 United States dollars)—totalled \$9.8 billion. Some 32 per cent of total Bank investment during the year was directly targeted to the poor, the same as in fiscal 1995.

In fiscal 1996, the Bank mounted a diverse programme of assistance to continue its support of private-sector development in member countries. More than \$5.6 billion in funds was provided through 51 projects in the financial, power, telecommunications/information/technology, oil and gas, and industry and mining sectors, supporting the structural changes needed to attract private funding to productive enterprises. Operations were designed in many cases to leverage substantial private capital flows. Lending in the financial sector supported banking reform in Argentina, Ghana, India, Moldova, Morocco, the United Republic of Tanzania, and Viet Nam.

Demand was increasing for Bank assistance to mitigate the economic, social and environmental consequences of the degradation and depletion of natural resources. Priority concerns included urban growth, increasing motorization, and a recent lack of attention to rural development, as well as the need to address the extension of basic services in water, sanitation and transport in environmentally sustainable ways. The Bank's portfolio of loans under its Environmentally Sustainable Development Programme accounted for about half of total lending.

#### **Multilateral Investment Guarantee Agency**

The Multilateral Investment Guarantee Agency (MIGA), established in 1988, continued to help promote investment for economic development in member countries, through guarantees to foreign investors against losses caused by non-commercial risks and through advisory and consultative services. MIGA had its own operating and legal staff, but drew on the Bank for administrative and other services.

In fiscal 1996, six additional countries became members of MIGA, bringing its total membership to 134. An additional 21 developing countries and economies in transition were in the process of fulfilling membership requirements.

During the year, MIGA issued its first guarantees in Kuwait, Kyrgyzstan, Mali, Nepal and Papua New Guinea. Sixty-eight contracts totalling \$862 million in coverage were issued, raising the outstanding maximum contingent liability to \$2.3 billion. MIGA's net income before provisioning increased to \$20.7 million in fiscal 1996. Since its inception, MIGA had considered a total of 215 projects.

During fiscal 1996, MIGA launched its Investment Promotion Agency Electronic Network, an

on-line marketing, communications and information network linking private investors with investment intermediaries and technology providers worldwide to share information and promote foreign direct investment via the Internet.

#### **Economic Development Institute**

The Economic Development Institute (EDI) continued to work with a growing network of Bank and external partners to share knowledge about best practices in policy design and implementation through seminars and training programmes, publications and outreach. During fiscal 1996, EDI conducted 358 conferences, seminars and workshops in all regions, reaching nearly 7,000 people directly. It also trained some 600 trainers and worked with partners from more than 150 organizations. EDI resources were concentrated in sub-Saharan Africa and countries of the former Soviet Union, with the remainder in other developing nations. EDI curricula covered four broad areas: macroeconomic management and policy; environment and natural resources; human resources and poverty; and regulatory reform of private and public sectors.

#### **Co-financing**

During the year, the Bank continued to facilitate the flow of financial resources to developing countries by carrying out activities related to co-financing, project finance and guarantees, private-sector development and technical assistance financing.

The volume of co-financing anticipated in support of World Bank projects approved in fiscal 1996 was \$8.35 billion, which helped finance 131 Bank-assisted projects, or about half the total projects approved during the year. About 86 per cent of co-financing came from official sources, both bilateral and multilateral. Japan remained the most important source of bilateral co-financing, providing a total of \$1.1 billion for 10 projects. Other important bilateral sources were Germany (\$394 million), France (\$217 million), the United Kingdom (\$159 million), and the United States (\$96 million). The Inter-American Development Bank remained the largest multilateral source, providing \$1.6 billion in co-financing during the year.

The largest share of co-financing, 75 per cent, went to investment loans. By sector, infrastructure (power, energy, telecommunications, transportation, water supply) continued to attract the most co-financing, amounting to \$3.8 billion, or 45 per cent of the total. Co-financing in the social sectors rose significantly, mainly due to large loans to Argentina, Brazil and Egypt. Regionally,

the largest amount of co-financing (\$2.1 billion) continued to go to Latin America.

### Financing activities

During fiscal year 1996, the Bank raised \$10.9 billion through medium- and long-term borrowings in 15 currencies. The Bank also contracted \$4.7 billion of currency swaps and a notional par volume of \$6.1 billion of interest-rate swaps. After swaps, most of the year's funding was denominated in United States dollars and deutsche mark, with minor amounts in French and Luxembourg francs. The cost of new medium- and long-term borrowings after swaps decreased to 5.28 per cent, from 6.31 per cent in fiscal 1995.

As at 30 June 1996, short-term borrowings outstanding were \$4.3 billion, comprising \$2.6 billion from official sources through the Bank's central facility, \$1.4 billion from market funding in United States dollar discount notes, and \$400 million from short-term notes issued under the Bank's global multicurrency note programme. The cost of those borrowings was 5.4 per cent, compared with 5.85 per cent at the end of fiscal 1995.

### Scholarships

In fiscal 1996, the joint Japan/World Bank Graduate Scholarship Programme provided

funding to support graduate studies for 310 mid-career officials of member countries.

### Capitalization

As at 30 June 1996, the total subscribed capital of the Bank was \$180.6 billion, or 96 per cent of authorized capital of \$188 billion. The permissible increase of net disbursements was \$90.8 billion, 45 per cent of the Bank's lending limit.

### Income, expenditures and reserves

The Bank's gross revenues totalled \$8.7 billion in fiscal 1996, a decrease of \$642 million from 1995. Net income was nearly \$1.2 billion, down from \$1.3 billion in fiscal 1995. Expenses decreased to \$7.4 billion, from \$7.8 billion a year earlier. Administrative costs amounted to \$846 million, a 12 per cent reduction from \$961 million in fiscal 1995. As at 30 June 1996, the Bank's reserves amounted to \$17.1 billion, and the reserves-to-loan ratio stood at 14.1 per cent.

### Secretariat

As at 30 June 1996, World Bank regular and fixed-term staff numbered 5,681.

NOTE: For further details regarding the Bank's activities, see The World Bank Annual Report 1996.

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The World Bank also maintained offices in Paris and Tokyo.

## Chapter VII

## International Finance Corporation (IFC)

The International Finance Corporation (IFC), which was established in 1956 as an affiliate of the International Bank for Reconstruction and Development (World Bank), continued in 1996 to promote economic development by encouraging the growth of productive enterprise and efficient capital markets in developing countries. As the largest multilateral source of loan and equity financing for private-sector projects in the developing world, IFC helped to stimulate private investment in developing countries by demonstrating that investments there could be profitable. Through its advisory work, IFC also helped Governments create conditions that would stimulate the flow of both domestic and foreign private savings and investment.

During the 1996 fiscal year (1 July 1995-30 June 1996), IFC membership increased to 170, with the admission of Azerbaijan, Bahrain, Bosnia and Herzegovina, Eritrea, and Saint Kitts and Nevis.

### Financial and advisory services

Record levels of \$3.2 billion in financing were approved for 264 new projects during fiscal 1996, reflecting strong growth over the \$2.9 billion approved for 213 projects in 1995. The total cost of IFC-financed projects was \$19.6 billion. In the 40 years since its founding, IFC had provided more than \$18.8 billion in total financing for 1,706 companies in 125 developing countries. In fiscal 1996 alone, new investments were approved in 68 countries and eight regions, including first investments in Albania, Angola, Croatia, Maldives, Samoa, Slovakia and Vanuatu.

Financing approved for IFC's own account included \$2.5 billion in loans, \$618.8 million in equity and quasi-equity investments, and \$147.3 million in guarantees, swaps and stand-by arrangements. By sector, IFC investments ranged broadly from capital markets and infrastructure to agribusiness, extractive industries and general manufacturing. In particular, agribusiness and food processing continued to increase strongly, with IFC approving over \$379 million for its own account in 51 projects.

IFC's technical assistance and advisory services continued to facilitate the growth of efficient and competitive private business activity, focusing on the areas of privatization, private infrastructure

and capital market activities and development. In fiscal 1996, more than 60 technical assistance assignments were conducted in nearly 50 countries. Since its founding, IFC had undertaken a total of 800 assignments in some 95 countries and/or regions.

The Technical Assistance Trust Funds Programme (TATF)—created through a strategic alliance with the donor community—continued to support IFC's developmental and operational work. In fiscal 1996, TATF secured funding for some 83 technical assistance projects totalling some \$10 million in commitments in more than 50 countries. New trust funds were established with Ireland, Israel and Japan; replenishments were secured from Australia, Denmark, Finland, Italy, Switzerland, the United Kingdom and the United States. Since inception, TATF had mobilized more than \$45 million through 23 trust funds established with 16 donors and 330 technical assistance projects involving more than \$33 million in commitments.

IFC continued to offer risk-management services to private-sector clients in developing countries to reduce their exposure to interest rate, currency and/or commodity price risks. In fiscal 1996, IFC approved a record number of 23 risk-management projects, due to favourable market conditions, strong customer demand, and a more efficient streamlined processing procedure. In total, 57 risk-management projects had been approved between 1990 and 1996, representing an overall exposure of some \$390 million for clients in 20 countries.

Under a joint programme of IFC and the Global Environment Facility (GEF), mechanisms were being developed to provide financing to small and medium-sized enterprises to address GEF initiatives on biodiversity conservation and global warming. IFC also approved projects totalling \$4.8 million to assist private-sector firms in complying with the requirements of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, aimed at phasing out the use of ozone-depleting substances.

IFC continued to promote index funds, as an alternate method for investors to access emerging markets, by developing an Asian index fund. That fund had had two successful predecessors, a Latin American index fund launched in fiscal

1995, and a global index fund that had grown from \$45 million in 1994 to nearly \$2.8 billion in 1996.

### Regional projects

IFC approved projects in 76 countries and regions in fiscal 1996, up from 67 in 1995. The number of projects in each region increased, particularly in sub-Saharan Africa, as well as in Central Asia, the Middle East, and North Africa (known as CAMENA). The volume of investments expanded in Asia, in CAMENA countries and in Latin America and the Caribbean, but declined in sub-Saharan Africa and, to a lesser extent, in Europe.

IFC continued to place special emphasis on sub-Saharan Africa during 1996, approving more than one of every four IFC-wide investments in the region. Because the region's economies were small, IFC invested in few large projects and concentrated instead on small and medium-sized companies, which accounted for about 60 per cent of the regional total. In fiscal 1996, IFC approved 71 projects in 20 countries in sub-Saharan Africa, as well as one with regional scope, a 40 per cent increase over 51 projects in 1995. As at 30 June 1996, IFC's committed portfolio included loans and investments for 224 companies in 30 countries, compared with 212 companies in 35 countries a year earlier.

In Asia, IFC approved 53 projects in 12 countries, plus three with regional scope, compared with 45 projects in 1995. As at 30 June, IFC's committed portfolio included loans and investments for 213 companies in 19 countries, compared with 191 companies in 17 countries a year earlier. To help Asian companies modernize and internationalize their businesses, IFC supported international joint ventures that brought in strong foreign partners with state-of-the-art technology, international marketing skills and strong capital bases throughout the region. In the transition economies of China and Viet Nam, IFC supported the development of basic industries and services and provided environmental assessments of large industrial investments. In the emerging economies of South Asia, IFC continued to focus on strengthening the private sector by supporting projects in power, telecommunications and textiles, as well as in housing finance and leasing.

In CAMENA countries, IFC approved 38 projects in nine countries, and two at the regional level, compared with 34 projects in 1995. As at 30 June, IFC's total committed portfolio included loans and investments for 114 companies in 12 countries in the region, compared with 104 companies in 11 countries a year earlier. Sixty per cent of investment approvals in the region were directed to

capital markets during fiscal 1996. IFC helped to establish institutions that were new to local financial markets, including a regional investment bank in the Middle East, a discount house in Morocco, and a regional direct-equity fund for Central Asia and the Middle East. In the transition to market economies, the republics of Central Asia required support in privatizing and restructuring assets in many sectors.

In Europe, 24 countries were members of IFC during 1996, more than double the number in 1993. IFC approved 36 projects in 13 countries, plus two with a regional focus, compared with 28 projects in 1995. As at 30 June, IFC's committed portfolio included investments in 142 companies in 16 countries, compared with 140 companies in 16 countries a year earlier. Capital-market development continued to be a crucial part of IFC strategy to assist Europe's transition economies. During the year, IFC and a leading Austrian commercial bank jointly established the Intraregional Trade Enhancement Facility, a \$60 million guarantee facility for the confirmation of documentary credits issued by banks from Central and Eastern Europe in support of intraregional trade.

In Latin America and the Caribbean, IFC approved 63 projects in 14 countries and two with a regional focus, compared with 53 projects in 1995. As at 30 June, IFC's committed portfolio included loans and investments for 282 companies in 21 countries in the region, compared with 282 companies in 25 countries a year earlier. Argentina, Brazil and Mexico received the largest number of regional investment approvals, averaging some \$20 million per project. In other South American countries and in Central America and the Caribbean, investments averaged about \$10 million. Private infrastructure received 25 per cent of regional investment, while domestic capital-market operations accounted for 20 per cent of total regional investments.

### Foreign Investment Advisory Service

The Foreign Investment Advisory Service (FIAS), created in 1986, continued to help Governments fill long-term development needs by obtaining the greatest possible benefit from private foreign direct investment, including capital, technology and managerial expertise. In fiscal 1996, FIAS completed 27 new advisory projects in 25 countries and regions, and followed up on projects in four countries. Most were complex projects on topics such as attracting foreign direct investment in infrastructure, increasing backward linkages, and designing promotion strategies. FIAS also conducted three multi-country conferences: one on foreign investment policy and competition for foreign direct investment in

Asia, and two on foreign direct investment in infrastructure in Africa and Eastern Europe.

### Financial performance

In fiscal year 1996, IFC's net income reached \$346 million, an 84 per cent increase over 1995. The loan portfolio generated \$86 million, while net income from the equity and quasi-equity portfolio was \$146 million. Net income from invested net worth and treasury activities totalled \$181 million.

IFC's total committed portfolio at the end of fiscal 1996 was \$9.8 billion, a 4 per cent increase over 1995. The portfolio consisted of loans and equity investments in 985 companies in 98 coun-

tries. IFC added 129 companies to its portfolio, and removed 83 companies as a result of loan repayments, equity or investment write-offs.

### Capital and retained earnings

As at 30 June 1996, IFC's net worth reached \$4.1 billion, compared with \$3.6 billion at the end of fiscal 1995.

### Secretariat

As at 30 June 1996, there were 842 regular staff at IFC, representing 105 countries.

NOTE: For further details of IFC's activities, see International Finance Corporation Annual Report 1996, published by the Corporation.

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## Chapter VIII

## International Development Association (IDA)

An affiliate of the International Bank for Reconstruction and Development (World Bank), the International Development Association (IDA) provides concessionary assistance to low-income developing countries in keeping with the Bank's goals of poverty reduction and economic development. In 1996, IDA assistance continued to be concentrated mainly on countries with an annual per capita gross national product of less than \$865 (in 1994 United States dollars); about 70 countries were eligible. In fiscal year 1996 (1 July 1995-30 June 1996), IDA loans to those countries totalled \$6,327 million.

In 1996, donor country representatives (IDA Deputies) reaffirmed a special commitment to Africa; emphasized that private sector-led growth and social and environmental sustainability were the foundations of effective poverty reduction; and called on recipient countries to improve governance and broaden participation by the poor in development. The Deputies called for IDA to continue to support strongly primary education, clean water, health services and basic infrastructure, and to help Governments restructure public spending towards those sectors.

IDA membership in 1996 increased to 159, with the admission of Bosnia and Herzegovina.

### Financing

The funds used by IDA—called credits, to distinguish them from World Bank loans—were derived mostly in the form of contributions from its richer members, as well as transfers from World Bank net earnings. Credits, which were made only to Governments, had 35- to 40-year maturities and were interest-free.

Fiscal year 1996 was the third and final year of the Tenth Replenishment of IDA (IDA-10), the agreed size of which was 13 billion special drawing rights (SDR). As at 30 June 1996, the donor funds made available for the IDA-10 period (fiscal 1994-1996) totalled SDR 11,036 million. During 1996, formal notifications to contribute to IDA-10 were received from Greece and Italy, which increased commitment authority to SDR 273 million. Part of the third tranche of IDA-10 contributions was not yet available, as the United States contribution was not made on the agreed schedule, and another donor, Germany, exercised its right to

withhold its contribution proportionately to the shortfall of the United States payment. Other resources made available during the year included the transfer of SDR 161 million from the World Bank's fiscal 1995 net income and SDR 942 million of commitment authority against current and future repayments of past credits. Therefore, the total available resources for the entire IDA-10 period increased to SDR 14.9 billion in fiscal 1996.

Against those resources, the Association made IDA-10 commitments of SDR 4.6 billion during the year. Of that amount, 40 per cent went to Africa, 26 per cent to South Asia, 17 per cent to East Asia and the Pacific, 7 per cent to Europe and Central Asia, 6 per cent to Latin America and the Caribbean, and 5 per cent to the Middle East and North Africa. The three largest borrowers of IDA credits were India (\$1.3 billion), Viet Nam (\$502 million) and China (\$480 million). Sectorially, agriculture received the highest amount (\$1.4 billion), followed by public-sector management (\$943 million), population, nutrition and health (\$858 million) and education (\$785 million).

### Eleventh replenishment

In March 1996, representatives of more than 30 donor countries endorsed a new package of funding which would allow concessional lending of \$22 billion to poor countries over the 1997-1999 fiscal period. Although the level of donor funding was half that of IDA-10, it was expected that the total available resources would be adequate to meet foreseen needs, due to a large carry-over of funds from IDA-10.

The three-year package was to begin with a one-year Interim Trust Fund of about \$3 billion, running from 1 July 1996, with decision-making and procurement limited to contributing donors and developing countries. In each of the two subsequent years, starting 1 July 1997, all IDA donors would contribute about \$4 billion to the Eleventh Replenishment of IDA.

### Secretariat

Though legally and financially distinct from the World Bank, the staffing and headquarters of IDA are the same as those of the Bank.

NOTE: For further details regarding IDA activities, see The World Bank Annual Report 1996.



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## Chapter IX

## International Monetary Fund (IMF)

Established in 1944 to help ensure a stable international economic and financial environment, the International Monetary Fund (IMF) continued in 1996 its efforts to promote international monetary cooperation and exchange stability, facilitate the balanced growth of trade, and lessen the degree of disequilibrium in the international balances of payments of its members.

During the year, the Fund further reviewed its surveillance operations, including in the areas of banking soundness, data dissemination and good governance. It also continued to adapt its financing instruments and procedures in the light of the challenges posed by growing economic integration, and to examine the adequacy of its quota resources while augmenting its capacity to borrow in special circumstances. The Fund's fiscal year covered 1 May 1995 to 30 April 1996.

During 1996, IMF membership remained at 181 States.

### IMF facilities and policies

IMF continued to provide financial assistance to its members through several facilities and policies to help them achieve sustainable economic growth and balance-of-payments viability and to establish normal relations with their creditors. Credit for longer periods was made available under the extended funding facility (EFF).

The Fund provided concessional financial support to low-income countries under the structural adjustment facility (SAF) and the enhanced structural adjustment facility (ESAF). During 1996, the IMF Executive Board took new steps to address the problems faced by low-income countries, by endorsing continuation of ESAF operations beyond 2000 and, in conjunction with the World Bank, developing an initiative to help resolve the pressing problems of the heavily indebted poor countries.

The Fund also provided assistance through special facilities, including the compensatory and contingency financing facility (CCFF) and the buffer stock financing facility, which had not been utilized since 1983; the systemic transformation facility (STF) ceased to be in effect at the end of December 1995. During fiscal 1996, only one country (Rwanda) made use of CCFF, with a drawing of 9 million special drawing rights (SDR),

the unit of account for Fund operations, whose exchange rate was about SDR 1 = \$1.45 at the end of fiscal 1996. From the inception of STF in April 1993 to its expiration at the end of 1995, 20 countries purchased a total of SDR 4 billion under the facility, including 17 countries that made two drawings each.

### Financial assistance

During fiscal 1996, the provision of financial assistance to member countries rose to a record level, mainly due to the augmented access (of SDR 6.8 billion) under Mexico's stand-by arrangement, and the approval in March of a three-year extended arrangement for the Russian Federation totalling SDR 6.9 billion (about \$10 billion)—the largest such arrangement in the Fund's history. Total new commitments during the year totalled SDR 19.7 billion, including SDR 9.6 billion in stand-by arrangements for 19 countries, SDR 8.4 billion for four extended arrangements, and SDR 1.7 billion in nine new SAF and ESAF arrangements.

As at 30 April 1996, there were 57 arrangements in effect, for a total commitment of SDR 27.9 billion, compared with SDR 23.4 billion a year earlier. They comprised 21 stand-by arrangements (Argentina, Azerbaijan, Belarus, Cameroon, Costa Rica, Djibouti, El Salvador, Estonia, Hungary, Kazakhstan, Latvia, Lesotho, Mexico, Pakistan, Panama, Papua New Guinea, Romania, the former Yugoslav Republic of Macedonia, Uruguay, Uzbekistan, Yemen); 7 EFF arrangements (Algeria, Egypt, Gabon, Jordan, Lithuania, Philippines, Russian Federation); 1 SAF arrangement (Zambia); and 28 ESAF arrangements (Albania, Armenia, Benin, Bolivia, Burkina Faso, Cambodia, Chad, Cote d'Ivoire, Georgia, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Malawi, Mali, Mauritania, Mongolia, Nicaragua, Senegal, Sierra Leone, Togo, Uganda, Viet Nam, Zambia).

### Liquidity

The Fund's liquidity position declined further during fiscal 1996, primarily due to the record high level of demand for IMF resources for the second year in a row, with particularly large pur-

chases made by the Russian Federation and Mexico. The Fund's liquid resources declined to SDR 56.4 billion as at 30 April 1996 from SDR 61.6 billion a year earlier. Uncommitted and adjusted usable liquid resources totalled SDR 33.5 billion, compared with SDR 42.5 billion at the end of fiscal 1995.

The Fund's liquid liabilities at the end of fiscal 1996 amounted to SDR 37.3 billion, consisting entirely of reserve tranche positions; the Fund had no outstanding borrowing for the first time since the fiscal year ending in April 1974, having repaid all its remaining debt to lenders by the end of March 1996. The ratio of the Fund's uncommitted and adjusted usable resources to its liquid liabilities—the liquidity ratio—decreased from 126.1 per cent at the end of fiscal 1995 to 89.8 per cent at the end of fiscal 1996.

### **SDR activity**

In fiscal 1996, total transfers of SDRs rose to a new record level of SDR 27.4 billion, surpassing the previous record level of SDR 20.3 billion set in fiscal 1995. That was due to a sharp increase in the use of SDRs by member countries to discharge their financial obligations to the Fund, combined with a substantial growth in transfers among participants and prescribed holders, as well as a very high level of transfers from the General Resources Account (GRA) to participants. Total transfers from participants to GRA more than doubled, from SDR 2.9 billion in fiscal 1995 to SDR 7.7 billion in fiscal 1996, while transfers among participants and prescribed holders increased, from SDR 9.6 billion to SDR 11.9 billion, during the same period. Transactions by agreement totalled SDR 8.9 billion during fiscal 1996, only marginally less than the record level of SDR 9 billion in fiscal 1995. Those transactions continued to be conducted, for the most part, with the assistance of 12 countries that had established standing arrangements with the Fund to buy or sell SDRs for one or more freely usable currencies at any time, provided that their SDR holdings remained within certain limits.

Transfers of SDRs during fiscal 1996 resulted in a further redistribution of SDR holdings. As at 30 April 1996, the holdings of GRA amounted to SDR 0.8 billion, slightly below the level of a year earlier. In terms of net cumulative allocations, the SDR holdings of the developing countries increased from 60.4 per cent to 67.9 per cent during fiscal 1996. In contrast, the SDR holdings of the industrial countries declined from 105.1 per cent to 102.4 per cent. The SDR holdings of prescribed holders increased slightly to SDR 1.1 billion as of 30 April 1996, representing largely the Fund's investments of SAF and ESAF resources in official

SDRs maintained with the Bank for International Settlements.

### **Policy on arrears**

The level of outstanding overdue obligations to the Fund declined significantly during fiscal 1996, from SDR 3 billion on 30 April 1995 to SDR 2.2 billion on 30 April 1996, largely due to the clearance of arrears by two countries (Bosnia and Herzegovina, Zambia). There were no new cases of protracted overdue obligations to the Fund in fiscal 1996, and the number of countries in arrears by six months or more decreased from eight to six.

As at 30 April 1996, four countries (Liberia, Somalia, Sudan, Zaire) remained ineligible to use the Fund's general resources, accounting for 96 per cent of total overdue obligations. Declarations of non-cooperation, a step further under the Fund's arrears policy, remained in effect with respect to three countries (Liberia, Sudan, Zaire).

### **Technical assistance and training**

The volume and complexity of the Fund's technical assistance continued to increase in 1996, with a broad range of assistance and training offered in areas of macroeconomic management covering monetary, fiscal and related statistical, legal and information technology areas. The Fund continued to provide technical assistance in the field through missions by Fund staff and the assignment of short- and long-term advisers. Courses and seminars were given at headquarters and in member countries. During fiscal 1996, technical assistance and training accounted for some 15 per cent of the Fund's total administrative expenditures.

During fiscal 1996, the IMF Institute provided training to 696 people through 16 courses and five seminars at its headquarters and to 569 people through three courses and 18 seminars at the Joint Vienna Institute. In addition, 37 courses and high-level seminars were organized for about 1,115 participants at short overseas training courses and seminars for senior officials at national or regional centres.

### **Secretariat**

As at 30 April 1996, there were 2,198 full-time staffmembers from 121 countries employed at IMF.

### **Budget**

The Fund's administrative budget for fiscal 1996 was \$475.1 million, while \$125.2 million was approved for projects beginning in fiscal 1996 for the capital budget. Actual administrative expenses during fiscal 1996 totalled \$470.8

million and capital project disbursements totalled \$34.8 million, including \$19.8 million for major building projects.

NOTE: For details of IMF activities for the 1996 fiscal year, see Annual Report of the Executive Board for the Financial Year Ended April 30, 1996.

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## Chapter X

## International Civil Aviation Organization (ICAO)

The International Civil Aviation Organization (ICAO) continued during 1996 to promote the safety and efficiency of civil air transport by prescribing standards and recommending procedures for facilitating civil aviation operations. Its objectives were set forth in annexes to the Convention on International Civil Aviation, adopted in Chicago, Illinois, United States, in 1944.

In 1996, domestic and international scheduled traffic of the world's airlines increased to some 315 billion tonne-kilometres. The airlines carried a total of about 1.38 billion passengers and some 23 million tonnes of freight. The passenger load factor on total scheduled services in 1996 increased by one percentage point over 1995, to 68 per cent, while the overall weight load factor remained at 60 per cent. Air freight rose by 7 per cent to 88.8 billion tonne-kilometres, and airmail traffic increased by about 5 per cent to 5.9 billion tonne-kilometres. Overall passenger/freight/mail tonne-kilometres increased by 7 per cent, and international tonne-kilometres by 8 per cent.

The Council of the ICAO held three regular sessions in 1996. In March, the Council directed the UN Secretary-General to investigate the shooting down of two United States-registered private civil aircraft by Cuban military aircraft on 24 February 1996. In June, following the completion of the investigation, the Council adopted a resolution reaffirming the principle that each contracting State should take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State for any purpose inconsistent with the aims of the Chicago Convention. It also reaffirmed its condemnation of the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity and the rules of customary international law. In November, the Council invited the United States and Cuba to resume direct negotiations with respect to the right of Cuban-registered aircraft to overfly United States territory on flights to and from Canada (see also pp.196-98).

On 6 December, the UN General Assembly proclaimed 7 December as International Civil Aviation Day [General Assembly res. 51/33]. In SO doing, it noted that 7 December marked the anniversary of the signing of the Chicago Convention, and welcomed the 1992 resolution by the

ICAO Assembly declaring 7 December as International Civil Aviation Day.

In 1996, ICAO membership increased to 185, with the admission of Samoa.

### Activities in 1996

#### Air navigation

In 1996, ICAO continued to focus on updating and implementing the International Standards and Recommended Practices contained in 18 technical Annexes to the 1944 Chicago Convention and Procedures for Air Navigation Services (PANS), as well as regional plans covering air navigation facilities and services required for international air navigation in ICAO regions. Specific emphasis was placed on the introduction of communications, navigation and surveillance/air traffic management systems.

Four air navigation meetings, convened in Montreal in 1996, made recommendations to amend ICAO specifications. Among them were the ninth meeting on the Review of the General Concept of Separation Panel (6-17 May) and the second meeting of the Aeronautical Telecommunication Network Panel (4-15 November). In addition, the Council adopted amendments to four technical Annexes to the Chicago Convention and two PANS documents. Other project areas that were given special attention included: accident investigation and incident data reporting; aerodrome rescue and fire-fighting; audio-visual aids; aviation medicine; bird strikes to aircraft; a common geodetic reference system; communications, navigation and surveillance/air traffic management; controlled flight into terrain; flight safety and human factors; future larger airplanes; meteorology; personnel licensing and training; safety oversight; and units of measurement.

The Limited Middle East (Communications/Meteorology/Rules of the Air and Air Traffic Control) Regional Air Navigation Meeting (Cairo, Egypt, 7-17 January) reviewed the Middle East Air Navigation Plan, and prepared recommendations to the ICAO Council related to air navigation and air traffic control systems, based on new satellite-based technologies that were to be introduced on a global scale and progressively replace the current system over the next 10 to 15 years.

### Air transport

In 1996, ICAO continued its work in regulatory studies; economic research, analysis and forecasting; air transport statistics; airport and route facility management; and promotion of air transport. In June, the ICAO Council adopted a revised and updated code for the regulation and operation of computer reservation systems. The new code took effect on 1 November 1996 and replaced the one adopted by the Council in 1991.

The Air Transport Regulation Panel (Montreal, March) developed guidance material arising from certain regulatory policy tasks requested by the 1994 World-wide Air Transport Conference. The Air Navigation Services Economics Panel (Montreal, May) completed the revision and expansion of the Manual on Air Navigation Services Economics, and completed its report on the financial and related organizational and management aspects pertaining to the provision and operation of the global navigation satellite systems. The Statistics Panel (Montreal, November) reached a number of conclusions regarding adjustments to the ICAO statistics programme. The Asia/Pacific Area Traffic Forecasting Group (Bangkok, Thailand, May) continued to expand the databases used to develop traffic forecasts for the Asia/Pacific region to assist in the development of air navigation systems planning. A traffic forecasting task force, established to support the planning of air navigation services in the Caribbean/South America regions, held its first meeting (Lima, Peru, September). During the year, ICAO held five workshops in the areas of forecasting and economic planning, air transport regulatory policy, and airport and route facility management.

ICAO continued to provide secretariat services to three independent regional civil aviation bodies—the African Civil Aviation Commission, the European Civil Aviation Conference, and the Latin American Civil Aviation Commission.

ICAO maintained its responsibilities for the administration of the Danish and Icelandic Joint Financing Agreements, to which 23 Governments were contracting parties in 1996. The two agreements, which were signed in 1956 and amended in 1982, concerned the provision in Greenland and Iceland of air traffic control, communications and other facilities and services to North Atlantic flights.

### Legal matters

The ICAO Secretariat Study Group on the Modernization of the "Warsaw System" held two meetings in 1996 (Montreal, 12-13 February and 10-12 June). The Panel of Legal and Technical Experts on the Establishment of a Legal Frame-

work with regard to Global Navigational Satellite Systems, established in December 1995, held its first meeting (Montreal, 25-30 November 1996).

The following ratifications, adherences or successions were registered in 1996 to the 1944 Convention on International Civil Aviation, ICAO's constituent instrument, and to conventions and protocols on international air law concluded under ICAO auspices:

- Convention on International Civil Aviation (Chicago, 1944) Samoa
- Convention on the Unification of Certain Rules relating to International Carriage by Air (Warsaw, 1929) Maldives
- Convention on the International Recognition of Rights in Aircraft (Geneva, 1948) Tajikistan
- Protocol to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 (The Hague, 1955) Maldives
- Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier (Guadalajara, 1961) Lithuania
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo 1963) Cambodia, Lithuania, Myanmar, Tajikistan
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970) Cambodia, Lithuania, Myanmar, Slovakia, Tajikistan
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971) Bosnia and Herzegovina, Cambodia, Lithuania, Myanmar, Tajikistan
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (Montreal, 1988) Bahrain, Bosnia and Herzegovina, Cambodia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Myanmar, Panama, Singapore, Tajikistan, Thailand
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991) Algeria, Bahrain, Canada, Estonia, Jordan, Kuwait, Lithuania, Panama, Peru, Saudi Arabia

### Technical cooperation

ICAO undertook technical cooperation projects in 64 countries in 1996. The organization's technical cooperation programmes, financed by the United Nations Development Programme (UNDP), trust funds, management service agreements and the Civil Aviation Purchasing Service, had total expenditures in 1996 of \$59.3 million. Some 89 per cent of that amount was provided by Governments to fund their own projects on the basis of cost-sharing with UNDP.

ICAO had resident missions in 44 countries, and 64 others received assistance through fellowships and visits from experts assigned to intercountry and subcontractual arrangements. A total of 732 fellowships were awarded in 1996, of which 693 were implemented. ICAO employed 284 experts from 36 countries during all or part of 1996, of whom 144 were on assignment under UNDP and 140 worked on trust fund projects.

In addition, there were 81 Governments and organizations registered with ICAO in 1996 under its Civil Aviation Purchasing Services. Equipment purchases during the year totalled \$26.9 million.

### **Secretariat**

As at 31 December 1996, there were 736 staff employed in the ICAO secretariat, including 295 in the Professional or higher categories and 441 in the General Service and related categories. Of the total, 195 were employed in regional offices.

### **Budget**

Appropriations for the ICAO budget in 1996 totalled \$50,340,000. Appropriations for 1997 were set at \$52,191,000.

NOTE: For further details on the activities of ICAO in 1996, see Annual Report of the Council-1996.

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## Chapter XI

## Universal Postal Union (UPU)

The Universal Postal Union (UPU), established in 1874 under the Treaty of Berne to regulate international postal services, became a United Nations specialized agency in 1948. The postal services of its 189 member countries formed the largest physical distribution network in the world, with some 6.2 million postal employees working in more than 700,000 post offices worldwide, handling an annual total of more than 400 billion letters and parcels within nations and 10 billion more internationally. In 1996, UPU continued to promote international collaboration to provide rapid, cost-effective and reliable postal service, to promote postal development in all nations, and to foster closer ties with postal customers.

In 1996, UPU membership remained at 189, with no new accessions or admissions.

### Activities of UPU organs

#### Universal Postal Congress

The Universal Postal Congress, UPU's supreme legislative authority, meets every five years; the last time it met was for the twenty-first Congress, held in Seoul, Republic of Korea, in 1994. In 1996, preparatory work continued for the twenty-second Congress, to be held in Beijing, China, from 23 August to 15 September 1999.

#### Council of Administration

The Council of Administration held its annual session from 17 to 25 October. Among its resolutions and decisions, the Council adopted a new procedure for approving the report on the work of the Union; approved memoranda of understanding on cooperation with Interpol and the World Bank; and discussed the high-level meeting for heads of postal administrations to provide input to the Union's strategic planning process, scheduled for October 1997. The Council also considered a report on the UPU language system; the continued recasting of the UPU Acts; common rules for the development of European Union postal services; and relations between corporatized postal administrations.

#### Postal Operations Council

The Postal Operations Council held its annual session in Berne, Switzerland—site of the UPU headquarters—from 15 to 26 April. The session was devoted primarily to following up the work programme decided by the Seoul Congress for 1994-1999, particularly related to: letter post; parcel post; postal financial services; development of rapid/time-certain services; quality of service; marketing; telematics development; modernization; and postal development and implementation of the Seoul Postal Strategy. The Postal Security Action Group recommended measures related to mail loss reporting; improvement of mail security at major airports; development of electronic data interchange messages for security purposes; and introduction of advanced postal security training for postal managers.

#### International Bureau

The International Bureau, which is under the general supervision of the Council of Administration, is the UPU secretariat, serving the postal administrations of member countries as an organ of execution, support, liaison, information and consultation. The Bureau continued to act as a clearing house for the settlement of accounts between postal administrations for various inter-administration charges related to the exchange of postal items and international reply coupons. In 1996, as part of its ongoing activities in monitoring the quality of postal service on a global scale, the Bureau organized six quality-of-service tests and 12 consultant missions in international postal service quality. Two pilot Quality-of-Service Contact Groups were created, one in a developing country and the other in an industrialized country. During the year, postal marketing development activities increased, with emphasis on the preparation of customer relations strategies and on strengthening alliances with key partners.

As at 31 December 1996, there were 153 permanent and temporary staff members employed by the Bureau, including 63 in the Professional or higher categories (drawn from 44 countries), and 90 in the General Service category. French remained the sole official language of UPU. English was introduced as a second working language, beginning on 1 January 1996. The Bureau employed



11 officials in Arabic, English and Portuguese translation services.

### Technical cooperation

UPU technical cooperation, which was financed by the United Nations Development Programme, amounted to \$690,891 in 1996. The UPU Special Fund, including voluntary contributions in cash and in kind from member countries, and the regular budget also provided assistance, for a total of \$1.7 million. The major thrust of UPU technical assistance was to help postal services to function as viable business entities. Consequently, a major effort was being made to assist them in the fields of postal reform, legislation and restructuring, as well as to improve the quality of service and marketing.

In 1996, UPU conducted interregional projects in 22 countries, and regional projects in seven countries. In addition, postal projects were undertaken on behalf of Egypt, Haiti, Turkmeni-

stan, the United Republic of Tanzania, and Yemen. UPU continued to participate in special international programmes, such as those for the Second United Nations Transport and Communications Decade in Africa (1991-2000), phase II (1992-1996) of the Transport and Communications Decade for Asia and the Pacific, technical cooperation among developing countries, and the least developed countries.

### Budget

At its 1995 session, the Council of Administration approved the 1996 budget of 33,376,400 Swiss francs, to be financed by contributions from member States. At its 1996 session, the Council fixed the 1997 budget of net expenditures at 34,545,000 Swiss francs. Under the Union's self-financing system, contributions were payable in advance based on the following year's budget.

NOTE: For details of UPU activities, see Report on the Work of the Union, 1996, published by UPU.

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## Chapter XII

## International Telecommunication Union (ITU)

In 1996, the International Telecommunication Union (ITU), which was founded in 1865 as the International Telegraph Union and became a specialized agency of the United Nations in 1947, continued to promote the development and efficient operation of telecommunication facilities, to provide technical assistance in telecommunications and to encourage adoption of a broader approach to telecommunications in the global information economy and society.

At its annual session (Geneva, 19-28 June 1996), the ITU Council decided to convene two conferences in Geneva in 1997—the World Radiocommunication Conference (WRC-97) (27 October-21 November) and the Radiocommunication Assembly (RA-97) (20-24 October). It also decided to hold the World Telecommunication Development Conference (WTDC-98) in Malta for eight working days starting on 23 March 1998. It further decided that the next ordinary Plenipotentiary Conference would take place in Minneapolis, Minnesota, United States, from 12 October to 6 November 1998. The Council also addressed procedures on international telecommunication networks and other issues related to ITU activities, policies and finances.

ITU membership increased to 187 in 1996, with the admission during the year of Dominica, the Marshall Islands and Tuvalu.

A major effort in 1996 was the organization of Americas TELECOM 96, which took place in Rio de Janeiro, Brazil, from 10 to 15 June. With 412 exhibitors from 25 countries, the event was the largest regional one held to date in terms of space sold. The Forum, which ran parallel with the exhibition, was split into Strategies and Technology Summits. A telecommunications development workshop also took place.

### Conferences

The World Telecommunication Standardization Conference 1996 (WTSC-96) (Geneva, 9-18 October), which is held every four years, reviewed all the activities of ITU study groups and approved the work programme for the next four years. It established a new study group on multimedia services and systems and discontinued two groups. The first World Telecommunication Policy Forum (WTPF-96) (Geneva, 21-23 October) discussed the theme "Global Mobile Personal Com-

munications by Satellite (GMPCS)". It was the first ITU event open to participation by member States and sector members on an equal footing and reached consensus on a set of voluntary principles to guide national policy makers and regulators, as well as GMPCS system operators and service providers, in implementing such systems.

During the year, ITU also convened the second African Regional Telecommunication Development Conference (Abidjan, Cote d'Ivoire, 6-10 May) and a Regional Telecommunication Development Conference for the Arab States (Beirut, Lebanon, 11-15 November).

### Radiocommunication sector

In 1996, the ITU Radiocommunication Bureau continued to provide services to administrations and users in application of the Radio Regulations, including the coordination and registration of radio-frequency assignments and satellite orbits. It also allocated international identification series, provided maritime mobile information services, and conducted seminars and training sessions for national frequency management requirements. Its main activities in 1996 included processing notifications for space and terrestrial radiocommunication services; preparing for radiocommunication conferences, especially WRC-97; and providing support for ITU study groups on: spectrum management; radiowave propagation; fixed-satellite service; science services; mobile radiodetermination, amateur and related satellite service; fixed service; sound broadcasting service; and television broadcasting service.

The Bureau responded to numerous requests for assistance from administrations, including 35 cases in the terrestrial and 40 in the space radiocommunication domains. Assistance was also provided to bilateral space systems coordination meetings; training missions were undertaken on space systems matters; and regional seminars were organized on space or earth station coordination and maritime radiocommunications. The Bureau also provided support for the Radio Regulations Board, which held four meetings during 1996, and for the Radiocommunication Advisory Group, which held its fourth meeting from 19 to 23 February.

By the end of 1996, the Master International Frequency Register contained particulars of

1,211,275 assignments to terrestrial stations, representing 5,580,720 line entries, which were published in the International Frequency List at periodic intervals. For space services, the Master Register contained 324,083 assignments to 1,406 satellite networks and 4,262 Earth stations.

#### **Telecommunication standardization sector**

During 1996, the ITU Telecommunication Standardization Bureau was charged with preparations for WTSC-96 (see above) and supported the activities of 16 study groups on the following topics: service definition; network operation; tariff and accounting principles; network maintenance; protection against electromagnetic environment; outside plant; data networks and open system communications; terminals for telematic services; television and sound transmission; languages for telecommunication applications; switching and signalling; end-to-end transmission performance of networks and terminals; general network aspects; modems and transmission techniques for data, telegraph and telematic services; transmission systems and equipment; and multimedia services and systems. The Bureau was also entrusted with the new responsibility of serving as registrar for universal international freephone numbers.

The Telecommunication Standardization Advisory Group held two meetings in 1996.

#### **Telecommunication development sector**

In addition to preparing for the two regional telecommunication development conferences held in 1996, the ITU Telecommunication Development Bureau completed the second year of implementation of the Buenos Aires Action Plan adopted at the World Telecommunication Development Conference in 1994. The Bureau also continued to support vigorously the efforts of developing countries to improve and develop telecommunications. In particular, services and experience were offered in the policy, regulatory, financing, tariffs and technical fields, as well as in frequency management and human resources development. The Bureau conducted a total of 465 technical assistance missions during 1996, as well as 71 seminars, workshops and meetings on a variety of subjects. It also granted 1,387 fellowships and undertook 18 sectoral studies.

In Africa, special consideration was given to the least developed countries (LDCs), particularly Liberia, Rwanda and Somalia. In May, the second African Regional Telecommunication Development Conference adopted eight resolutions and seven recommendations related to the development of regional telecommunication networks.

Regional projects included support for digitization and improvement of traffic flow in West Africa; a submarine fibre-optic cable project; and support of telecommunication development in southern Africa. Four national projects were under implementation using international experts, training and equipment components. A total of 564 fellowships were awarded and 86 expert missions conducted in the region during the year.

In the Americas, activities included assistance in the field of policies and strategies; telecommunications financing policy/strategies/economics; human resources management and development; development of maritime radiocommunication planning; computerized network planning; frequency management; integrated rural development; and information services. A total of 30 national projects addressed the strengthening of national technical and administrative telecommunication services. During 1996, 211 fellowships were awarded and 123 expert missions and 8 workshops were organized for the region.

In the Arab States, ITU gave special consideration to LDCs and Palestine. Activities to strengthen national technical and administrative telecommunication services totalled 25, including 13 for Palestine. Five national projects were under implementation using international experts, training and equipment components. During the year, 155 fellowships were awarded for the region. In addition, 41 expert missions and 22 workshops or seminars were organized.

In Asia and the Pacific, a set of guidelines was prepared in connection with the development of regional telecommunication networks; topics dealt with sector reform, corporate planning, network planning, traffic engineering, tariff reform and procurement. For 13 countries of the South Pacific, master plans for development of maritime radiocommunication services were prepared. During 1996, 22 national and regional projects were under implementation, the main fields of focus of which were technology transfer, human resources development, quality assurance and sector reform. In order to strengthen national technical and administrative telecommunication services, 13 workshops and meetings were held and 33 activities for the benefit of individual countries were carried out. In addition, 265 fellowships were arranged and 71 expert missions were fielded for the region.

In Europe and the Commonwealth of Independent States, assistance was provided in the field of broadcasting marketing and the promotion of new technologies in sound and television broadcasting. In 1996, ITU initiated a project to create a regional advisory unit for policy/regulation in the region. During the year, five national

projects were under implementation, 192 fellowships were accorded, and 20 expert missions were undertaken.

### **Secretariat**

As at 31 December 1996, 699 permanent and fixed-term staff were employed in the ITU secretariat, including 264 in the Professional and higher categories and 435 in the General Service category.

### **Budget**

The adjusted budget for ITU for the 1996-1997 biennium amounted to 303,346,196 Swiss francs (SwF). Actual income in 1996 totalled SwF 164,834,059, while actual expenditure totalled SwF 157,945,242.

NOTE: For further details regarding ITU activities, see Report on the Activities of the International Telecommunication Union in 1996, published by the Union.

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## Chapter XIII

## World Meteorological Organization (WMO)

The World Meteorological Organization (WMO) was founded in 1950 to facilitate worldwide cooperation in the establishment and maintenance of systems for making, exchanging and standardizing weather-related information, and to further the application of meteorology to aviation, shipping, water problems, agriculture and other activities to benefit mankind. In 1996, environmental issues continued to be at the forefront of WMO activities. Continuing its leadership role on climate issues, WMO promoted the "Climate Agenda", a framework for coordinating the climate-related programmes and initiatives of international organizations.

The WMO Executive Council, at its forty-eighth session (Geneva, 11-21 June), undertook implementation of WMO programmes and allocation of budgetary resources approved in 1995 by the World Meteorological Congress, the WMO governing body which meets once every four years.

WMO membership increased to 179 States and six territories during 1996, with the admission of three States (Monaco, Niue and Tonga) and one territory (Macau).

### World Weather Watch Programme

As the core activity of WMO, the World Weather Watch (WWW) Programme continued in 1996 to collect, analyse and disseminate meteorological information from data-processing centres, observing systems and telecommunication facilities—operated by member countries—in order to provide efficient meteorological and hydrological services within countries. WWW consisted of the Global Observing System (GOS), the Global Telecommunication System (GTS), the Global Data-processing System (GDPS) and Data Management, collectively known as the basic systems. The WWW Programme also included the WMO Satellite Activities, the Tropical Cyclone Programme, and the Instruments and Methods of Observation Programme.

### World Weather Watch implementation

As the main source of observational data for WWW, the GOS surface network comprised some 10,100 land stations, 6,700 voluntary observing ships, 1,500 drifting or moored buoys at sea, and

3,000 aircraft. In addition, the GOS space-based subsystem—a nominal constellation of five geostationary and two polar-orbiting satellites—continued to provide imagery, soundings, and other data for collection and distribution. A major achievement during 1996 was the design of a worldwide network of some 1,000 stations, selected from the GOS surface network, to serve as the Global Climate Observing System surface network. Arrangements were also concluded to provide the observational capacity for environmental emergency response activities, such as those following nuclear accidents.

In 1996, attention was given to the development of improved operational arrangements and procedures for the routing of GTS traffic, the format of messages, and GTS monitoring. In Africa, steady progress was made in upgrading low-speed circuits, implementing satellite/cable-based circuits and introducing medium-to-high data-signalling rates and digital circuits. In North and Central America and the Caribbean, the new Regional Meteorological Telecommunication Network, based on two-way, multi-point telecommunication services via an INTELSAT satellite, became fully operational and replaced the previous network.

GDPS activities in 1996 were focused on the future of Local Area Models versus Variable Resolution Models, computer hardware, and the best use of computer resources in general. GDPS services continued to be enhanced through improved extended- and long-range weather forecasting capabilities; provision of services to UN humanitarian missions; designation of new Regional Specialized Meteorological Centres; and organization of regional training seminars.

### Instruments and methods of observation

WMO continued to work through its Instruments and Methods of Observation Programme to standardize data, evaluate new techniques and review the cost-effectiveness of observing systems. In 1996, the seven-year WMO Solid Precipitation Measurement Intercomparison project was concluded, with plans for publication of a final report and generation of a complete solid precipitation data set for research purposes. A Radiosonde Humidity Sensor Inter-

comparison was also completed, providing specific information on the stability and accuracy of those sensors. A regional training workshop for instrument specialists was held in Melbourne, Australia, in May.

#### **Tropical Cyclone Programme**

In 1996, each of the five regional tropical cyclone centres (Miami, Florida (United States) Nadi (Fiji), New Delhi (India), Reunion and Tokyo (Japan)) strengthened facilities and services within their respective regions. Progress was made in implementing the coordinated plans for future development of services by national meteorological and hydrological services and national agencies involved in disaster prevention and preparedness. The establishment of satellite ground-reception stations at national meteorological centres was emphasized, in view of their importance in detecting and tracking tropical cyclones. Particular attention was given to technology transfer and human resources development; five regional training courses were organized for 141 participants from 39 developing countries.

#### **World Climate Programme**

The Coordinating Committee for the World Climate Programme (CCWCP), at its fifth session (Geneva, 5-7 March), considered the terms of reference for the Inter-Agency Committee on the Climate Agenda [YUN 1995, p. 1077], which was to replace CCWCP in 1997 in overseeing and managing Programme activities. The Climate Agenda was presented to the UN Commission on Sustainable Development, which supported the initiative by a number of international organizations to establish an integrated framework for their climate-related programmes, particularly those of WMO, the United Nations Environment Programme (UNEP), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its Intergovernmental Oceanographic Commission (IOC), and the International Council of Scientific Unions (ICSU).

#### **World Climate Research Programme**

Undertaken jointly by WMO, IOC/UNESCO and ICSU, the World Climate Research Programme (WCRP) continued activities aimed at developing the fundamental understanding of the physical climate system and climate processes needed to predict climate variations, and to assess the extent of human influence on climate. Much attention was given to planning a major conference of WCRP, scheduled to take place in Geneva in

August 1997. The conference would give research scientists, policy-makers and technical experts the opportunity to review the accomplishments of WCRP, and help steer a course for it over the next 10 to 15 years, particularly in the light of the role of WCRP as the research thrust of the Climate Agenda.

The Global Energy and Water Cycle Experiment continued to give high priority to the assembly of research climatological data sets from a combination of in situ measurements and remotely sensed data. Activities included the International Satellite Cloud Climatology Project, the Global Precipitation Climatology Project, the Water Vapour Project, the Baseline Surface Radiation Network, and the Cloud System Study.

#### **Atmospheric Research and Environment Programme**

As the main component of the Atmospheric Research and Environment Programme, the WMO Global Atmosphere Watch continued during 1996 to enhance its network of observing stations and to refine central facilities and arrangements to deal with the measurement and scientific assessment of the chemical composition and related physical characteristics of the atmosphere.

The Commission for Atmospheric Sciences took steps to establish a World Weather Research Programme to develop improved and cost-effective techniques for forecasting high-impact weather and to promote their applications among member States. High-impact weather was defined as weather that affected the quality of life, was economically disruptive, or was life-threatening and prominent among the concerns of the International Decade for Natural Disaster Reduction.

#### **Applications of meteorology**

##### **Agricultural meteorology**

During 1996, the WMO agricultural meteorology programme continued activities emphasizing sustainable agricultural development; combating drought and desertification were of particular concern. In June, joint WMO/FAO/UNEP roving seminars on the use of meteorological data for the planning and management of water for irrigated crop production were held in China and Senegal, and a training workshop on drought preparedness and management was held in Casablanca, Morocco, for northern African countries. The Working Group on Validation of Information Requirements on Arable Crops of the Commission for Agricultural Meteorology (Geneva, October) recommended that practical applications be generated from successful case studies on the validation of information require-

merits, taking fully into account matters of environment and sustainable development.

#### **Aeronautical meteorology**

Implementation of the World Area Forecast System was nearing completion in 1996, with full compatibility between the World Area Forecast Centres in London and Washington, D.C. A ceremony in San Juan, Puerto Rico, in May marked the fully operational status of the United States International Satellite Communication System (ISCS). In March, the second ISCS broadcast for the Pacific Ocean region became operational. Satellite terminals were installed at 21 sites in Central America and the Caribbean, while installation of terminals at 19 additional sites, in South America and in the Pacific region, was to be completed in 1997.

Work continued on the automated production of significant weather forecasts. A seminar on updated aeronautical meteorological codes was held in Niamey, Niger, in March. With the implementation of the new codes, which were introduced in 1993 and slightly amended in 1995, all WMO members would for the first time be using a single global standard for aeronautical meteorological codes.

#### **Marine meteorology**

The Data Buoy Cooperation Panel, which was established by WMO and IOC in 1985 to facilitate the global coordination of individual buoy deployment programmes, in 1996 fulfilled all its initial objectives, including establishment of the new International Buoy Programme for the Indian Ocean. During the year, the Panel formulated, revised and adopted a Global Implementation Programme as a coordination mechanism for the various regional programmes.

Meteorological and oceanographic observations from WMO Voluntary Observing Ships continued to constitute a unique and invaluable source of climate data. The Marine Climatological Summaries Scheme constituted a successful globally coordinated mechanism for the collection, collation, quality control and archiving of data for use in global climate studies and in the provision of a wide range of marine services.

#### **Public weather services**

A major WMO achievement in 1996 was the publication of a preliminary version of the Guide to Public Weather Services Practices, designed to help national meteorological services develop and improve their public weather services. During the year, emphasis was placed on training activities to strengthen the abilities of the national services to provide weather services for the gen-

eral public. Natural disaster reduction was also given high priority, in that it was a major objective of the WMO Public Weather Services Programme to ensure the safety of life and property.

#### **Hydrology and water resources**

The World Hydrological Cycle Observing System—a programme launched in 1993 to improve water resources assessment and management worldwide—continued to be strengthened during 1996. A number of regional and subregional components, based on improved cooperation among the participating countries, were developed.

A regional conference on water resources assessment and management strategies in Latin America and the Caribbean was convened in May in San Jose, Costa Rica. The second WMO conference for that region, it aimed to explore strategies that would ensure that national water resources agencies played a full part in national and regional development.

By the end of 1996, 123 WMO members were participating in the Hydrological Operational Multi-purpose System, the WMO mechanism for technology transfer in operational hydrology. Data from more than 3,500 stations were held by the Global Runoff Data Centre, which was established under WMO auspices in 1988 to support studies of regional and global water problems and assist the development of more accurate models of the world's climate.

#### **Education and training**

A total of 345 persons participated in 1996 in 13 training events in 11 countries, organized as part of the WMO Education and Training Programme. WMO also co-sponsored or supported 22 training events organized by national institutions in member countries. In addition, WMO awarded 46 long-term and 187 short-term fellowships.

During 1996, the WMO Training Library continued to expand its capabilities through increased use of its databases, upgrading of its video equipment, and expansion of its audio-visual and computer-aided training media. The Library made available 196 copies of video films, 27 sets of slides and 172 software packages in response to requests from members, training institutions and other users.

#### **Technical cooperation**

In 1996, some 137 countries received technical assistance from WMO valued at \$16,040,000, financed heavily by trust funds, and the WMO Voluntary Cooperation Programme, with additional funding from UNDP and the WMO regular budget.

In accordance with the decisions of the twelfth WMO Congress in 1995, the activities of WMO regional offices were being harmonized with those of the Technical Cooperation Department. To facilitate that process, subregional offices were being established on a trial basis. By the end of 1996, formal arrangements had been made for establishing a subregional office in Lagos, Nigeria, to serve western Africa, and another in San José, Costa Rica, for northern and Central America and the Caribbean. Plans were also proceeding for the establishment of a third subregional office to serve countries in the south-west Pacific.

### Secretariat

As at 31 December 1996, the total number of full-time staff employed by WMO (excluding four professionals on technical assistance projects) was

264. Of those, 120 from 46 countries were in the Professional or higher categories, and 144 were in the General Service and related categories.

### Budget

The year 1996 was the first of the twelfth financial period (1996-1999) for which the 1995 WMO Congress approved a maximum expenditure of 255 million Swiss francs, less than the "zero real growth" level for the period. Within that amount, the WMO Executive Council approved appropriations of 124.4 million Swiss francs for the 1996-1997 biennium. At the end of 1996, total unpaid contributions, including arrears, stood at 32 million Swiss francs.

NOTE: For further details regarding WMO activities, see World Meteorological Organization Annual Report 1996 published by the organization.

### HEADQUARTERS

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## Chapter XIV

## International Maritime Organization (IMO)

The International Maritime Organization (IMO), which began work in 1959 as the Intergovernmental Maritime Consultative Organization, continued in 1996 to make steady progress in preparing, adopting and implementing measures to improve maritime safety and prevent pollution from ships.

At its forty-second session in June, the IMO Technical Cooperation Committee approved the integrated technical cooperation programme for 1996-1998. The \$72.5 million programme, designed to help developing countries strengthen their institutional, legal, managerial, scientific, technical and training capability, concentrated on maritime safety, marine environment protection, maritime legislation and facilitation of international maritime traffic.

During the year, IMO membership increased to 155 States, with the admission of Mongolia and Samoa.

### Activities in 1996

In June 1996, the IMO Council awarded the International Maritime Prize for 1995 to Georgy Ivanov, Permanent Representative of the Russian Federation to IMO. A professor of international private maritime law, Mr. Ivanov participated in several negotiations of international maritime treaties, also serving as chairman of IMO committees and bodies and as president of international conferences and institutes. The Prize is awarded annually to the person, organization or other entity judged to have done the most towards advancing the objectives of IMO.

World Maritime Day was celebrated at IMO headquarters on 26 September, focusing on the theme "IMO: Seeking excellence through cooperation".

### Prevention of pollution

An international convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea was adopted on 3 May. The new convention would make it possible for victims of accidents involving substances such as those contained in the International Maritime Dangerous Goods Code and other internationally agreed lists to be adequately compensated. It introduced strict liability

for the shipowner, higher limits of liability than the current general limitation regimes, and a system of compulsory insurance and insurance certificates. The convention would enter into force 18 months after the date by which 12 States had accepted it, provided they met certain other criteria. A new Protocol to the 1976 Convention on Limitation of Liability for Maritime Claims was also adopted, substantially increasing the compensation payable for loss of life or personal injury and property damage.

The IMO Marine Environment Protection Committee agreed at its thirty-eighth session (1-10 July) to hold a conference to adopt new measures to prevent air pollution from ships. The main task of the conference, which was expected to be held in the second half of 1997, would be to adopt a new annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

On 14 July, the 1989 International Convention on Salvage entered into force. It replaced a 1910 convention on the law of salvage, which incorporated the "no cure, no pay" principle under which a salvor was rewarded for his services only if the operation was successful. The Convention, taking account of the need to prevent pollution, specified that salvors would receive compensation if they prevented or minimized damage to the environment, even if they did not manage to save the ship or the cargo.

In November, a Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter was adopted. The Protocol required stricter preventative measures, introduced the "polluter pays" principle, and expanded the list of restricted wastes and other materials that should not be dumped at sea. It would enter into force 30 days after ratification by 26 countries, 15 of which must be contracting parties to the 1972 Convention.

### Ship security and safety at sea

In January, major changes to the 1974 International Convention for the Safety of Life at Sea (SOLAS) entered into force. The amendments, which had been adopted in May 1994, included the addition of two new chapters dealing with the International Code of Safety for High Speed

Craft as well as special measures to enhance maritime safety. In July, a number of amendments to SOLAS, which had been adopted in December 1994, entered into force. Those amendments made mandatory the Code of Safe Practice for Cargo Stowage and Securing, which was adopted as a recommendation in 1991.

Further amendments to SOLAS were adopted during the year by the Maritime Safety Committee, IMO's senior technical body. At its sixty-sixth session in June, the Committee adopted amendments including one replacing an existing chapter on life-saving appliances and arrangements, taking into account changes in technology that had occurred since the chapter was rewritten in 1983. At the Committee's sixty-seventh session in December, amendments were adopted affecting three chapters of the Convention, as well as the International Bulk Chemicals Code and the International Gas Carrier Code, the observance of which were mandatory under SOLAS. It was expected that the amendments would enter into force on 1 July 1998 under the SOLAS Convention's tacit acceptance procedure.

Amendments to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers entered into force on 1 January 1996. The amendments, which had been adopted in 1994, dealt with special training requirements for personnel on tankers.

#### World Maritime University

On 18 March, the World Maritime University launched its Class of 1997, bringing together 75 students from 42 nations, two of which (Nepal and Slovakia) were represented for the first time. The new class brought the total number of students enrolled at the University to 1,233, representing 130 countries. Located in Malmö, Sweden, the University was established by IMO in 1983 to provide advanced postgraduate training in maritime administration, environmental protection, port and shipping management, maritime education and training, and maritime safety administration.

#### Secretariat

As at 31 December 1996, IMO had 283 staff members, of whom 105 were in the Professional and higher categories and 178 in the General Service category.

#### Budget

The IMO Assembly, at its nineteenth biennial session in 1995, approved budgetary appropriations of 36,612,200 pounds sterling (about \$56.3 million) for the 1996-1997 biennium.

NOTE: For further information, see the organization's quarterly magazine, IMO News.

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## Chapter XV

## World Intellectual Property Organization (WIPO)

In 1996, the World Intellectual Property Organization (WIPO) continued development cooperation, norm-setting and registration activities to promote respect for the protection and use of intellectual property. The organization's main areas of work continued to focus on strengthening the intellectual property systems of developing countries; promoting new or revised norms for the protection of intellectual property at the national, regional and multilateral levels; and facilitating the acquisition of intellectual property protection through international registration systems.

The governing bodies of WIPO and the Unions administered by the organization held their twenty-eighth series of meetings from 21 to 22 May, and twenty-ninth series from 23 September to 2 October, both in Geneva.

During 1996, WIPO membership increased to 158 States, with the accession of Mozambique to the 1967 Convention establishing WIPO, amended in 1979. The number of States adhering to treaties administered by WIPO also increased: as at 31 December 1996, there were 140 States parties to the Paris Convention for the Protection of Industrial Property; 119 to the Berne Convention for the Protection of Literary and Artistic Works; and 87 to the Patent Cooperation Treaty (PCT).

### Activities in 1996

#### Development cooperation

In 1996, WIPO's development cooperation resources were double the amount budgeted in 1994-1995, in order to meet the ever-increasing needs of developing countries for assistance in the areas of industrial property, copyright and neighbouring rights. Assistance was provided to 120 developing countries, one territory and nine intergovernmental organizations, mainly in the areas of human resources development, legal advice and technical assistance for the automation of administrative procedures and the retrieval of technological information.

On 1 January 1996, the 1995 Cooperation Agreement between WIPO and the World Trade Organization (WTO) entered into force; it established cooperation arrangements for collecting, translating and disseminating the texts of intel-

lectual property laws and regulations; for publishing State emblems; and for promoting the implementation of the 1994 WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement). During the year, WIPO organized four regional mega-symposia on the implications of the TRIPS Agreement for developing countries: one for English-speaking African countries, in Pretoria, South Africa; one for French-speaking African countries, in Abidjan, Cote d'Ivoire; one for countries of Asia and the Pacific, in Jakarta, Indonesia; and one for Latin American and Caribbean countries, in Caracas, Venezuela. In September, WIPO and WTO jointly organized a workshop in Geneva on the TRIPS Agreement and border enforcement, attended by government officials from various countries.

Some 12,000 participants attended a total of 144 courses, seminars or meetings organized by WIPO at the global, regional and national levels. In addition, 213 legal and technical advisory missions were undertaken to 73 developing countries. Training was provided to 109 individuals through study visits to industrial property and copyright offices abroad, and eight long-term fellowships were granted to government officials of developing countries for training in institutions of higher learning. In total, 330 consultants were engaged either for advisory missions or as lecturers in courses and seminars, representing a 20 per cent increase over 1995. The WIPO Academy conducted two sessions on the policy considerations behind current intellectual property issues for middle- and senior-level government officials from 28 countries.

A new feature of the development cooperation programme in 1996 was the planning and implementation of WIPO-financed country projects, involving a plan of action based on the intellectual property needs of a developing country, as identified jointly by WIPO and the authorities of the country.

#### Assistance to countries in transition

Technical cooperation with countries in transition to a market-economy system continued in 1996, with nine national and regional seminars and other meetings in the fields of industrial property and copyright and neighbouring rights. WIPO officials and consultants undertook seven

missions to six of those countries to give advice on the revision of existing or the drafting of new intellectual property legislation.

The Eurasian Patent Convention allowed an individual, irrespective of nationality or domicile, to obtain a Eurasian patent, which had effect in all contracting States, by filing a single application with the Eurasian Patent Office, located in Moscow. By 1 December 1996, nine States (Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan and Turkmenistan) had deposited their instruments of adherence to the Convention. Only countries party to the Paris Convention and PCT may adhere to the Eurasian Patent Convention.

#### Setting of norms and standards

On 1 August 1996, the Trademark Law Treaty entered into force. The year was also highlighted by the adoption of two new treaties in the field of copyright and neighbouring rights at the WIPO Diplomatic Conference on Certain Copyright and Neighbouring Rights Questions (Geneva, 2-20 December). The new treaties—the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT)—clarified existing rights or established new rights for authors, performing artists and producers of sound recordings, especially when their works, fixed sound performances or phonograms were used by digital means, as on the Internet. The Diplomatic Conference urged the continuation of WIPO's efforts for the conclusion of an "Audio-Visual Protocol" to complement WPPT, and of a "Database Treaty" for providing sui generis protection for databases even if they did not qualify for copyright protection.

Regarding the harmonization of patent laws, the Committee of Experts on the Patent Law Treaty at two 1996 sessions (June and November) considered draft provisions for the proposed treaty and its regulations, and agreed that the treaty should follow the solutions provided for in PCT and its Regulations.

Concerning the settlement of intellectual property disputes between States, the WIPO General Assembly decided to include in its draft programme and budget for the 1998-1999 biennium an item for the holding of a diplomatic conference in the first half of 1998. The Bureau was requested to prepare by April 1997 a revised draft treaty and draft regulations to serve as the basic proposal for the conference.

In October, draft provisions for improved protection of well-known marks were examined by the second session of a committee of experts. The committee was to continue its work in 1997.

Regarding intellectual property, the WIPO Governing Bodies asked the International Bureau to: study the feasibility of an "international deposit" system for nucleotide and/or amino acid sequence listings; study the need for and feasibility of establishing an international centralized system for the recording of assignments of patent applications and of patents; conduct a preliminary study concerning a possible new treaty on intellectual property with respect to integrated circuits; and study international intellectual property issues arising from the new global information infrastructure, including the Internet. In the autumn of 1996, WIPO started preparations for the first meeting, to be held in February 1997, of a group of consultants on trademarks and Internet domain names.

#### WIPO Arbitration and Mediation Centre

In 1996, the WIPO Arbitration and Mediation Centre continued to undertake promotional activities related to its services, including a conference on mediation in March, two training programmes on mediation in intellectual property disputes in May, and a workshop for arbitrators in November. The third meeting of the WIPO Arbitration and Mediation Council, held in November, reviewed the activities of the Centre and examined proposed WIPO Emergency Relief Rules prepared by the International Bureau, with the assistance of a group of experts.

#### International registration activities

Patent Cooperation Treaty (PCT). In 1996, 47,291 international applications were filed, an increase of almost 22 per cent over 1995 and the equivalent of some 2.5 million national applications.

Madrid Agreement. In the trademark system under the Madrid Agreement concerning the Registration of Marks and its 1989 Protocol, there were 18,485 international registrations in 1996. With an average of 10.79 countries designated per registration, those applications had the effect of some 200,000 national registrations.

Operations under the Madrid Protocol started on 1 April 1996. That was also the date of entry into force of the Common Regulations under the Madrid Agreement and Protocol, including the Schedule of Fees, which had been adopted by an extraordinary session of the Madrid Assembly in January 1996. The 1 April date also coincided with the date of entry into force of the Community Trade Mark system.

Hague Agreement. Under the Hague Agreement concerning the International Deposit of Industrial Designs, 5,830 industrial design deposits, renewals and prolongations were filed in 1996,

representing an increase of 3.9 per cent, compared to 1995. Work continued to make the Hague system accessible to more countries.

### **Secretariat**

As at 31 December 1996, WIPO employed 614 staff members representing 65 countries. Of those, 198 were in the Professional or higher categories, and 416 were in the General Service category.

### **Budget**

WIPO's principal income was derived from ordinary and special contributions from member States and international registration services, mainly under PCT and the Madrid Agreement.

In 1996, the organization's budgeted income and budgeted expenditures totalled 150 million Swiss francs each, of which 90 million Swiss francs were staff costs. The development cooperation budget in WIPO's 1996-1997 regular budget was double the amount allocated during the previous biennium. The increase allowed WIPO to provide additional legal and technical assistance to developing countries to help them meet their new obligations under the TRIPS Agreement.

NOTE: For further information on the organization, see *Governing Bodies of WIPO and the Unions Administered by WIPO: Activities in the Year 1996*, published by WIPO.

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## Chapter XVI

## International Fund for Agricultural Development (IFAD)

In 1996, the International Fund for Agricultural Development (IFAD) continued to assist the poorest segments of the rural population—including small farmers, nomadic pastoralists, artisanal fisherfolk, the landless, indigenous peoples and women—by funding projects to increase food production and incomes as well as improve nutrition, health, education and general well-being on a sustainable basis. IFAD was established in 1977 to combat hunger and rural poverty by designing and funding rural development projects in the low-income, food-deficit regions of the world.

The IFAD Executive Board held three regular sessions in 1996 (April, September and December), approving loans for 33 projects and 18 technical assistance grants. The Board also approved a programme of work for 1997 of 312.6 million special drawing rights (SDR) for loans and grants under the Regular Programme and endorsed a budget of \$52.8 million, including a contingency of \$300,000.

IFAD membership remained at 158 in 1996. Of its member countries, 22 were in Category I (developed countries), 12 in Category II (oil-exporting developing countries), and 124 in Category III (other developing countries).

### Resources

In November 1996, agreement was reached on the Fourth Replenishment of IFAD resources. Member States of Category I agreed to contribute \$345 million and to make further endeavours to increase that level. They also agreed to seek authority to unblock specific supplementary contributions they had made under the special matching agreement for the Third Replenishment, an amount that could total \$16,320,000. Category II member States confirmed pledges of \$70 million, as well as efforts, wherever possible, to increase that level. Category III member States confirmed pledges totalling \$56.7 million.

### Activities in 1996

Loans and grants approved in 1996 under IFAD's Regular Programme totalled SDR 300.9 million (\$435.7 million equivalent), which financed 33 projects worth SDR 281.7 million (\$407.9 million) and 95 technical assistance grants worth SDR 19.3 million (\$27.8 million).

In terms of SDR, total financing approved in 1996 was 24.6 per cent higher than the annual average of the previous five years and 36.2 per cent higher than the annual average since the start of IFAD funding operations in 1978. The average IFAD loan per project in 1996 was SDR 8.5 million (\$12.4 million), fairly consistent with the 1978-1995 average amount per project of SDR 8.2 million (\$10.4 million).

The largest share of 1996 lending—42 per cent—went to Africa, which received SDR 118.7 million (\$171.7 million) for 15 projects in 43 countries. Over the period 1978-1996, Africa received a cumulative share of 30.5 per cent of IFAD loans under the Regular Programme. The Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification (SPA), which was established in 1986 to provide loans on highly concessional terms, was merged into IFAD's Regular Programme as of 31 December 1995. If loans under SPA were included in the cumulative total, the region's share over 1978-1996 reached 34.9 per cent, or SDR 1,312.5 million (\$1,699.9 million).

The Asia and Pacific region received 25.1 per cent of 1996 loans, consisting of SDR 70.5 million (\$102.5 million) for seven projects in 21 countries. However, cumulatively over the period 1978-1996, the region continued to account for the largest share of Regular Programme lending, with loans amounting to SDR 1,249.6 million (\$1,594.1 million), or 35.4 per cent.

Loans approved in 1996 for Latin America and the Caribbean amounted to SDR 51.7 million (\$74.8 million) for seven projects in 28 countries, representing 18.3 per cent of lending during the year. The region's share had been progressively increasing over the past decade, from under 15 per cent during 1978-1986 to a cumulative 16.8 per cent, or SDR 575.8 million (\$756.4 million), over the period 1978-1996.

The Near East and North Africa region (which also included Djibouti, Somalia and the Sudan) received SDR 40.8 million (\$58.9 million), or 14.4 per cent of 1996 lending, for four projects in 17 countries. Over the period 1978-1996, the region received a total of SDR 606.4 million (\$781.8 million), or 17.3 per cent of Regular Programme lending. Taking into account lending under SPA,

the region's cumulative total reached SDR 633.9 million (\$818 million) or 16.8 per cent.

During the year, there was continued emphasis on providing financial assistance to sub-Saharan African countries, which received SDR 118 million (\$170.7 million), or 41.9 per cent of 1996 lending. Least developed countries (as defined by the United Nations) received SDR 92.5 million (\$133.8 million) in 1996, representing 32.8 per cent of the year's total, somewhat lower than their cumulative 37.1 per cent share since 1978. Low-income, food-deficit countries (as defined by the Food and Agriculture Organization of the United Nations) continued to receive the bulk of IFAD financing, totalling SDR 217.2 million (\$314.4 million). Bosnia and Herzegovina, Cambodia, Mongolia and the former Yugoslav Republic of Macedonia received loans from IFAD for the first time in 1996.

### Secretariat

As at 31 December 1996, the IFAD secretariat comprised 265 staff, including 113 staff from 49 countries in the Professional or higher categories, and 152 in the General Service category.

### Income and expenditure

Total revenue under the Regular Programme in 1996 was \$190 million, consisting of \$149 million of investment income and \$41 million from interest and service charges on loans. Total operational and administrative expenses for the year amounted to \$50.7 million, compared with a budget, before contingency, of \$52.5 million. The excess of revenue over expenses for the year, including the effects of foreign exchange rate movements of \$161 million, was \$21.7 million.

NOTE: For further details on IFAD activities in 1996, see Annual Report 1996, published by the Fund.

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## Chapter XVII

## United Nations Industrial Development Organization (UNIDO)

Established in 1966 by the General Assembly and formalized as a specialized agency in 1986, the United Nations Industrial Development Organization (UNIDO) continued activities aimed at accelerating sustainable industrial development in developing and transition economies and promoting industrial cooperation. In 1996, as a result of strategic reforms approved by the UNIDO General Conference in 1995, the demand for UNIDO services increased by 35 per cent. Also during the year, UNIDO activities gave special emphasis to Africa and the least developed countries (LDCs).

The Industrial Development Board held its fifteenth session in May and its sixteenth session in November to review the budget and work programme adopted by the General Conference at its sixth biennial session in 1995.

UNIDO membership remained at 168 countries in 1996. As it had announced in 1995, the United States withdrew from UNIDO as of 31 December 1996, citing budget constraints that had made it necessary to consider withdrawing from a number of organizations, as well as adverse opinion in the United States Congress concerning participation in UNIDO and other international organizations.

### New programme initiatives

In 1996, UNIDO was fully oriented towards developing and implementing new programmes in response to the growing demand from its member States for quality services, both as a global forum and as a provider of technical cooperation. During the year, full or partial funding was secured for five high-impact programmes developed as part of the reform process: industrial policy formulation and competitiveness strategies; international networking for the development of small and medium-sized enterprises; quality management in food processing in sub-Saharan Africa; new technologies for the abatement of global mercury pollution; and women entrepreneurship development.

In October, the Alliance for Africa's Industrialization was launched with the aim of developing African-generated industrial development strategies and public- and private-sector partnerships. Among the programmes and projects launched were those on capacity-building for in-

dustrial policy formulation and implementation; linking industry with agriculture; and integrating the formal and informal industrial sectors.

UNIDO expanded its normative activities aimed at assisting the industrial sector in developing countries and transition economies to face international competition. Examples of such activities included: construction of a UNIDO Industrial Development Index for measuring industrial development based on a variety of indicators; preparation of UNIDO guidelines for the classification and certification of industrial science and technology parks; and assessment of industrial performance against international benchmarks and norms for technological, environmental and social parameters.

UNIDO assistance focused increasingly on projects addressing and working with the private sector. In 1996, private-sector beneficiaries of UNIDO technical cooperation accounted for almost 80 per cent of all projects. Other new initiatives during the year included the launching of the International Business Advisory Council, composed of eminent international industrialists from the private sector, to advise UNIDO on approaches to industrialization, and the establishment of National Industrial Business Councils in 12 developing countries to identify demand from the private sector for UNIDO services, provide sources of expertise, and develop and fund joint programmes.

### Thematic priorities

During 1996, UNIDO implemented programmes and projects under seven thematic priorities: strategies, policies and institution-building for global economic integration; environment and energy; policies, networking and basic technical support for small- and medium-sized industries; innovation, productivity and quality for international competitiveness; industrial information, investment and technology promotion; rural industrial development; and linking industry with agriculture in Africa and LDCs.

### Strategies, policies and institution-building

The provision of assistance in formulating industrial strategies and policies continued to be an essential part of UNIDO's work. New and ongoing



projects in that area included restructuring and revitalizing industries in the Kaliningrad region of the Russian Federation; a support programme for industrial development of the Sumgait region of Azerbaijan; and formulation of a medium-term industrial strategy for Viet Nam.

#### Environment and energy

UNIDO activities towards sustainable development aimed at helping developing countries meet three critical challenges: ensuring the protection and conservation of environmental resources in a cost-effective manner; meeting obligations under global environmental treaties; and averting potential competitive disadvantages for industry in developing countries that could emerge from international environmental norms and standards. Projects in 1996 included the introduction of new technologies for abating mercury pollution caused by informal gold mining operations in the United Republic of Tanzania; development of new software and technologies related to the efficient and renewable uses of energy; and establishment of the UNIDO/United Nations Environment Programme international network of National Cleaner Production Centres. In addition, UNIDO prepared 55 new projects worth \$24 million related to limiting the use of ozone-depleting substances, in accordance with the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, and completed 13 investment projects with a combined budget of \$19.4 million, four technical cooperation projects, one country programme and one institution-strengthening activity.

#### Small- and medium-sized enterprises

During the year, UNIDO provided cross-sectoral support to small- and medium-sized enterprises (SMEs), considered an essential component in the industrial development strategies of most countries. New and ongoing projects included the promotion of SMEs in Kazakstan; policy advice for SME promotion in Slovakia; and promotion of co-operation between Italian institutions and enterprises and SMEs in selected developing countries.

#### Industrial competitiveness

UNIDO support for industrial competitiveness in developing countries included services by institutions specialized in technology management, including technology transfer and research and development; human resources development; information and data systems; venture capital financing; metrology, standardization and testing; and management and engineering consulting. Projects included upgrading the

technology of irrigation pump sets and prime movers manufactured by small-scale industry in India, and a regional programme for establishing high-technology incubation systems at the Academies of Science in the Czech Republic, Hungary, Poland and Slovakia.

#### Industrial information, investment and technology promotion

To assist developing countries in the promotion and absorption of industrial technology and investment flows, UNIDO offered support at the level of policy, institutions and enterprises, particularly related to training and the provision of information on investment and technology opportunities. Projects under way in 1996 included an integrated investment and technology promotion programme in the United Republic of Tanzania and a training package on technology transfer management at the enterprise level for managers of SMEs in developing countries.

#### Rural industrial development

Much of UNIDO's work in the area of rural industrial development was oriented towards creating supportive, autonomous institutions. These included regional industrial development agencies that could stimulate local interaction and networking among firms and provide access to market information and know-how which the individual entrepreneur or small firm could not afford on its own. Examples of new and ongoing projects in that area included creation of entrepreneur development centres in Micronesia; technical advice on rehabilitation of wood-processing in the Huambo region of Angola; and a Shendi integrated women's development project in the Sudan.

#### Africa and LDCs

As the only thematic priority with a geographic focus, support for Africa and LDCs encompassed a wide variety of activities aimed at enhancing agricultural production and increasing the competitiveness of agro-based industries. Projects during 1996 included assistance to the fishing industry in Mauritania, design of an integrated development programme for the wood products manufacturing industrial system in Ghana and national leather and footwear industry schemes in Ethiopia, Malawi and Uganda.

#### Secretariat

A total of 810 staff members were employed at UNIDO headquarters during 1996. Another 948 engineers, economists, lawyers, technology and environment specialists and support staff worked

in 42 UNIDO field offices in developing countries.

**Budget**

Total resources for UNIDO operations for 1996-1997 amounted to more than \$385 million, including a regular budget of some \$ 158 million

funded by assessed contributions from member States, and an operational budget of about \$25 million earned from implemented technical cooperation projects. Technical cooperation activities for 1996-1997 amounted to some \$202 million.

NOTE: For further information on UNIDO, see Annual Report of UNIDO 1996.

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## Chapter XVIII

**World Trade Organization (WTO)**

Activities of the World Trade Organization (WTO) in 1996 included facilitating implementation of the results of the Uruguay Round; providing a forum for multilateral trade negotiations and a framework for implementing their results; administering the dispute settlement procedures and the Trade Policy Review Mechanism; and co-operating with the International Monetary Fund (IMF) and the World Bank to achieve greater coherence in global economic policy-making. WTO came into being on 1 January 1995 as the successor to the General Agreement on Tariffs and Trade (GATT), following the conclusion of the Uruguay Round of multilateral trade negotiations.

During the year, WTO membership increased to 128; there were also 32 observer States.

**General activities**

The first biennial WTO Ministerial Conference (Singapore, 9-13 December)—the highest authority of the agency—adopted the Singapore Ministerial Declaration, which reaffirmed members' support of the multilateral trading system and updated the WTO work programme. In the Declaration, WTO member States expressed their commitment to: addressing the challenges of the increasing integration of the world economy; observing internationally recognized labour standards; and addressing the problem of marginalization of least developed countries (LDCs), among other objectives.

The Conference adopted a Comprehensive and Integrated WTO Plan of Action for LDCs, which offered an overall approach to enhancing the trading opportunities of LDCs and their integration into the multilateral trading system. It called for action to improve conditions for investment, export expansion and diversification, capacity-building and market access. It called for WTO to assist LDCs in implementing their WTO commitments and to help attract foreign direct investment in LDCs. Individual members could study the feasibility of binding preferential tariff rates in a WTO preferential scheme applicable only to LDCs.

Ministers also agreed to give operational content to the Plan of Action, for example, by enhancing conditions for investment and providing predictable and favourable market access condi-

tions for LDC products. They decided to organize a meeting in 1997 with the United Nations Conference on Trade and Development (UNCTAD) and the International Trade Centre, with the participation of aid agencies, multilateral financial institutions and LDCs, to foster an integrated approach to assist LDCs to improve their trading situations.

The Conference provided an opportunity for 28 countries—accounting for more than 80 per cent of world trade in information technology products—to negotiate an Information Technology Agreement (ITA) aimed at eliminating tariffs in trade of computer products by the year 2000. The Agreement would eliminate customs duties and other taxes and charges on those products through annual reductions, beginning on 1 July 1997 and concluding on 1 January 2000. ITA covered five main categories of products: computers, telecommunications products, semiconductors, semiconductor manufacturing equipment, and software and scientific instruments. In addition, the Agreement covered other products, including cash registers, computer network equipment and certain photocopiers, but not electronic consumer goods. Implementation of ITA was contingent on its signing by other participants by 1 April 1997, so that the Agreement's coverage would expand to some 90 per cent of world trade in that area.

Ministers further agreed to establish new working groups to study several issues, including the relationship between trade and investment; the interaction between trade and competition policy, including anti-competitive practices; and transparency in government procurement practices. The next Ministerial Conference was scheduled to be held in 1998 in Geneva.

In December, coinciding with the opening of the Ministerial Conference, WTO and IMF signed an agreement for future cooperation and collaboration, including better access for both organizations to each other's information data. A similar cooperation agreement between WTO and the World Bank was also finalized in 1996.

WTO's General Council—the body entrusted with handling the day-to-day operations of the organization between Conferences—made preparations for the 1997 Ministerial Conference, focusing on such issues as the Conference's struc-

ture and organization, progress in the consultation process, and attendance of Governments and intergovernmental and non-governmental organizations. In November, the Council agreed to forward the reports, conclusions and recommendations of some 30 WTO bodies to the Conference, for action by Ministers.

The Council also convened in two other forms: as the Dispute Settlement Body to oversee the dispute settlement procedure; and as the Trade Policy Review Body to conduct regular reviews of members' policies and practices. In 1996, the Dispute Settlement Body dealt with cases brought by Brazil and Venezuela against the United States; the European Community and the United States against Canada; the Philippines against Brazil; the United States against Canada; Costa Rica against the United States; and India against the United States.

The Trade Policy Review Body carried out first reviews of the Czech Republic, the Dominican Republic, El Salvador, Venezuela and Zambia; second reviews of Brazil, Colombia, Morocco, New Zealand, Norway, the Republic of Korea, Singapore and Switzerland; and fourth reviews of Canada and the United States.

WTO's technical assistance and training activities continued to grow, supported by both the regular budget and special contributions from Governments. Activities included seminars and workshops on aspects of the WTO multilateral trading system, training courses, technical missions, and assistance to Governments in preparing trade policy reviews.

#### Trade in goods

The Council for Trade in Goods held six meetings during the year, discussing matters ranging from trade facilitation to the observer status of international intergovernmental organizations. A major subject was the implementation of the Agreement on Textiles and Clothing, covering issues such as integration programmes, the use of transitional safeguards, bilaterally agreed arrangements, functioning of the Textiles Monitoring Body, treatment of small suppliers and least developed cotton-producing countries, rules of origin and market access. The Ministerial Conference gave a mandate to the Council to undertake exploratory and analytical work on the simplification of trade procedures in order to assess the scope of WTO rules in that area.

The Committee on Agriculture reviewed progress in implementing the WTO Agreement on Agriculture, on the basis of questions relating to the commitments contained in the Agreement and questions raised by WTO members in the

areas of market access, domestic support and export subsidies, and export prohibitions and restrictions.

The Committee on Sanitary and Phytosanitary Measures met three times in 1996 to review implementation of the relevant Agreement, which set out members' rights and obligations relating to food safety, protection of human health from plant- or animal-spread disease, and protection of plants and animals from pests and diseases.

The Committees on Anti-Dumping Practices, on Safeguards, on Technical Barriers to Trade and on Subsidies and Countervailing Measures continued to review relevant legislation and regulations of members.

#### Trade in services

The Council for Trade in Services started discussions on the basis of submissions by member countries on future work to be forwarded to the Ministerial Conference. In November, the Council adopted its report, which presented recommendations for future work, including the development of an information exchange programme; measures relating to qualification requirements and procedures, technical standards and licensing requirements; and guidelines and procedures for negotiations. Those recommendations were endorsed by the Ministerial Conference.

#### Intellectual property

On 1 January 1996, the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) went into effect for developed countries. The Agreement provided for minimum international standards of protection for know-how and productivity in the area of copyright (including computer programs), trademarks, geographic indications (including wines and spirits), industrial design, layout design of integrated circuits, and trade secrets. It also contained provisions for enforcement.

Developed country members' were obliged to notify the Council regarding their implementing legislation for TRIPS in early 1996. The Council started its reviews in July by examining legislation of developed country members in the area of copyright and related rights, continuing in November with trademarks, geographical indications and industrial design.

#### Balance-of-payments restrictions

The Committee on Balance-of-Payments Restrictions held consultations with members whose balance-of-payments difficulties had led them to restrict imports, in order to conserve foreign exchange. In 1996, it held consultations with

Hungary and Nigeria. Sri Lanka notified WTO that it had removed import restrictions on four tariff lines, while restrictions remained on four products.

### Regional trade agreements

In February, WTO members created the Committee on Regional Trade Agreements (RTAs) and mandated it to examine RTAs about which WTO had been notified, in order to increase understanding of their provisions and operations and assess their consistency vis-a-vis WTO rules; to define the scope of the existing obligations for RTAs to report on their activities and to establish arrangements for implementing that obligation; and to consider the systemic implications of the regionalism/multilateralism relationship.

The Committee, which met for the first time in July, devoted much time to RTA examinations; it also dealt with improving examination procedures, reporting on RTA activities, and systemic matters.

### Trade and development

The Committee on Trade and Development continued to review trade issues of interest to developing countries. It identified four issues for action by the Ministerial Conference: the position of LDCs; implementation of provisions in favour of developing countries, including the impact of the Uruguay Round on them; participation of developing countries in the multilateral trading system; and guidelines for technical cooperation. The Committee found that information on the implementation of provisions in favour of developing country members pointed to a relatively low use of such provisions. It reviewed WTO's three-year plan for technical cooperation and adopted a set of guidelines for such cooperation; discussed the participation of developing country members in the multilateral trading system on the basis of a WTO study; and devoted particular attention to the difficulties of LDCs through its Subcommittee on Least Developed Countries, which prepared the Plan of Action adopted by the Ministerial Conference.

### Trade and environment

The Committee on Trade and Environment, which met regularly throughout 1996, continued to examine the relationship between trade and environmental measures in order to promote sustainable development, mainly focusing on the preparation of its report to the Ministerial Conference. Adopting the report of the Committee, Ministers agreed that it would continue to examine the complementarities

between trade liberalization, economic development and environmental protection.

### Plurilateral agreements

The Agreement on Government Procurement entered in force on 1 January 1996. It covered procurement of goods and services by central government entities, sub-central entities and certain public utilities; 27 WTO members were parties to it. In 1996, the Committee on Government Procurement, established under the Agreement, adopted decisions on such topics as procedural matters relating to participation of observers in the Committee, accession to the Agreement, modalities for notifying threshold figures in national currencies, and notification of national implementing legislation.

During the year, the Committee on Trade in Civil Aircraft continued discussions on the legal status of the relevant Agreement; the International Dairy Council focused on assessing trends in the world market for dairy products and factors affecting the world market; and the International Meat Council examined the functions of the relevant Agreement based on the recognition that WTO members had new priorities as a result of the Uruguay Round negotiations.

### International Trade Centre

The International Trade Centre (ITC), operated jointly by UNCTAD and WTO, continued to assist developing countries in trade promotion (see also PART THREE, Chapter IV). Cooperation between ITC, UNCTAD and WTO was given new impetus in 1996 when a general framework for technical cooperation activities of the three organizations, which was agreed upon by the three Executive Heads, led to strengthening of coordination in specific programmes and the development of joint projects. ITC, WTO and UNCTAD concluded another framework agreement to promote complementarity and avoid duplication of technical cooperation activities in Africa. A joint integrated technical assistance programme in selected least developed and other African countries was launched to assist those nations in strengthening their participation in the multilateral trading system. ITC continued to undertake technical cooperation activities as a follow-up to the Uruguay Round agreements, including disseminating information through seminars and workshops; identifying priority areas for further action to expand the business community's participation in the new trading environment; and strengthening local capacities to provide information and advice on the Uruguay Round agreements.

**Budget**

Beginning in 1996, WTO members' contributions were determined according to their share in total trade in goods, services and intellectual property rights. The budget for 1996 amounted to \$93 million.

**Secretariat**

At the end of 1996, WTO had a staff of some 500.

NOTE: For further information on WTO activities, see the organization's Annual Report 1996.

**HEADQUARTERS**

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## Appendices

## Appendix I

# Roster of the United Nations

There were 185 Member States as at 31 December 1996.

MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION
Afghanistan	19 Nov. 1946	Equatorial Guinea	12 Nov. 1968	Mauritania	27 Oct. 1961
Albania	14 Dec. 1955	Eritrea	28 May 1993	Mauritius	24 Apr. 1968
Algeria	8 Oct. 1962	Estonia	17 Sep. 1991	Mexico	7 Nov. 1945
Andorra	28 July 1993	Ethiopia	13 Nov. 1945	Micronesia (Federated States of)	17 Sep. 1991
Angola	1 Dec. 1976	Fiji	13 Oct. 1970	Monaco	28 May 1993
Antigua and Barbuda	11 Nov. 1981	Finland	14 Dec. 1955	Mongolia	27 Oct. 1961
Argentina	24 Oct. 1945	France	24 Oct. 1945	Morocco	12 Nov. 1956
Armenia	2 Mar. 1992	Gabon	20 Sep. 1960	Mozambique	16 Sep. 1975
Australia	1 Nov. 1945	Gambia	21 Sep. 1965	Myanmar	19 Apr. 1948
Austria	14 Dec. 1955	Georgia	31 July 1992	Namibia	23 Apr. 1990
Azerbaijan	2 Mar. 1992	Germany <sup>3</sup>	18 Sep. 1973	Nepal	14 Dec. 1955
Bahamas	18 Sep. 1973	Ghana	8 Mar. 1957	Netherlands	10 Dec. 1945
Bahrain	21 Sep. 1971	Greece	25 Oct. 1945	New Zealand	24 Oct. 1945
Bangladesh	17 Sep. 1974	Grenada	17 Sep. 1974	Nicaragua	24 Oct. 1945
Barbados	9 Dec. 1966	Guatemala	21 Nov. 1945	Niger	20 Sep. 1960
Belarus	24 Oct. 1945	Guinea	12 Dec. 1958	Nigeria	7 Oct. 1960
Belgium	27 Dec. 1945	Guinea-Bissau	17 Sep. 1974	Norway	27 Nov. 1945
Belize	25 Sep. 1981	Guyana	20 Sep. 1966	Oman	7 Oct. 1971
Benin	20 Sep. 1960	Haiti	24 Oct. 1945	Pakistan	30 Sep. 1947
Bhutan	21 Sep. 1971	Honduras	17 Dec. 1945	Palau	15 Dec. 1994
Bolivia	14 Nov. 1945	Hungary	14 Dec. 1955	Panama	13 Nov. 1945
Bosnia and Herzegovina	22 May 1992	Iceland	19 Nov. 1946	Papua New Guinea	10 Oct. 1975
Botswana	17 Oct. 1966	India	30 Oct. 1945	Paraguay	24 Oct. 1945
Brazil	24 Oct. 1945	Indonesia <sup>4</sup>	28 Sep. 1950	Peru	31 Oct. 1945
Brunei Darussalam	21 Sep. 1984	Iran (Islamic Republic of)	24 Oct. 1945	Philippines	24 Oct. 1945
Bulgaria	14 Dec. 1955	Iraq	21 Dec. 1945	Poland	24 Oct. 1945
Burkina Faso	20 Sep. 1960	Ireland	14 Dec. 1955	Portugal	14 Dec. 1955
Burundi	18 Sep. 1962	Israel	11 May 1949	Qatar	21 Sep. 1971
Cambodia	14 Dec. 1955	Italy	14 Dec. 1955	Republic of Korea	17 Sep. 1991
Cameroon	20 Sep. 1960	Jamaica	18 Sep. 1962	Republic of Moldova	2 Mar. 1992
Canada	9 Nov. 1945	Japan	18 Dec. 1956	Romania	14 Dec. 1955
Cape Verde	16 Sep. 1975	Jordan	14 Dec. 1955	Russian Federation <sup>6</sup>	24 Oct. 1945
Central African Republic	20 Sep. 1960	Kazakhstan	2 Mar. 1992	Rwanda	18 Sep. 1962
Chad	20 Sep. 1960	Kenya	16 Dec. 1963	Saint Kitts and Nevis	23 Sep. 1983
Chile	24 Oct. 1945	Kuwait	14 May 1963	Saint Lucia	18 Sep. 1979
China	24 Oct. 1945	Kyrgyzstan	2 Mar. 1992	Saint Vincent and the Grenadines	16 Sep. 1980
Colombia	5 Nov. 1945	Lao People's Democratic Republic	14 Dec. 1955	Samoa	15 Dec. 1976
Comoros	12 Nov. 1975	Latvia	17 Sep. 1991	San Marino	2 Mar. 1992
Congo	20 Sep. 1960	Lebanon	24 Oct. 1945	Sao Tome and Principe	16 Sep. 1975
Costa Rica	2 Nov. 1945	Lesotho	17 Oct. 1966	Saudi Arabia	24 Oct. 1945
Cote d'Ivoire	20 Sep. 1960	Liberia	2 Nov. 1945	Senegal	28 Sep. 1960
Croatia	22 May 1992	Libyan Arab Jamahiriya	14 Dec. 1955	Seychelles	21 Sep. 1976
Cuba	24 Oct. 1945	Liechtenstein	18 Sep. 1990	Sierra Leone	27 Sep. 1961
Cyprus	20 Sep. 1960	Lithuania	17 Sep. 1991	Singapore <sup>5</sup>	21 Sep. 1965
Czech Republic <sup>1</sup>	19 Jan. 1993	Luxembourg	24 Oct. 1945	Slovakia <sup>1</sup>	19 Jan. 1993
Democratic People's Republic of Korea	17 Sep. 1991	Madagascar	20 Sep. 1960	Slovenia	22 May 1992
Denmark	24 Oct. 1945	Malawi	1 Dec. 1964	Solomon Islands	19 Sep. 1978
Djibouti	20 Sep. 1977	Malaysia <sup>5</sup>	17 Sep. 1957	Somalia	20 Sep. 1960
Dominica	18 Dec. 1978	Maldives	21 Sep. 1965	South Africa	7 Nov. 1945
Dominican Republic	24 Oct. 1945	Mali	28 Sep. 1960	Spain	14 Dec. 1955
Ecuador	21 Dec. 1945	Malta	1 Dec. 1964	Sri Lanka	14 Dec. 1955
Egypt <sup>2</sup>	24 Oct. 1945	Marshall Islands	17 Sep. 1991	Sudan	12 Nov. 1956
El Salvador	24 Oct. 1945				



MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION
Suriname	4 Dec. 1975	Turkmenistan	2 Mar. 1992	Uruguay	18 Dec. 1945
Swaziland	24 Sep. 1968	Uganda	25 Oct. 1962	Uzbekistan	2 Mar. 1992
Sweden	19 Nov. 1946	Ukraine	24 Oct. 1945	Vanuatu	15 Sep. 1981
Syrian Arab Republic <sup>2</sup>	24 Oct. 1945	United Arab		Venezuela	15 Nov. 1945
Tajikistan	2 Mar. 1992	Emirates	9 Dec. 1971	Viet Nam	20 Sep. 1977
Thailand	16 Dec. 1946	United Kingdom of		Yemen <sup>8</sup>	30 Sep. 1947
The former Yugoslav		Great Britain and		Yugoslavia <sup>9</sup>	24 Oct. 1945
Republic of Macedonia	8 Apr. 1993	Northern Ireland	24 Oct. 1945	Zaire	20 Sep. 1960
Togo	20 Sep. 1960	United Republic		Zambia	1 Dec. 1964
Trinidad and Tobago	18 Sep. 1962	of Tanzania <sup>7</sup>	14 Dec. 1961	Zimbabwe	25 Aug. 1980
Tunisia	12 Nov. 1956	United States			
Turkey	24 Oct. 1945	of America	24 Oct. 1945		

<sup>1</sup> Czechoslovakia, which was an original Member of the United Nations from 24 October 1945, split up on 1 January 1993 and was succeeded by the Czech Republic and Slovakia.

<sup>2</sup> Egypt and Syria, both of which became Members of the United Nations on 24 October 1945, joined together—following a plebiscite held in those countries on 21 February 1958—to form the United Arab Republic. On 13 October 1961, Syria, having resumed its status as an independent State, also resumed its separate membership in the United Nations; it changed its name to the Syrian Arab Republic on 14 September 1971. The United Arab Republic continued as a Member of the United Nations and reverted to the name of Egypt on 2 September 1971.

Through accession of the German Democratic Republic to the Federal Republic of Germany on 3 October 1990, the two German States (both of which became United Nations Members on 18 September 1973) united to form one sovereign State. As from that date, the Federal Republic of Germany has acted in the United Nations under the designation Germany.

<sup>4</sup> On 20 January 1965, Indonesia informed the Secretary-General that it had decided to withdraw from the United Nations. By a telegram of 19 September 1966, it notified the Secretary-General of its decision to resume participation in the activities of the United Nations. On 28 September 1966, the General Assembly took note of that decision and the Presi-

dent invited the representatives of Indonesia to take their seats in the Assembly.

<sup>5</sup> On 16 September 1963, Sabah (North Borneo), Sarawak and Singapore joined with the Federation of Malaya (which became a United Nations Member on 17 September 1957) to form Malaysia. On 9 August 1965, Singapore became an independent State and on 21 September 1965 it became a Member of the United Nations.

<sup>6</sup> The Union of Soviet Socialist Republics was an original Member of the United Nations from 24 October 1945. On 24 December 1991, the President of the Russian Federation informed the Secretary-General that the membership of the USSR in all United Nations organs was being continued by the Russian Federation.

<sup>7</sup> Tanganyika was admitted to the United Nations on 14 December 1961, and Zanzibar on 16 December 1963. Following ratification, on 26 April 1964, of the Articles of Union between Tanganyika and Zanzibar, the two States became represented as a single Member: the United Republic of Tanganyika and Zanzibar; it changed its name to the United Republic of Tanzania on 1 November 1964.

<sup>8</sup> Yemen was admitted to the United Nations on 30 September 1947 and Democratic Yemen on 11 December 1967. On 22 May 1990, the two countries merged and have since been represented as one Member.

<sup>9</sup> Refers to the former Socialist Federal Republic of Yugoslavia.

## Appendix II

# Charter of the United Nations and Statute of the International Court of Justice

## Charter of the United Nations

NOTE: The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971 and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from 11 to 15. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from 18 to 27. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from 27 to 54.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

### WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

### AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

### HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

### Chapter I PURPOSES AND PRINCIPLES

#### Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

#### Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles:

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## Chapter II

### MEMBERSHIP

#### Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

#### Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

#### Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

#### Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

## Chapter III

### ORGANS

#### Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

#### Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

## Chapter IV

### THE GENERAL ASSEMBLY

#### Composition

##### Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

#### Functions and Powers

##### Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or both on any such questions or matters.

##### Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

##### Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

##### Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

#### Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

#### Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

#### Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

#### Article 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

### Voting

#### Article 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

#### Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

### Procedure

#### Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

#### Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

#### Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

### Chapter V

## THE SECURITY COUNCIL

### Composition

#### Article 23<sup>1</sup>

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
3. Each member of the Security Council shall have one representative.

### Functions and Powers

#### Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.
3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

#### Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

#### Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article

47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

### Voting

#### Article 27<sup>2</sup>

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

### Procedure

#### Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

#### Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

#### Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

#### Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

#### Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

### Chapter VI

#### PACIFIC SETTLEMENT OF DISPUTES

#### Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

#### Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise

to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

#### Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

#### Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

#### Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

#### Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

### Chapter VII

#### ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

#### Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

#### Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

#### Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to

its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

#### Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee

#### Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

### Chapter VIII

#### REGIONAL ARRANGEMENTS

#### Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

#### Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies

without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

#### Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

### Chapter IX

#### INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

#### Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

#### Article 57

1. The various specialized agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

#### Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

#### Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

#### Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

### Chapter X

#### THE ECONOMIC AND SOCIAL COUNCIL

#### Composition

##### Article 61<sup>3</sup>

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

#### Functions and Powers

##### Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

##### Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

##### Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

##### Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

**Voting**

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

**Procedure**

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 77

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

**Chapter XI**

**DECLARATION REGARDING  
NON-SELF-GOVERNING TERRITORIES**

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

**Chapter XII**

**INTERNATIONAL TRUSTEESHIP SYSTEM**

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:



- a. territories now held under mandate;
  - b. territories which may be detached from enemy states as a result of the Second World War; and
  - c. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

#### Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

#### Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

#### Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

#### Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

#### Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

#### Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

#### Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations

towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

#### Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

### Chapter XIII

#### THE TRUSTEESHIP COUNCIL

#### Composition

#### Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

#### Functions and Powers

#### Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

#### Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

#### Voting

#### Article 89

- 1. Each member of the Trusteeship Council shall have one vote.
- 2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

#### Procedure

#### Article 90

- 1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

#### Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

### Chapter XIV

#### THE INTERNATIONAL COURT OF JUSTICE

#### Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

#### Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

#### Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

#### Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

#### Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

### Chapter XV

#### THE SECRETARIAT

#### Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

#### Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

#### Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

#### Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

#### Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

### Chapter XVI

#### MISCELLANEOUS PROVISIONS

#### Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

#### Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

#### Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

#### Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## Chapter XVII

## TRANSITIONAL SECURITY ARRANGEMENTS

## Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

## Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

## Chapter XVIII

## AMENDMENTS

## Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109<sup>1</sup>

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Na-

tions including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## Chapter XIX

## RATIFICATION AND SIGNATURE

## Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

## Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

[1] Amended text of Article 23, which came into force on 31 August 1965.

(The text of Article 23 before it was amended read as follows:

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid in the first instance to the contributions of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.)

[2] Amended text of Article 27, which came into force on 31 August 1965.

(The text of Article 27 before it was amended reads as follows:

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.)

[3] Amended text of Article 61, which came into force on 24 September 1973.

(The text of Article 61 as previously amended on 31 August 1965 read as follows:

1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine

additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.)

- [4] Amended text of Article 109, which came into force on 12 June 1968.

(The text of Article 109 before it was amended reads as follows:

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.)

## Statute of the International Court of Justice

### Article 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

### Chapter I

#### ORGANIZATION OF THE COURT

### Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

### Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

### Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

### Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given

time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

### Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

### Article 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

### Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

### Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

### Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

### Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

## Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

## Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lotto be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

## Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

## Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

## Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

## Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

## Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

## Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

## Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

## Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

## Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

## Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

## Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

## Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

## Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

#### Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

#### Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

#### Article 29

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

#### Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.
2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

#### Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.
2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.
3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.
4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.
5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.
6. Judges chosen as laid down in paragraphs 2, 3 and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

#### Article 32

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive a special allowance for every day on which he acts as President.
4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.
5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions

under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

#### Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

### Chapter II

#### COMPETENCE OF THE COURT

#### Article 34

1. Only states may be parties in cases before the Court.
2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.
3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

#### Article 35

1. The Court shall be open to the states parties to the present Statute.
2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.
3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

#### Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
  - a. the interpretation of a treaty;
  - b. any question of international law;
  - c. the existence of any fact which, if established, would constitute a breach of an international obligation;
  - d. the nature or extent of the reparation to be made for the breach of an international obligation.
3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.
4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.
6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

## Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

## Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

### Chapter III PROCEDURE

## Article 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

## Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

## Article 47

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

## Article 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

## Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

## Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

## Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

## Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

## Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

## Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

## Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

## Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

## Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

## Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

## Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

## Article 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

## Article 56

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

## Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

## Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

## Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

## Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

## Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also the party claiming revision, always provided that such ignorance was not due to negligence.
2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.
4. The application for revision must be made at latest within six months of the discovery of the new fact.
5. No application for revision may be made after the lapse of ten years from the date of the judgment.

## Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
2. It shall be for the Court to decide upon this request.

## Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.
2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

## Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

## Chapter IV

## ADVISORY OPINIONS

## Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

## Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.
3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

## Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

## Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

## Chapter V

## AMENDMENT

## Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

## Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.



## Appendix III

# Structure of the United Nations

## General Assembly

The General Assembly is composed of all the Members of the United Nations.

### SESSIONS

Resumed fiftieth session: 28 February-17 September 1996.  
Fifty-first session: 17 September-18 December 1996 (suspended).

### OFFICERS

Resumed fiftieth session  
President: Diogo Freitas do Amaral (Portugal).  
Vice-Presidents: Albania, Algeria, Belgium, Bolivia, China, Congo, Costa Rica, France, Kuwait, Lao People's Democratic Republic, Lebanon, Mali, Mauritania, Mauritius, Namibia, Russian Federation, Saint Lucia, Thailand, United Kingdom, United States, Yemen.

### Fifty-first session

President: Razali Ismail (Malaysia).<sup>1</sup>  
Vice-Presidents: Andorra, Angola, Bahamas, Burundi, China, Cyprus, France, Ghana, Honduras, Latvia, Libyan Arab Jamahiriya, Niger, Pakistan, Paraguay, Philippines, Russian Federation, Sudan, Turkey, United Arab Emirates, United Kingdom, United States.<sup>2</sup>

The Assembly has four types of committees: (1) Main Committees; (2) procedural committees; (3) standing committees; (4) subsidiary and ad hoc bodies. In addition, it convenes conferences to deal with specific subjects.

### Main Committees

Six Main Committees have been established as follows:

Disarmament and International Security Committee (First Committee)  
Special Political and Decolonization Committee (Fourth Committee)  
Economic and Financial Committee (Second Committee)  
Social, Humanitarian and Cultural Committee (Third Committee)  
Administrative and Budgetary Committee (Fifth Committee)  
Legal Committee (Sixth Committee)

The General Assembly may constitute other committees, on which all Members of the United Nations have the right to be represented.

### OFFICERS OF THE MAIN COMMITTEES

Resumed fiftieth session

#### Fifth Committee<sup>3</sup>

Chairman: Erich Vilchez Asher (Nicaragua).  
Vice-Chairmen: Movses Abelian (Armenia), Ammar Amari (Tunisia).  
Rapporteur: Peter Maddens (Belgium).  
Fifty-first session<sup>4</sup>

#### First Committee

Chairman: Alyaksandr Sychou (Belarus).  
Vice-Chairmen: Andelfo Garcia (Colombia), André Memier (Belgium).  
Rapporteur: Parfait-Serge Onanga-Anyanga (Gabon).

#### Fourth Committee

Chairman: Aloukèo Kittikhoun (Lao People's Democratic Republic).  
Vice-Chairmen: Anastasia Carayanides (Australia), Sonia R. Leonce (Saint Lucia).  
Rapporteur: Walid Doudech (Tunisia).

#### Second Committee

Chairman: Arjan P. Hamburger (Netherlands).  
Vice-Chairmen: Mohammad Reza Hadji Karim Djabbari (Iran), Kheireddine Ramoul (Algeria).  
Rapporteur: Silvia Cristina Corado-Cuevas (Guatemala).

#### Third Committee

Chairman: Patricia Espinosa (Mexico).  
Vice-Chairmen: Mohammad Masood Khan (Pakistan), Sileshi Shewaneh (Ethiopia).  
Rapporteur: Victoria Sandru (Romania).

#### Fifth Committee

Chairman: Ngoni Francis Sengwe (Zimbabwe).  
Vice-Chairmen: Syed Rafiqul Alom (Bangladesh), Klaus-Dieter Stein (Germany).  
Rapporteur: Igor V. Goumenny (Ukraine).

#### Sixth Committee

Chairman: Ramón Escovar-Salom (Venezuela).  
Vice-Chairmen: Dumitru Mazilu (Romania), Felicity Jane Wong (New Zealand).  
Rapporteur: Pascaline Boum (Cameroon).

### Procedural committees

#### General Committee

The General Committee consists of the President of the General Assembly, as Chairman, the 21 Vice-Presidents and the Chairmen of the six Main Committees.

#### Credentials Committee

The Credentials Committee consists of nine members appointed by the General Assembly on the proposal of the President.

### Fifty-first session

China, Dominican Republic, Gabon, Netherlands, Paraguay, Philippines, Russian Federation, Sierra Leone, United States.<sup>5</sup>

### Standing committees

The two standing committees consist of experts appointed in their individual capacity for three-year terms.

#### **Advisory Committee on Administrative and Budgetary Questions**

To serve until 31 December 1996: Leonid E. Bidnyi (Russian Federation); Simon Khoam Chuinkam (Cameroon); Inga Eriksson Fogh (Sweden); Norma Goicochea Estenez (Cuba); Linda S. Shenwick (United States).

To serve until 31 December 1997: Ahmad Fathi Al-Masri (Syrian Arab Republic); Ioan Barac (Romania); Mahamane Maiga (Mali); Ernest Besley Maycock (Barbados); C. S. M. Mselle, Chairman (United Republic of Tanzania).

To serve until 31 December 1998: Vijay Gokhale (India); Yuji Kumamaru (Japan); Jose Antonio Marcondes de Carvalho (Brazil); Wolfgang Stöckl (Germany); Tang Guangting (China); Giovanni Luigi Valenza (Italy).

On 14 November 1996 (dec. 51/310 A), the General Assembly appointed the following for a three-year term beginning on 1 January 1997 to fill the vacancies occurring on 31 December 1996: Denise Almao (New Zealand), Ammar Amari (Tunisia), Leonid E. Bidnyi (Russian Federation), Gerard Biraud (France), Norma Goicochea Estenez (Cuba).

#### **Committee on Contributions**

To serve until 31 December 1996: Evgueni N. Deineko (Russian Federation);<sup>6</sup> Alvaro Gurgel de Alencar (Brazil); Li Yong (China); Ugo Sessi, Vice-Chairman (Italy); Agha Shahi (Pakistan); Adrien Teirlinck (Belgium).

To serve until 31 December 1997: Uldis Blukis (Latvia); David Etuket, Chairman (Uganda); Igor V. Goumenny (Ukraine); William Grant (United States); Masao Kawai (Japan); Vanu Gopala Menon (Singapore).

To serve until 31 December 1998: Pieter Johannes Bierma (Netherlands); Sergio Chaparro Ruiz (Chile); Neil Hewitt Francis (Australia); Atilio Norberto Molteni (Argentina); Mohamed Mahmoud Ould El Ghouth (Mauritania); Omar Sirry (Egypt).

Member emeritus: Amjad Ali (Pakistan).

On 14 November 1996 (dec. 51/311 A), the General Assembly appointed the following for a three-year term beginning on 1 January 1997 to fill the vacancies occurring on 31 December 1996: Iqbal Akhund (Pakistan), Evgueni N. Deineko (Russian Federation), Alvaro Gurgel de Alencar (Brazil), Ju Kuilin (China), Isabelle Klais (Germany), Ugo Sessi (Italy).

#### **Subsidiary and ad hoc bodies**

The following is a list of subsidiary and ad hoc bodies functioning in 1996, including the number of members, dates of meetings/sessions in 1996, document numbers of 1996 reports (which generally provide specific information on membership), and relevant decision numbers pertaining to elections. (For other related bodies, see p. 1472.)

##### **Ad Hoc Committee on the Indian Ocean**

Meeting: New York, 8 July

Chairman: Herman Leonard de Silva (Sri Lanka)

Membership: 44

Report: A/51/29

##### **Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law**

Session: Thirty-first, New York, 11 December

Chairman: Eric Odoi-Amin (Ghana)

Membership: 25

Report: A/52/524

##### **Board of Auditors**

Meetings: New York, 29-31 July; Vienna, 4 December

Membership: 3

Decision: GA 51/312

##### **Committee for the United Nations Population Award**

Meetings: New York, 25 January, 22 February

Chairman: Julio Armando Martini Herrera (Guatemala)

Membership: 10 (plus 5 honorary members, the Secretary-General and the UNFPA Executive Director)

##### **Committee on Conferences**

Sessions: New York, 1 February (organizational); New York, 30 April, 3 June, 19, 20, 22 and 23 August (substantive); New York, 19 September (resumed substantive)

Chairman: El Hassane Zahid (Morocco)

Membership: 21

Report: A/51/32

Decision: GA 51/317

##### **Committee on Information**

Session: Eighteenth, New York, 6-17 May

Chairman: Ivan Maximov (Bulgaria)

Membership: 89

Report: A/51/21

##### **Committee on Relations with the Host Country**

Meetings: New York, 14 February, 14 May, 18 June, 3 October, 19 and 22 November

Chairman: Nicos Agathocleous (Cyprus)

Membership: 15 (including the United States as host country)

Report: A/51/26

##### **Committee on the Exercise of the Inalienable Rights of the Palestinian People**

Meetings: Meets throughout the year

Chairman: Ibra Deguène Ka (Senegal)

Membership: 23

Report: A/51/35

##### **Committee on the Peaceful Uses of Outer Space**

Session: Thirty-ninth, Vienna, 3-14 June

Chairman: Peter Hohenfellner (Austria)

Membership: 61

Report: A/51/20

##### **Disarmament Commission**

Sessions: New York, 13 March and 19 April (organizational); New York, 22 April-7 May (substantive); New York, 9 and 11 December (organizational)

Chairman: Wolfgang Hoffmann (Germany)

Membership: All UN Members

Report: A/51/42

##### **High-level Committee on the Review of Technical Cooperation among Developing Countries**

Session: Did not meet in 1996 (meets biennially)

Membership: All States participating in UNDP

##### **Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa**

Sessions: Eighth, Geneva, 5-15 February; ninth, New York, 3-13 September

Chairman: Bo Kjellén (Sweden)

Membership: Open to all States Members of the United Nations or members of the specialized agencies

Report: A/51/76 & Add.1

##### **International Civil Service Commission**

Sessions: Forty-third, Vienna, 10 April-7 May; forty-fourth, New York, 31 July-13 August

Chairman: Mohsen Bel Hadj Amor (Tunisia)

Membership: 15

Report: A/51/30

Decision: GA 51/315 A

**ADVISORY COMMITTEE ON POST ADJUSTMENT QUESTIONS**

Session: Twentieth, New York, 4-11 March  
 Chairman: Carlos S. Vegega (Argentina)  
 Membership: 6

**International Law Commission**

Session: Forty-eighth, Geneva, 6 May-26 July  
 Chairman: Ahmed Mahiou (Algeria)  
 Membership: 34  
 Report: A/51/10  
 Decision: GA 51/309

**Investments Committee**

Session: New York, 26 February, 6 May, 16 September, 25 November; Turin, Italy, 8 July  
 Chairman: Jean Guyot (France)  
 Membership: 10  
 Decision: GA 51/313

**Joint Advisory Group on the International Trade Centre UNCTAD/WTO**

Session: Twenty-ninth, Geneva, 15-19 April  
 Chairman: G. Baldocci (Italy)  
 Membership: Open to all States members of UNCTAD and all members of WTO  
 Report: ITC/AG(XXIX)/157

**Joint Inspection Unit**

Chairman: Homero L. Hernández-Sánchez (Dominican Republic)  
 Membership: 11  
 Report: A/51/34

**Office of the United Nations High Commissioner for Refugees (UNHCR)****EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME**

Session: Forty-seventh, Geneva, 7-11 October  
 Chairman: Ali Mchumo (United Republic of Tanzania)  
 Membership: 51  
 Report: A/51/12/Add.1  
 Decision: ESC 1996/298

**Panel of External Auditors**

Membership: Members of the UN Board of Auditors and the appointed external auditors of the specialized agencies and IAEA

**Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II)**

Session: Third (final), New York, 5-16 February  
 Chairman: Martti Lujanen (Finland)  
 Membership: Open to all States Members of the United Nations or members of the specialized agencies  
 Report: A/CONF.165/PC.3/7

**Preparatory Committee on the Establishment of an International Criminal Court**

Meetings: New York, 25 March-12 April, 12-30 August  
 Chairman: Adriaan Bos (Netherlands)  
 Membership: Open to all States Members of the United Nations or members of the specialized agencies or of IAEA  
 Report: A/51/22

**Scientific and Technical Committee on the International Decade for Natural Disaster Reduction**

Session: Seventh, Moscow, 11-14 March  
 Chairman: Roman L. Kintanar (Philippines)  
 Membership: 20-25 (21 in 1996)  
 Report: IDNDR/STC/1996/2

**Special Committee on Peacekeeping Operations**

Meetings: New York, 1-3 April (general debate), 9-26 April (open-ended Working Group)  
 Chairman: Ibrahim A. Gambari (Nigeria)  
 Membership: 34  
 Report: A/51/130

**Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**

Meetings: New York, 21 February-5 March  
 Chairman: Maria del Lujan Flores (Uruguay)  
 Membership: Open to all States Members of the United Nations  
 Report: A/51/33

**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

Meetings: New York, 16 February, 4 April, 22 July-1 August  
 Chairman: Alimamy Pallo Bangura (Sierra Leone)  
 Membership: 23  
 Report: A/51/33

**SUBCOMMITTEE ON SMALL TERRITORIES, PETITIONS, INFORMATION AND ASSISTANCE**

Meetings: New York, 26 June-8 July  
 Chairman: Utula Utuoc Samana (Papua New Guinea)  
 Membership: 23  
 Report: A/AC.109/L.1843

**Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

Meetings: Geneva, 28-29 February, 20 June, 16-20 September; Cairo, Egypt, 22-23 June; Amman, Jordan, 25-27 June; Damascus, Syrian Arab Republic, 28-30 June  
 Chairman: Herman Leonard de Silva (Sri Lanka)  
 Membership: 3  
 Reports: A/51/99/Add.1,2, A/52/131

**Special Committee to Select the Winners of the United Nations Human Rights Prize**

Session: Did not meet in 1996  
 Membership: 5

**United Nations Administrative Tribunal**

Sessions: Geneva, 1 July-2 August; New York, 21 October-22 November  
 President: Samarendranath Sen (India)  
 Membership: 7  
 Report: A/INF/51/5  
 Decision: GA 51/314

**United Nations Capital Development Fund****EXECUTIVE BOARD**

The UNDP/UNFPA Executive Board acts as the Executive Board of the Fund.

Managing Director: James Gustave Speth (UNDP Administrator)

**United Nations Commission on International Trade Law (UNCITRAL)**

Session: Twenty-ninth, New York, 28 May-14 June  
 Chairman: Ana Isabel Piaggi de Vanossi (Argentina)  
 Membership: 36  
 Report: A/51/17

**United Nations Conciliation Commission for Palestine**

Membership: 3  
 Reports: A/51/439, A/52/311

**United Nations Conference on Trade and Development (UNCTAD)**

Session: Ninth, Midrand, South Africa, 27 April-11 May

President: Alec Erwin (South Africa)  
 Membership: Open to all States Members of the United Nations or members of the specialized agencies or of IAEA (188 in 1996)  
 Report: TD/378/Rev.1

Secretary-General of UNCTAD: Rubens Ricupero

#### TRADE AND DEVELOPMENT BOARD

Sessions: Twelfth executive (UNCTAD IX Preparatory Committee), thirteenth executive and forty-third, Geneva, 26 February-29 March, 8 July, 7-18 October  
 Chairman: William Rossier (Switzerland) (executive sessions), Patrick Sinyinza (Zambia) (forty-third session)  
 Membership: Open to all States members of UNCTAD (143 until 7 July; 144 from 8 July)  
 Reports: TD/B/EX(12)/2, A/51/15 (vols. I & II)

#### SUBSIDIARY ORGANS OF THE TRADE AND DEVELOPMENT BOARD

Three new Commissions were established by the Board on 8 July 1996 to replace the former Commission, Special Committee and Standing Committees

COMMISSION ON ENTERPRISE,  
 BUSINESS FACILITATION AND DEVELOPMENT  
 Session: Did not meet in 1996  
 Membership: Open to all States members of UNCTAD

COMMISSION ON INVESTMENT,  
 TECHNOLOGY AND RELATED FINANCIAL ISSUES  
 Session: First (part I), Geneva, 18-22 November  
 Chairman: Lilia R. Bautista (Philippines)  
 Membership: Open to all States members of UNCTAD  
 Report: TD/B/44/4

Expert Meeting on Competition Law and Policy (replaced Intergovernmental Group of Experts on Restrictive Business Practices)  
 Session: First, Geneva, 13-15 November  
 Chairman: Cees Van Gent (Netherlands)  
 Membership: Open to all States members of UNCTAD  
 Report: TD/B/COM.2/3

Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting  
 Session: Fourteenth, Geneva, 1-5 July  
 Chairman: Herbert Biener (Germany)  
 Membership: Open to all States members of UNCTAD  
 Report: TD/B/ITNC/7  
 Decisions: ESC 1996/222, 1996/298

COMMISSION ON TRADE IN  
 GOODS AND SERVICES, AND COMMODITIES  
 Session: First (part I), Geneva, 6-8 November  
 Chairman: Daniel Bernard (France)  
 Membership: Open to all States members of UNCTAD  
 Report: TD/B/44/5

#### United Nations Development Fund for Women (UNIFEM)

CONSULTATIVE COMMITTEE  
 Session: Thirty-sixth, New York, 31 January-2 February  
 Chairman: Randi Bendiksen (Norway)  
 Membership: 5

Director of UNIFEM: Noeleen Heyzer  
 Deputy Director: Maxine Olson

#### United Nations Environment Programme (UNEP)

##### GOVERNING COUNCIL

Session: Did not meet in 1996

Membership: 58  
 Decision: GA 51/316

Executive Director of UNEP: Elizabeth Dowdeswell

#### United Nations Institute for Disarmament Research (UNIDIR)

##### BOARD OF TRUSTEES

Session: Twenty-eighth, Geneva, 1-5 July  
 Chairman: Mitsuhiro Donowaki (Japan)  
 Membership: 23 in 1996  
 Report: A/51/364

Director of UNIDIR: Sverre Lodgaard

#### United Nations Institute for Training and Research (UNITAR)

##### BOARD OF TRUSTEES

Sessions: Thirty-fourth, Geneva, 30 April-2 May; special session, Geneva, 2-4 September  
 Chairman: Ahmad Kamal (Pakistan)  
 Membership: Not less than 11 and not more than 30 (17 in 1996), plus 4 ex-officio members  
 Reports: A/51/14/Rev.1, BOT/96/34

Executive Director of UNITAR: Marcel A. Boisard (Acting)

#### United Nations Joint Staff Pension Board

Session: Forty-seventh, Turin, Italy, 8-19 July  
 Chairman: Y. Chotard (ILO)  
 Membership: 33  
 Report: A/51/9 & Corr.1

#### United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

##### ADVISORY COMMISSION OF UNRWA

Meeting: Amman, Jordan, 22 September  
 Chairman: Mohammed Abu Zarad (Turkey)  
 Membership: 10  
 Report: A/51/13

##### WORKING GROUP ON THE FINANCING OF UNRWA

Meetings: New York, 13 September, 14 October  
 Chairman: Huseyin Çelem (Turkey)  
 Membership: 9  
 Report: A/51/509

Commissioner-General of UNRWA: Iltis Turkmen (until January), Peter Hansen (from 20 January)

#### United Nations Scientific Committee on the Effects of Atomic Radiation

Session: Forty-fifth, Vienna, 17-21 June  
 Chairman: L. Pinillos Ashton (Peru)  
 Membership: 21  
 Report: A/51/46

#### United Nations Staff Pension Committee

Meetings: New York, 22 February, 5 March, 12 April, 19 November  
 Chairman: Susanna Johnston (United States)  
 Membership: 12 members, 8 alternates

#### United Nations University

##### COUNCIL OF THE UNITED NATIONS UNIVERSITY

Session: Forty-third, Santiago, Chile, 2-6 December  
 Chairman: Lucien F. Michaud (Canada)  
 Membership: 24 (plus 3 ex-officio members and the UNU Rector)  
 Report: E/1997/7

Rector of the University: Heitor Gurgulino de Souza

**United Nations Voluntary Fund for Indigenous Populations****BOARD OF TRUSTEES**

Session: Ninth, Geneva, 22-26 April  
 Chairman: Augusto Willemsen-Díaz (Guatemala)  
 Membership: 5  
 Report: A/51/565

**United Nations Voluntary Fund for Victims of Torture****BOARD OF TRUSTEES**

Session: Fifteenth, Geneva, 20-31 May  
 Chairman: Jaap Walkate (Netherlands)  
 Membership: 5  
 Report: A/51/465

**United Nations Voluntary Fund on Contemporary Forms of Slavery****BOARD OF TRUSTEES**

Session: Did not meet in 1996  
 Membership: 5

**World Food Council**

On 24 May 1996 (res. 50/227), the General Assembly discontinued the World Food Council, its functions being absorbed by FAO and WFP.

**Conference****United Nations Conference on Human Settlements (Habitat II)**

Session: Istanbul, Turkey, 3-14 June

President: Suleyman Demirel (Turkey)

Attendance: 171 States, plus UN bodies and programmes, specialized agencies, and intergovernmental and non-governmental organizations

Report: A/CONF.165/14

**Security Council**

The Security Council consists of 15 Member States of the United Nations, in accordance with the provisions of Article 23 of the United Nations Charter as amended in 1965.

**MEMBERS**

Permanent members: China, France, Russian Federation, United Kingdom, United States.

Non-permanent members: Botswana, Chile, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea.

On 21 October 1996 (dec. 51/306), the General Assembly elected Costa Rica, Japan, Kenya, Portugal and Sweden for a two-year term beginning on 1 January 1997, to replace Botswana, Germany, Honduras, Indonesia and Italy whose terms of office were to expire on 31 December 1996.

**PRESIDENTS**

The presidency of the Council rotates monthly, according to the English alphabetical listing of its member States. The following served as Presidents during 1996:

Month	Member	Representative
January	United Kingdom	Sir John Weston
February	United States	Madeleine Korbel Albright
March	Botswana	Joseph Legwaila
April	Chile	Juan Somavía
May	China	Qin Huasun
June	Egypt	Nabil Elaraby
July	France	Alain Dejammet
August	Germany	Antonijs Eitel
September	Guinea-Bissau	Alfredo Lopes Cabral
October	Honduras	Delmer Urbizo Panting
		Gerardo Martínez Blanco
November	Indonesia	Nugroho Wisnumurti
December	Italy	Francesco Paolo Fulci

**Military Staff Committee**

The Military Staff Committee consists of the chiefs of staff of the permanent members of the Security Council or their representatives. It meets fortnightly.

**Standing committees**

Each of the three standing committees of the Security Council is composed of representatives of all Council members:

Committee of Experts (to examine the provisional rules of procedure of the Council and any other matters entrusted to it by the Council)

Committee on the Admission of New Members

Committee on Council Meetings Away from Headquarters

**Peacekeeping operations and special missions****United Nations Truce Supervision Organization (UNTSO)**

Officer-in-Charge: Major-General Rufus Kupolati.

**United Nations Military Observer Group in India and Pakistan (UNMOGIP)**

Chief Military Observer: Major-General Alfonso Pessolano.

**United Nations Peacekeeping Force in Cyprus (UNFICYP)**

Special Representative of the Secretary-General: Joe Clark (until 30 April), Han Sung-Joo (from 1 May).

Deputy Special Representative and Chief of Mission: Gustave Feissel.

Force Commander: Brigadier-General Ahti Toimi Paavali Varti-

**United Nations Disengagement Observer Force (UNDOF)**

Force Commander: Major-General Johannes Kisters.

**United Nations Interim Force in Lebanon (UNIFIL)**

Force Commander: Major-General Stanislaw Wozniak.

**United Nations Iraq-Kuwait Observation Mission (UNIKOM)**

Force Commander: Major-General Gian G. Santillo.

**United Nations Mission for the Referendum in Western Sahara (MINURSO)**

Special Representative of the Secretary-General: Erik Jensen (Acting).

Force Commander: Brigadier-General Andre Van Baelen (until March), Major-General Jose Eduardo Garcia Leandro (April-November), Major-General Jorge Barroso de Moura (from December).

**United Nations Observer Mission in Georgia (UNOMIG)**

Special Envoy of the Secretary-General: Edouard Brunner.

Resident Deputy to the Special Envoy and Head of Mission:  
Liviú Bota.  
Chief Military Observer: Major-General Per Källström.

United Nations Observer Mission in Liberia (UNOMIL)  
Special Representative of the Secretary-General and Head of Mission: Anthony B. Nyakyi.  
Chief Military Observer: Major-General Mahmoud Talha (until May), Colonel David Magomere (Acting) (from June), Major-General Sikandar Shami (from 16 December).

United Nations Mission in Haiti (UNMIH)<sup>7</sup>  
Special Representative of the Secretary-General and Chief of Mission: Lakhdar Brahimi (until March), Enrique ter Horst (from March).  
Deputy Special Representative: Christian Ossa.  
Force Commander: Major-General Joseph Kinzer (until March), Brigadier-General J. R. P. Daigle (from March).

United Nations Assistance Mission for Rwanda (UNAMIR)<sup>8</sup>  
Special Representative of the Secretary-General and Head of Mission: Shaharyar M. Khan.  
Force Commander: Brigadier-General Shiva Kumar.

United Nations Mission of Observers in Tajikistan (UNMOT)  
**Special Envoy of the Secretary-General: Ramiro Píriz-Ballón** (until February), Gerd Dietrich Merrem (from May).  
Resident Deputy Special Envoy and Head of Mission: Darko Silovic (until May).  
Chief Military Observer: Brigadier-General Hasan Abaza.

United Nations Angola Verification Mission (UNAVEM III)  
**Special Representative of the Secretary-General: Alioune Blondin Beye.**  
Deputy Special Representative: Khaled Yassir.  
Force Commander: Major-General Phillip V. Sibanda.

#### United Nations Confidence Restoration Operation in Croatia (UNCRO)<sup>9</sup>

Head of Mission: Byung Suk Min.  
Military Commander: Major-General Eid Kamal Al-Rodan.  
Theatre Force Commander: Lieutenant-General Bernard Jan-

United Nations Preventive Deployment Force (UNPREDEP)  
Special Representative of the Secretary-General and Chief of Mission: Henryk J. Sokalski.  
Military Commander: Brigadier-General Juha Engstrom (until February).  
Force Commander: Brigadier-General Bo Lennart Wrangler (from March).

United Nations Mission in Bosnia and Herzegovina (UNMIBH)  
Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina: Iqbal Riza.  
Commissioner of the United Nations International Police Task Force: Peter FitzGerald.

United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES)<sup>10</sup>  
Transitional Administrator: Jacques Paul Klein.  
Force Commander: Major-General Jozef Schoups.  
Chief Military Observer: Brigadier-General Purwadi.

United Nations Mission of Observers in Prevlaka (UNMOP)  
**Chief Military Observer: Colonel Goran Gunnarsson.**

United Nations Support Mission in Haiti (UNSMIH)<sup>11</sup>  
Special Representative of the Secretary-General and Head of Mission: Enrique ter Horst.  
Force Commander: Brigadier-General J. R. P. Daigle.

## Economic and Social Council

The Economic and Social Council consists of 54 Member States of the United Nations, elected by the General Assembly, each for a three-year term, in accordance with the provisions of Article 61 of the United Nations Charter as amended in 1965 and 1973.

#### MEMBERS

To serve until 31 December 1996: Bulgaria, Chile, Costa Rica, Egypt, France, Germany, Ghana, Greece, Indonesia, Ireland, Japan, Pakistan, Paraguay, Portugal, Senegal, United Republic of Tanzania, Venezuela, Zimbabwe.

To serve until 31 December 1997: Australia, Belarus, Brazil, Colombia, Congo, Cote d'Ivoire, India, Jamaica, Luxembourg, Malaysia, Netherlands, Philippines, Poland, South Africa, Sudan, Thailand, Uganda, United States.

To serve until 31 December 1998: Argentina, Bangladesh, Canada, Central African Republic, China, Czech Republic, Finland, Gabon, Guyana, Jordan, Lebanon, Nicaragua, Romania, Russian Federation, Sweden, Togo, Tunisia, United Kingdom.

On 31 October 1996 (dec. 51/307), the General Assembly elected the following for a three-year term beginning on 1 January 1997 to fill the vacancies occurring on 31 December 1996: Cape Verde, Chile, Cuba, Djibouti, El Salvador, France, Gambia, Germany, Iceland, Japan, Latvia, Mexico, Mozambique, Republic of Korea, Spain, Sri Lanka, Turkey, Zambia.

#### SESSIONS

Organizational session for 1996: New York, 25 January and 9 February.

Resumed organizational session for 1996: New York, 2 April and 2 and 3 May.

Substantive session of 1996: New York, 24 June-26 July.

Resumed substantive session of 1996: New York, 10 October and 13, 14 and 20 November.

#### OFFICERS

President: Jean-Marie Kacou Gervais (Cote d'Ivoire).

Vice-Presidents: Emilio J. Cardenas (Argentina) (until 24 June), Carlos Dante Riva (Argentina) (from 24 June); Gerhard Walter Henze (Germany); Karel Kovanda (Czech Republic); Samir Moubarak (Lebanon).

### Subsidiary and other related organs

#### SUBSIDIARY ORGANS

The Economic and Social Council may, at each session, set up committees or working groups, of the whole or of limited membership, and refer to them any items on the agenda for study and report.

Other subsidiary organs reporting to the Council consist of functional commissions, regional commissions, standing committees, expert bodies and ad hoc bodies.

The inter-agency Administrative Committee on Coordination also reports to the Council.

## Functional commissions

### Commission for Social Development

Session: Special session, New York, 21-31 May  
Chairman: Koos Richelle (Netherlands)  
Membership: 32 (increased to 46 on 22 July by ESC res. 1996/7)  
Report: E/1996/29  
Decisions: ESC 1996/222, 1996/317

### Commission on Crime Prevention and Criminal Justice

Session: Fifth, Vienna, 21-31 May  
Chairman: Tadanori Inomata (Japan)  
Membership: 40  
Report: E/1996/30  
Decisions: ESC 1996/222, 1996/298

### Commission on Human Rights

Session: Fifty-second, Geneva, 18 March-26 April  
Chairman: Gilberto Vergne Saboia (Brazil)  
Membership: 53  
Report: E/1996/23  
Decision: ESC 1996/222

### SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

**Session: Forty-eighth, Geneva, 5-30 August**  
**Chairman: Asbjørn Eide (Norway)**  
**Membership: 26**  
**Report: E/CN.4/1997/2**

### Commission on Narcotic Drugs

Session: Thirty-ninth, Vienna, 16-25 April  
Chairman: H. Butke (Germany)  
Membership: 53  
Report: E/1996/27

### Commission on Population and Development

Session: Twenty-ninth, New York, 26 February-1 March  
Chairman: András Klinger (Hungary)  
Membership: 47  
Report: E/1996/25  
Decisions: ESC 1996/201, 1996/222, 1996/298

### Commission on Science and Technology for Development

Session: Did not meet in 1996  
Membership: 53

### Commission on Sustainable Development

Session: Fourth, New York, 18 April-3 May  
Chairman: Rumen Gechev (Bulgaria)  
Membership: 53  
Report: E/1996/28  
Decision: ESC 1996/222

### Commission on the Status of Women

Session: Fortieth, New York, 11-22 March  
Chairman: Sharon Brennen-Haylock (Bahamas)  
Membership: 45  
Report: E/1996/26  
Decision: ESC 1996/222

### Statistical Commission

Session: Did not meet in 1996  
Membership: 24  
Decision: ESC 1996/222

## Regional commissions

### Economic and Social Commission for Asia and the Pacific (ESCAP)

Session: Fifty-second, Bangkok, Thailand, 17-24 April  
Chairman: Lina B. Laigo (Philippines)

Membership: 49 members, 10 associate members (51 members, 9 associate members, from 18 July)  
Report: E/1996/36  
Resolutions: ESC 1996/3 A-C

### Economic and Social Commission for Western Asia (ESCWA)

Session: Did not meet in 1996  
Membership: 13

### Economic Commission for Africa (ECA)

Session: Thirty-first (twenty-second meeting of Conference of Ministers), Addis Ababa, Ethiopia, 6-8 May  
Chairman: Aleke K. Banda (Malawi)  
Membership: 53  
Report: E/1996/35

### Economic Commission for Europe (ECE)

Session: Fifty-first, Geneva, 15-19 April  
Chairman: Romulus Neagu (Romania)  
Membership: 55  
Report: E/1996/34

### Economic Commission for Latin America and the Caribbean (ECLAC)

Session: Twenty-sixth, San Jose, Costa Rica, 15-20 April  
Chairman: Melvin Sáenz Biolley (Costa Rica)  
Membership: 41 members, 7 associate members  
Report: E/1996/37

## Standing committees

### Commission on Human Settlements

Session: Did not meet in 1996  
Membership: 58  
Decisions: ESC 1996/222, 1996/317

### Committee for Programme and Coordination

Sessions: Thirty-sixth, New York, 3 May (organizational meeting), 3-28 June (first part), 26 August-6 September (second part)  
Chairman: Jorge Osella (Argentina)  
Membership: 34  
Report: A/51/16  
Decisions: ESC 1996/222, 1996/298, GA 51/305

### Committee on Non-Governmental Organizations

Sessions: New York, 29 January-2 February 1996 (resumed 1995 session); New York, 13-17 May, 21 June, 26-30 August, 2 October (1996 session)  
Chairman: Ruth Limjuco (Philippines) (resumed 1995 session), Fidel Coloma (Chile) (1996 session)  
Membership: 19  
Reports: E/1996/17, E/1996/78, E/1996/102

## Expert bodies

### Ad Hoc Group of Experts on International Cooperation in Tax Matters

Session: Did not meet in 1996  
Membership: 25

### Committee for Development Planning

Session: Thirtieth, New York, 28-29 May  
Chairman: Nurul Islam (Bangladesh)  
Membership: 24  
Report: E/1996/76

### Committee of Experts on the Transport of Dangerous Goods

Session: Nineteenth, Geneva, 2-10 December  
Chairman: L. Grainger (United Kingdom)  
Membership: 21  
Report: ST/SG/AC.10/23

**Committee on Economic, Social and Cultural Rights**

Sessions: Fourteenth, Geneva, 30 April-17 May; fifteenth, Geneva, 18 November-6 December  
 Chairman: Philip Alston (Australia)  
 Membership: 18  
 Report: E/1997/22  
 Decision: ESC 1996/222

**Committee on Natural Resources**

Session: Third, New York, 6-16 May  
 Chairman: Neculai Pavlovski (Romania)  
 Membership: 24  
 Report: E/1996/31  
 Decisions: ESC 1996/222, 1996/298, 1996/317

**Committee on New and Renewable Sources of Energy and on Energy for Development**

Session: Second, New York, 12-23 February  
 Chairman: E. V. R. Sastry (India)  
 Membership: 24  
 Report: E/1996/24  
 Decisions: ESC 1996/201, 1996/222, 1996/298, 1996/317

**United Nations Group of Experts on Geographical Names**

Session: Eighteenth, Geneva, 12-23 August  
 Chairman: Peter E. Raper (South Africa)  
 Attendance: Representatives of 17 of the 21 geographical/linguistic divisions of the Group of Experts  
 Report: GEGN/18

**Administrative Committee on Coordination**

Sessions: Nairobi, Kenya, 28-30 April; New York, 25-26 October  
 Chairman: The Secretary-General  
 Membership: Organizations of the UN system  
 Report: E/1997/54

**Other related bodies****International Research and Training Institute for the Advancement of Women (INSTRAW)**

BOARD OF TRUSTEES  
 Session: Sixteenth, Santo Domingo, Dominican Republic, 19-23 February  
 President: Gail Saunders (Bahamas)  
 Membership: 11  
 Report: E/1996/56  
 Decision: ESC 1996/298

Director of INSTRAW: Martha Dueñas-Loza (Acting)

**Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome****PROGRAMME COORDINATION BOARD**

Session: Third, Geneva, 10-11 June  
 Membership: 22  
 Reports: E/1996/42, E/1997/63  
 Decision: ESC 1996/298

Executive Director of the Programme: Peter Piot

**United Nations Children's Fund (UNICEF)****EXECUTIVE BOARD**

Sessions: First, second and third regular sessions, New York, 22-25 January, 9-12 April, 16-19 September; annual session, New York, 17-21 June  
 President: Ion Gorita (Romania)  
 Membership: 36  
 Report: E/1996/32/Rev.1  
 Decision: ESC 1996/222

Executive Director of UNICEF: Carol Bellamy

**United Nations Development Programme (UNDP)/United Nations Population Fund (UNFPA)****EXECUTIVE BOARD**

Sessions: First, second and third regular sessions, New York, 15-19 January, 25-29 March, 9-13 September; annual session, Geneva, 6-17 May  
 President: Annette des Iles (Trinidad and Tobago)  
 Membership: 36  
 Report: E/1996/33  
 Decision: ESC 1996/222

Administrator of UNDP: James Gustave Speth  
 Associate Administrator: Rafeeuddin Ahmed  
 Executive Director of UNFPA: Dr. Nafis I. Sadik

**United Nations Interregional Crime and Justice Research Institute (UNICRI)****BOARD OF TRUSTEES**

Session: Seventh, Rome, Italy, 18-19 November  
 President: Arthur Rios (Brazil)  
 Membership: 7 (plus 4 ex-officio members)  
 Report: BT/1996/REP

Director of UNICRI: Herman F. Woltring

**United Nations Research Institute for Social Development (UNRISD)****BOARD OF DIRECTORS**

Session: Thirty-fourth, Geneva, 24-25 June  
 Chairman: Juan O. Somavia (Chile)  
 Membership: 11 (plus 7 ex-officio members)  
 Report: E/CN.5/1997/7

Director of the Institute: Dharam Ghai

**World Food Programme (WFP)****EXECUTIVE BOARD**

Session: First, Rome, 22-23 January  
 President: Beatrice Damiba (Burkina Faso)  
 Membership: 36  
 Report: WFP/ExB.1/96/6  
 Decisions: ESC 1996/201, 1996/222, 1996/298

Executive Director of WFP: Catherine A. Bertini  
 Deputy Executive Director: Namanga Ngongi

**Trusteeship Council**

Article 86 of the United Nations Charter lays down that the Trusteeship Council shall consist of the following:

Members of the United Nations administering Trust Territories;  
 Permanent members of the Security Council which do not administer Trust Territories;

As many other members elected for a three-year term by the General Assembly as will ensure that the membership of the Council is equally divided between United Nations Members which administer Trust Territories and those which do not.<sup>12</sup>

Members: China, France, Russian Federation, United Kingdom, United States.



## International Court of Justice

### Judges of the Court

The International Court of Justice consists of 15 Judges elected for nine-year terms by the General Assembly and the Security Council.

The following were the Judges of the Court serving in 1996, listed in the order of precedence:

Judge	Country of nationality	End of term <sup>13</sup>
Mohammed Bedjaoui, President	Algeria	1997
Stephen M. Schwebel, Vice-President	United States	1997
Shigeru Oda	Japan	2003
Gilbert Guillaume	France	2000
Mohamed Shahabuddeen	Guyana	1997
Christopher G. Weeramantry	Sri Lanka	2000
Raymond Ranjeva	Madagascar	2000
Geza Herczegh	Hungary	2003
Shi Jiuyong	China	2003
Carl-August Fleischhauer	Germany	2003
Abdul G. Koroma	Sierra Leone	2003
Vladlen S. Vereshchetin	Russian Federation	1997
Luigi Ferrari Bravo	Italy	1997
Rosalyn Higgins	United Kingdom	2000
Gonzalo Parra-Aranguren <sup>14</sup>	Venezuela	2000

On 6 November 1996, the General Assembly (dec. 51/308) and the Security Council elected the following for a nine-year term beginning on 6 February 1997 to fill the vacancies occurring on 5 February: Mohammed Bedjaoui (Algeria), Pieter H. Kooijmans (Netherlands), Jose Francisco Rezek (Brazil), Stephen M. Schwebel (United States), Vladlen S. Vereshchetin (Russian Federation).

Registrar: Eduardo Valencia-Ospina.  
Deputy Registrar: Jean-Jacques Arnaldez.

### Chamber of Summary Procedure

Members: Mohammed Bedjaoui (ex officio), Stephen M. Schwebel (ex officio), Mohamed Shahabuddeen, Shi Jiuyong, Vladlen S. Vereshchetin.  
Substitute members: Abdul G. Koroma, Rosalyn Higgins.

### Chamber for Environmental Matters

Members: Mohammed Bedjaoui (ex officio), Stephen M. Schwebel (ex officio), Mohamed Shahabuddeen, Christopher G. Weeramantry, Raymond Ranjeva, Geza Herczegh, Carl-August Fleischhauer.

### Parties to the Court's Statute

All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice. Also parties to it are the following non-members: Nauru, Switzerland.

### States accepting the compulsory jurisdiction of the Court

Declarations made by the following States, a number with reservations, accepting the Court's compulsory jurisdiction (or made under the Statute of the Permanent Court of International Justice and deemed to be an acceptance of the jurisdiction of the International Court) were in force at the end of 1996:

Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, India, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay,<sup>15</sup> Philippines, Poland, Portugal, Senegal, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom, Uruguay, Zaire.

### United Nations organs and specialized and related agencies authorized to request advisory opinions from the Court

Authorized by the United Nations Charter to request opinions on any legal question: General Assembly, Security Council.  
Authorized by the General Assembly in accordance with the Charter to request opinions on legal questions arising within the scope of their activities: Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, ILO, FAO, UNESCO, ICAO, WHO, World Bank, IFC, IDA, IMF, ITU, WMO, IMO, WIPO, IFAD, UNIDO, IAEA.

### Committees of the Court

#### BUDGETARY AND ADMINISTRATIVE COMMITTEE

Members: Mohammed Bedjaoui (ex officio), Stephen M. Schwebel (ex officio), Gilbert Guillaume, Mohamed Shahabuddeen, Raymond Ranjeva, Shi Jiuyong, Carl-August Fleischhauer.

#### COMMITTEE ON RELATIONS

Members: Christopher G. Weeramantry, Geza Herczegh, Vladlen S. Vereshchetin.

#### LIBRARY COMMITTEE

Members: Christopher G. Weeramantry, Raymond Ranjeva, Geza Herczegh, Shi Jiuyong, Abdul G. Koroma.

#### RULES COMMITTEE

Members: Shigeru Oda, Gilbert Guillaume, Carl-August Fleischhauer, Abdul G. Koroma, Luigi Ferrari Bravo, Rosalyn Higgins.

## Other United Nations-related bodies

The following bodies are not subsidiary to any principal organ of the United Nations but were established by an international treaty instrument or arrangement sponsored by the United Nations and are thus related to the Organization and its work. These bodies, often referred to as "treaty organs", are serviced by the United Nations Secretariat and may be financed in part or wholly from the Organization's regular budget, as authorized by the General Assembly, to which most of them report annually.

### Commission against Apartheid in Sports

Session: Has not met since 1992  
Membership: 15

### Committee against Torture

Sessions: Sixteenth, Geneva, 30 April-10 May; seventeenth, Geneva, 11-22 November  
Chairman: Alexis Dipanda Mouelle (Cameroon)  
Membership: 10  
Reports: A/51/44, A/52/44

### Committee on the Elimination of Discrimination against Women

Session: Fifteenth, New York, 15 January-2 February  
Chairman: Ivanka Corti (Italy)  
Membership: 23  
Report: A/51/38

**Committee on the Elimination of Racial Discrimination**

Sessions: Forty-eighth, Geneva, 26 February-15 March; forty-ninth, Geneva, 5-23 August  
 Chairman: Michael Parker Banton (United Kingdom)  
 Membership: 18  
 Report: A/51/18

**Committee on the Rights of the Child**

Sessions: Eleventh, Geneva, 8-26 January; twelfth, Geneva, 20 May-7 June; thirteenth, Geneva, 23 September-11 October  
 Chairman: Akila Belembaogo (Burkina Faso)  
 Membership: 10  
 Reports: A/51/41, CRC/C/50, CRC/C/54, CRC/C/57

**Conference on Disarmament**

Meetings: Geneva, 22 January-29 March, 13 May-28 June, 29 July-13 September  
 President: Myanmar, Netherlands, Nigeria, Pakistan, Peru, Poland (successively)

Membership: 37; increased to 60 by a Conference decision of 17 June  
 Report: A/51/27

**Human Rights Committee**

Sessions: Fifty-sixth, New York, 18 March-4 April; fifty-seventh, Geneva, 8-26 July; fifty-eighth, Geneva, 21 October-8 November  
 Chairman: Francisco Jose Aguilar Urbina (Costa Rica)  
 Membership: 18  
 Reports: A/51/40, A/52/40

**International Narcotics Control Board (INCB)**

Sessions: Sixtieth, Vienna, 13-24 May; sixty-first, Vienna, 31 October-15 November  
 President: Oskar Schröder (Germany)  
 Membership: 13  
 Report: E/INCB/1996/1  
 Decision: ESC 1996/222

**Principal members of the United Nations Secretariat**

(as at 31 December 1996)

**Secretariat**

The Secretary-General: Boutros Boutros-Ghali

**Executive Office of the Secretary-General**

Assistant Secretary-General, Chief of Staff: Jean-Claude Aimé  
 Under-Secretaries-General, Senior Advisers to the Secretary-General: Chinmaya R. Gharekhan, Ismat Kittani  
 Assistant Secretary-General, Senior Adviser to the Secretary-General: Rosario Green  
 Chief of Protocol: Livio Muzi-Falconi

**Office of Internal Oversight Services**

Under-Secretary-General: Karl-Theodor Paschke

**Office of Legal Affairs**

Under-Secretary-General, Legal Counsel: Hans Corell

**Department of Political Affairs**

Under-Secretary-General: Marrack I. Goulding  
 Assistant Secretaries-General: Lansana Kouyate, Alvaro de Soto

**Department of Peacekeeping Operations**

Under-Secretary-General: Kofi Annan  
 Assistant Secretary-General: Manfred Eisele

**Department of Humanitarian Affairs**

Under-Secretary-General, Emergency Relief Coordinator: Yasushi Akashi  
 Assistant Secretary-General, Humanitarian Coordinator: Gualtiero Fulcheri

**Department for Policy Coordination and Sustainable Development**

Under-Secretary-General: Nitin Desai

**Department for Economic and Social Information and Policy Analysis**

Under-Secretary-General: Jean-Claude Milleron

**Department for Development Support and Management Services**

Under-Secretary-General: Jin Yongjian

**Department of Public Information**

Assistant Secretary-General: Samir Sanbar

**Department of Administration and Management**

Under-Secretary-General: Joseph E. Connor

**OFFICE OF PROGRAMME PLANNING, BUDGET AND ACCOUNTS**

Assistant Secretary-General, Controller: Yukio Takasu

**OFFICE OF HUMAN RESOURCES MANAGEMENT**

Assistant Secretary-General: Denis J. Halliday

**OFFICE OF CONFERENCE AND SUPPORT SERVICES**

Assistant Secretary-General: Benon V. Sevan

**Economic and Social Commission for Asia and the Pacific**

Under-Secretary-General, Executive Secretary: Adrianus Mooy

**Economic and Social Commission for Western Asia**

Under-Secretary-General, Executive Secretary: Hazem El-Beblawi

**Economic Commission for Africa**

Under-Secretary-General, Executive Secretary: K. Y. Amoako

**Economic Commission for Europe**

Under-Secretary-General, Executive Secretary: Yves Berthelot

**Economic Commission for Latin America and the Caribbean**

Under-Secretary-General, Executive Secretary: Gert Rosenthal

**United Nations Centre for Human Settlements**

Assistant Secretary-General, Secretary-General of the Habitat II Conference: Wally N'Dow

**United Nations Office at Geneva**

Under-Secretary-General, Director-General of the United Nations Office at Geneva: Vladimir Petrovsky

**United Nations Centre for Human Rights**

Under-Secretary-General, High Commissioner for Human Rights: José Ayala Lasso  
 Assistant Secretary-General: Ibrahima Fall

**United Nations Office at Vienna**

Under-Secretary-General, Director-General of the United Nations Office at Vienna and Executive Director of the United Nations International Drug Control Programme: Giorgio Giacomelli

**International Court of Justice Registry**

Assistant Secretary-General, Registrar: Eduardo Valencia-Ospina

**Secretariats of subsidiary organs, special representatives and other related bodies****International Trade Centre UNCTAD/WTO**

Assistant Secretary-General, Executive Director: J. Denis Bélisle

**Office of the Special Representative of the Secretary-General for Burundi**

Assistant Secretary-General, Special Representative: Marc Faguy

**Office of the Special Representative of the Secretary-General for Haiti**

Under-Secretary-General, Special Representative: Enrique ter Horst

**Office of the United Nations High Commissioner for Refugees**

Under-Secretary-General, High Commissioner: Sadako Ogata  
Assistant Secretary-General, Deputy High Commissioner: Gerald Walzer

**Personal Representative of the Secretary-General on the Guyana-Venezuela border dispute**

Under-Secretary-General, Personal Representative: Alistair McIntyre

**Special Coordinator of the Secretary-General in the Occupied Territories**

Under-Secretary-General, Special Coordinator: Peter Hansen

**United Nations Angola Verification Mission**

Under-Secretary-General, Special Representative of the Secretary-General: Alioune Blondin Beye  
Assistant Secretary-General, Deputy Special Representative: Khaled Yassir  
Assistant Secretary-General, Force Commander: Major-General Phillip V. Sibanda

**United Nations Children's Fund**

Under-Secretary-General, Executive Director: Carol Bellamy  
Assistant Secretary-General, Deputy Executive Director: Karin Sham Poo

**United Nations Compensation Commission**

Assistant Secretary-General, Executive Secretary: Carlos Alzamora Traverso

**United Nations Conference on Trade and Development**

Under-Secretary-General, Secretary-General of the Conference: Rubens Ricupero

**United Nations Development Programme**

Administrator: James Gustave Speth  
Under-Secretary-General, Associate Administrator: Rafeeuddin Ahmed  
Assistant Secretary-General, Special Adviser to the Administrator: Richard Jolly  
Assistant Administrator and Director, Bureau for Resources and External Affairs: Normand Lauzon  
Assistant Administrator and Director, Bureau for Finance and Administration: Toshiyuki Niwa  
Assistant Administrator and Director, Bureau for Policy and Programme Support: Anders Wijkman  
Assistant Administrator and Regional Director, Regional Bureau for Africa: Ellen Johnson Sirleaf  
Assistant Administrator and Regional Director, Regional Bureau for Arab States: Saad A. Alfarargi

Assistant Administrator and Regional Director, Regional Bureau for Asia and the Pacific: Nay Htun  
Assistant Administrator and Regional Director, Regional Bureau for Latin America and the Caribbean: Fernando Zumbado

**United Nations Disengagement Observer Force**

Assistant Secretary-General, Force Commander: Major-General Johannes Kusters

**United Nations Environment Programme**

Under-Secretary-General, Executive Director: Elizabeth Dowdeswell

**United Nations Institute for Training and Research**

Acting Executive Director: Marcel A. Boisard

**United Nations Interim Force in Lebanon**

Assistant Secretary-General, Force Commander: Major-General Stanislaw Wozniak

**United Nations Iraq-Kuwait Observation Mission**

Assistant Secretary-General, Force Commander: Major-General Gian G. Santillo

**United Nations Military Observer Group in India and Pakistan**

Chief Military Observer: Major-General Alfonso Pessolano

**United Nations Mission for the Referendum in Western Sahara**

Acting Special Representative of the Secretary-General: Erik Jensen  
Force Commander: Major-General Jorge Barroso de Moura

**United Nations Mission in Bosnia and Herzegovina**

Assistant Secretary-General, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina: Iqbal Riza

**United Nations Mission of Observers in Tajikistan**

Assistant Secretary-General, Special Representative of the Secretary-General: Gerd Dietrich Merrem  
Chief Military Observer: Brigadier-General Hasan Abaza

**United Nations Observer Mission in Georgia**

Under-Secretary-General, Special Envoy of the Secretary-General: Edouard Brunner  
Chief Military Observer: Major-General Per Källström

**United Nations Observer Mission in Liberia**

Under-Secretary-General, Special Representative of the Secretary-General: Anthony B. Nyakyi  
Chief Military Observer: Major-General Sikandar Shami

**United Nations Office for Project Services**

Assistant Secretary-General, Executive Director: Reinhart Helmke

**United Nations Peacekeeping Force in Cyprus**

Under-Secretary-General, Special Representative of the Secretary-General: Han Sung-Joo  
Deputy Special Representative and Chief of Mission: Gustave Feissel  
Force Commander: Brigadier-General Ahti Toimi Paavali Vartiainen

**United Nations Population Fund**

Under-Secretary-General, Executive Director: Dr. Nafis I. Sadik  
Assistant Secretary-General, Deputy Executive Director, Policy and Administration: Hirofumi Ando  
Assistant Secretary-General, Deputy Executive Director, Programme: Joseph Van Arendonk

**United Nations Preventive Deployment Force**

Assistant Secretary-General, Special Representative of the Secretary-General and Chief of Mission: Henryk J. Sokalski

**United Nations Relief and Works Agency for Palestine Refugees in the Near East**

Under-Secretary-General, Commissioner-General: Peter Hansen

Assistant Secretary-General, Deputy Commissioner-General: Luce Daniele Biolato

**United Nations Support Mission in Haiti**

Under-Secretary-General, Special Representative of the Secretary-General: Enrique ter Horst

Force Commander: Brigadier-General J. R. P. Daigle

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

Under-Secretary-General, Transitional Administrator: Jacques Paul Klein

Assistant Secretary-General, Force Commander: Major-General Jozef Schoups

**United Nations Truce Supervision Organization**

Assistant Secretary-General, Chief of Staff: Major-General Rufus Kupolati

**United Nations University**

Under-Secretary-General, Rector: Heitor Gurgulino de Souza  
Assistant Secretary-General, Director, World Institute for Development Economics Research: Giovanni Andrea Cornia

**World Food Programme**

Under-Secretary-General, Executive Director: Catherine A. Bertini  
Assistant Secretary-General, Deputy Executive Director: Namanga Ngongi

On 31 December 1996, the total number of staff of the United Nations Secretariat holding permanent, probationary and fixed-term appointments with service or expected service of a year or more was 14,067. Of these, 4,316 were in the Professional and higher categories and 9,751 were in the General Service, Manual Worker, Field Service and 200-series (experts)

categories. Of the same total, 13,465 were regular staff serving at Headquarters or other established offices and 602 were assigned as project personnel to technical cooperation projects. In addition, at the end of December 1996, UNRWA had some 19,654 local area staff, including temporary assistance.

<sup>1</sup> Elected on 17 September 1996 (dec. 51/302).

<sup>2</sup> Elected on 17 September 1996 (dec. 51/304).

<sup>3</sup> The only Main Committee to meet at the resumed session.

<sup>4</sup> Chairmen elected by the Main Committees; announced by the Assembly President on 17 September 1996 (dec. 51/303).

<sup>5</sup> Appointed on 17 September 1996 (dec. 51/301).

<sup>6</sup> Appointed on 24 May 1996 (dec. 50/314 B) to fill the vacancy created by the resignation of Yuri A. Chulkov (Russian Federation) in May.

<sup>7</sup> The mandate of UNMIH ended on 30 June 1996. UNMIH was succeeded in July 1996 by UNSMIH.

<sup>8</sup> The mandate of UNAMIR ended on 8 March 1996.

<sup>9</sup> The mandate of UNCRO ended on 15 January 1996.

<sup>10</sup> Established on 15 January 1996.

<sup>11</sup> UNSMIH succeeded UNMIH in July 1996.

<sup>12</sup> During 1996, no Member of the United Nations was an administering member of the Trusteeship Council, while five permanent members of the Security Council continued as non-administering members.

<sup>13</sup> Term expires on 5 February of the year indicated.

<sup>14</sup> Elected by the General Assembly (dec. 50/319) and the Security Council on 28 February 1996 to fill the vacancy resulting from the death of Andrés Aguilar Mawdsley (Venezuela) in 1995.

<sup>15</sup> Declaration deposited on 25 September 1996.

## Appendix IV

## Agendas of United Nations principal organs in 1996

This appendix lists the items on the agendas of the General Assembly, the Security Council and the Economic and Social Council during 1996. For the Assembly, the column headed "Allocation" indicates the assignment of each item to plenary meetings or committees.

Agenda item titles have been shortened by omitting mention of reports, if any, following the subject of the item. Where the subject matter of an item is not apparent from its title, the subject is identified in square brackets; this is not part of the title.

### General Assembly

#### Agenda items considered at the resumed fiftieth session (28 February-17 September 1996)

Item No.	Title	Allocation
7.	Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations.	Plenary
8.	Adoption of the agenda and organization of work.	Plenary
10.	Report of the Secretary-General on the work of the Organization.	Plenary <sup>1</sup>
12.	Report of the Economic and Social Council.	Plenary <sup>2</sup>
15.	Elections to fill vacancies in principal organs:	
	(c) Election of a member of the International Court of Justice.	Plenary
17.	Appointments to fill vacancies in subsidiary organs and other appointments:	
	(b) Appointment of members of the Committee on Contributions.	5th
20.	Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance:	
	(b) Special economic assistance to individual countries or regions.	Plenary
23.	Restructuring and revitalization of the United Nations in the economic, social and related fields.	Plenary
24.	Implementation of the United Nations New Agenda for the Development of Africa in the 1990s.	Plenary
28.	The situation in Bosnia and Herzegovina.	Plenary
35.	Question of the Comorian island of Mayotte.	Plenary
38.	The situation of democracy and human rights in Haiti.	Plenary
44.	The situation in the Middle East.	Plenary
45.	The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development.	Plenary
47.	Question of equitable representation on and increase in the membership of the Security Council and related matters.	Plenary
55.	Question of Cyprus.	<sup>3</sup>
65.	Comprehensive test-ban treaty.	<sup>4</sup>
95.	Sustainable development and international economic cooperation:	
	(c) United Nations Conference on Human Settlements (Habitat II).	<sup>5</sup>
99.	Agenda for development.	<sup>5</sup>
109.	Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions.	<sup>6</sup>
113.	Financial reports and audited financial statements, and reports of the Board of Auditors.	5th
114.	Review of the efficiency of the administrative and financial functioning of the United Nations.	5th
116.	Programme budget for the biennium 1996-1997.	5th
117.	Improving the financial situation of the United Nations.	5th
118.	Joint Inspection Unit.	5th
120.	Scale of assessments for the apportionment of the expenses of the United Nations.	5th
121.	United Nations common system.	5th

Item No.	Title	Allocation
122.	Financing of the United Nations peacekeeping forces in the Middle East:	
	(a) United Nations Disengagement Observer Force;	5th
	(b) United Nations Interim Force in Lebanon.	5th
123.	Financing of the United Nations Angola Verification Mission.	5th
124.	Financing of the activities arising from Security Council resolution 687(1991):	
	(a) United Nations Iraq-Kuwait Observation Mission.	5th
125.	Financing of the United Nations Mission for the Referendum in Western Sahara.	5th
126.	Financing of the United Nations Observer Mission in El Salvador.	5th
127.	Financing and liquidation of the United Nations Transitional Authority in Cambodia.	7
128.	Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters.	5th
129.	Financing of the United Nations Operation in Somalia II.	7
130.	Financing of the liquidation of the United Nations Operation in Mozambique.	7
131.	Financing of the United Nations Peacekeeping Force in Cyprus.	5th
132.	Financing of the United Nations Observer Mission in Georgia.	5th
133.	Financing of the United Nations Mission in Haiti.	5th
134.	Financing of the United Nations Observer Mission in Liberia.	5th
135.	Financing of the United Nations Assistance Mission for Rwanda.	5th
136.	Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	5th
137.	Financing of the United Nations Mission of Observers in Tajikistan.	5th
138.	Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations:	
	(a) Financing of the United Nations peacekeeping operations;	5th
	(b) Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232.	5th
140.	United Nations Decade of International Law.	8
149.	Report of the Secretary-General on the activities of the Office of Internal Oversight Services.	5th
151.	Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	Plenary
159.	Human resources management.	5th
160.	Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	5th
163.	Strengthening of the United Nations system.	Plenary
167.	Financing of the United Nations Mission in Bosnia and Herzegovina.	5th
168.	Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.	5th
169.	Financing of the United Nations Preventive Deployment Force.	5th

**Agenda of the fifty-first session  
(first part, 17 September-18 December 1996)**

Item No.	Title	Allocation
1.	Opening of the session by the Chairman of the delegation of Portugal.	Plenary
2.	Minute of silent prayer or meditation.	Plenary
3.	Credentials of representatives to the fifty-first session of the General Assembly:	
	(a) Appointment of the members of the Credentials Committee;	Plenary
	(b) Report of the Credentials Committee.	Plenary
4.	Election of the President of the General Assembly.	Plenary
5.	Election of the officers of the Main Committees.	Plenary
6.	Election of the Vice-Presidents of the General Assembly.	Plenary
7.	Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations.	Plenary

Item No.	Title	Allocation
8.	Adoption of the agenda and organization of work.	Plenary
9.	General debate.	Plenary
10.	Report of the Secretary-General on the work of the Organization.	Plenary
11.	Report of the Security Council.	Plenary
12.	Report of the Economic and Social Council.	Plenary, 2nd, 3rd, 4th, 5th
13.	Report of the International Court of Justice.	Plenary
14.	Report of the International Atomic Energy Agency.	Plenary
15.	Elections to fill vacancies in principal organs:	
(a)	Election of five non-permanent members of the Security Council;	Plenary
(b)	Election of eighteen members of the Economic and Social Council;	Plenary
(c)	Election of five members of the International Court of Justice.	Plenary
16.	Appointment of the Secretary-General of the United Nations.	Plenary
17.	Elections to fill vacancies in subsidiary organs and other elections:	
(a)	Election of the members of the International Law Commission;	Plenary
(b)	Election of twenty members of the Committee for Programme and Coordination;	Plenary
(c)	Election of the Executive Director of the United Nations Environment Programme.	Plenary
18.	Appointments to fill vacancies in subsidiary organs and other appointments:	
(a)	Appointment of members of the Advisory Committee on Administrative and Budgetary Questions;	5th
(b)	Appointment of members of the Committee on Contributions;	5th
(c)	Appointment of a member of the Board of Auditors;	5th
(d)	Confirmation of the appointment of members of the Investments Committee;	5th
(e)	Appointment of members of the United Nations Administrative Tribunal;	5th
(f)	Appointment of members of the International Civil Service Commission;	5th
(g)	Appointment of members of the Committee on Conferences;	Plenary
(h)	Appointment of members of the Joint Inspection Unit;	Plenary
(i)	Confirmation of appointment of the Administrator of the United Nations Development Programme.	Plenary
19.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.	Plenary, 4th
20.	Admission of new Members to the United Nations.	Plenary
21.	Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance:	
(a)	Strengthening of the coordination of emergency humanitarian assistance of the United Nations;	Plenary
(b)	Special economic assistance to individual countries or regions;	Plenary
(c)	Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan;	Plenary
(d)	Assistance to the Palestinian people.	Plenary
22.	Cooperation between the United Nations and the Organization of American States.	Plenary
23.	Cooperation between the United Nations and the Asian-African Legal Consultative Committee.	Plenary
24.	Law of the sea:	
(a)	Law of the sea;	Plenary
(b)	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;	Plenary
(c)	Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources.	Plenary
25.	Cooperation between the United Nations and the Caribbean Community.	Plenary
26.	Cooperation between the United Nations and the Economic Cooperation Organization.	Plenary
27.	Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.	Plenary
28.	Universal Congress on the Panama Canal.	Plenary
29.	Cooperation between the United Nations and the Inter-Parliamentary Union.	Plenary
30.	Cooperation between the United Nations and the League of Arab States.	Plenary
31.	Cooperation between the United Nations and the Organization of the Islamic Conference.	Plenary
32.	Zone of peace and cooperation of the South Atlantic.	Plenary
33.	The situation in the Middle East.	Plenary
34.	Assistance in mine clearance.	Plenary

Item No.	Title	Allocation
35.	Question of Palestine.	Plenary
36.	International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters.	Plenary
37.	The situation of democracy and human rights in Haiti.	Plenary
38.	Cooperation between the United Nations and the Organization for Security and Cooperation in Europe.	Plenary
39.	The situation in Afghanistan and its implications for international peace and security.	Plenary
40.	The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development.	Plenary
41.	Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies.	Plenary
42.	Cooperation between the United Nations and the Organization of African Unity.	Plenary
43.	The situation in Burundi.	Plenary
44.	Implementation of the United Nations New Agenda for the Development of Africa in the 1990s.	Plenary
45.	Implementation of the outcome of the World Summit for Social Development.	Plenary
46.	Restructuring and revitalization of the United Nations in the economic, social and related fields.	Plenary
47.	Question of equitable representation on and increase in the membership of the Security Council and related matters.	Plenary
48.	Strengthening of the United Nations system.	Plenary
49.	Question of the Falkland Islands (Malvinas).	Plenary 4th
50.	Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	Plenary
51.	Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986.	Plenary
52.	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security.	Plenary
53.	Consequences of the Iraqi occupation of and aggression against Kuwait.	Plenary
54.	Implementation of the resolutions of the United Nations.	Plenary
55.	Launching of global negotiations on international economic cooperation for development.	Plenary
56.	The situation in Bosnia and Herzegovina.	Plenary
57.	Question of the Comorian island of Mayotte.	Plenary
58.	Question of Cyprus.	9
59.	Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	Plenary
60.	Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons.	1st
61.	Reduction of military budgets:	
	(a) Reduction of military budgets;	1st
	(b) Objective information on military matters, including transparency of military expenditures.	1st
62.	Question of Antarctica.	1st
63.	The role of science and technology in the context of international security and disarmament.	1st
64.	The role of science and technology in the context of international security, disarmament and other related fields.	1st
65.	Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water.	1st
66.	Implementation of the Comprehensive Nuclear-Test-Ban Treaty.	1st
67.	Establishment of a nuclear-weapon-free zone in the region of the Middle East.	1st
68.	Establishment of a nuclear-weapon-free zone in South Asia.	1st
69.	Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.	1st
70.	Prevention of an arms race in outer space.	1st
71.	General and complete disarmament:	
	(a) Notification of nuclear tests;	1st
	(b) Transparency in armaments;	1st
	(c) Prohibition of the dumping of radioactive wastes;	1st
	(d) Convening of the fourth special session of the General Assembly devoted to disarmament;	1st



Item No.	Title	Allocation
	(e) Relationship between disarmament and development;	1st
	(f) Measures to curb the illicit transfer and use of conventional arms;	1st
	(g) Regional disarmament;	1st
	(h) Conventional arms control at the regional and subregional levels;	1st
	(i) Nuclear disarmament;	1st
	(j) Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects;	1st
	(k) Advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons.	1st
72.	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly:	
	(a) United Nations Disarmament Information Programme;	1st
	(b) United Nations disarmament fellowship, training and advisory services;	1st
	(c) Regional confidence-building measures;	1st
	(d) United Nations Regional Centre for Peace and Disarmament in Africa, United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific and United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean;	1st
	(e) Convention on the Prohibition of the Use of Nuclear Weapons.	1st
73.	Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:	
	(a) Report of the Disarmament Commission;	1st
	(b) Report of the Conference on Disarmament;	1st
	(c) Advisory Board on Disarmament Matters;	1st
	(d) United Nations Institute for Disarmament Research;	1st
	(e) Confidence-building measures.	1st
74.	The risk of nuclear proliferation in the Middle East.	1st
75.	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.	1st
76.	Strengthening of security and cooperation in the Mediterranean region.	1st
77.	Implementation of the Declaration of the Indian Ocean as a Zone of Peace.	1st
78.	Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco).	1st
79.	African Nuclear-Weapon-Free Zone Treaty.	1st
80.	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.	1st
81.	Review of the implementation of the Declaration on the Strengthening of International Security.	1st
82.	Effects of atomic radiation.	4th
83.	International cooperation in the peaceful uses of outer space.	4th
84.	United Nations Relief and Works Agency for Palestine Refugees in the Near East.	4th
85.	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.	4th
86.	Comprehensive review of the whole question of peacekeeping operations in all their aspects.	4th
87.	Questions relating to information.	4th
88.	Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations.	4th
89.	Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination.	4th
90.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.	4th
91.	Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories.	4th
92.	The situation in the occupied territories of Croatia.	4th
93.	Question of the composition of the relevant organs of the United Nations.	4th
94.	Macroeconomic policy questions:	
	(a) External debt crisis and development;	2nd
	(b) Financing of development, including net transfer of resources between developing and developed countries;	2nd
	(c) Trade and development;	2nd
	(d) Commodities.	2nd
95.	Sectoral policy questions:	
	(a) Industrial development cooperation;	2nd
	(b) Food and sustainable agricultural development.	2nd

Item No.	Title	Allocation
96.	Sustainable development and international economic cooperation:	
(a)	Implementation and follow-up to major consensus agreements on development:	2nd
(i)	Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of the Economic Growth and Development of the Developing Countries;	
(ii)	Implementation of the International Development Strategy for the Fourth United Nations Development Decade;	
(b)	Agenda for development:	2nd
(i)	Agenda for development;	
(ii)	Renewal of the dialogue on strengthening international economic cooperation for development through partnership;	
(c)	Integration of the economies in transition into the world economy;	2nd
(d)	Population and development;	2nd
(e)	Human settlements;	2nd
(f)	Eradication of poverty;	2nd
(g)	Cultural development.	2nd
97.	Environment and sustainable development:	
(a)	Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development;	2nd
(b)	Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21;	2nd
(c)	Implementation of the Convention on Biological Diversity;	2nd
(d)	Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States;	2nd
(e)	Protection of global climate for present and future generations of mankind;	2nd
(f)	International Decade for Natural Disaster Reduction.	2nd
98.	Operational activities for development.	2nd
99.	Training and research:	
(a)	United Nations Institute for Training and Research;	2nd
(b)	United Nations University.	2nd
100.	Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family.	3rd
101.	Crime prevention and criminal justice.	3rd
102.	International drug control.	3rd
103.	Advancement of women.	3rd
104.	Implementation of the outcome of the Fourth World Conference on Women.	3rd
105.	Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions.	3rd
106.	Promotion and protection of the rights of children.	3rd
107.	Programme of activities of the International Decade of the World's Indigenous People.	3rd
108.	Elimination of racism and racial discrimination.	3rd
109.	Right of peoples to self-determination.	3rd
110.	Human rights questions:	
(a)	Implementation of human rights instruments;	3rd
(b)	Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;	3rd
(c)	Human rights situations and reports of special rapporteurs and representatives;	3rd
(d)	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;	3rd
(e)	Report of the United Nations High Commissioner for Human Rights.	3rd
111.	Financial reports and audited financial statements, and reports of the Board of Auditors:	
(a)	United Nations;	5th
(b)	United Nations Development Programme;	5th
(c)	United Nations Children's Fund;	5th
(d)	United Nations Relief and Works Agency for Palestine Refugees in the Near East;	5th
(e)	United Nations Institute for Training and Research;	5th
(f)	Voluntary funds administered by the United Nations High Commissioner for Refugees;	5th
(g)	Fund of the United Nations Environment Programme;	5th
(h)	United Nations Population Fund;	5th
(i)	United Nations Habitat and Human Settlements Foundation;	5th

Item No.	Title	Allocation
	(j) Fund of the United Nations International Drug Control Programme;	5th
	(k) United Nations Office for Project Services.	5th
112.	Review of the efficiency of the administrative and financial functioning of the United Nations.	5th
113.	Programme budget for the biennium 1994-1995.	5th
114.	Programme planning.	5th
115.	Improving the financial situation of the United Nations.	5th
116.	Programme budget for the biennium 1996-1997.	5th
117.	Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency.	5th
118.	Pattern of conferences.	5th
119.	Scale of assessments for the apportionment of the expenses of the United Nations.	5th
120.	Human resources management:	5th, 6th
	(a) Implementation of the Secretary-General's strategy for the management of the Organization's human resources and other human resources management issues;	5th
	(b) Composition of the Secretariat;	5th
	(c) Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations.	5th
121.	United Nations common system	5th
122.	United Nations pension system.	5th
123.	Financing of the United Nations peacekeeping forces in the Middle East:	
	(a) United Nations Disengagement Observer Force;	5th
	(b) United Nations Interim Force in Lebanon.	5th
124.	Financing of the United Nations Angola Verification Mission.	5th
125.	Financing of the activities arising from Security Council resolution 687(1991):	
	(a) United Nations Iraq-Kuwait Observation Mission;	5th
	(b) Other activities.	5th
126.	Financing of the United Nations Mission for the Referendum in Western Sahara.	5th
127.	Financing of the United Nations Observer Mission in El Salvador.	5th
128.	Financing and liquidation of the United Nations Transitional Authority in Cambodia.	5th
129.	Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters.	5th
130.	Financing of the United Nations Operation in Somalia II.	5th
131.	Financing of the United Nations Operation in Mozambique.	5th
132.	Financing of the United Nations Peacekeeping Force in Cyprus.	5th
133.	Financing of the United Nations Observer Mission in Georgia.	5th
134.	Financing of the United Nations Mission in Haiti.	5th
135.	Financing of the United Nations Observer Mission in Liberia.	5th
136.	Financing of the United Nations Assistance Mission for Rwanda.	5th
137.	Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	5th
138.	Financing of the United Nations Mission of Observers in Tajikistan.	5th
139.	Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	5th
140.	Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations:	
	(a) Financing of the United Nations peacekeeping operations;	5th
	(b) Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232.	5th
141.	Report of the Secretary-General on the activities of the Office of Internal Oversight Services.	5th
142.	Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts.	6th
143.	Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.	6th
144.	Convention on the law of the non-navigational uses of international watercourses.	6th
145.	United Nations Decade of International Law.	6th
146.	Report of the International Law Commission on the work of its forty-eighth session.	6th

Item No.	Title	Allocation
147.	Establishment of an international criminal court.	6th
148.	Report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session.	6th
149.	Report of the Committee on Relations with the Host Country.	6th
150.	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.	6th
151.	Measures to eliminate international terrorism.	6th
152.	Progressive development of the principles and norms of international law relating to the new international economic order.	6th
153.	Financing of the United Nations Mission in Bosnia and Herzegovina.	5th
154.	Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.	5th
155.	Financing of the United Nations Preventive Deployment Force.	5th
156.	Observer status for the International Criminal Police Organization (Interpol) in the General Assembly.	Plenary
157.	Financing of the United Nations Support Mission in Haiti.	5th
158.	Question of the elaboration of an international convention against organized transnational crime.	3rd
159.	Elimination of coercive economic measures as a means of political and economic compulsion.	Plenary
160.	Observer status for the International Seabed Authority in the General Assembly.	Plenary
161.	Cooperation between the United Nations and the International Organization for Migration.	Plenary
162.	Proclamation of 7 December as International Civil Aviation Day.	Plenary
163.	Observer status for the International Tribunal for the Law of the Sea in the General Assembly.	Plenary
164.	Proclamation of 21 November as World Television Day.	Plenary

## Security Council

### Agenda items considered during 1996

Item No. <sup>10</sup>	Title
1.	The situation in Burundi.
2.	The situation in Croatia.
3.	The situation in Georgia.
4.	The situation in Somalia.
5.	The situation in Liberia.
6.	The situation in the Middle East.
7.	The situation concerning Western Sahara.
8.	Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995.
9.	The situation in Angola.
10.	The situation in the former Yugoslav Republic of Macedonia.
11.	The situation in Afghanistan.
12.	The situation in Sierra Leone.
13.	Shooting down of two civil aircraft on 24 February 1996.
14.	Election of a member of the International Court of Justice.
15.	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia; International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for such Violations Committed in the Territory of Neighbouring States; Appointment of the Prosecutor.
16.	The question concerning Haiti.
17.	The situation concerning Rwanda.
18.	The situation between Iraq and Kuwait.
19.	An agenda for peace: peacekeeping.
20.	The situation in Tajikistan and along the Tajik-Afghan border.
21.	The situation in Bosnia and Herzegovina.
22.	Signature of the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba).

Item No. <sup>10</sup>	Title
23.	The situation in the occupied Arab territories.
24.	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America [violation by the Libyan Arab Jamahiriya of Security Council resolution 748(1992)].
25.	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia [situation in Croatia].
26.	The situation in Cyprus.
27.	Demining in the context of United Nations peacekeeping.
28.	The situation in the former Yugoslavia.
29.	Letters dated 23 September and 3 and 11 October 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council; Letters dated 23 September 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council and 27 September 1996 addressed to the Secretary-General [incident of a submarine of the Democratic People's Republic of Korea].
30.	The situation in the Great Lakes region.
31.	Election of five members of the International Court of Justice.
32.	Consideration of the draft report of the Security Council to the General Assembly.
33.	Recommendation for the appointment of the Secretary-General of the United Nations.

## Economic and Social Council

### Agenda of the organizational and resumed organizational sessions for 1996 (25 January and 9 February; 2 April and 2 and 3 May 1996)

Item No.	Title
1.	Election of the Bureau.
2.	Adoption of the agenda and other organizational matters. <sup>11</sup>
3.	Basic programme of work of the Council.
4.	Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS).
5.	Increase in the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.
6.	Transformation of the Committee on Food Aid Policies and Programmes into the Executive Board of the World Food Programme.
7.	Regional cooperation in the economic, social and related fields.
8.	Elections, nominations and confirmations.

### Agenda of the substantive and resumed substantive sessions of 1996 (24 June-26 July; 10 October and 13, 14 and 20 November 1996)

Item No.	Title
1.	Adoption of the agenda and other organizational matters. <sup>11</sup> <div style="text-align: center;">High-level segment (24-27 June)</div>
2.	International cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities. <div style="text-align: center;">Coordination segment</div>
3.	Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the following themes: <div style="margin-left: 20px;">(a) Coordination of the United Nations system activities for poverty eradication;</div> <div style="margin-left: 20px;">(b) Implementation of the agreed conclusions on the theme of the 1995 coordination segment of the Council.</div> <div style="text-align: center;">Operational activities of the United Nations for international development cooperation segment</div>
4.	Operational activities of the United Nations for international development cooperation: <div style="margin-left: 20px;">(a) Follow-up to policy recommendations of the General Assembly;</div>

Item  
No.

Title

- (b) Coordination of activities on a system-wide basis: strengthening collaboration between the United Nations development system and the Bretton Woods institutions in the areas of social and economic development at all levels, including the field level;
- (c) Consideration of the reports of the Executive Boards of the United Nations Development Programme/United Nations Population Fund, the United Nations Children's Fund and the World Food Programme.

General segment

5. Social, humanitarian and human rights questions: reports of subsidiary bodies, conferences and related questions:
  - (a) Special economic, humanitarian and disaster relief assistance;
  - (b) Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;
  - (c) Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations;
  - (d) Human rights questions;<sup>11</sup>
  - (e) Advancement of women;
  - (f) Social development questions;
  - (g) Crime prevention and criminal justice;
  - (h) Narcotic drugs;
  - (i) United Nations High Commissioner for Refugees.
6. Economic and environmental questions: reports of subsidiary bodies, conferences and related questions:
  - (a) Sustainable development;
  - (b) Trade and development;
  - (c) Food and agricultural development;
  - (d) Natural resources;
  - (e) Energy;
  - (f) Population questions;
  - (g) International cooperation in tax matters;
  - (h) International Decade for Natural Disaster Reduction;
  - (i) Follow-up to General Assembly resolution 50/106: business and development.<sup>11</sup>
7. Regional cooperation in the economic, social and related fields.
8. Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories.
9. Coordination questions:<sup>11</sup>
  - (a) Reports of the coordination bodies;
  - (b) International cooperation in the field of informatics;
  - (c) Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome.
10. Non-governmental organizations.<sup>11</sup>
11. Programme and related questions in the economic, social and related fields.<sup>11</sup>
12. New and innovative ideas for generating funds.
13. Implementation of General Assembly resolution 50/227: further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields.<sup>11</sup>
14. Elections.<sup>11</sup>

[1] Also considered in the Fifth Committee at the resumed session.

[2] Also allocated to the Second, Third, Fourth and Fifth Committees at the first part of the session in 1995.

[3] Not allocated; consideration deferred to the fifty-first session.

[4] Allocated to the First Committee at the first part of the session in 1995 but considered only in plenary meeting at the resumed session.

[5] Allocated to the Second Committee at the first part of the session in 1995 but considered only in plenary meeting at the resumed session.

[6] Allocated to the Third Committee at the first part of the session in 1995 but considered only in plenary meeting at the resumed session.

[7] Allocated to the Fifth Committee at the first part of the session in 1995 but considered only in plenary meeting at the resumed session.

[8] Allocated to the Sixth Committee at the first part of the session in 1995 but considered only in plenary meeting at the resumed session.

[9] On 20 September 1996, the General Assembly adopted the General Committee's recommendation that the item be allocated at an appropriate time during the session.

[10] Numbers indicate the order in which items were taken up in 1996.

[11] Considered again at the resumed session.

## Appendix V

**United Nations information centres and services**

(as at 1 July 1998)

ACCRA. United Nations Information Centre  
Gamel Abdul Nassar/Liberia Roads  
(P.O. Box 2339)  
Accra, Ghana

Serving: Ghana, Sierra Leone

ADDIS ABABA. United Nations Information  
Service, Economic Commission for Africa  
Africa Hall  
(P.O. Box 3001)

Addis Ababa, Ethiopia

Serving: Ethiopia, ECA

ALGIERS. United Nations Information Centre  
9A Rue Emile Payen, Hydra  
(Boîte Postale 823, Alger-Gare, Algeria)  
Algiers, Algeria

Serving: Algeria

ANKARA. United Nations Information Cen-  
tre  
197 Atatürk Bulvari  
(P.K. 407)

Ankara, Turkey

Serving: Turkey

ANTANANARIVO. United Nations Infor-  
mation Centre  
22 Rue Rainitovo, Antasahavola  
(Boîte Postale 1348)  
Antananarivo, Madagascar

Serving: Madagascar

ASUNCION. United Nations Information  
Centre  
Estrella 345, Edificio City (3er piso)  
(Casilla de Correo 1107)

Asuncion, Paraguay

Serving: Paraguay

ATHENS. United Nations Information  
Centre  
36 Amalias Avenue  
GR-10558 Athens, Greece

Serving: Cyprus, Greece, Israel

BANGKOK. United Nations Information  
Service, Economic and Social Com-  
mission for Asia and the Pacific  
United Nations Building  
Rajdamnern Avenue  
Bangkok 10200, Thailand

Serving: Cambodia, Hong Kong, Lao  
People's Democratic Repub-  
lic, Malaysia, Singapore,  
Thailand, Viet Nam, ESCAP

BEIRUT. United Nations Information Serv-  
ice, Economic and Social Commission  
for Western Asia

UNIC Beirut/UNIS ESCWA Building  
Riad Solh Square  
(P.O. Box No. 11-8575, Riad El-Solh Square)  
Beirut, Lebanon

Serving: Kuwait, Lebanon, Syrian Arab  
Republic, ESCWA

BONN. United Nations Information Centre  
United Nations Premises in Bonn  
Martin Luther King Str. 8  
D-53175 Bonn, Germany

Serving: Germany

BRAZZAVILLE. United Nations Information  
Centre  
Avenue Foch, Case Orf 15  
(P.O. Box 13210 or 1018)  
Brazzaville, Congo

Serving: Congo

BRUSSELS. United Nations Information  
Centre  
Avenue de Broqueville 40  
1200 Brussels, Belgium

Serving: Belgium, Luxembourg, Neth-  
erlands; liaison with EC

BUCHAREST. United Nations Information  
Centre  
16 Aurel Vlaicu  
(P.O. Box 1-701)

Bucharest, Romania

Serving: Romania

BUENOS AIRES. United Nations Informa-  
tion Centre  
Junín 1940 der piso)  
1113 Buenos Aires, Argentina

Serving: Argentina, Uruguay

BUJUMBURA. United Nations Information  
Centre  
117 Avenue de la Revolution  
(Boîte Postale 2160)

Bujumbura, Burundi

Serving: Burundi

CAIRO. United Nations Information Centre  
1 Osoris Street, Garden City  
(Boîte Postale 262)  
Cairo, Egypt

Serving: Egypt, Saudi Arabia

COLOMBO. United Nations Information  
Centre  
202-204 Baudhdhaloka Mawatha  
(P.O. Box 1505, Colombo)  
Colombo 7, Sri Lanka

Serving: Sri Lanka

COPENHAGEN. United Nations Informa-  
tion Centre  
Midtermolen 3  
DK-2100 Copenhagen, Denmark

Serving: Denmark, Finland, Iceland,  
Norway, Sweden

DAKAR. United Nations Information Centre  
12 Avenue Roume, Immeuble UNESCO  
(Boîte Postale 154)  
Dakar, Senegal

Serving: Cape Verde, Cote d'Ivoire,  
Gambia, Guinea, Guinea-  
Bissau, Mauritania, Senegal

DAR ES SALAAM. United Nations Infor-  
mation Centre  
Marogoro Road/Sokoine Drive  
Old Boma Building (ground floor)  
(P.O. Box 9224)

Dares Salaam, United Republic of Tanzania  
Serving: United Republic of Tanzania

DHAKA. United Nations Information Centre  
House 60, Road 11A  
Dhanmondi  
(G.P.O. Box 3658, Dhaka 1000)  
Dhaka, Bangladesh

Serving: Bangladesh

GENEVA. United Nations Information Serv-  
ice, United Nations Office at Geneva  
Palais des Nations  
1211 Geneva 10, Switzerland

Serving: Bulgaria, Switzerland

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