

## Chapter III

## Americas

At the end of 1996, Central America looked forward to a regional situation without armed conflict for the first time in more than three decades, with the signing on 29 December of the Agreement on a Firm and Lasting Peace by the parties to the conflict in Guatemala and the final phase of implementing the 1992 El Salvador agreement.

The Guatemala Agreement crowned the peace negotiations in that country, which during the year brought about the cessation of hostilities and a number of other agreements, including those on social and economic aspects and the agrarian situation, the strengthening of civilian power and the role of the armed forces in a democratic society, constitutional reforms and the electoral regime, and the legal integration of opposition forces. The UN verification mission in Guatemala (MINUGUA) reported improvement in the human rights situation there.

Further progress was achieved in the peace process in El Salvador as well; in May, the Mission of the United Nations in El Salvador (MINUSAL) was replaced by a smaller United Nations Office of Verification (ONUV), which continued to oversee implementation of outstanding provisions of the peace accords in that country and concluded its mandate on 31 December.

The process of transition to a democratic society in Nicaragua was consolidated further with the holding of general elections in October.

The political situation also continued to improve in Haiti. On 1 July, the United Nations Mission in Haiti (UNMIH) was succeeded by the United Nations Support Mission in Haiti (UNSMIH), established in accordance with the Security Council's June resolution to assist in the Government's efforts to professionalize the police and maintain a secure and stable environment conducive to the success of those efforts. In December, the mandate of UNSMIH was extended for a final period, until 31 May 1997. In addition, the United Nations continued its participation in the International Civilian Mission to Haiti (MICIVIH), operated jointly with the Organization of American States (OAS) and charged with monitoring the human rights situation.

The International Civil Aviation Organization investigated the shooting down of two civilian aircraft by the Cuban airforce, and in July the Secu-

urity Council condemned the use of weapons against civil aircraft in flight; at the same time, it reaffirmed the principle that States should prohibit the use of civil aircraft under their jurisdiction for purposes inconsistent with the 1944 Chicago Convention on International Civil Aviation.

The General Assembly later in the year considered the ongoing United States economic embargo against Cuba. In other action, the Assembly reiterated its support for Panama's initiative to convene in 1997 a Universal Congress on the Panama Canal to examine the role the Canal should play in the twenty-first century, and adopted resolutions on strengthening UN cooperation with OAS and the Caribbean Community (CARICOM).

## Central America

In response to General Assembly resolution 50/132 [YUN 1995, p. 421], the Secretary-General reported [A/51/338] on 9 September 1996 on the situation in Central America, covering the progress achieved since October 1995 by Central American countries in the areas of peace, freedom, democracy and development.

The Secretary-General observed that, with the successful resolution of peace negotiations in Guatemala, Central America could find itself without armed conflict for the first time in more than three decades, which, along with other circumstances, would place it in a favourable position to pursue economic growth, social justice and further democratization. However, noting the gravity of the challenges still facing the region, he urged the Central American countries and the international community to remain fully engaged in the consolidation of peace, and expressed his readiness to continue to play the active role in that process entrusted to him by the General Assembly.

The report noted continued efforts to strengthen democratic institutions and to bring military and public security bodies under the control of civilian authorities. The offices of the ombudsmen for human rights in El Salvador, Guatemala and Honduras were consolidating

their presence, with their actions reinforced by pressure from non-governmental organizations (NGOs) for vigilance and accountability in that area. In El Salvador, a National Council on Public Security was established in January 1996 to advise the President. In Honduras, steps were taken to create a civilian police force, reduce the size of the military and replace mandatory military service with a system of voluntary enlistment. In Guatemala, efforts were launched to streamline the security forces, while the joint declaration on cessation of hostilities by the parties to the conflict brought within reach the prospect of a firm and lasting peace. The process of broadening national consensus continued in Panama, where in 1996 a "Panama 2000" meeting of political forces and representatives of civil society pledged to keep outside partisan political considerations issues related to the transfer of the Panama Canal to exclusive Panamanian control after 31 December 1999, to reinforce the rule of law and to hold transparent elections in 1999. In Nicaragua, a compromise was found on the divisive property issue, on the conduct of the campaign for the October elections and on key official appointments, including the President of the Supreme Electoral Council. At the same time, throughout the region, institutions responsible for public security continued to be confronted by alarming levels of common criminality, rooted in poor economic and social conditions of a large proportion of the population, combined with difficulties in reintegrating former combatants and those displaced by conflict.

The vigour and assertiveness of civil society in Central America was manifest, according to the report, in the diversification of political processes as issue-oriented organizations and professional associations provided new channels for political participation. Macroeconomic stabilization within the region was largely maintained through structural adjustment programmes and economic liberalization policies, which resulted in reasonably moderate growth prospects for 1996 but was accompanied by a decline in social conditions, with little advance in the alleviation of widespread poverty or in the creation of employment. At the same time, the period under review saw further consolidation of a new regional strategy within the Alliance for the Sustainable Development of Central America, adopted in 1994 [YUN 1994, p. 389]. In December 1995, the Central American Presidents launched the second phase of the Alliance, and, at their eighteenth summit meeting (Montelimar, Nicaragua, 8-9 May 1996), reaffirmed their commitments in that regard, stressing in particular the development of tourism. Within the framework of the Alli-

ance, a number of regional institutions increased their activities, including the Central American Integration System, the Central American Parliament, the Central American Bank for Economic Integration and the Central American Court of Justice. Economic integration, however, remained more difficult to secure than integration in other areas, due to a potential for conflict between regional and national priorities. The Permanent Secretariat of the General Treaty on Central American Economic Integration considered that imbalances in trade accounts with third countries had to be reverted in order for commercial liberalization to favour regional integration, and deemed necessary the adoption of measures aimed at reinforcing the intraregional free trade area; the joint participation of Central American countries in trade negotiations with third countries; the convergence of macroeconomic policies; the enhancing of the region's infrastructure; and the strengthening of investment.

Also in December 1995, the Central American Presidents approved a framework treaty on democratic security in Central America [YUN 1995, p. 424], which defined the Central American Democratic Security Model as based on the supremacy and strengthening of the power of civil society, a reasonable balance of forces and the security of individuals and their property; elimination of poverty, promotion of sustainable development and protection of the environment; eradication of violence, corruption, impunity, terrorism and trafficking in drugs and arms; and the increasing channelling of resources into social investment. The Central American Security Commission, composed of the Deputy Ministers for Foreign Affairs, Defence and Public Security or Government, was given an important role in implementing confidence-building measures, establishing a regional security information and communications mechanism and a weapons registration and transfer system, and setting up a standardized register of weapons, explosives and equipment for the exclusive use of the armed or public security forces. The framework treaty also provided for prior notification of certain military manoeuvres, movements or exercises and for invitation of observers to such activities. In addition, the Central American countries consistently underscored the need to settle their territorial disputes through dialogue; those concerned land pockets along the border between Honduras and El Salvador and the demarcation of waters in the Gulf of Fonseca shared by Honduras, El Salvador and Nicaragua (see PART FOUR, Chapter I).

The report further described international assistance for Central American efforts to promote

peace, freedom, democracy and development. It noted activities of the Group of Friends of the Guatemalan Peace Process (Colombia, Mexico, Norway, Spain, United States, Venezuela) and of the support group to follow the transition process and internal consensus-building in Nicaragua (Canada, Mexico, Netherlands, Spain, Sweden), and pointed out that political dialogue and economic cooperation with the European Union (EU) were enhanced at the twelfth meeting of the "San Jose Process" (Florence, Italy, 21-22 March) between the Foreign Ministers of Central America, the EU and the Group of Three (Colombia, Mexico, Venezuela). The meeting established new objectives for EU-Central American cooperation, aimed at supporting Central American integration, institutional modernization and consolidation of the rule of law, as well as social policies and national policies to soften the social costs of structural adjustment programmes. The report noted the establishment of a mechanism for dialogue between Central America and Mexico at their presidential summit (San Jose, Costa Rica, 15-16 February); the extension of the partial scope agreements between Mexico and El Salvador, Guatemala and Honduras for the purpose of creating a free trade zone; the setting up of a high-level commission to promote free trade, cooperation and investment between Chile and Central America; and an offer by the United States to negotiate an extension of tariff exemptions for Central American export products and to extend its cooperation in environmental protection, control of illegal immigration and the fight against organized crime. The economic contribution of the international community was extended by commitments made during consultative group meetings of donors on Nicaragua and Guatemala, organized by the Inter-American Development Bank with the participation of the International Monetary Fund (IMF) and the World Bank (Washington, D.C., 17-18 June). Cooperation also continued between Central America and the Organization of American States (OAS) through the regional mine-clearance programme, the presence of the OAS International Support and Verification Commission in Nicaragua and election monitoring in Guatemala and Nicaragua.

As for UN efforts in Central America, the Secretary-General noted that the peace process in El Salvador, initiated by the 1992 Peace Agreement, had maintained its impetus, although difficulties and delays persisted in a number of areas; in May, the Mission of the United Nations in El Salvador was replaced by the United Nations Office of Verification, which continued overseeing the Agreement's implementation (see

below, under "El Salvador"). The parties to the conflict in Guatemala declared the cessation of hostilities, signed an agreement on social and economic issues and the agrarian situation and decided to conclude their peace negotiations by the end of 1996; at the same time, the situation in that country continued to be characterized by serious human rights violations and persistent impunity, as reported by the UN human rights verification mission there (see below, under "Guatemala").

The Secretary-General also outlined UN operational activities in support of processes in the region. He noted that the United Nations Development Programme (UNDP) had launched a new initiative within the framework of the Alliance for the Sustainable Development of Central America, which focused on peace consolidation and democratic governance, poverty eradication, promotion of sustainable development at the local level, and natural resources protection and sustainability. Assistance was provided to strengthen public security and human rights institutions in El Salvador, Guatemala and Honduras; to simplify property ownership and transfer procedures and promote decentralization in Nicaragua; to support municipal development as well as national consensus-building on development priorities in Panama; and to improve local administration and sustainable human development in Costa Rica. A regional programme for sustainable human development at the local level was formulated, based on the results of an inter-agency workshop (Montelimar, Nicaragua, 19 March) aimed at establishing a strategic alliance between all UN agencies working in the region. UNDP continued to promote national debates on macroeconomic policies and to provide cooperation to improve the region's international competitiveness, with emphasis on agricultural development, industrial modernization, international trade negotiations, regional economic integration and regional integration institutions. Projects in the field of natural resources included assistance to the comprehensive planning of coastal resources management in Belize, assistance to a national system of conservation areas in Costa Rica, and protection to threatened ecosystems through an integrated programme of resources conservation in Guatemala. Support was also extended to the Central American Commission for Environment and Development for, inter alia, the possible establishment of an Environmental Development Fund. The United Nations Educational, Scientific and Cultural Organization (UNESCO) sponsored a regional military forum for a culture of peace (San Salvador, El Salvador, 26-27 June), as well as an Iberoamerican

forum of ombudsmen on human rights and a culture of peace (Antigua, Guatemala, 30 June).

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/197**.

#### **The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development**

The General Assembly,

Recalling the relevant resolutions of the Security Council and its own resolutions, particularly resolutions 49/137 of 19 December 1994 and 50/132 of 20 December 1995, in which it recognized the importance of international support for Central America, within an appropriate global frame of reference, in order to preserve and extend the progress made in the process of consolidating peace, democracy and sustainable development and thereby to overcome the obstacles that are preventing Central America from becoming a region of peace, freedom, democracy and sustainable development,

Recognizing the importance and validity of the commitments made by the Central American Presidents since the Esquipulas II summit meeting of 7 August 1987, and their subsequent summit meetings,

Reaffirming that there can be no peace in Central America without sustainable development or democracy, which are essential for ensuring the process of change in the region, and recognizing the importance of settling differences by means of dialogue, negotiation and respect for the legitimate interests of all States, with full respect for the principles of self-determination and non-intervention,

Drawing attention to the establishment at the Summit Meeting of Central American Presidents held at Guacimo, Costa Rica, from 18 to 20 August 1994, and adopted at the Central American Environment Summit for Sustainable Development, held at Managua on 12 and 13 October 1994, of the Alliance for the Sustainable Development of Central America, which constitutes the new integrated strategy for development, and the importance of the International Conference on Peace and Development in Central America, held at Tegucigalpa on 24 and 25 October 1994, that marked a major turning point in the course taken by the region, as well as the Treaty on Central American Social Integration, adopted at the El Salvador summit meeting on 30 March 1995, one of whose main objectives is to strengthen the investment in human capital,

Welcoming the Framework Treaty on Democratic Security in Central America, adopted at the summit meeting held at San Pedro Sula, Honduras, from 13 to 15 December 1995, that reaffirms, inter alia, the strengthening of civil society, the security of individuals and the elimination of poverty, and recognizing the importance for Central America of the Regional Programme of Action for the Development of Tourism, adopted at the summit meeting held at Montelimar, Nicaragua, on 8 and 9 May 1996,

Emphasizing the importance of cooperation and international solidarity in supporting the efforts being made by the peoples and Governments of Central

America for the consolidation of a firm and lasting peace, and the need to strengthen the new programme of cooperation and economic, technical and financial assistance for Central America in the light of the new situation in the region,

Welcoming the role played by the peacekeeping operations and observer and monitoring missions of the United Nations, which carried out successfully their mandate in Central America pursuant to the relevant resolutions of the Security Council and the General Assembly, respectively,

Recalling its resolutions 48/267 of 19 September 1994, 49/236 A of 31 March 1995, 49/236 B of 14 September 1995 and 50/220 of 3 April 1996, by which it decided to establish the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala and extended the mandate of the Mission,

Recognizing the commitment of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to continue the negotiations in the framework of the Guatemalan peace process, as well as to support the presence of United Nations Mission for the Verification of Human Rights in Guatemala,

Welcoming the signing of the Agreement on Social and Economic Aspects and Agrarian Situation at Mexico City on 6 May 1996, and the joint statement of the Peace Commission of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, issued on 6 August 1996,

Also welcoming the signing of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society at Mexico City on 19 September 1996, and the statements of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 7 November 1996, which are a positive contribution to the peace process in Guatemala,

Further welcoming resolution 50/226 of 10 May 1996, by which the General Assembly established the United Nations Office of Verification in El Salvador as a mechanism that would combine regular visits by a high-level envoy from Headquarters with a small group of experts in the field,

Stressing the efforts being made by the people and Government of El Salvador to consolidate the progress made towards a society characterized by democracy, the rule of law and respect for human rights, and to honour its commitments under the Peace Agreement, for the benefit of all Salvadorans,

Recognizing the approval by the Legislative Assembly of El Salvador on 31 July 1996 of a package of constitutional reforms recommended by the Commission on the Truth, as well as the adoption of the Police Career Law,

Recognizing that the efforts of the Government of Nicaragua to consolidate peace and democracy, repair its economy and rebuild the nation merit the urgent support of the international community and the United Nations system in order to preserve the gains made and overcome the effects of the war and natural disasters which persist in Nicaragua,

Welcoming the adoption of resolutions 49/16 of 17 November 1994 and 51/8 of 25 October 1996, in which

it recognized the exceptional circumstances that still prevail in Nicaragua,

Recognizing the importance of the effective support of the United Nations and governmental and non-governmental mechanisms in taking steps to launch new initiatives in the framework of the Alliance for the Sustainable Development of Central America, and of the results of the inter-agency workshop held at Montelimar on 19 March 1996, which aimed to establish a strategic alliance between all agencies of the United Nations system working in the region,

Stressing the importance of promoting national debates on the character of macroeconomic policies most conducive to sustainable human development goals and to a lasting peace in Central America, as well as the ongoing policy dialogue carried out in this regard by the Economic Commission for Latin America and the Caribbean,

Taking note of the report of the Secretary-General,

1. Commends the efforts of the peoples and Governments of the Central American countries to consolidate peace and promote sustainable development by implementing the agreements adopted at the summit meetings, and requests the Secretary-General to continue to give the fullest possible support to the initiatives and activities of the Governments of the Central American countries;

2. Supports the decision of the Presidents of the Central American countries to declare Central America a region of peace, freedom, democracy and development, and encourages the initiatives of the Central American countries, in the framework of the integrated strategy for sustainable development and in the context of the summit meetings, to consolidate Governments that base their development on democracy, peace, cooperation and respect for human rights;

3. Draws attention to the decision of the Presidents of the Central American countries embodied in the Declaration of Guacimo, in which the national and regional strategy known as the Alliance for the Sustainable Development of Central America became an integrated initiative reflected in a programme of immediate action in the political, moral, economic, social and environmental fields, through which the Central American countries hope to become, with the support of the international community, an example of sustainable development for other regions;

4. Emphasizes the work accomplished by the Central American Integration System in favour of subregional integration to promote economic growth oriented towards human development and in the strengthening of democracy and the consolidation of peace in the region, and calls upon Member States and international organizations to provide effective cooperation for the strengthening of subregional integration;

5. Supports the adoption of the Framework Treaty on Democratic Security in Central America concerning the supremacy and strengthening of the power of civil society, a reasonable balance of forces, the security of individuals and of their property, the alleviation of poverty, the promotion of sustainable development, the protection of the environment, the eradication of violence, corruption, impunity, terrorism and trafficking in drugs and arms, and the increased channelling of resources into social investments;

6. Welcomes the agreement reached on 11 November 1996 by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to conclude their negotiations, with a view to finalizing and signing a firm and lasting peace agreement in Guatemala on 29 December 1996, thus completing the peace process in Central America, and, in this context, encourages both parties to undertake all necessary measures to achieve this objective;

7. Also welcomes the adoption of the Agreement on Social and Economic Aspects and Agrarian Situation, the joint statement of the Peace Commission of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca and the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, as well as the statements of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 7 November 1996, which are a positive contribution to the peace process in Guatemala;

8. Recognizes the commitment of the Government and civil society of Guatemala to advance in the fight against impunity and towards the consolidation of the rule of law;

9. Calls upon the parties to comply fully with their commitments under all the agreements reached between them and to implement the corresponding recommendations of the United Nations Mission for the Verification of Human Rights in Guatemala;

10. Requests the Secretary-General, the organizations of the United Nations system and the international community to continue their support for the peace process and hence for efforts to promote national reconciliation, democracy and development in Guatemala, and reiterates its appreciation of the peace efforts of the Secretary-General, the Group of Friends (Colombia, Mexico, Norway, Spain, the United States of America and Venezuela), as well as its appreciation of the contribution of the Assembly of Civil Society and other Guatemalans within the constitutional framework and the peace agreements;

11. Calls upon the Government of El Salvador and all the political forces involved in the peace process to make all possible efforts to complete the implementation of all remaining aspects of the Peace Agreement;

12. Welcomes the establishment of the United Nations Office of Verification in El Salvador as a mechanism that combined regular visits by a high-level envoy from Headquarters with a small group of experts in the field that efficiently verified the progress of the implementation of all remaining aspects of the Peace Agreement in El Salvador;

13. Reiterates its recognition of the effective participation of the Secretary-General and his representatives and encourages them to continue to take all necessary steps to ensure the successful implementation of all the commitments made by the parties to the Peace Agreement in El Salvador;

14. Recognizes the achievements made by the people and Government of Nicaragua in their efforts to consolidate peace, democracy and reconciliation among Nicaraguans, as well as the importance of political, economic and social consultation among all sectors of the country, so as to continue with the country's reconstruction, the renegotiation and reduction of the exter-

nal debt, as well as the economic recovery and social development of the country;

15. Welcomes with satisfaction the peaceful electoral process held in Nicaragua on 20 October 1996, and its importance as a further step towards the strengthening of democracy, peace, development and reconstruction in that country;

16. Supports the treatment accorded to Nicaragua in the light of its continuing exceptional circumstances, so that the international community and financial institutions can incorporate that treatment into programmes to support the country's economic recovery and social reconstruction;

17. Expresses its appreciation of the work of the support group for Nicaragua (Canada, Mexico, the Netherlands, Spain and Sweden), which, under the coordination of the Secretary-General, is playing an active role in supporting the country's efforts towards economic recovery and social development, particularly with regard to solving the external debt problem and securing investments and new resources that will allow the country's economic and social programmes to continue towards national reconciliation, and requests the Secretary-General to continue to support those efforts;

18. Emphasizes the importance of the current political dialogue and economic cooperation between the European Union and its member States and the Central American countries, with the participation of the Group of Three (Colombia, Mexico and Venezuela), in particular the ministerial conference held at Florence, Italy, on 21 and 22 March 1996, where new objectives were approved, concerning support for the strengthening and consolidation of the rule of law, support for social policies aimed at softening the social costs of structural adjustment programmes, and support for the Central American integration process;

19. Also emphasizes the commitments on sustainable development adopted at the fifteenth, sixteenth and seventeenth meetings of the Summit of Central American Presidents, with the aim of fashioning a region of peace, democracy and sustainable development, and urges the international community to give them every support;

20. Reiterates the importance of the support of the United Nations system through its operational activities, in particular the United Nations Development Programme, aimed at facilitating the development of programmes and projects which are indispensable for strengthening peace and the development process in the region, bearing particularly in mind the new strategy for subregional development established by the Alliance for the Sustainable Development of Central America, and urges the international community to lend its support to the achievement of the goals of the new strategy for development in Central America;

21. Reiterates its full appreciation to the Secretary-General for his efforts to promote the pacification process and the consolidation of peace in Central America and to the groups of friendly countries which have made a direct contribution to attaining those ends, and requests that those efforts be maintained;

22. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

23. Decides to include in the provisional agenda of its fifty-second session the item entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

General Assembly resolution 51/197

17 December 1996 Meeting 87 Adopted without vote

41-nation draft (A/51/L.18/Rev.1 & Rev.1/Add.1); agenda item 40.

Financial implications. 5th Committee, A/51/723; S-G, A/C.5/51/32.

Meeting numbers. GA 51st session: 5th Committee 39; plenary 60, 87.

## El Salvador

Implementation of the 1992 Peace Agreement [YUN 1992, p. 222] between the Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (FMLN) entered its final phase in 1996. Despite a number of delays, overall progress in implementing the Agreement enabled the United Nations to reduce its presence in that country.

On 1 May, the Mission of the United Nations in El Salvador (MINUSAL), established in 1995 [YUN 1995, p. 430] to provide good offices and verify implementation of outstanding provisions of the peace accords, was replaced by a smaller United Nations Office of Verification (ONUV), which in turn concluded its mandate on 31 December. Also in December, the General Assembly decided that the Secretary-General's Special Representative in El Salvador and Chief of Mission, Ricardo Vigil (Peru), should be withdrawn at the conclusion of ONUV's mandate, and that good offices and verification responsibilities should be executed through periodic visits to the country by a high-level envoy from New York.

## UN presence in El Salvador

**Report of Secretary-General (April).** In response to General Assembly resolution 50/7 [YUN 1995, p. 431], the Secretary-General submitted a 23 April report [A/50/935] on MINUSAL, stating that the Mission continued to verify implementation of the peace agreements in accordance with the programme of work for the completion of all outstanding provisions, signed by the parties in 1995 [YUN 1995, p. 427]. He pointed to positive developments in the public security situation, including the appointment of a new Inspector General for the National Civil Police (PNC), drafting of a police career law, dissolution of the "analysis unit" operating outside PNC's formal structure, and the President's decision to appoint a National Council on Public Security. At the same time, advances in implementing the peace agreements had not served to strengthen PNC institutionally, while slow progress in purifying the judiciary, high criminal activity and simmering social

protest continued to have an adverse impact on the situation.

Steps were taken to establish a coordination mechanism between PNC and the National Council for the Defence of Human Rights, which achieved steady consolidation of its activities; however, its funding remained inadequate. The new Supreme Court provided important leadership in judicial reform efforts, confirming its independence and establishing the precedence of international instruments over domestic laws. The Court adopted measures to address the overcrowding of prisons, professional ethics, delays in the administration of justice, the nullification of cases for lack of defence attorneys and improvement in professional and ethical standards in the judiciary. On the other hand, the ratification of constitutional reforms and secondary legislation to fulfil the binding recommendations of El Salvador's Commission on the Truth remained in a state of paralysis, due partly to disagreement over the guarantees of due process and the admissibility of extrajudicial confessions, which delayed approval of criminal codes and the penitentiary law, as well as the repeal of the 1886 police law. In addition, the emergency law to fight crime, passed recently by the Legislative Assembly, included elements that could lead to violations of civil rights and guarantees, thus undermining judicial reform. Due process could also be threatened by the adoption of a law on social defence, proposed by the Government.

MINUSAL continued to verify implementation of the land transfer programme, which was impeded by the large backlog in the filing of property deeds in the national registry. In January 1996, the number of potential beneficiaries was adjusted downward to 36,551; as at 26 March, some 92.9 per cent of them had received titles to land, while only 49.6 per cent of issued titles had been recorded in the registry. Titles to some 3,000 other beneficiaries were delayed due to the shortfall in suitable land available for purchase and the need to relocate, without breaking up existing human settlements, landholders occupying properties whose owners did not wish to sell. In that regard, the trilateral working group on the transfer of rural human settlements reached agreement on several structural and political guarantees, including legal protection for property holders for the duration of the transfer programme, allowing the operational phase to begin in March 1996. Other positive developments included a restructuring of the Lands Bank, involvement of FMLN in identifying property to meet outstanding needs, progress in streamlining payments to owners, and the adoption of key

decrees providing legal guarantees to owners and landholders under the land transfer programme.

Targets for reintegration programmes had been largely achieved, although productive activities deriving from them fell short of expectation, in part because of the inadequacy and harshness of the terms of credit to newly created small businesses and the scarcity of technical assistance. On the positive side, the Fund for the Protection of the War-Wounded and Disabled showed advances with respect to the payment of benefits. Progress, albeit slow, was also registered with regard to electoral reform and administration of the Supreme Electoral Tribunal, in preparation for the 1997 legislative and municipal elections. In the meantime, UNDP, in cooperation with MINUSAL, continued to implement technical assistance programmes in El Salvador and to seek international funding for its projects.

The Secretary-General observed that the public security situation and delays in judicial reform remained a cause of concern and that the slow pace of the land transfer programme could lead to social unrest, and concluded that MINUSAL's verification responsibilities would not be completed by the time its mandate expired on 30 April. Accordingly, a continued UN presence in El Salvador was required until the end of 1996, although not at the same level. He proposed that MINUSAL be replaced with a mechanism combining regular visits by a high-level envoy from New York with the retention in the field of a small expert group. The mechanism was to be known as the United Nations Office of Verification and was to rely on UNDP for logistical and administrative support. Additional appropriations would be necessary to cover the costs of ONUV.

**Communication.** El Salvador transmitted to the Secretary-General a letter [A/50/948] of 23 April from the Presidential Commissioner for the Implementation of the Peace Agreements and FMLN representatives, stating that, in their view, it would be advisable to set up a UN group of three to four officials, led by the current head of MINUSAL as the Secretary-General's representative, to verify complete implementation of outstanding aspects of the peace agreements.

#### GENERAL ASSEMBLY ACTION (May)

On 10 May, the General Assembly adopted **resolution 50/226**.

#### United Nations Office of Verification in El Salvador

The General Assembly,

Recalling its resolutions on the situation in Central America, in particular resolution 50/7 of 31 October 1995, in which it, inter alia, approved the proposal of the Secretary-General to extend the mandate of the Mission of the United Nations in El Salvador for a fur-

ther period of six months and requested the Secretary-General to report on its implementation,

Having considered the report of the Secretary-General of 23 April 1996 on the Mission of the United Nations in El Salvador, and the letter from the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to the Secretary-General dated 23 April 1996,

Recognizing with satisfaction the continuing evolution of El Salvador from a country torn by conflict into a democratic and peaceful nation,

Paying tribute to those Member States which have contributed personnel and voluntary funding to the Mission,

1. Welcomes the continuing commitment of the Government and people of El Salvador to the consolidation of the peace process;

2. Pays tribute to the accomplishments of the Mission of the United Nations in El Salvador, under the authority of the Secretary-General and his Special Representative;

3. Recognizes the political commitment of the Government of El Salvador and the other parties to the peace accords to continue to comply with their provisions, and urges them to work together to complete their implementation without delay;

4. Decides, in accordance with the recommendation contained in paragraph 36 of the report of the Secretary-General, to establish a small United Nations Office of Verification, to be headed by an official at an appropriate political level, to follow up implementation of pending aspects of the peace accords in El Salvador through 31 December 1996;

5. Also decides that the United Nations Office of Verification should be financed within existing resources, in a manner consistent with the effective fulfilment of its mandate and taking into account that the Secretary-General will submit proposals on possible means of absorption in the programme budget for the biennium 1996-1997 to the General Assembly, through the Advisory Committee on Administrative and Budgetary Questions, no later than 15 May 1996;

6. Notes that regular visits to El Salvador by senior officials from United Nations Headquarters are making a significant contribution towards the full implementation of the peace accords;

7. Emphasizes the importance of continued and enhanced cooperation of the United Nations Office of Verification with other bodies of the United Nations system in the consolidation of the peace accords;

8. Calls upon Member States and international institutions to continue to provide assistance to the Government and people of El Salvador and to lend support to the efforts of the United Nations in El Salvador for the purposes of peace-building and development;

9. Requests the Secretary-General to report to it on the implementation of the present resolution.

General Assembly resolution 50/226

10 May 1996 Meeting 118 Adopted without vote

7-nation draft (A/50/L.72 & Add. 1); agenda item 45.

Sponsors: Canada, Colombia, Mexico, Russian Federation, Spain, United States, Venezuela.

Financial implications. 5th Committee, A/50/951; S-G, A/C.5/50/59.

Meeting numbers. GA 50th session: 5th Committee 56, 57; plenary 118.

On 7 May, the Fifth (Administrative and Budgetary) Committee decided [A/50/951] to inform the Assembly that, should it adopt the text, the Secretary-General would be authorized to enter into commitments up to \$1 million net to continue a UN presence in El Salvador from 1 May to 31 December 1996. The Secretary-General would be requested to present to the Assembly proposals on possible means of absorption in the 1996-1997 programme budget.

**Secretary-General's report (November).** On 25 November, the Secretary-General reported [A/51/693] that ONUV, consisting of six international officials, three civilian police consultants and a reduced number of administrative staff, assumed MINUSAL responsibilities on 1 May. During the reporting period, efforts continued to strengthen PNC and the National Public Security Academy and to consolidate activities of the National Council on Public Security, which defined a new public security doctrine; at the same time, the gravity of the situation kept the public security issue at the centre of the national agenda. The Minister for Public Security and the National Council for the Defence of Human Rights signed on 16 July an agreement on coordination of activities between the Council's office and PNC, while the Legislative Assembly was likely to approve a new criminal procedures code in the near future, which would permit the achievement of full compliance with outstanding recommendations of the Commission on the Truth. The Secretary-General pointed out that the current challenge facing the country was the need to establish a binding relationship between full respect for human rights and the strengthening of democratic institutions; in that context, he urged the Government to provide necessary funding to the office of the National Council for the Defence of Human Rights.

As at 19 November, 34,413 beneficiaries under the land transfer programme, or 98.93 per cent of the total, had received titles, while the number of deeds filed in the national registry had risen to 29,974. However, the distribution of titles to beneficiaries from the armed forces was complicated by their absence from properties and a low attendance level at title distribution points; some confusion was also created by the law for restructuring the agrarian debt and the Government's proposal to divide properties transferred as a single block into individual parcels, beginning in 1997. Accordingly, ONUV was requested to identify all properties exempt from debt, so as to transfer original titles without further delay. In addition, the need remained to transfer promptly to landless peasants identified land which exceeded the constitutional limit of 245 hectares.

The transfer programme for rural human settlements experienced significant delays. The measuring and legalization of properties was still not completed and the transfer of only a minimal number of properties was negotiated with their respective owners, while the payment and distribution of titles for those properties came to a halt and no accord had been reached by the parties on fundamental issues relating to the transfer of the social and productive infrastructure of human settlements. As for the Fund for the Protection of the War-Wounded and Disabled, a draft project was drawn up at ONUV's initiative to offer legal support in securing benefits for some 14,000 family members of combatants killed during the conflict.

The Secretary-General reiterated that the implementation of pending recommendations for electoral reform, including the creation of a national civil register to facilitate issuing a single identity and voter card, as well as the introduction of residential voting and of proportional representation in municipal councils, would constitute a significant advance in El Salvador's electoral system. He expressed the hope that the 1999 presidential elections would benefit from a system so reformed. The report further described technical assistance programmes executed by UNDP in the areas of administration of justice, public security, reintegration of former combatants and demobilized soldiers, benefits to the war-wounded and disabled, protection of human rights and democratic participation. Nine other programmes were to be initiated by the end of the year; project resources totalled \$12.2 million, with a further \$2.8 million to be approved shortly.

The Secretary-General concluded that implementation of the peace accords was entering its final phase. He recommended that UN good offices and verification responsibilities be executed, as of 1 January 1997, through periodic visits to El Salvador by a high-level envoy from New York, assisted by a small support unit remaining in the field for a period of six months. Accordingly, he proposed to withdraw his Representative at the conclusion of ONUV's mandate on 31 December 1996.

#### GENERAL ASSEMBLY ACTION (December)

On 17 December, the General Assembly adopted **resolution 51/199 A**.

#### United Nations Office of Verification in El Salvador

The General Assembly,

Recalling its resolutions on the situation in Central America and, in particular, resolution 50/226 of 10 May 1996, by which it, inter alia, decided to establish the United Nations Office of Verification in El Salvador to

follow up implementation of pending aspects of the peace accords in El Salvador through 31 December 1996 after the expiration of the mandate of the Mission of the United Nations in El Salvador,

Having considered the report of the Secretary-General on the United Nations Office of Verification in El Salvador,

Recognizing with satisfaction the efforts that continue to be made by the Government, other parties to the peace accords and the people of El Salvador to honour the commitments contained in the accords and to consolidate the peace process,

Welcoming the progress made towards a society characterized by democracy, the rule of law and respect for human rights,

Paying tribute to those Member States which have contributed personnel and voluntary funding to the Office and to technical assistance projects undertaken in support of the peace process,

1. Welcomes the continuing commitment of the Government and people of El Salvador to the consolidation of the peace process;

2. Pays tribute to the accomplishments of the United Nations Office of Verification in El Salvador, under the authority of the Secretary-General and his Representative;

3. Notes with satisfaction the commitment by the Government of El Salvador and other parties to the peace accords to the full implementation of the provisions of the peace accords, and urges them to work together to complete this implementation without delay;

4. Decides, in accordance with the recommendation contained in paragraph 33 of the report of the Secretary-General, that:

(a) The Representative of the Secretary-General in El Salvador should be withdrawn at the conclusion of the mandate of the United Nations Office of Verification in El Salvador on 31 December 1996;

(b) The responsibilities of verification and good offices entrusted to the United Nations should be executed through periodic visits to El Salvador by a high-level envoy from Headquarters who will keep the Secretary-General informed on a regular basis;

5. Also decides that the envoy will be assisted for a period of six months in the discharge of these responsibilities by a small support unit in El Salvador, working with the administrative support of the United Nations Development Programme;

6. Emphasizes the importance of a continued and enhanced cooperation of the various agencies, offices and programmes of the United Nations system active in El Salvador with the efforts of the Organization as verification of the peace accords approaches its conclusion and in the consolidation of the peace process;

7. Calls upon Member States and international institutions to continue to provide assistance to the Government and people of El Salvador and to lend support to the efforts of the United Nations in El Salvador for the purposes of peace-building and development;

8. Requests the Secretary-General to submit a report to it before the end of June 1997 on the implementation of the present resolution, including an assessment of the peace process in El Salvador.

General Assembly resolution 51/199 A  
17 December 1996 Meeting 87 Adopted without vote  
21-nation draft (A/51/L.58 & Add.1); agenda item 40.  
Financial implications. 5th Committee, A/51/734; S-G, A/C.5/51/42.  
Meeting numbers. GA 51st session: 5th Committee 44; plenary 60, 87.

On 16 December, the Fifth Committee decided [A/51/734] to inform the Assembly that, should it adopt the text, additional requirements of \$408,700 would be needed under the budget for the biennium 1996-1997. (For further details on UNOV financing, see PART FIVE, Chapter II.)

### Financing of ONUSAL

On 29 February, the Secretary-General presented a final report [A/50/735/Add.1] on the financing of the United Nations Observer Mission in El Salvador (ONUSAL) from its inception in 1991 [YUN 1991, p. 149] until its liquidation in 1995 [YUN 1995, p. 427]. According to the report, total appropriations for ONUSAL, together with those for the United Nations Observer Group in Central America, amounted to \$238.1 million, while outstanding contributions from Member States as at 31 December 1995 stood at \$19.9 million for both operations, of which \$9.7 million was outstanding for ONUSAL. (In 1992, by resolution 46/240, the General Assembly had decided that the special accounts for both should be merged [YUN 1992, p. 224].) At the same time, cumulative unencumbered appropriations totalled \$15.7 million. The Secretary-General noted that ONUSAL operating costs included additional requirements of \$826,000 gross for the period from 1 December 1994 to 30 April 1995 and \$16,300 gross for the liquidation period from 1 to 31 May 1995. He requested that the General Assembly appropriate and assess those amounts and take action concerning the remaining unencumbered balance, interest and miscellaneous income, as well as any surplus arising from the eventual liquidation of ONUSAL's remaining obligations.

In a 6 August report [A/50/1018], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) agreed with the Secretary-General's request.

#### GENERAL ASSEMBLY ACTION

On 17 September, the General Assembly adopted **resolution 50/246**.

#### Financing of the United Nations Observer Mission in El Salvador

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in El Salvador and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 991(1995) of 28 April 1995, by which the Council affirmed that the mandate of the Observer Mission would terminate as at 30 April 1995, as well as all previous Security Council resolutions on the Observer Mission,

Recalling also its resolution 45/267 of 21 June 1991 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was decision 50/447 of 22 December 1995,

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

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

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

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

Noting with appreciation that voluntary contributions have been made to the Observer Mission by certain Governments,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to meet its outstanding liabilities,

1. Takes note of the status of contributions to the United Nations Observer Mission in El Salvador as at 31 August 1996, including the contributions unpaid in the amount of 7,804,394 United States dollars, representing 4 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 31 May 1995, notes that some 45 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

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

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

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

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

6. Decides to appropriate to the Special Account for the United Nations Observer Mission in El Salvador the additional amount of 826,000 dollars gross (745,300 dollars net) already authorized by the General Assembly in its decision 50/447 for the period from 1 December 1994 to 30 April 1995;

7. Decides also, as an ad hoc arrangement, to appropriate an additional amount of 826,000 dollars gross (745,300 dollars net) for the period from 1 December

1994 to 30 April 1995 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991 and 47/218 A of 23 December 1992 and its decision 48/472 A of 23 December 1993, the scale of assessments for the year 1994 to be applied against a portion thereof, that is, 169,580 dollars gross (153,010 dollars net), which is the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the scale of assessments for the year 1995 to be applied against the balance, that is, 656,420 dollars gross (592,290 dollars net) for the period from 1 January to 30 April 1995, inclusive;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 80,700 dollars approved for the Observer Mission for the period from 1 December 1994 to 30 April 1995, inclusive, 16,570 dollars being the amount pertaining on a pro rata basis to the period ending 31 December 1994, and the balance, that is, 64,130 dollars, approved for the period from 1 January to 30 April 1995, inclusive;

9. Decides to appropriate the additional amount of 16,300 dollars gross (17,700 dollars net) for the period from 1 to 31 May 1995, already authorized by the General Assembly in its decision 50/447, to be apportioned among Member States in accordance with the scheme set out in the present resolution;

10. Decides also that, in accordance with the provisions of its resolution 973(X), the apportionment among Member States, as provided for in paragraph 9 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,400 dollars approved for the Observer Mission for the period from 1 to 31 May 1995;

11. Decides further that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionments, as provided for in paragraphs 7 and 9 above, their respective share in the amount of 842,300 dollars gross (763,000 dollars net) from the unencumbered balance of 15,712,958 dollars gross (14,221,605 dollars net) for the period ending 30 November 1994;

12. Decides that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share in the amount of 842,300 dollars gross (763,000 dollars net) from the unencumbered balance of 15,712,958 dollars gross (14,221,605 dollars net) for the period ending 30 November 1994 shall be set off against their outstanding obligations;

13. Decides also that the remaining unencumbered balance of 14,870,658 dollars gross (13,458,605 dollars net) in the Special Account for the Observer Mission shall be credited to Member States;

14. Decides further to transfer the remaining interest and miscellaneous income totalling 256,674 dollars and any surplus arising from the eventual liquidation of the remaining obligations in the Special Account for

the Observer Mission to the Peacekeeping Reserve Fund.

General Assembly resolution 50/246

17 September 1996 Meeting 128 Adopted without vote

Approved by Fifth Committee (A/50/818/Add.1) without vote, 12 September (meeting 67); draft by Vice-Chairman (A/C.5/50/L.75), orally revised; agenda item 126.

Meeting numbers. GA 50th session: 5th Committee 65, 67; plenary 128.

## Guatemala

In 1996, negotiations continued between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) under the auspices of the United Nations to find a lasting settlement of the most protracted conflict in Central America. The Secretary-General reported that the peace process there was on an irreversible course, with the signing of several agreements since 1994 and the continued presence of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA).

Democracy was further consolidated as a result of the participation of various sectors of the society—among them URNG—in the presidential elections held in January 1996; the arrival, following the elections, of new political forces in Congress; the new Government's commitment to fight poverty and impunity; mutual decisions in March by URNG and the Government to cease offensive military actions, as reported by the Secretary-General on 25 March [A/50/902]; and the suspension of the practice of exacting the so-called "war tax" once an agreement was reached on socio-economic issues.

MINUGUA continued to fulfil the verification mandate entrusted to it under the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407] and to carry out effective institution-building. MINUGUA institution-building activities had become a fundamental instrument in improving respect for human rights. To that end, the MINUGUA/UNDP Joint Unit was implementing projects in support of the judiciary, the Offices of the Public Defender and the Public Prosecutor, the Ministry of the Interior's criminal investigation capacity, the Counsel for Human Rights, the Presidential Human Rights Committee and relevant NGOs, with funding provided to the Trust Fund for the Guatemala Peace Process. In April, the General Assembly extended the Mission until the end of the year and in December authorized a further extension until 31 March 1997, to assist in implementing the Agreement on a Firm and Lasting Peace, which was eventually signed by the parties on 29 December.

On 1 June, David Stephen (United Kingdom) succeeded Leonardo Franco (Argentina) as Director of MINUGUA [A/50/954].

### Human rights verification mission

**Report of Secretary-General (February).** In a 16 February report [A/50/881] on MINUGUA, the Secretary-General stated that the new President of Guatemala, Alvaro Arzú Irigoyen, and the URNG General Command had reaffirmed their commitment to the Framework Agreement of 10 January 1994 and expressed their wish to resume negotiations to reach a final peace agreement promptly. The United Nations convened a new round of talks in February in Mexico City.

Based on the results of its verification activities, the Mission concluded that serious and repeated violations of human rights had taken place at the hands of State agents, groups connected to the State or through URNG actions. The violations, which had been neither clarified nor punished—especially when members of the military and police were implicated—did not appear to constitute official government policy, but were due to the Government's failure to combat persistent impunity, which was considered the main obstacle to the enjoyment of human rights in Guatemala, and had increased the public's lack of confidence in the administration of justice. The Mission found both the Government and URNG, by action or by omission, responsible for the failure to comply with their commitments under the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407]. Nonetheless, positive steps had been taken by both towards compliance with several commitments included in the Agreement. Among the steps taken under the administration of President Ramiro de Leon Carpio were the near cessation of forcible recruitment for military service and restraint in the use of force by the authorities. The establishment of new Voluntary Civil Defence Committees (CVDCs) was no longer encouraged and the Military Commissioners were abolished; legal requirements in the detention of URNG members were being observed, including their referral to tribunals, and the Interior Ministry had increased its investigation of crimes. URNG, for its part, had pledged to refrain from certain acts of sabotage and showed restraint in military actions that endangered civilians; it also had unilaterally ceased offensive actions during the two rounds of elections and continued cooperating with MINUGUA. While noting these steps, the Mission observed that their impact on public opinion had been severely limited due to an increase in crime and the inability of government institutions to cope with it, as well as the continuation of the armed conflict.

The Secretary-General reiterated that it was incumbent on the parties to comply fully with their commitments under the Comprehensive Agreement on Human Rights and with human rights aspects of the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 431]. It was critical that the Government and the URNG leadership take action to carry out the Mission's recommendations, which had too often remained unheeded. At stake was the confidence of the Guatemalan people and the international community in the peace process. Calling for an early and successful conclusion to the peace negotiations, the Secretary-General observed that the continuation of the conflict provided a pretext for human rights abuses and the culture of violence and intolerance, which thwarted efforts, including those of MINUGUA, to protect human rights and strengthen the rule of law. While compliance with the commitments regarding human rights should be improved, trends observed were encouraging. MINUGUA's active country-wide presence had played an important role, helping to place peace and human rights protection firmly at the top of the political agenda. With both the Government and URNG supporting a continuation of MINUGUA's activities, the Secretary-General recommended that its mandate be extended until 31 December. Given the cash-flow crisis afflicting the United Nations, additional funds would be necessary to cover the costs of the Mission during the new mandate period, with assurances that funds would be made available in the necessary time-frame.

**Fourth report of Mission Director (February).** By a 24 February 1996 note [A/50/878], the Secretary-General transmitted the fourth report of the MINUGUA Director, describing the Mission's activities from 21 August to 31 December 1995 and evaluating its work during its first year of operation. Despite some noteworthy progress, the report stated, the overall situation continued to cause concern because of repeated human rights violations, the persistence of impunity and the growing lack of public safety. MINUGUA continued its bilateral contacts through monthly meetings with the Guatemalan President and the URNG General Command. Additional meetings were held between the Mission and its official counterparts in the Government, the Presidential Human Rights Committee (COPREDEH), ministries and State bodies. Visits were made to URNG camps to discuss matters relevant to the task of verification.

In the gravest incident since MINUGUA's establishment, 11 people were killed by an army patrol in the community of Xamán, Aka Verapaz, on 5 October, which led to the resignation of the

Minister of Defence. President Ramiro de Leon Carpio transferred power to President Alvaro Arzú Irigoyen following democratic elections in November 1995 and a second round of voting in January 1996, but nearly two thirds of the electorate did not participate in the voting, despite the fact that URNG unilaterally suspended hostilities during the general elections. According to reports of the Office of the United Nations High Commissioner for Refugees (UNHCR), nearly 10,000 refugees had returned to Guatemala during 1995, significantly more than in previous years.

During its first year of activity, the Mission received more than 7,700 complaints, 1,567 of which it declared admissible for verification. It closed 1,078 of them, verifying that violations, involving 3,161 victims, had occurred in 43.2 per cent of them. Almost two thirds of those violations concerned the right to life, integrity of person and individual liberty, and responsibility was attributed to National Police officers, military commissioners and members of the army and of CVDCs, with URNG members being held responsible for 5.4 per cent of the cases. Responsibility was attributed to URNG in 92.5 per cent of the cases where verification confirmed a violation of the commitment concerning human rights and the internal armed conflict.

MINUGUA was enabled to carry out its mandate by the cooperation of both parties and the assistance provided by the Government, as well as the support of the Group of Friends of the Guatemalan Peace Process (composed of Colombia, Mexico, Norway, Spain, the United States and Venezuela), the international community and Guatemalan society, including NGOs. Fulfilment of its mandate was also made possible by its deployment in 13 offices throughout the country and its acceptance by the local communities, as well as by the practical development of a verification methodology involving the interaction of civilian and police observers and military liaison officers. Another important aspect had been the linkage of verification and institution-building tasks through the development of a strategy, in the framework of the MINUGUA/UNDP Joint Unit, for cooperating with national bodies for the protection of human rights.

The Mission also reported adverse reactions to its work, some of them violent, such as the armed attack on its regional office in the capital and threats against some of its members; however, those reactions had not affected its normal operations in the country as a whole.

MINUGUA made recommendations both to the Government and URNG aimed at their fulfilment of the Comprehensive Agreement. In its final

conclusions, in spite of the disturbing human rights situation and the failure to follow its recommendations, it cited some reasons to hope that human rights would be more fully enjoyed: progress in the peace process and national reconciliation; the growing conviction of the parties and of Guatemalan society that the armed conflict had to be ended without delay and that there had to be national reconciliation; progress in the political transition, through the consolidation of new democratic institutions, the convergence of opinions in favour of the primacy of civilian authority, the normal conduct of elections, the emergence of new forms of representation of civil society and the national consensus surrounding the broadening of the political sectors incorporated in the Congress of the Republic, all of which was promoting a decline in violence and politically motivated rights violations; growing participation of indigenous communities and leaders in various spheres of national life and the signing of the Agreement on Identity and Rights of Indigenous Peoples; and signs of a greater commitment to human rights, notably the awareness at the highest level of Government and in civil society that the fight against impunity was an urgent challenge, as well as the growing role of non-governmental human rights bodies and the ongoing monitoring, protection and defence activities of the Counsel for Human Rights.

#### GENERAL ASSEMBLY ACTION

On 3 April, the General Assembly adopted **resolution 50/220**.

#### **United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala**

The General Assembly,

Recalling its resolutions 45/15 of 20 November 1990, 46/109 A of 17 December 1991, 47/118 of 18 December 1992, 48/161 of 20 December 1993 and 48/267 of 19 September 1994, in which it decided to establish the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, and its resolutions 49/137 of 19 December 1994, 49/236 A of 31 March 1995, and, in particular, 49/236 B of 14 September 1995, in which it decided to authorize the renewal of the mandate of the Mission for the further period of six months, that is, until 18 March 1996,

Taking into account the notes by the Secretary-General transmitting the third and fourth reports of the Director of the Mission,

Taking note of the conclusions and recommendations contained in the third and fourth reports of the Director of the Mission, regarding compliance by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca with their commitments under the Comprehensive Agreement on Human Rights and

to the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples,

Acknowledging the support given to the Mission by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Concerned by the inadequate implementation of the Comprehensive Agreement on Human Rights, as reported by the Director of the Mission, and in particular the lack of action on the Mission's recommendations throughout the year 1995,

Welcoming the commitment expressed by President Alvaro Arzú to the struggle against impunity and the continuation of the peace process with the Unidad Revolucionaria Nacional Guatemalteca, within the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994, as well as his support for the continuation of the Mission,

Also welcoming the resumption of the negotiations between the two parties and their commitment to revitalizing the negotiations with a view to the early signing of a final peace agreement,

Acknowledging the efforts of the Secretary-General, the Group of Friends of the Guatemala peace process and the United Nations programmes and agencies for their support to the Guatemala peace process,

Having considered the recommendations of the Secretary-General regarding the renewal of the mandate of the Mission, contained in his report on the Mission,

1. Welcomes the report of the Secretary-General on the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala;

2. Takes note with satisfaction of the third and fourth reports of the Director of the Mission;

3. Decides to authorize within existing resources and in a manner consistent with the effective fulfilment of its mandate the renewal of the mandate of the Mission for a further period of nine months and thirteen days, that is, until 31 December 1996, in accordance with the recommendations of the Secretary-General;

4. Calls upon the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to take effective action to implement the recommendations contained in the third and fourth reports of the Director of the Mission and to comply fully with their commitments under the Comprehensive Agreement on Human Rights and with human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples;

5. Reiterates the importance of the undertaking by the parties to continue to provide their broadest support to the Mission and whatever cooperation it may need to carry out its functions, particularly with respect to the security of the members of the Mission;

6. Encourages the parties to strive for the earliest conclusion of a final peace agreement;

7. Calls upon the parties to adopt all necessary steps to eradicate the suffering of the civilian population as well as measures aimed at building confidence between them;

8. Invites the international community to continue supporting institution-building and other activities undertaken by the Mission, in cooperation with United Nations programmes and agencies, with a view to facilitating implementation of the Comprehensive Agreement on Human Rights, in particular through voluntary contributions to the trust fund for the Guatemala peace process established by the Secretary-General;

9. Requests the Secretary-General to keep the General Assembly fully informed of the implementation of the present resolution.

General Assembly resolution 50/220

3 April 1996

Meeting 103

Adopted without vote

7-nation draft (A/50/L.68 & Add.1): agenda item 45.

Sponsors: Colombia, Mexico, Norway, Russian Federation, Spain, United States, Venezuela.

Financial implications. 5th Committee, A/50/914; S-G, A/C.5/50/53.

Meeting numbers. GA 50th session: 5th Committee 48, 54; plenary 103.

By a letter [A/50/891] of 12 March to the President of the Assembly, the Secretary-General expressed his concern about the resolution text, which called for future funding of the Mission within existing resources. Previously mandated reductions in the programme budget made it impossible for him to implement additional mandates within existing resources. The Assembly's request for the continuation of MINUGUA without requisite financial resources stood in danger of not being implemented. He therefore requested guidance from the Assembly, should the resolution be adopted as proposed, as to which programmes should be curtailed, postponed or terminated.

The President of the Assembly, in a letter of 14 March [A/C.5/50/56] to the Fifth Committee Chairman, noted that the current budgetary situation did not give the Secretary-General the flexibility to implement additional mandates within existing resources. Were the Assembly to decide to continue MINUGUA without requisite financial resources, its decision would stand in danger of not being implemented. (For further details on MINUGUA financing, see PART FIVE, Chapter II.)

**Fifth report of Mission Director (July).** By a 19 July note [A/50/1006], the Secretary-General transmitted to the General Assembly the fifth report of the Director of MINUGUA, covering the period 1 January to 30 June 1996, during which the peace process took a significant step forward with the signing on 6 May of the Agreement on Social and Economic Aspects and Agrarian Situation [A/50/956].

During the period under review, and especially since the new Government came to power, the context in which the Mission operated underwent significant changes, which had a positive effect on the human rights situation and on compli-

ance with the Comprehensive Agreement. The peace negotiations were given a fresh impetus when URNG declared, on 20 March, an indefinite suspension of hostilities, followed by the Government's decision to suspend counter-insurgency actions. As a result, the 6 May Agreement was signed, after which URNG stated that it would stop collecting the so-called "war tax". On 5 June, the parties began negotiations on strengthening civilian power and the future role of the army in a democratic society.

The Congress of the Republic adopted a reform of the military code, making it inapplicable to members of the armed forces implicated in ordinary offences. In March, the Congress adopted the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) and ratified it in June. Steps were taken to include the crime of racial and ethnic discrimination in the Penal Code.

Significant personnel movements occurred within the police force and the military high command, including the retirement of some generals from active duty. Following a government decision, the army began to play an explicit role in fighting organized crime and ordinary offences, with positive initial results, while new heads were appointed for the Public Prosecutor's Office and COPREDEH.

Important developments were noted in the areas of social conflicts and the public debate on human rights. Tensions rooted in land and labour disputes became more serious, particularly when small-scale farmers invaded agricultural holdings and were subsequently evicted by the authorities.

The lack of public safety and the State's inadequate response to the situation were cited as factors contributing to a climate in which civilians took the law into their own hands and lynched several alleged criminals. Public debates took place on the imposition of the death penalty for kidnapping and on a possible general amnesty.

MINUGUA continued to receive complaints of human rights violations and expanded its activities to strengthen human rights institutions. Regular contacts with the Government and URNG continued through periodic meetings with the President, his ministers and the URNG General Command. Meetings with COPREDEH, which had been suspended earlier, resumed following the appointment of a new Committee Chairman. The Mission also increased its systematic contacts with State authorities and entities involved in human rights protection.

During the reporting period, the Mission received about 2,700 complaints, of which 468 were admitted for verification, involving 4,495 alleged

violations. The first finding of the verification was the persistence of the climate of violence, intimidation and disregard for human life noted earlier. The number of death threats and other threats recorded by MINUGUA remained high, with 179 complaints of 1,327 violations, which, together with the many homicides, kidnappings and serious crimes attributed to common criminals, showed that the State was not fulfilling its obligation to provide guarantees or its legal duty to prevent, investigate and punish such rights violations. The Mission also expressed concern about the actual or attempted lynchings, especially in the initial months of the year, and found that cases of homicides in which State agents and persons or groups linked to them were implicated were not adequately investigated. It noted a disproportionate use of firearms by State agents and deplored death threats as one of the most common manifestations of the climate of intimidation.

MINUGUA found a weakness of institutions for human rights protection, characterized by their insufficient presence in, or total absence from, large areas of the country, as well as by structural shortcomings and pressures restricting their independence, integrity and effectiveness. It also observed with concern the lack of coordination between the entities involved in the judicial process and the absence of a criminal justice policy integrating the bodies responsible for human rights protection. The repeated threats and pressure to which judges and prosecutors were subjected demonstrated, in the Mission's view, the urgent need to implement special protection programmes and create proper coordination among State institutions. MINUGUA was concerned at the continuing weakness observed in the functioning of the Public Defender's Office and at the repeated death threats against the Public Prosecutor.

In the current situation of impunity, the majority of serious crimes and violations went unpunished, the Mission noted, largely due to the inefficiency of the bodies responsible for investigation, judgement and punishment, as well as the influence of certain groups, mostly those connected with the State, on those bodies. That grave situation, MINUGUA stated, continued to be the greatest obstacle to the enjoyment of human rights.

Organizations existing on the fringes of State structures, including CVDCs, which used civil insecurity as a pretext of exercising control over their local communities, were a symptom as well as a consequence of the internal armed confrontation and a source of human rights violations; the provision of weapons to CVDC members by

the army constituted a serious obstacle to the commitment to regulate the bearing of arms by private citizens, the Mission found, and a factor leading to acts of violence. Also observed was the emergence of various civilian organizations that carried out surveillance patrols, established curfews and made arrests, which was, according to MINUGUA, incompatible with the objective of strengthening the official security forces.

State officials were frequently implicated in crimes like kidnappings, vehicle thefts and other illegal acts; to purify the security forces, the Ministry of the Interior took certain actions for the dismissal or trial of members of the police, but more needed to be done, according to the Mission, to combat impunity effectively, by professionalizing the National Police, separating police and military functions, and other measures.

With Guatemala going through a critical period, in which genuine compliance with the commitments in the Comprehensive Agreement had become a matter of utmost urgency, MINUGUA recommended that the Government pay special attention to combating impunity, putting an end to the illegal security forces, strengthening the bodies for human rights protection, protecting individuals and entities working to promote those rights, and stopping the proliferation of weapons in private hands. To the URNG General Command, it recommended that it instruct its members to adopt safeguards in carrying out propaganda activities so as to avoid causing danger or fear to the population or damage to its property; instruct its fronts to refrain from confiscating weapons in the custody of CVDCs; and demand that all combatants suspend collection of the so-called "war tax".

**Reports of Secretary-General (November/December).** On 26 November, the Secretary-General reported [A/51/695-S/1996/998] that the peace process had made considerable headway. The Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, signed on 19 September in Mexico City by the Government and URNG, contained a comprehensive set of provisions for solidifying the democratic institutions in Guatemala, including the executive, legislative and judicial branches of Government. Specifically, under a reformed Constitution, the police were to be restructured and consolidated in a new National Civil Police, which would assume responsibility for internal security, while the army would limit its role to external defence. The contents of that landmark Agreement were consistent with the recommendations of MINUGUA, the Secretary-General noted in his 30 September letter [A/51/410-S/1996/853] transmitting the text of the

Agreement to the Presidents of the General Assembly and the Security Council, and, with its signing, the parties had concluded their negotiations on the substantive part of the agenda agreed on in the 1994 Framework Agreement. What remained to be negotiated were the reintegration of URNG, a definitive ceasefire, constitutional reforms and the electoral regime, and the timetable for implementing and verifying the peace agreements.

On 11 November, the parties confirmed that conditions existed for an agreement to be reached on all pending items and set 29 December as a target date.

The progress at the negotiating table was accompanied by tangible progress in compliance with the Comprehensive Agreement on Human Rights. According to MINUGUA reports, since the informal cessation of military activities by the parties in late March, there had been no military or civilian casualties related to the armed confrontation, and the Government had started a programme to disarm and demobilize the CVDCs, which was expected to be completed within 30 days after the signing of the final peace agreement. In addition, the Government had made a major effort, in its first year in power, to combat crime, corruption and impunity, removing from office or sanctioning a number of high-ranking officials implicated in criminal activities.

The Government's initiatives, however, had also drawn attention to the gravity of the institutional problems in the fight against impunity. Verification of complaints by MINUGUA revealed specific weaknesses in the administration of justice and law enforcement and pointed to the need to strengthen the relevant institutions. The Mission, therefore, placed increasing emphasis on its institution-building role, and there had been significant progress in pilot projects to improve the efficiency of, and access to, the administration of justice.

With the imminent entry into force of the final agreement, the United Nations would be called upon, as requested by the parties to the Framework Agreement, to verify compliance with the peace accords. Final recommendations on the mandate and structure of the verification mission could not, however, be completed until all agreements were signed. In the meantime, the Secretary-General recommended that the General Assembly extend MINUGUA's mandate for a further three months, until 31 March 1997, at its current strength. Anticipating that the future agreement on the timetable for implementation and verification of the peace accords would provide for a number of urgent implementation measures to be taken before 31 March 1997 and

falling outside MINUGUA's current mandate, the Secretary-General recommended that it be authorized, on an exceptional basis, to verify all those measures within its capabilities. In addition, the Secretary-General believed that verification of measures related to the agreement on the definitive ceasefire would be required, involving the deployment of UN military personnel.

In a 17 December report [S/1996/1045], the Secretary-General informed the Security Council that the agreement on the definitive ceasefire had been signed on 4 December in Oslo, Norway, and was scheduled to come into force, like other agreements in the overall peace package, upon the signing of the final agreement on 29 December. Subject to the Council's approval, the agreement would then require, within a short time, an increase in MINUGUA's strength, through the addition for a three-month period of a military component to verify its implementation. In his report, the Secretary-General presented to the Council detailed recommendations, based on the findings of a technical survey team of the Secretariat which had visited Guatemala, regarding the organization and strength of the proposed military component and on how it should undertake the responsibilities entrusted to it under the ceasefire agreement.

In later addenda [S/1996/1045/Add.1,2] to his report, dated 23 and 30 December, the Secretary-General informed the Council that the Agreement on a Firm and Lasting Peace was signed on 29 December in Guatemala City, and requested authorization for deploying a military component of 155 military observers. The cost of the military component was estimated at \$3.4 million for three months.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/198 A**.

#### **United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala**

The General Assembly,

Recalling its resolutions 45/15 of 20 November 1990, 46/109 A of 17 December 1991, 47/118 of 18 December 1992, 48/161 of 20 December 1993 and 48/267 of 19 September 1994, in which it decided to establish the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, and its resolutions 49/137 of 19 December 1994, 49/236 A of 31 March 1995, 49/236 B of 14 September 1995 and, in particular, 50/220 of 3 April 1996, in which it decided to authorize the renewal of the mandate of the Mission for a further period of nine months and thirteen days, that is, until 31 December 1996,

Taking into account the note by the Secretary-General transmitting the fifth report of the Director of the Mission,

Taking note of the conclusions and recommendations contained in the fifth report of the Director of the Mission, regarding compliance by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca with their commitments under the Comprehensive Agreement on Human Rights and to the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples,

Acknowledging the support given to the Mission by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Welcoming the steps taken by the Government of Guatemala to combat impunity,

Also welcoming the de facto cessation of hostilities as a result of confidence-building measures taken by both parties,

Encouraged by the progress made in the peace process as reflected in the signing of the Agreement on Social and Economic Aspects and Agrarian Situation and the signing of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, as well as the announcement by the parties that the agreement on a firm and lasting peace will be signed on 29 December 1996 in Guatemala City,

Recalling the request of the parties that the United Nations should verify all the agreements signed by them as reflected in the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994,

Acknowledging the efforts of the Secretary-General, the Group of Friends of the Guatemala peace process, the United Nations system and other international agencies in support of the peace process,

Having considered the recommendations of the Secretary-General regarding the renewal of the mandate of the Mission contained in his report on the Mission,

1. Welcomes the report of the Secretary-General on the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala;
2. Takes note with satisfaction of the fifth report of the Director of the Mission;
3. Calls upon the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to continue their efforts to comply with their commitments under the Comprehensive Agreement on Human Rights and the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples;
4. Encourages the parties to maintain the current momentum of the negotiating process in order to ensure that, as they have agreed, the agreement on a firm and lasting peace will be signed on 29 December 1996;
5. Decides to authorize the renewal of the mandate of the Mission until 31 March 1997, in accordance with the recommendations of the Secretary-General;
6. Invites the international community to intensify its support for the peace process, and in particular for

the implementation of the peace agreements, *inter alia*, through voluntary contributions to the Trust Fund for the Guatemala Peace Process established by the Secretary-General;

7. Requests the Secretary-General to submit recommendations as soon as possible on how the structure and staffing of the Mission should be redesigned to enable the Mission to fulfil its new responsibilities after the signing of the agreement on a firm and lasting peace, and to keep the General Assembly fully informed of the implementation of the present resolution.

General Assembly resolution 51/198 A  
17 December 1996 Meeting 87 Adopted without vote

20-nation draft (A/51/L.57 & Add.1); agenda item 40.  
Financial implications. 5th Committee, A/51/735; S-G, A/C.5/51/41.  
Meeting numbers. GA 51st session: 5th Committee 44; plenary 60, 87.

**Sixth report of Mission Director (January 1997).** The Secretary-General transmitted the sixth report [A/51/790] of the Director of MINUGUA covering the period from 1 July to 31 December 1996. During that time, the peace process continued with the signing of all pending agreements and culminated in the signing on 29 December of the Agreement on a Firm and Lasting Peace [A/51/796-S/1997/114]. The report presented an analysis of how the human rights situation in Guatemala had evolved and made specific recommendations designed to assist the Government in fulfilling its firm commitment to make the changes needed to improve the situation.

In carrying out its mandate, MINUGUA continued to receive complaints of alleged human rights violations and to carry out cooperation programmes aimed at strengthening the institutions responsible for protecting those rights, while the international community increased its support through contributions to the Trust Fund for the Guatemalan Peace Process and other assistance.

In the context of dismantling the counter-insurgency support structure, the Government proceeded to disarm and disband the CVDCs and the "peace and development committees", and Congress on 28 November repealed the decree which conferred legal status on such organizations.

However, progress in the peace process was limited by a lack of public safety, high levels of ordinary crime and a lack of confidence in the State institutions responsible for crime prevention, investigation and punishment. Despite the Government's efforts, kidnappings by gangs increased, affecting all social sectors. There were further lynchings of alleged criminals, and social conflicts linked to agrarian issues and labour rights persisted.

MINUGUA acceded to the authorities' request that it use its good offices to secure a peaceful resolution of such conflicts. The parties fulfilled the commitments made in March to end offensive military action and counter-insurgency operations, with the result that there were no deaths in combat. Nevertheless, URNG propaganda activities, including the holding of political rallies at which some participants were armed, were challenged by some sectors, which criticized the Government for tolerating such actions. At the end of the reporting period, armed groups of ordinary criminals emerged, masquerading as guerrillas, who committed robberies, armed assaults and acts of extortion on farms on the southern coast, which prompted the Government to authorize the deployment of troops to reinforce civilian security forces in the area.

The public debate over human rights centred on the search for a delicate balance between the demands of peace, truth, justice and national reconciliation, with a view to influencing the agreement on the legal integration of URNG, which was signed on 12 December and ratified by Congress as the National Reconciliation Act. A number of human rights groups, led by the Alliance against Impunity, criticized the Act, fearing it would become a general amnesty for human rights violators. In that connection, MINUGUA underscored the importance of excluding from the extinction of liability violations which took place outside the framework of the internal armed conflict.

The independent expert of the UN Commission on Human Rights visited Guatemala in November and drew attention to weaknesses in the justice system and public security, as well as to the need to find lasting solutions to problems affecting economic and social rights. (For details of action by the Commission and its Subcommittee, see PART TWO, Chapter I.)

During the second half of the year, the number of complaints admitted and violations verified declined by comparison to the first half and concerned for the most part the right to due process. Due to the gradual cessation of the armed conflict, the number of cases of impunity and violations of the rights to life, integrity and security of person declined, as well as violations attributable to the armed forces. There were no substantiated cases of enforced disappearances and the number of such complaints declined appreciably, leading the Mission to conclude that the practice was no longer occurring. Efforts were being made, with government assistance, albeit in a limited number of cases, to find the remains of past victims. Congress adopted protective measures for members of the judiciary at the end of

August. In the labour sphere, the most important was the implementation of the new rules for the recognition of legal personality and the approval of statutes and registration of trade unions, which fulfilled Guatemala's obligations with regard to ILO Convention No. 87.

Progress was also reported in the strengthening of institutions for the protection of human rights. Under the leadership of the new Attorney-General, a more rational administration of the human, material and technical resources in the Public Prosecutor's Office took place. The Public Defender's Office broadened its activities and extended its coverage. An information and an anti-riot unit were created within the National Police. The Office of the Counsel for Human Rights had begun to set up the department for investigating individual human rights violations, and COPREDEH, under its new chairmanship, had significantly improved its capacity to deal with complaints of rights violations and ensure prompt response from the authorities.

The demobilization and disarming of the CVDCs concluded in December. While MINUGUA had no mandate to verify the process, its field presence allowed it to conclude that that was a most significant development. The purification of the National Police continued. Between July and October, 134 police officers faced legal actions for various criminal acts. The recruitment and training of new police officers improved and the Criminal Investigation Department underwent some reorganization. On 21 August, Congress approved a decree prohibiting the bearing of firearms by persons under 25 years of age. The suspension of compulsory military conscription continued, while consultations were held on a new law governing military service.

NGOs and entities working for the protection of human rights had begun to play a more visible role, while COPREDEH was following up on cases of threats reported by human rights organizations. In the course of the year, several legislative initiatives were designed to provide comprehensive assistance to victims of violations and their relatives, and a compensation bill was before the Congressional Human Rights Commission. Other significant legislative developments included the adoption of the Code on Children and Youth and the Act on the Prevention, Punishment and Eradication of Domestic Violence.

In 1996, over 4,000 refugees returned to Guatemala. Total voluntary repatriation to date involved more than 34,000 people, with another 32,500 refugees remaining in Mexico. Progress was made in reincorporating into national life the so-called communities of populations in re-

sistance, assisting them in resettlement and access of land and with support for socio-economic development programmes.

The Government set in motion an extensive campaign, with assistance from MINUGUA, to publicize the Agreement on Identity and Rights of Indigenous Peoples. The judiciary showed greater interest in and provided financial support for the training of court translators. Representatives of the Maya, Xinka and Garifuna organizations laid the foundation for their role in implementing the Agreement by establishing working committees to prepare for the reforms envisaged.

Nevertheless, the Mission observed, the enjoyment of human rights by the population as a whole was still precarious, and government efforts against crime and impunity had achieved only partial results, as the persistence of widespread criminal violence continued to cause a serious lack of public safety and distrust in the institutions responsible for the rule of law. Further progress was being hampered by the continuing weaknesses in the institutions responsible for preventing, investigating, trying and punishing serious crimes and rights violations, a large proportion of which had been impossible to clarify. In addition, there was an alarming proliferation of firearms in the hands of private individuals, as well as recourse to violence, failure to abide by the law in resolving private conflicts and discrimination against indigenous groups.

Overcoming those problems required a major effort to comply with all the agreements signed and the State should be fully committed to that, with the backing of civil society and the support of the international community, MINUGUA believed. The Mission wished to contribute by focusing on those aspects of the peace agreements with which it was most familiar. Now that the peace agreements had been signed, judges and magistrates would have to apply the National Reconciliation Act in accordance with its meaning and its aim of achieving reconciliation without impunity. Impeccable professional conduct on the part of those involved in running the justice system would be essential; MINUGUA offered its technical cooperation in that connection. Effective coordination between the National Police, the Public Prosecutor's Office and the judiciary was essential for improving the State's performance in guaranteeing public safety and fighting crime.

The Mission put forward a number of recommendations to bring about the necessary changes in the administration of justice; transform the National Police into an effective public service institution; limit and control the use of weapons;

and enact legislation for human rights protection. It appealed to the authorities to ensure that capital punishment was carried out only after a trial whose outcome left no room for doubt, and expressed the hope that the armed forces would increase their cooperation in clarifying and punishing crimes and rights violations in which some of their members might be implicated. It called for legislative advances so that the right to freedom of association could not be obstructed and for the broadest possible participation of indigenous peoples in preparing for the reforms envisaged in the Agreement on Identity and Rights of Indigenous Peoples. Lastly, the Mission saw an urgent need for the State to set in motion the conflict resolution mechanisms referred to in the peace agreements, particularly those related to land disputes, and recommended that the Government assign the necessary resources to plan the incorporation of human rights issues into the educational system.

### Nicaragua

In a 2 August 1996 report [A/51/263] on international assistance for the rehabilitation and reconstruction of Nicaragua (see PART THREE, Chapter III), the Secretary-General noted that general elections scheduled for October should mark the final consolidation of democracy and national reconciliation in that country, which had to overcome many obstacles, such as the disbanding of armed groups, constitutional disputes and property issues. The economic situation was characterized by price stability, although stabilization continued to depend on external assistance. The Consultative Group of donors for Nicaragua, meeting in June in Washington, D.C., reaffirmed its support for the transition process with commitments of \$600 million for 1996 and \$1.8 billion for 1995-1997, intended to relieve Nicaragua's balance-of-payments deficit.

The consolidation of peace and democracy was reflected in the sharp reduction of political violence, the high level of public freedom, the increasingly independent functioning of the branches of Government, the strengthening of local authorities, and the reduction and conversion of armed forces. At the same time, although the vast majority of Nicaraguans continued to support political democracy, public confidence in political institutions was not yet sufficient to guarantee stability, due to the lack of substantive improvement in the standard of living. Despite resumed economic growth and macroeconomic balance, underemployment remained high, creating an additional difficulty in reintegrating demobilized former combatants.

The Secretary-General concluded that the forthcoming elections should be used to generate a national debate and achieve consensus on a long-term development strategy, essential for consolidating democracy. The international community could stimulate that debate and ensure that it was not limited by conditions established for the provision of international assistance.

The General Assembly, in **resolution 51/197** of 17 December (see above, in section on "Central America"), welcomed the peaceful electoral process in Nicaragua on 20 October as a further step towards strengthening democracy, peace, development and reconstruction. It recognized the achievements by the Nicaraguan people and by the Government in consolidating peace, democracy and reconciliation, as well as the importance of political, economic and social consultation among all sectors of the country, so as to continue with its reconstruction. The Assembly expressed appreciation of the work of the support group for Nicaragua—Canada, Mexico, the Netherlands, Spain and Sweden—which, under the coordination of the Secretary-General, was playing an active role in supporting the country's efforts towards economic recovery and social development.

### Haiti

During the year, the international community intensified its efforts to help the Government of Haiti successfully complete its transition to democracy. The United Nations Mission in Haiti (UNMIH), established in 1993 [YUN 1993, p. 3491, was succeeded on 1 July by the United Nations Support Mission in Haiti (UNSMIH), which, together with the joint United Nations/Organization of American States International Civilian Mission to Haiti (MICIVIH), contributed to a secure and stable environment conducive to the success of those efforts. During the year, the military component of UNMIH continued to carry out patrols, escort humanitarian relief convoys and provide security support for Haitian authorities in the areas of law and order. UNMIH engineers undertook development projects to benefit the local population. The training and monitoring of the Haitian National Police (HNP), including the organization of its managerial components, remained the priority task of the civilian police (CIVPOL) component of the Mission.

Haitian President René Préval, who succeeded Jean-Bertrand Aristide on 7 February 1996, fol-

lowing December 1995 elections [YUN 1995, p. 440], requested an extension of the mandate of UNMIH so that a gradual withdrawal might take place later. The Security Council extended the Mission with a reduced military component until 30 June. As of 1 July, the United Nations Support Mission in Haiti was established, with a mandate expiring on 30 November, to assist the Government in the professionalization of the police. The Council expressed support for the role of the Special Representative of the Secretary-General in the coordination of UN activities aimed at promoting institution-building, national reconciliation and economic rehabilitation. On 29 November (**resolution 1085(1996)**), the UNSMIH mandate was extended for an additional five days to permit the conclusion of discussions on its extension, which was subsequently authorized until 31 May 1997.

Enrique ter Horst (Venezuela) in March replaced Lakhdar Brahimi (Algeria) as the Special Representative of the Secretary-General for Haiti. Brigadier-General J. R. P. Daigle of Canada succeeded Major-General Joseph Kinzer of the United States as Commander of the military component of UNMIH.

In the context of reviewing the situation of democracy and human rights in Haiti, the General Assembly, in April, August and December, extended UN participation in MICIVIH.

On 23 July, the Economic and Social Council, acting on a recommendation of the Commission on Human Rights, adopted **decision 1996/269**, by which it requested the independent expert on human rights in Haiti to report to the Commission at its fifty-third session on the human rights situation and on the initiation of the technical cooperation programme in the area of human rights.

(See also PART TWO, Chapter III, for the human rights situation in Haiti, and PART THREE, Chapter III, for economic assistance to Haiti.)

### United Nations Mission in Haiti

**Report of Secretary-General (February).** In a 14 February report [S/1996/112] on the UN Mission in Haiti (UNMIH) covering developments since November 1995, the Secretary-General noted that the overall security situation had improved as a result of the continued efforts of UNMIH and the more active role played by the Haitian public security forces. UNMIH had enjoyed the support and respect of the overwhelming majority of the Haitian people, although small groups on both the left and the right of the political spectrum had expressed some opposition to its presence.

As instituted by the Security Council, UNMIH assisted in creating a new police force. The Secretary-General reported that, by 29 February 1996, more than 3,600 Haitian National Police (HNP) officers had been deployed, of a planned force of 5,000 [YUN 1995, p. 449]. Following the gradual demobilization of most members of the Interim Public Security Force, which had originated in the disbanded Armed Forces of Haiti, the Interim Force was abolished by presidential decree on 6 December 1995. By the end of February 1996, the security forces should comprise about 6,500 personnel, the Secretary-General said.

The Haitian police officers were a visible presence on the roads and in various communities, but they were inexperienced and lacked proper infrastructure and commitment and needed further training, according to the Secretary-General. Of most serious concern was the absence of competent senior officers and overall leadership, which affected the discipline of HNP. The impact of inadequate experience and leadership could be seen from instances of unwarranted or disproportionate force, which often resulted in incidents that could have been avoided, undermining the authority of and respect for HNP. There was agreement between senior management of HNP and UNMIH monitors that guidance from experts and seasoned policemen was necessary, as were more resources to meet the basic and infrastructural requirements of HNP. The Secretary-General appealed to Member States to contribute generously in order to enhance the capabilities of HNP to meet future challenges.

Owing to a lack of infrastructure and equipment, the situation of the national penitentiary system remained critical. There had been a sharp increase in the prison population, with the total number of inmates reaching 2,300 in the country's 18 prisons. The Ministry of Justice was coordinating efforts to improve unnecessary arrests and accelerate the processing of prisoner files. Programmes were planned to train penitentiary and judicial personnel, and to rehabilitate and construct court houses.

Activities aimed at strengthening the renewed democratic institutions in Haiti had also been launched. The United Nations Development Programme (UNDP) assisted the Interior Ministry in organizing a seminar for newly elected mayors and, working with the United States Agency for International Development (USAID) and the Inter-Parliamentary Union, provided assistance to the Haitian authorities to strengthen the Parliament.

As for the economic situation, the improved conditions that were obtained towards the end of

1995, including lower inflation, stable foreign exchange, increasing investments and lower unemployment, had largely halted, mainly as a result of uncertainty of economic policies, including privatization measures. A team from the Bretton Woods institutions, the Inter-American Development Bank and the European Union held discussions with Haitian authorities in January 1996, and further talks on a new structural adjustment package were expected when a new Government took power.

The Secretary-General considered the continuation of development cooperation efforts to be critical in maintaining the pace of the Haitian economy, and reported that external assistance available for the remainder of the decade had reached \$1.7 billion. External resources were several times the annual gross domestic investment in infrastructure, the Secretary-General said, which attested to the critical need for increased absorption capacity.

#### **Transfer of responsibilities**

In his February report [S/1996/112], the Secretary-General also described certain achievements of UNMIH and measures taken towards the transfer of its responsibilities to the Government of Haiti. Since taking over the functions of the multinational force on 31 March 1995 [YUN 1995, p. 444], he said UNMIH had assisted Haiti in sustaining a secure and stable environment and protecting international personnel and key installations. It also had helped to organize free legislative, local and presidential elections and provide on-the-job training to new HNP officers. Since January, CIVPOL staff had concentrated on developing a cadre of competent supervisors, in the field and at the administrative level. CIVPOL officers with expertise in the fields of finance, computers, personnel, logistics and communications were being identified as candidates for secondment to HNP Headquarters.

UNMIH also provided security to humanitarian convoys, airports, seaports, storage locations and UN installations. With financial assistance from bilateral and multilateral donors, it helped stimulate small development projects. Some 1,000 such projects, including training courses on disaster prevention and relief, helped to improve conditions in rural communities, thus creating goodwill for UNMIH contingents. Responsibility for projects, most of which were expected to be finished by 15 February, was to be transferred to local communities, governmental organizations and NGOs.

The Secretary-General stated that, mindful of the need for economy, UNMIH staff was being reduced to some 400 civilian staff and 4,100 combat

personnel by 29 February. On the military side, the concept developed for force reductions envisaged a gradual vacating of outlying areas, starting with the least troublesome operational sectors, and culminating in reduced force levels in Port-au-Prince and Cap-Haïtien. Primary base camps were to be closed once the last contingents had departed from a particular sector.

UNMIH had paid special attention to a smooth and orderly transfer to the Government of responsibilities and functions it had been carrying out on the Government's behalf. Joint working groups established by the Trilateral Commission in Port-au-Prince in November 1995 [YUN 1995, p. 450] continued to deal with a number of transition issues: disarmament; information; justice; prisons and human rights; presidential security; election security; airports, seaports and coast guards; fire-fighting and urban disorders; and traffic. The functioning of the Presidential Security Unit, the National Presidential and Residence Guard and HNP was reported to be progressing well. A 156-man Haitian police riot control team was being trained by France and the International Criminal Investigative Training Assistance Programme (ICITAP) of the United States Justice Department. The transition of overall responsibility for the Port-au-Prince international airport had begun, and transfer of responsibility for the exterior security of the seaport was to be completed by 21 February, the report stated. In addition, the Haitian Government, with Canadian and United States support, was in the process of setting up a new coast guard.

The Secretary-General believed that the new Government would have to take a number of difficult decisions to energize the economy and attract domestic and foreign investments, and that the security climate would have to be judged to be satisfactory and stable by prospective investors for those efforts to succeed. Economic hardships on the Haitian people had resulted in a growing number of public demonstrations. Although there was no indication of an organized threat against the Government, concern had been raised that growing popular discontent could be used by disgruntled groups to foment trouble, especially after the departure of UNMIH. The large amount of available financial and technical assistance provided the new Government with an opportunity to foster economic and social progress, and some confidence in the country's stability had been restored as a result of the presidential elections. However, the direction of social and economic policies would remain the key determinant of private investment and improved living conditions. In that context, swift policy decisions and improved administrative manage-

ment would be critical to mobilize private resources and put available foreign aid to meaningful use.

During a transition to a smaller military component of UNMIH, the United States was to withdraw all military personnel by 15 March, leaving 320 support personnel until 15 April to close the base camps. Military components of UNMIH would then be provided by Argentina, Bangladesh, Canada and Pakistan. Algeria, Benin, Canada, Djibouti, France, Mali, Togo, the Netherlands and the Russian Federation indicated that they would be prepared to contribute to the Mission's reduced civilian police component.

Stressing in his concluding observations that the Haitian people still faced formidable challenges and that it was ultimately they themselves who were in charge of their present and responsible for their future, the Secretary-General considered it essential that the continued commitment of the international community be matched with a renewed commitment by the Haitian people, regardless of their differences, as well as by their political and civic leaders and their Government.

#### SECURITY COUNCIL ACTION (February)

On 29 February, the Security Council adopted **resolution 1048(1996)**.

The Security Council,

Recalling the provisions of its resolutions 841(1993) of 16 June 1993, 861(1993) of 27 August 1993, 862(1993) of 31 August 1993, 867(1993) of 23 September 1993, 873(1993) of 13 October 1993, 875(1993) of 16 October 1993, 905(1994) of 23 March 1994, 917(1994) of 6 May 1994, 933(1994) of 30 June 1994, 940(1994) of 31 July 1994, 944(1994) of 29 September 1994, 948(1994) of 15 October 1994, 975(1995) of 7 February 1995 and 1007(1995) of 31 July 1995,

Recalling also the resolutions adopted by the United Nations General Assembly on Haiti,

Recalling also the terms of the Governors Island Agreement and the related Pact of New York,

Having considered the report of the Secretary-General of 14 February 1996 and noting the recommendations contained therein,

Taking note of the letters of 9 February 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Underlining the importance of the peaceful transfer of power to the new democratically elected President of Haiti,

Welcoming and supporting the efforts of the Organization of American States to promote in cooperation with the United Nations consolidation of peace and democracy in Haiti,

Stressing the need to ensure that the Government of Haiti will be able to maintain the secure and stable environment established by the Multinational Force in Haiti (MNF) and maintained with the assistance of the United Nations Mission in Haiti (UNMIH), and in this

context welcoming progress to establish a fully functioning Haitian National Police and to revitalize Haiti's system of justice,

Recognizing the link between peace and development and that a sustained commitment by the international community to assist and support the economic, social and institutional development of Haiti is indispensable for long-term peace and stability in the country,

Commending the efforts of the Secretary-General and his Special Representative, the contribution of UNMIH and the International Civilian Mission (MICIVIH) in support of the Haitian people's quest for stability, national reconciliation, lasting democracy, constitutional order and economic prosperity,

Acknowledging the contribution of the international financial institutions, including the Inter-American Development Bank, and the importance of their continued involvement in the development of Haiti,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment and reconstruction of their country,

1. Welcomes the democratic election of a new President in Haiti and the peaceful transfer of power from one democratically elected President to another on 7 February 1996;

2. Expresses appreciation to all Member States which have contributed to UNMIH;

3. Welcomes the report of the Secretary-General of 14 February 1996 and notes his recommendations for continued United Nations assistance to the democratically elected Government of Haiti;

4. Reaffirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure to the consolidation of peace, stability and democracy and revitalization of Haiti's system of justice;

5. Decides, in accordance with the recommendations of the Secretary-General's report of 14 February 1996, that for the purpose of assisting the democratic Government of Haiti in fulfilling its responsibilities to (a) sustain by UNMIH's presence the secure and stable environment which has been established, and (b) professionalize the Haitian National Police, the mandate of UNMIH is extended for the final period of four months, for the purposes set out in paragraphs 47, 48 and 49 of the report;

6. Decides to decrease the troop level of UNMIH to no more than 1,200;

7. Decides to reduce the current level of civilian police personnel to no more than 300;

8. Requests the Secretary-General to consider and implement, as appropriate, steps for further reduction of the strength of UNMIH consistent with the implementation of this mandate;

9. Requests further the Secretary-General to initiate planning not later than 1 June 1996 for the complete withdrawal of UNMIH;

10. Requests the Secretary-General to report on the implementation of this resolution by 15 June 1996 including information on activities by the United Nations system as a whole to promote the development of Haiti;

11. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other rele-

vant resolutions in order to carry out the provisions of the mandate as set out in paragraph 5 above;

12. Reiterates the commitment of the international community and international financial institutions to assist and support the economic, social and institutional development of Haiti and stresses its importance for sustaining a secure and stable environment in Haiti;

13. Appeals to Member States to make voluntary contributions to the trust fund established in resolution 975(1995) for the support of the Haitian National Police, to ensure that the police are adequately trained and fully operational, which is essential for the implementation of the mandate;

14. Decides to remain actively seized of the matter.

Security Council resolution 1048(1996)  
29 February 1996 Meeting 3638 Adopted unanimously

7-nation draft (S/1996/136).

Sponsors: Argentina, Canada, Chile, France, Honduras, United States, Venezuela.

**Report of Secretary-General (June).** On 5 June, the Secretary General provided an update [S/1996/416] to the Security Council on the activities of the UN system to promote the development of Haiti. Recommendations were made on the future role of the United Nations in Haiti after the expiration of UNMIH's mandate at the end of the month.

The Secretary-General said that a number of obstacles were hampering the proper functioning of the new democratic institutions in Haiti, among them the lack of qualified staff, adequate premises and equipment, as well as the absence of consensus, even within the ruling party, on major issues such as economic reform. However, government initiatives were unfolding in an environment which, in spite of certain worrisome trends, remained generally stable and secure, thanks in great part to the presence of UNMIH.

Although President Préval had taken steps to address fundamental problems, including weak governmental institutions, economic inefficiency and corruption, increasing demands for social services and infrastructure, plus heightened expectations resulting from the elections, led to frequent demonstrations in Port-au-Prince and throughout the country, increasing the potential for violence. Deep apprehension persisted that associates of the de facto regime could foment unrest by capitalizing on the public's frustration. UNMIH's diminished presence had led to growing concerns in that regard in certain sectors of the society and many feared that elements of the former military and militia forces might again threaten the consolidation of democracy following the Mission's planned departure three months after the expiration of its current mandate (by 30 September).

The Secretary-General also reported that during March and April the force headquarters staff had been reduced to a third of its original strength, and with an almost total rotation of the military contingents. Boundaries of the operational zones of the Mission had been redrawn, with a permanent military presence established only in Port-au-Prince and Cap-Haïtien. The remainder of the country was divided into four "response zones", in the Northwest, in the Artibonite region, on l'Île de la Gonâve and in the South. Nevertheless, a visible presence was maintained throughout the country, including in the capital, by means of periodic patrols.

UNMIH military components continued to assist in providing security for Haitian President Préval and former President Aristide, as well as for key installations, including the international airport and seaport. CIVPOL continued to train Haitian police, which by late February numbered nearly 6,000. Challenges to the police were constant and considerable. Five officers had died during attacks against HNP personnel, affecting police morale. HNP continued to suffer from the absence of an effective senior officer corps, as well as a lack of adequate equipment and appropriate operating procedures. To overcome the serious shortage in HNP leadership, accelerated training courses were launched. UNMIH helped prepare a long-range work programme to promote the institutional development of HNP in four major areas: training, infrastructure and logistics, management and operations.

Fundamental reforms and professionalization of the justice system were considered necessary for the new police force to operate effectively. Following a meeting of representatives of the international community, a three-day seminar was held on the reform of the judicial system, covering the internal management of the Justice Ministry, judicial and legal reforms, human rights, police and the prison system.

The Secretary-General characterized the economic situation in Haiti as extremely difficult owing to low growth and high inflation and unemployment. While economic reforms had met some resistance, taxes and import duties were being collected more aggressively, and an economic reform programme, which included the privatization of many State-owned enterprises, was being drawn up with help from the World Bank and the International Monetary Fund (IMF), the Inter-American Development Bank and the European Union. The Secretary-General believed that resourceful and determined policies would be needed to secure steady and non-inflationary economic growth. Funds committed by bilateral and multilateral donors, previously

reported at more than \$1 billion, had not been fully utilized and remained at well above that figure, but were earmarked exclusively for development programmes rather than for emergency measures.

UN agencies sought to accelerate economic growth while protecting the environment and ensuring basic social services for the population, the Secretary-General reported. Disbursements by UN agencies were projected at \$118 million in 1996 and \$155 million in 1997. Of those, the World Bank would disburse almost \$67 million in 1996 and \$80.5 million in 1997 in support of private sector development, water supply, transportation, energy, forest protection, basic social services and balance of payments. IMF was supporting a programme of macroeconomic stabilization and structural reform with \$18 million in fiscal year 1995-1996 and \$36 million in fiscal year 1996-1997.

UNDP—including its Capital Development Fund—would allocate about \$30 million in 1996-1997 for governance activities, modernization programmes, economic growth, poverty alleviation and protection of the environment. The World Food Programme (WFP) would disburse almost \$5 million in 1996 and \$6.5 million in 1997, mostly for rural development projects and food for schoolchildren. UNICEF was to spend close to \$15 million in 1996-1997 on vaccination and nutrition programmes for children, the development and improvement of potable water systems, primary education, community organization and leadership training for women. The Food and Agriculture Organization of the United Nations (FAO) was to focus on institution-building efforts in the agricultural sector, revitalizing production and improving the seed pool. Together with the International Fund for Agricultural Development, FAO would allocate \$1.6 million to agricultural development in 1996 and \$5 million in 1997.

The World Health Organization (WHO) and the Pan American Health Organization (PAHO) were to provide \$2.3 million in each of the next fiscal years for improving the health of Haitians and the quality of services available to them. The two organizations would target maternal and child health, control of infectious diseases, provision of drinking water and basic sanitation, distribution of fundamental medicines and epidemiological tracking and surveillance. The United Nations Population Fund (UNFPA), with \$2.1 million in 1996 and \$2.5 million in 1997, would continue supporting improvements in reproductive health, family planning and the special needs of women and adolescents. The United Nations Educational, Scientific and Cultural Organization (UNESCO) was to focus on lit-

eracy programmes, the formulation and implementation of a National Plan for Educational Development and the protection of Haiti's historical and cultural patrimony. This wide array of projects was expected to result in joint initiatives among the various agencies, international financial institutions and key multilateral and bilateral donors, with UNDP as coordinator.

A list of projects was submitted to the Prime Minister covering infrastructure, health, irrigation, drinking water, and renovation of schools, clinics and courthouses; some \$400 million in financing had already been secured. The Secretary-General reaffirmed the long-term commitment of the United Nations to promoting development in Haiti; he believed that the formulation among Haitians of a shared vision of the country's future would provide a very useful framework for international support.

In conclusion, the Secretary-General observed that, for the first time in its history, Haiti had the foundation for a professional police force committed to the rule of law and respect for the human rights and dignity of all citizens. However, the memories of the distressing circumstances imposed by the former military rulers lingered in the minds of most Haitians, who feared that the ill-equipped and inexperienced police force alone might not be able to protect them from a potential resurgence of sympathizers of military rule and former militia members, Haitians also suspected that those groups might have retained a capacity to destabilize the country's emerging institutions. Withdrawal of international support could jeopardize the objective of completing the creation of the new civilian police force and ensuring the security needed to advance development and consolidate democracy.

President Préval, with the proposed reforms, had set Haiti on a course towards economic recovery, but a peaceful environment had to remain to guarantee success. Nationwide elections for local assemblies and the Haitian Senate were forthcoming, and continued support to HNP by UN military and police personnel would help ensure that they proceeded smoothly.

At a meeting on 22 April, chaired by the President, the Secretary of State for Public Security expressed concern that HNP was not currently in a position to maintain a secure and stable environment on its own. The Minister for Foreign Affairs expressed the Government's view that continued support by the international community was necessary to consolidate the institutional development of HNP and that an extension of UNMIH until 31 December would be desirable. By a letter dated 31 May [S/1996/431], the President requested the continued presence of an interna-

tional force for an additional period of six months; that proposal was echoed in a resolution [A/51/164-S/1996/432] adopted by the Organization of American States (OAS) on 6 June, calling for the international presence in Haiti to be maintained.

The Secretary-General and his Special Representative shared the view that the presence and assistance of the international community continued to be necessary to support HNP and consolidate the progress attained. Complete withdrawal of the international military and civilian police presence could jeopardize the successes already achieved, the Secretary-General warned. Mindful of the Security Council's decision that the mandate of UNMIH ending on 30 June was to be the last, he recommended that a new Mission—to be known as the United Nations Support Mission in Haiti (UNSMIH)—be established for a period of six months, with the following mandate: to assist the Haitian authorities in the professionalization of HNP; assist in maintaining a secure and stable environment conducive to the success of the current efforts; and coordinate activities of the UN system to promote institution-building, national reconciliation and economic rehabilitation. UNSMIH would include military and civilian police elements, the former at an initial strength of 1,200 personnel, later to be reduced to 1,000, while a strength of 300 was recommended for CIVPOL.

In an addendum to his report, the Secretary-General estimated the cost for the operation of UNSMIH at \$37.1 million for six months [S/1996/416/Add.1]. That figure was later revised [S/1996/416/Add.1/Rev.1] downward to \$29.7 million, for 600 military and 300 CIVPOL personnel for the five-month period from 1 July to 30 November.

#### SECURITY COUNCIL ACTION

On 28 June, the Security Council adopted **resolution 1063(1996)**.

##### **Establishment of UN Support Mission in Haiti**

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 31 May 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Underlining the need to support the commitment of the Government of Haiti to maintain the secure and stable environment established by the Multinational Force in Haiti (MNF) and extended with the assistance of the United Nations Mission in Haiti (UNMIH),

Welcoming the report of the Secretary-General of 5 June 1996,

Commending the role of UNMIH in assisting the Government of Haiti in fulfilling its responsibilities (a) to

sustain the secure and stable environment which has been established, and (b) to professionalize the Haitian National Police, and expressing appreciation to all Member States which have contributed to UNMIH,

Noting the termination in accordance with resolution 1048(1996) of the mandate of UNMIH as of 30 June 1996,

Noting the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming progress to establish the Haitian National Police,

Welcoming and supporting the efforts of the Organization of American States (OAS) in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission to Haiti (MICIVIH), to promote consolidation of peace and democracy in Haiti,

Taking note of the resolution on the international presence in Haiti adopted at the seventh plenary session of the twenty-sixth regular session of the OAS which, inter alia, encourages the international community to sustain the same level of commitment it demonstrated during the years of crisis, and recommends that, at the request of the Haitian Government, the community maintain a strong presence in Haiti and extend its full support for strengthening the national police force and consolidating the stable and democratic environment necessary for economic growth and development, and inviting the further participation of the OAS,

Recognizing the link between peace and development and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

Welcoming the continued progress towards consolidation of democracy by the people of Haiti since the historic peaceful transfer of power from one democratically elected President to another on 7 February 1996,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice;

2. Decides to establish the United Nations Support Mission in Haiti (UNSMIH) until 30 November 1996 in order to assist the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and supports the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti;

3. Decides that UNSMIH initially will be composed of 300 civilian police personnel and 600 troops;

4. Welcomes the assurance that the Secretary-General will be alert to further opportunities to reduce the strength of the mission so it can implement its tasks at the lowest possible cost;

5. Recognizes that major tasks facing the Haitian Government and people include economic rehabilitation and reconstruction and stresses the importance that the Government of Haiti and the international financial institutions agree as soon as possible on the steps necessary to enable the provision of additional financial support;

6. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. Further requests all States to make voluntary contributions to the trust fund established in resolution 975(1995) for the support of the Haitian National Police, to ensure that the police are adequately trained and fully operational;

8. Requests the Secretary-General to report to the Council on the implementation of this resolution, including prospects for further reductions in the strength of the mission, by 30 September 1996;

9. Decides to remain seized of the matter.

Security Council resolution 1063(1996)

28 June 1996 Meeting 3676 Adopted unanimously  
Draft prepared in consultations among Council members (S/1996/478).

By a letter of 30 July [S/1996/618], the Secretary-General, having conducted the customary consultations, proposed that the military component of UNSMIH be made up of contingents from Bangladesh, Canada, Pakistan, and Trinidad and Tobago and that Algeria, Canada, Djibouti, France, India, Mali, the Russian Federation and Togo contribute to the Mission's police component. By a letter of 2 August [S/1996/619], the President of the Security Council expressed the Council's agreement with the Secretary-General's proposals. On 1 November [S/1996/911], the Secretary-General proposed that the United States be added to the list of Member States contributing to the UNSMIH police component. The Council's agreement was conveyed to him by a letter dated 5 November [S/1996/912].

#### Financing UNMIH

**Reports of Secretary-General (March) and ACABQ (May).** On 18 March, the Secretary-General, reporting on the financing of UNMIH [A/50/363/Add.2 & Corr.1], presented a proposed budget for the final extension period of the Mission from 1 March to 30 June 1996 and for liquidation of UNMIH over a seven-month period after that. For the four months ending 30 June, the budget of UNMIH was \$45,799,000 gross

(\$44,833,400 net), for a reduced troop strength of 1,200 contingent personnel and 300 CIVPOL monitors, supported by 364 civilian staff made up of 162 international and 184 local staff, as well as 18 UN Volunteers (UNVs). The budget also provided for the repatriation of 2,659 troops. For the liquidation period up to 31 January 1997, the budget was \$15,620,500 gross (\$15,162,900 net), providing for the repatriation of the remaining troops and CIVPOL, as well as for the closing of base camps and the closing down of UNMIH.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in a 3 May report [A/50/488/Add.2], recommended certain reductions for the period from 1 March to 30 June. According to the Advisory Committee, an appropriation of \$45,314,000 gross (\$44,348,400 net) was required, inclusive of \$30 million gross (\$28.5 million net) already authorized by the General Assembly in resolution 50/90 A of 19 December 1995 [YUN 1995, p. 454]. An additional amount of \$25,314,000 gross (\$24,348,400 net) was to be assessed for the same time period, taking into account the \$20 million gross (\$19 million net) already assessed on Member States under the same resolution. For the liquidation period, ACABQ recommended the appropriation of \$15,520,000 gross (\$15,062,900 net).

#### GENERAL ASSEMBLY ACTION (June)

On 7 June, the General Assembly adopted **resolution 50/90 B**.

#### Financing of the United Nations Mission in Haiti

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in Haiti and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1048(1996) of 29 February 1996, in which the Council extended the mandate of the Mission for a final period of four months, to 30 June 1996, and requested the Secretary-General to initiate planning not later than 1 June 1996 for the complete withdrawal of the Mission, as well as all previous Security Council resolutions on the Mission,

Recalling also its decision 48/477 of 23 December 1993 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/90 A of 19 December 1995,

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

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

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economi-

cally less developed countries have a relatively limited capacity to contribute towards such an operation.

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

Noting with appreciation that voluntary contributions have been made to the Mission by certain Governments,

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

1. Takes note of the status of contributions to the United Nations Mission in Haiti as at 21 May 1996, including the contributions outstanding in the amount of 74.7 million United States dollars, representing 23 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 April 1996, notes that some 18 per cent of the Member States have paid their assessed contributions in full; and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

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

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

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

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

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

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

8. Decides to appropriate to the Special Account for the United Nations Mission in Haiti the amount of 45,314,000 dollars gross (44,348,400 dollars net) for the period from 1 March to 30 June 1996, inclusive of the amount of 30 million dollars gross (28.5 million dollars net) authorized by the General Assembly in its resolution 50/90 A for the period from 1 March to 31 May 1996;

9. Decides also, as an ad hoc arrangement, and taking into account the amount of 20 million dollars gross (19 million dollars net) already apportioned in accordance with General Assembly resolution 50/90 A, to apportion the additional amount of 25,314,000 dollars gross (25,348,400 dollars net) for the period from 1 March to 30 June 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution

43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, the apportionment among Member States, as provided for in paragraph 9 above, shall take into consideration the decrease in their respective share in the Tax Equalization Fund of the estimated staff assessment income of 34,400 dollars approved for the Mission for the period from 1 March to 30 June 1996;

11. Decides to appropriate the amount of 15,897,900 dollars gross (15,440,300 dollars net) for the liquidation of the Mission for the period beginning 1 July 1996, inclusive of the amount of 377,400 dollars for the support account for peacekeeping operations, to be apportioned among Member States in accordance with the scheme set out in paragraph 9 above;

12. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 457,600 dollars approved for the Mission for the period beginning 1 July 1996;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

14. Decides to include in the provisional agenda of its fifty-first session the item entitled "Financing of the United Nations Mission in Haiti".

#### ANNEX

##### **Special arrangements with regard to the application of article IV of the financial regulations of the United Nations**

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Mission in Haiti until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received, shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

General Assembly resolution 50/90 B

7 June 1996 Meeting 120 Adopted without vote

Approved by the Fifth Committee (A/50/705/Add.3) without vote, 3 June (meeting 64, resumed); draft by Chairman (A/C.5/50/L.53), based on informal consultations; agenda item 133.

Meeting numbers. GA 50th session: 5th Committee 8, U, 59, 64 resumed; plenary 120.

**Reports of Secretary-General (August) and ACABQ (October).** On 12 August, the Secretary-General submitted a financial performance report [A/50/363/Add.3] of UNMIH for the period from 1 August 1995 to 29 February 1996. Expenditures for that period amounted to \$134,621,400 gross (\$132,965,300 net), while appropriations totalled \$152,011,500 gross (\$149,680,400 net), resulting in an unencumbered balance of \$17,390,100 gross (\$16,715,100 net). The savings had been realized under such items as military and civilian personnel costs, premises and accommodation, infrastructure, transport and air operations, communications and other equipment, following the downsizing of the Mission beginning in late November 1995 as a consequence of the substantial progress made towards achieving its goals and its objective of reducing operating costs.

In an addendum of 30 August [A/50/363/Add.4], the Secretary-General presented revised cost estimates for the liquidation of UNMIH, reduced to \$1,469,900 gross (\$1,455,100 net) from the appropriation of \$15,897,900 gross (\$15,440,300 net) authorized by the Assembly earlier in June. The substantial reduction was due to the fact that the existing UNMIH civilian personnel and some of the military contingents remained in the Mission area to form UNSMIH, and the concurrence of ACABQ had been obtained to utilize part of the appropriation for the liquidation of UNMIH for the establishment and operation of UNSMIH.

Commenting on the financial performance report, the Advisory Committee, in a 2 October report [A/51/444], noted that savings of \$2,189,300 reported under premises accommodations were overstated, as maintenance services budgeted under premises/accommodations had been charged to miscellaneous services under logistics support contracts. ACABQ expressed concern that the actual costs for logistical support were \$13,717,225, resulting in an overexpenditure of \$6,710,700. It also noted with concern the overexpenditure incurred using the letter of assist arrangement.

With regard to the costs for liquidating UNMIH, the Advisory Committee said that pending

formal submission of the Secretary-General's report on the financing of UNSMIH (see below), it had concurred with the proposal to utilize \$13,447,000 of the appropriation originally provided for UNMIH's liquidation for the establishment and operation of UNSMIH.

### UN Support Mission in Haiti

On 1 October, the Secretary-General reported [S/1996/813] that recent developments in Haiti had resulted in a serious deterioration of the security situation. He also outlined his recommendations on the future operation and strength of UNSMIH, which were based on ongoing consultations with the Special Representative for Haiti, the Haitian Government and the group of Friends of the Secretary-General for Haiti (Argentina, Canada, Chile, France, United States, Venezuela).

The report stated that the Government of President Préval and Prime Minister Rosny Smarth had taken steps to correct some of the country's pressing economic and social problems. Progress was visible in increased State revenues and road repair, and the Government had reached an agreement with the multilateral lending agencies and presented an economic reform package to Parliament. However, the absence of consensus within Parliament had led to considerable delays in finalizing that legislation, and international aid, which was contingent on passage of the reform package, did not materialize. The Government remained solvent only through severe economies and fiscal conservatism; as a result, some public sector employees, including members of HNP, had not been paid regularly, which led to absenteeism and low morale among police officers.

Despite the Government's efforts, progress had been inadequate in several areas. Many ministries suffered from a lack of qualified personnel and institutional memory, insufficient resources and inadequate premises. Consequently, Haiti remained unable to make full use of the substantial international assistance available, while popular demand for social services and improved infrastructure continued to rise. Unmet aspirations led to frustration, frequently expressed in public demonstrations and roadblocks.

Common crime was on the increase, taking the unusual forms of kidnapping for ransom and greater use of firearms. There were also indications of an increase in drug trafficking and contraband. The weaknesses of HNP and the poor performance of the justice sector had led to acts of vigilante justice. Abuse of authority and human rights violations by HNP were also on the

rise, as the police struggled to meet increasing demands and expectations while faced with increasingly sophisticated criminal elements.

Violent incidents by former soldiers and extreme rightist organizations further threatened public security. The disbanding of the Armed Forces of Haiti and the country's sluggish economy left many soldiers, some still in possession of their weapons, without a source of livelihood. Some demobilized soldiers were suspected of plotting against the Government. A dialogue was subsequently sought with the Government after it announced that steps were being taken to address the soldiers' financial concerns. While the numerous but uncoordinated violent incidents did not pose a serious threat to the Government, they caused disquiet among Haitians and affected the morale of HNP, the Secretary-General stated.

Preoccupied with the security threat, the Government had been distracted from solving urgent economic and social problems and promoting reconciliation, issues that were conditions of future stability. In a public statement on 2 September, the Prime Minister sought to reach out to the former soldiers while calling on all Haitians to support the rule of law and safeguard the country's democracy. He reported that the Government had begun working with the international community to respond to the soldiers' situation, that HNP's logistical capacity would be increased and that the justice system had been instructed to speed up investigation of recent crimes.

The Secretary-General considered efforts to reintegrate the former soldiers into civil society essential for peace-building and said that he had appealed to Member States for additional funding for that purpose. According to a November report [S/1996/813/Add.1], the security situation had improved somewhat but remained volatile. A later report [S/1997/244] stated that despite steady, if modest progress made by HNP, common crime was on the rise and the reintegration of demobilized soldiers into civilian life remained difficult. Violence and unrest were fueled by persistent high levels of unemployment, a rising cost of living, impatience at the slow pace of change and attempts by certain sectors to profit politically from the growing popular frustrations and discontent.

The Parliament had passed key legislation in September allowing for partial privatization or modernization of nine State-owned enterprises. A commission was subsequently appointed and began to lay the groundwork to initiate the process and attract private investors. However, project implementation and follow-up remained a major problem, as approved funds sometimes remained unused and pressing social needs were

unmet. Many fully funded infrastructural projects still had not commenced, exacerbating the sense among many that the country's transition to democracy was not producing benefits.

### **UNSMIH activities and deployment**

**Reports of Secretary-General (October, November).** After the expiration of the mandate of UNMIH, some of its military personnel were redeployed while others were repatriated. According to the Secretary-General's 1 October report [S/1996/813], reductions in the military element had necessitated a concentration of the remaining forces in Port-au-Prince, which, as the centre of the country's economic, political and social activities, was critical to the maintenance of a secure and stable environment. As of mid-September, UNSMIH's strength stood at 600, with an additional 672 personnel funded on a voluntary basis. Successful negotiations were held with the Government to ensure UNSMIH's full freedom of movement, communication and other rights necessary to the performance of its functions.

UNSMIH had greatly increased the number of its patrols to manifest its presence, thus reducing considerably its response time to critical situations in the metropolitan area, and coordinated its air and ground patrols to increase effectiveness, especially at night. It routinely provided support and back-up to HNP as the latter confronted security challenges and provided security at the National Palace, for the President's motorcade and at the residence of former President Aristide. The number of key installations under UNSMIH's protection was reduced to a minimum in order to maximize the number of troops available for patrols. As a result, HNP took over security control at the airport and the seaport.

UNSMIH's military element also assisted in the professionalization of HNP by conducting joint CIVPOL/HNP/military patrols in the capital's more difficult areas. It provided assistance in training an HNP quick-reaction tactical response team for the search and seizure of weapons. Support was also given in the areas of information-gathering, organization and planning.

CIVPOL, whose strength stood at 271 in mid-September, continued to be deployed at 19 locations throughout Haiti from where it sought to professionalize HNP through on-the-job training by reinforcing HNP's command and management structures. HNP officers were accompanied in their daily policing activities and provided with formal training at police stations. With the exception of eight members who composed the senior police command at UNSMIH headquarters,

CIVPOL officers either were serving as technical consultants, instructors and advisers to specialized units or were assigned to individual "commissariats". CIVPOL also participated in the evaluation of HNP officers and provided instruction at the detachment level under the monitoring of the training section at UNSMIH headquarters, a newly developed approach that assured consistency in training across the country.

In his concluding observations, the Secretary-General expressed the view that the 6,000-member HNP, fully deployed in 174 locations since February, had not yet reached the level of experience and confidence required to control and defeat threats posed by subversive groups, and that UNSMIH's military element was a key factor in containing the danger of destabilization. The recent spate of violence was intended to test the resolve of HNP, the Government and the international community. The Government had repeatedly demonstrated its commitment to build a civilian police force respecting human rights, and the HNP leadership and many HNP officers were working diligently under very difficult circumstances and under pressure of both increasing expectations and renewed security threats. Nine officers had been killed during 1996, shaking the confidence of police and citizens alike. Efforts had to be redoubled and key decisions promptly implemented if HNP was to achieve the necessary professionalism and efficiency. The recent events served as a reminder of the importance of further steps to prevent the dangers posed by polarization and to ensure the reconciliation of Haitian society. In that context, the Secretary-General noted with satisfaction that a working group which included UNSMIH had crafted a scheme to satisfy a number of the legitimate demands of the demobilized soldiers; once implemented, the scheme should help promote their reintegration into civil society, he said.

According to the Secretary-General, with the Government's economic policies almost in place, the stage was set for more growth and development. Coordinated by his Special Representative and Deputy Representative, a mechanism had been put in place to improve project implementation in the socio-economic area. It was hoped that those steps would bolster investors' confidence. In view of the situation, the presence and assistance of the international community would continue to be required beyond 29 November. For the time being, he recommended that the current minimum of UNSMIH's military and CIVPOL strength be maintained, as any reduction would place its mandate at risk.

In an addendum of 12 November [S/1996/813/Add.1], the Secretary-General reported some improvement in the security situation and an abatement in the spate of violence which had characterized the months of July to September. While inactive in recent weeks and apparently devoid of popular support, the subversive groups of former soldiers apparently behind some of the violent incidents were in a position to threaten and damage government installations and infrastructure, and were believed to be planning future challenges to undermine government efforts to ensure stability, increase democratic participation and promote economic development. Recent information suggested that they might be using neighbouring countries as a base.

The existence of several armed security bodies—some of them attached to municipalities and with a marked tendency to degenerate into bands of armed thugs—outside the official structure of HNP also caused concern, as they undermined the established order and represented a potential for human rights violations. The high level of criminality, which included drug and arms trafficking and contraband trade, also posed a formidable challenge to HNP and to the maintenance of a secure and stable environment. At the same time, the performance of HNP in the capital as well as the rest of the country had improved markedly since late September. Judicial reform, however, was not keeping pace with developments in the public security sector, and the fact that the courts were not able to fulfil their part in law enforcement threatened to undermine the progress achieved in HNP.

Faced with the numerous incidents of violence between July and early September, which demonstrated the limitations of its troop strength, the UNSMIH military element introduced several operational innovations, such as the use of air patrols in close coordination with ground patrols, patrolling of areas of the countryside susceptible to criminal activity, and joint CIVPOL/HNP/military patrols. UNSMIH's CIVPOL element continued to concentrate on training HNP, both at the Police Academy and in the commissariats around the country.

In conclusion, the Secretary-General outlined criteria to measure the results achieved: the completion of the deployment of the HNP officer corps; the deployment of HNP according to a coherent plan which took into account Haiti's terrain, the characteristics and needs of its population and the incidence of criminality; the establishment of fully operational personnel and logistical systems; the definition of a curriculum for basic police training, as well as the establishment of training centres; assimilation of the con-

cept of "community policing" at the rank-and-file level; the establishment of a functioning telecommunications system; and the establishment of an information storage and retrieval mechanism, as well as a monitoring and planning system. A chart of outstanding tasks for consolidating HNP was discussed at a meeting of the Government, the Friends of the Secretary-General and UNSMIH on 7 November in Port-au-Prince, and a 12-month programme of work was approved.

Looking back at the 18 months since the first class of Haitian police officers had graduated, the Secretary-General noted that much had been accomplished in a relatively short period; nevertheless, HNP was not yet in a position to ensure its own continued development while at the same time maintaining security and stability. The presence of UNSMIH continued to be required to give the international programme of support the necessary foundation, to allow for an orderly transfer to the Haitian authorities of the functions now being carried out by the Mission and to consolidate the considerable investment made by the international community in restoring democracy in Haiti. Therefore, should the Haitian Government so request, the Secretary-General said he would be ready to recommend an extension of the UNSMIH mandate until 30 June 1997 at its current strength; a further reduction in the Mission's size would diminish its operational and training capabilities and place the discharge of its mandate at risk. However, he said he would again ensure that the force level was kept under constant review so that the remaining tasks could be completely at the lowest possible cost to Member States.

On 1 November [S/1996/956], the Secretary-General informed the Security Council that President Préval had requested an extension of UNSMIH.

#### SECURITY COUNCIL ACTION

On 29 November, the Security Council adopted **resolution 1085(1996)**.

The Security Council,

Reaffirming its resolution 1063(1996) which established the United Nations Support Mission in Haiti (UNSMIH),

1. Decides to extend UNSMIH's mandate for an additional period terminating on 5 December 1996;
2. Decides to remain actively seized of the matter.

Security Council resolution 1085(1996)  
29 November 1996 Meeting 3719 Adopted unanimously  
Draft prepared in consultations among Council members (S/1996/990).

The adoption of **resolution 1085(1996)** provided the Security Council with additional time

to discuss the extension of the mandate of UNSMIH, and on 5 December, the Council adopted **resolution 1086(1996)**.

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Welcoming the reports of the Secretary-General of 1 October 1996 and 12 November 1996, and noting the recommendations contained therein,

Commending the role of the United Nations Support Mission in Haiti (UNSMIH) on its efforts to assist the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force,

Noting the improvement in recent months in the security situation in Haiti and the capacity of the Haitian National Police to confront existing challenges, as described in the report of the Secretary-General of 12 November 1996,

Noting further the fluctuations in the security situation in Haiti described in the reports of the Secretary-General of 1 October 1996 and 12 November 1996,

Supporting the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations Civilian Police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming continued progress towards establishing the Haitian National Police,

Supporting the efforts of the Organization of American States (OAS) in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission to Haiti (MICIVIH) to promote consolidation of peace and democracy in Haiti,

Recognizing the link between peace and development and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice;

2. Decides to extend for the final time the mandate of UNSMIH, as set out in resolution 1063(1996) and in paragraphs 6 to 8 of the Secretary-General's report of

12 November 1996, and in accordance with the request of the Government of Haiti, until 31 May 1997 with 300 civilian police personnel and 500 troops, except that, if the Secretary-General reports by 31 March 1997 that UNSMIH can make a further contribution to the goals set out in paragraph 1 above, it will be further extended, following a review by the Council, for the final time until 31 July 1997;

3. Requests the Secretary-General to report to the Council on the implementation of this resolution, including recommendations on further reductions in the strength of the mission, by 31 March 1997;

4. Recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people, and stresses the importance that the Government of Haiti and the international financial institutions continue their close collaboration to enable the provision of additional financial support;

5. Requests all States to provide support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant resolutions in order to carry out the provisions of the mandate specified in paragraph 2 above;

6. Further requests all States to make voluntary contributions to the trust fund established in resolution 975(1995) for the support of the Haitian National Police, to ensure that the police are adequately trained and fully operational;

7. Requests the Secretary-General to include in his report of 31 March 1997 recommendations on the nature of a subsequent international presence in Haiti;

8. Decides to remain seized of the matter.

Security Council resolution 1086(1996)  
5 December 1996 Meeting 3721 Adopted unanimously  
6-nation draft (S/1996/1002).  
Sponsors: Argentina, Canada, Chile, France, United States, Venezuela.

Speaking before the Council, Haiti said that during the coming months, its Government, assisted by UNSMIH, would be working as fast as it could to strengthen HNP and address its shortcomings. An in-depth assessment of HNP had been conducted to assist in identifying specific needs and drawing up a schedule of activities to ensure that, before the end of the next year, HNP achieved a satisfactory level of efficiency and was in a position to maintain peace and security. Meanwhile, the serious socio-economic situation was being exploited by subversive groups to sow anxiety and maintain a climate of instability which harmed investment and hindered the reform of institutions. The release of international assistance, following the adoption by the Parliament of laws on the modernization of public enterprises and civil service reform, should allow the Government to launch long-awaited infrastructure projects, which were expected to have a positive impact on the country's economy and reduce unemployment. The Government had also launched initiatives designed to ease poverty, as well as a programme for agrarian reform to help

renew agricultural production and give the peasants in the countryside, who constituted more than 60 per cent of the population, the means to cultivate their lands.

Only two years after Haiti had returned to constitutional legality with the international community's assistance, the prospects were encouraging, as democracy was gaining strength daily and the construction of a state of law was advancing steadily. The success of the Haitian experiment was also a success for the international community.

#### GENERAL ASSEMBLY ACTION (November)

On 4 November, the General Assembly adopted **resolution 51/14 A**.

#### **Financing of the United Nations Mission in Haiti**

The General Assembly,

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

Recalling Security Council resolution 1048(1996) of 29 February 1996, in which the Council extended the mandate of the Mission for a final period of four months, to 30 June 1996, as well as all previous Security Council resolutions on the Mission,

Recalling also its decision 48/477 of 23 December 1993 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 50/90 B of 7 June 1996,

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

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

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

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

Noting with appreciation that voluntary contributions have been made to the Mission by certain Governments,

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

1. Takes note of the status of contributions to the United Nations Mission in Haiti as at 29 October 1996, including the contributions outstanding in the amount of 19.9 million United States dollars, representing 6 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 June

1996, notes that some 23 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

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

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

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

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

6. Shares the concern expressed by the Advisory Committee in paragraph 9 of its report, and requests the Secretary-General to submit detailed explanations to the General Assembly on the circumstances that led to the overexpenditures of approximately 6.7 million dollars with respect to the original estimates;

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

8. Decides to reduce the appropriation and apportionment provided by the General Assembly in its resolution 50/90 B in the amount of 15,897,900 dollars gross (15,440,300 dollars net), inclusive of the amount of 377,400 dollars for the support account for peacekeeping operations, for the liquidation of the Mission for the period beginning 1 July 1996, to the amount of 1,197,100 dollars gross (1,185,800 dollars net), inclusive of the amount of 377,400 dollars for the support account for peacekeeping operations;

9. Decides also that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share in the amount of 1,197,100 dollars gross (1,185,800 dollars net) from the unencumbered balance of 17,390,100 dollars gross (16,715,100 dollars net) for the period from 1 August 1995 to 29 February 1996;

10. Decides further that, for Member States that have not fulfilled their financial obligations to the Mission, their share in the amount of 1,197,100 dollars gross (1,185,800 dollars net) from the unencumbered balance of 17,390,100 dollars gross (16,715,100 dollars net) for the period from 1 August 1995 to 29 February 1996 shall be set off against their outstanding obligations;

11. Decides that the remaining unencumbered balance of 16,193,000 dollars gross (15,529,300 dollars net) for the period from 1 August 1995 to 29 February 1996 shall be credited to Member States;

12. Decides also to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Mission in Haiti".

General Assembly resolution 51/14 A  
4 November 1996 Meeting 50 Adopted without vote

Approved by Fifth Committee (A/51/637) without vote, 31 October (meeting 17); draft by Chairman (A/C.5/51/L.5), based on informal consultations; agenda item 134.

Meeting numbers. GA 51st session: 5th Committee 4, 17; plenary 50.

Financing of UNSMIIH

**Reports of Secretary-General and ACABQ (August/October).** By a note of 5 August [A/51/191], the Secretary-General requested that a supplementary item on the financing of UNSMIIH be included in the agenda of the General Assembly's fifty-first session.

In a 9 September report [A/51/191/Add.1], the Secretary-General presented cost estimates for the establishment and operation of UNSMIIH for the period from 1 July 1996 to 30 June 1997, as authorized by the Security Council in June, in the amount of \$57,187,400 gross (\$54,791,000 net), providing for 600 troops and 300 civilian police. Support to UNSMIIH would be provided by 298 civilian staff, comprising 128 international and 156 local staff and 14 UNVs.

Among the actions to be taken by the Assembly were the appropriation of the above amount, plus the assessment of \$23,957,000 gross (\$22,958,500 net) for the period from 1 July to 30 November 1996, and the assessment at a monthly rate of \$4,747,200 gross (\$4,547,500 net) for the period beyond 30 November, subject to the Council's decision to extend UNSMIIH's mandate.

ACABQ, in a 2 October report [A/51/444], concurred with the Secretary-General's proposals. In doing so, the Advisory Committee pointed to its views expressed with regard to financing the liquidation of UNMIIH (see above).

#### GENERAL ASSEMBLY ACTION

On 4 November, the General Assembly adopted **resolution 51/15 A**.

#### Financing of the United Nations Support Mission in Haiti

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Support Mission in Haiti and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1063(1996) of 28 June 1996, by which the Council established the United Nations Support Mission in Haiti until 30 November 1996,

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

Recognizing also that, in order to meet the expenditures caused by the Support Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

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

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as

indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Support Mission by certain Governments,

Noting also that the assessed contributions to the special account to be established for the Support Mission will cover only direct and indirect costs associated with the six hundred contingent personnel and three hundred civilian police authorized by the Security Council in its resolution 1063(1996),

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

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

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Support Mission in Haiti in full and on time;

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

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

5. Also requests the Secretary-General to establish a special account for the Support Mission in accordance with paragraph 13 of his report;

6. Decides to appropriate the amount of 28,704,200 United States dollars gross (27,506,000 dollars net) for the maintenance of the Support Mission for the period from 1 July to 31 December 1996, inclusive of the amount of 13,447,000 dollars gross and net remaining from the appropriation provided under General Assembly resolution 50/90 B of 7 June 1996 for the liquidation of the United Nations Mission in Haiti, with which the Advisory Committee has concurred, for the period from 1 July to 15 September 1996 and the amount of 5,762,800 dollars gross (5,420,700 dollars net) authorized by the Advisory Committee under the terms of section IV of Assembly resolution 49/233 A of 23 December 1994 for the period from 16 September to 15 October 1996;

7. Decides also, as an ad hoc arrangement, to apportion the amount of 23,957,000 dollars gross (22,958,500 dollars net) for the period from 1 July to 30 November 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995 and 50/224 of 11 April 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 998,500 dollars approved for the Support Mission for the period from 1 July to 30 November 1996;

9. Decides, as an ad hoc arrangement, to apportion among Member States the amount of 4,747,200 dollars gross (4,547,500 dollars net) for the period from 1 to 31 December 1996 in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Support Mission beyond 30 November 1996;

10. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 199,700 dollars approved for the Support Mission for the period from 1 to 31 December 1996;

11. Invites voluntary contributions to the Support Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

12. Decides to keep under review during its fifty-first session the agenda item entitled "Financing of the United Nations Support Mission in Haiti".

General Assembly resolution 51/15 A

4 November 1996 Meeting 50 Adopted without vote

Approved by Fifth Committee (A/51/638) without vote, 31 October (meeting 17); draft by Chairman (A/C.5/51/L.6), based on informal consultations; agenda item 157.

Meeting numbers. GA 50th session: 5th Committee 4, 17; plenary 50.

In order to allow for the financing of UNSMHI beyond the end of the year, the Assembly, on 18 December, adopted **decision 51/459**.

#### **Financing of the United Nations Support Mission in Haiti**

At its 89th plenary meeting, on 18 December 1996, the General Assembly, on the recommendation of the Fifth Committee and recalling its resolution 51/15 of 4 November 1996 on the financing of the United Nations Support Mission in Haiti:

(a) Decided to appropriate the amount of 27,400,800 United States dollars gross (26,202,600 dollars net) for the maintenance of the Support Mission for the period from 1 July 1996 to 30 June 1997, in addition to the amount of 28,704,200 dollars gross (27,506,000 dollars net) already appropriated for the period from 1 July to 31 December 1996 under the provisions of its resolution 51/15;

(b) Also decided, as an ad hoc arrangement, and taking into account the amount of 28,704,200 dollars gross (27,506,000 dollars net) already apportioned in accordance with its resolution 51/15, to apportion among Member States the additional amount of 27,400,800 dollars gross (26,202,600 dollars net) for the period from 1 July 1996 to 30 June 1997 at a

monthly rate of 4,566,800 dollars gross (4,367,100 dollars net) in accordance with the scheme set out in paragraph 7 of resolution 51/15 and taking into account the scale of assessments for the year 1997, subject to the decision of the Security Council to extend the mandate of the Support Mission beyond 31 May 1997;

(c) Further decided that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there should be set off against the apportionment among Member States, as provided for in subparagraph (b) above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 1,198,200 dollars approved for the Support Mission for the period from 1 July 1996 to 30 June 1997;

(d) Requested the Secretary-General to take all necessary action to address the relevant findings and recommendations of the Advisory Committee on Administrative and Budgetary Questions, the Office of Internal Oversight Services and the Board of Auditors in respect of the Support Mission and the United Nations Mission in Haiti.

General Assembly decision 51/459

Adopted without vote

Approved by Fifth Committee (A/51/638/Add.1) without a vote, 17 December (meeting 46); draft by Chairman following informal consultations (A/C.5/51/L.27); agenda item 157.

Meeting numbers. GA 51st session: 5th Committee 41, 46; plenary 89.

In the Fifth Committee, the United Nations Controller recalled that ACABQ had recommended that the Assembly appropriate \$57 million to UNSMIH for the period from 1 July 1996 to 30 June 1997, on the basis of the Secretary-General's cost estimate. However, in the light of uncertainties about the Mission's future at the beginning of November, only an assessed amount of \$28.7 million had been appropriated until the end of 1996. The Security Council had since extended the UNSMIH mandate to 31 May 1997, with a reduction in force strength of 100, resulting in a cost saving of over \$1 million. The amount required to allow continued financing of the Mission was \$57 million, which, minus the \$28.7 million already appropriated and the \$1 million cost saving, left \$27.4 million to be appropriated.

### **International Civilian Mission to Haiti (MICIVIH)**

Established in 1993 [YUN 1993, p. 338] at the request of Haiti's then President, Jean-Bertrand Aristide, the joint United Nations/Organization of American States (OAS) International Civilian Mission to Haiti (MICIVIH) was entrusted with the tasks of verifying full observance of human rights and fundamental freedoms, providing technical assistance to the Government in institution-building, and supporting the development of a programme for the promotion and

protection of human rights (see below). In the context of reviewing the situation of democracy and human rights in Haiti, the General Assembly extended UN participation in MICIVIH three times during 1996, in April, August and December.

Reports of Secretary-General (January/February). Reporting on 25 January on the human rights situation in Haiti and on the activities of MICIVIH [A/50/861] since his previous report [YUN 1995, p. 457], the Secretary-General said MICIVIH had continued to investigate rights violations by State agents and to raise those cases with relevant local and national authorities. In that regard, it had made a number of recommendations to the Ministry of Justice of Haiti, police and penal authorities, which addressed individual cases as well as general measures that could improve human rights protection, such as strengthening institutional mechanisms for the investigation of alleged human rights abuses by police, prison guards and political officials. Conditions of detention were being monitored regularly and surveys were carried out to identify detainees held beyond legal limits in order to expedite the resolution of the most flagrant cases.

MICIVIH participated in human rights training for HNP, presidential security, and examining magistrates and justices of the peace. The Mission handed over all dossiers on past human rights violations that had been requested by the National Commission on Truth and Justice, and the Mission's forensic anthropologist provided technical assistance to the Commission. In addition, MICIVIH facilitated the establishment of a victims' rehabilitation network.

A number of seminars were organized throughout the country as part of the human rights and civic education programme, bringing together a wide spectrum of Haitian society. MICIVIH also developed a programme to train human rights trainers in order to strengthen local capacity. It also contributed to the peaceful resolution of disputes arising from land conflicts by facilitating dialogues among the opposition parties and between those parties and government officials.

Nevertheless, the Secretary-General stated, weaknesses in the institutions charged with human rights protection, including HNP, highlighted the need for further training and reform. Although abuses were not widespread, systematic or institutionalized, MICIVIH identified a number of problems, which principally involved use of excessive force by HNP resulting in deaths or injuries, and some cases of beatings by prison guards. The continuing lack of public confidence in public security and judicial systems was

demonstrated by persistent cases of summary or vigilante justice.

MICIVIH had been instrumental in bringing to the attention of central authorities problems with police functioning in the field and in incorporating such information into the training curriculum for new recruits at the Police Academy, the Secretary-General noted. Remaining problems included breaches of basic discipline, the bearing of arms while off-duty, inappropriate methods of crowd control, and insufficient use of techniques for the peaceful settlement of disputes. In view of the increasing numbers of persons held for longer periods of time in police detention centres, training of police and the elaboration of appropriate regulations for the treatment of persons in custody had to be addressed, said the Secretary-General.

The judicial system was in urgent need of major reforms, although some important initiatives had already been or were being implemented. Additional courthouses had been opened and basic equipment provided; a programme for the rehabilitation and construction of new courthouses had been prepared.

In carrying out its tasks, MICIVIH closely cooperated with UNMIH, particularly its CIVPOL component. Frequent consultations and information exchange between both Missions took place at all levels. UNMIH also provided a full range of administrative services to MICIVIH and gave additional support at times of increased activity, such as during the period of the elections. Its air operations section facilitated and provided transportation for MICIVIH personnel and equipment.

The Secretary-General concluded that while the human rights situation had improved dramatically as a result of reforms, serious weaknesses remained in the institutions responsible for protecting human rights. MICIVIH's emphasis in that area could, because of its extensive field experience and expertise, continue to make a significant contribution. After consulting with the Secretary-General of OAS, he had stated his intention to recommend an extension of the Mission, as soon as the Government of Haiti had communicated its intentions in that regard.

By letters of 9 February to the Secretary-General and to OAS, Haiti requested that MICIVIH be extended. In an addendum [A/50/861/Add.1] to his earlier report, the Secretary-General recommended an extension until 31 August, with a reduced strength of a maximum of 32 personnel, with an equal number being provided by OAS. MICIVIH was to work in close cooperation with UNDP and the UN specialized agencies, as well as the United Nations Crime Prevention and Criminal Justice Branch in Vienna, the United Nations

Centre for Human Rights and the United Nations High Commissioner for Human Rights in Geneva, as well as the Inter-American Commission on Human Rights and other human rights organs of OAS. MICIVIH would continue to have a central office as well as regional offices, and, on the basis of reports from the field, would evaluate the progress of reforms, the functions of institutions with regard to the protection of human rights and the impact of the programme to promote human rights.

#### GENERAL ASSEMBLY ACTION

On 3 April, the General Assembly adopted **resolution 50/86 B**.

#### **The situation of democracy and human rights in Haiti**

The General Assembly,

Having considered further the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Recalling also the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Welcoming the presidential elections, which were held in a peaceful environment and observed by the Organization of American States in close coordination with the United Nations, and the peaceful transfer of power from one democratically elected President to another,

Strongly supportive of the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming also the success of the United Nations Mission in Haiti and the contributions of the Special Representative of the Secretary-General of the United Nations and his staff to that success,

Welcoming further the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contribution of the International Civilian Mission to Haiti and the United Nations Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti, and encouraging the International Civilian Mission to continue to cooperate with the United Nations Mission and others participating in institution-building, including police training activities,

Paying tribute to the members and staff of the International Civilian Mission to Haiti for their contribution in accompanying the Haitian people in their efforts to return to constitutional order and democracy,

Welcoming the continuous improvement in the situation of human rights in Haiti,

Taking note of the report of the Secretary-General and the addendum thereto on the situation of democracy and human rights in Haiti,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission to Haiti, with the task of verifying full observance by Haiti of human rights and fundamental freedoms and providing technical assistance at the request of the Government of Haiti, in the field of institution-building, such as the training of the police or the establishment of an impartial judiciary and support for the development of a programme for the promotion and protection of human rights, in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

2. Decides to authorize, within existing resources and on the basis of the recommendations of the Secretary-General, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 August 1996, according to the terms of reference and modalities under which the Mission is operating;

3. Expresses its full support for the International Civilian Mission to Haiti and welcomes the continued effective, timely and complete cooperation between the Mission and the Government of Haiti;

4. Commends the Haitian authorities on the progress accomplished in the advance of democracy, respect for human rights and the reconstruction of Haiti;

5. Pays tribute to the Haitian people in their ongoing quest for strong and lasting democracy, justice and economic prosperity;

6. Expresses its appreciation to those States participating in the United Nations Mission in Haiti and those that have accompanied the Haitian people in their efforts to return to constitutional order and democracy;

7. Expresses its confidence that the democratic election of a new President and the peaceful transfer of power from one democratically elected President to another will further strengthen democracy in Haiti;

8. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

9. Commends the cooperation between the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in their efforts to promote respect for the rights of all Haitians and to contribute to the strengthening of democratic institutions, including through the promotion and protection of human rights and institution-building;

10. Requests the Secretary-General to continue to support the Government of Haiti as it works towards the national reconstruction and development of Haiti, in order to consolidate a climate propitious to the establishment of a lasting democracy and full respect for human rights;

11. Also requests the Secretary-General to continue to coordinate the efforts of the United Nations system to help provide humanitarian aid and meet the development requirements of Haiti;

12. Further requests the Secretary-General to submit to the General Assembly regular reports on the work of the International Civilian Mission to Haiti;

13. Decides to keep the item entitled "The situation of democracy and human rights in Haiti" under review at its fiftieth session.

General Assembly resolution 50/86 B

3 April 1996 Meeting 103 Adopted without vote

9-nation draft (A/50/L.67 & Add.1); agenda item 38.

Sponsors: Argentina, Canada, Chile, Costa Rica, France, Haiti, Russian Federation, United States, Venezuela.

Financial implications. 5th Committee, A/50/913.

Meeting numbers. GA 50th session: 5th Committee 48, 54; plenary 103.

By a letter [A/50/891] of 12 March to the General Assembly President, the Secretary-General alerted Member States to the implications of extending the mandate of MICIVIH without adequate funding. Reductions in the programme budget mandated by the Assembly made it impossible to absorb additional expenditures without affecting existing programmes and activities, he said; he would thus be unable to implement the resolution extending MICIVIH unless the Assembly were also to decide which existing programmes should be curtailed, postponed or terminated.

The President of the Assembly, by a letter of 14 March [A/C.5/50/56] to the Fifth Committee Chairman, noted that the current budgetary situation did not give the Secretary-General the flexibility to implement additional mandates within existing resources. Were the Assembly to decide to continue the mandate of MICIVIH without requisite financial resources, its decision would stand in danger of not being implemented. (For further details on MICIVIH financing, see PART FIVE, Chapter II.)

**Report of Secretary-General (August).** On 13 August, the Secretary-General reported [A/50/861/Add.2] on the activities of MICIVIH, provided an assessment of the human rights situation and evaluated the institutions charged with the promotion and protection of human rights in Haiti.

While overall the human rights situation continued to improve, the rate of improvement was slow, and serious violations were reported, including summary execution, deliberate shooting and ill-treatment or torture of suspects by the police. A disciplinary code for police entered into force in March, supplementing the code of ethics and conduct implemented in August 1995.

Following complaints naming more than 300 former members of the security forces and their associates, prosecution of those accused of human rights abuses during the de facto regime

proceeded, but few cases had reached the trial stage and even fewer convictions had been obtained, partly because of procedural problems, and witnesses' and victims' fear of testifying. The report of the National Commission on Truth and Justice, which had investigated human rights abuses, had been delivered to the President in February and made public in April. A government committee had recently been designated to make recommendations on the follow-up to that report.

The UN component of MICIVIH was reduced in February from 87 to 32 observers, the Secretary-General reported; a similar reduction was made in the number of OAS observers. The Mission's total strength fell from 162 observers in 12 regional offices to 64 in 7 regional offices. In view of the full deployment of the 5,300 agents of HNP at the end of February, and the reduction in the CIVPOL component of UNMIH, monitoring respect for human rights by state security agents re-emerged as a MICIVIH core activity.

In the area of institution-building, the Mission continued to work closely with UNDP in implementing a prison reform project financed jointly with USAID.

In the framework of human rights education programmes, designed to reach a broad range of actors in civil society as well as local government officials, several hundred leaders of peasant, women's and popular organizations were trained by MICIVIH. The Mission continued to assist in developing facilities for the provision of medical, social and psychological assistance to victims of human rights violations.

The Secretary-General concluded that despite certain progress in the areas of responsibility assigned to MICIVIH under its extended mandate, such as full deployment of HNP, somewhat improved prison conditions and efforts to rebuild the judiciary system, practices contrary to human rights principles, incidents of "popular justice" and lack of security for judges and police agents demonstrated the continued fragility of the existing or newly established institutions. Work remained to be done to further both the Government's and the international community's efforts to improve their functioning and to increase the public confidence required to ensure a democratic future. Human rights education and training were crucial to the proper operation of the police and justice systems, and technical assistance and monitoring, as well as consolidation of civic and human rights education programmes, were still needed.

In view of the situation and in response to an 18 July request by the Haitian President, the Secretary-General recommended that the Gen-

eral Assembly authorize an extension of the UN component of MICIVIH until 31 December under its existing terms of reference and at the current staff level.

#### GENERAL ASSEMBLY ACTION

On 29 August, the General Assembly adopted **resolution 50/86 C.**

#### **The situation of democracy and human rights in Haiti**

The General Assembly,

Having considered further the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Taking note of the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development,

Reaffirming also its support to the people and the Government of Haiti for their efforts to advance democracy, respect for human rights and the reconstruction of Haiti,

Strongly supporting the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming the establishment of the United Nations Support Mission in Haiti and the contributions of the Special Representative of the Secretary-General of the United Nations and his staff,

Welcoming also the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contribution of the International Civilian Mission to Haiti and the United Nations Support Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti, and encouraging the International Civilian Mission to continue to cooperate with the United Nations Support Mission and others participating in institution-building, including police training activities,

Taking note of the report of the Secretary-General of 13 August 1996 on the situation of democracy and human rights in Haiti,

Noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability and welcoming the continuing improvement in the situation of human rights in Haiti,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission to Haiti, with the tasks of:

(a) Verifying full observance by Haiti of human rights and fundamental freedoms;

(b) Providing technical assistance at the request of the Government of Haiti in the field of institution-building, such as the training of the police or the establishment of an impartial judiciary;

(c) Supporting the development of a programme for the promotion and protection of human rights, in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

2. Decides to authorize, within existing resources and on the basis of the above recommendation, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 December 1996, according to the terms of reference and modalities under which the Mission is operating;

3. Pays tribute to the Haitian people in their ongoing quest for a strong and lasting democracy, justice and economic prosperity;

4. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

5. Requests the Secretary-General to continue to coordinate the efforts of the United Nations system providing humanitarian aid and contributing to the development of Haiti;

6. Also requests the Secretary-General to submit to the General Assembly regular reports on the work of the International Civilian Mission to Haiti;

7. Decides to keep the item entitled "The situation of democracy and human rights in Haiti" under review at its fifty-first session.

General Assembly resolution 50/86 C  
29 August 1996 Meeting 122 Adopted without vote  
30-nation draft (A/50/L.77 & Add.1); agenda item 38.

**Report of Secretary-General (December).** On 2 December, the Secretary-General reported [A/51/703] that the overall calm in Haiti had been disrupted in August by a series of violent incidents. Increasingly threatening statements by former military personnel demanding payments they considered due to them, rumours of a plot against the State and incidents which were condemned by the Government as acts of destabilization led to the arrest of 19 persons, including two members of an opposition party and 15 demobilized soldiers. In the following days, shots were fired at several government installations; and on 20 August, two members of an opposition party were assassinated. Allegations were made that the Government was involved, which led to the suspension of the two supervising officers of the Presidential Security Unit in September and bilateral and international efforts to reinforce the security of the President.

The situation had improved since the Government committed itself publicly to address the issue of its obligations to the demobilized soldiers, who eventually refrained from disrupting or threatening public order. It also adopted economic and public sector reform bills, and the performance of HNP was perceived as improving. Nevertheless, disruptive protests continued and new arrests on charges of plotting against the security of the State had been made.

With an average effective strength somewhat below the mandated level of 64 United Nations and OAS personnel, MICIVIH retained a permanent presence in seven of the country's nine regions. Monitoring of police conduct, with emphasis on human rights and due process, remained a central activity of the Mission. Training continued at the Magistrates School and the Police Academy, with MICIVIH participation, and a number of MICIVIH recommendations with regard to the police and the judiciary were being implemented. The pace of human rights promotion and civic education activities requiring financial outlays slowed as a result of delays in the renewal of the Mission's mandate.

Improvements in the human rights situation were maintained, as was the authorities' commitment to fighting impunity and strengthening the protection of human rights. Violations of the right to life and physical integrity by State agents were relatively sporadic, but major concerns remained in the judicial domain, including glaring violations of procedures and shortcomings with regard to respect for due process.

The firm response of the authorities to egregious violations reported earlier appeared to have curbed the worst premeditated abuses by HNP, such as summary executions and torture, the Secretary-General noted. Nevertheless, nine people were shot dead by police in September, the highest figure since March, bringing the total to more than 40 persons killed since January. After a sharp rise in the first seven months of the year, the number of allegations of beatings of people in police custody decreased and most of the detainees interviewed by MICIVIH did not report having suffered ill-treatment.

On several occasions, MICIVIH raised concerns with the authorities about alleged abuses by the Presidential Palace Guard and the Presidential Security Unit, but allegations of the Guard's involvement in the killing of opposition members in August had yet to be substantiated.

MICIVIH continued to monitor arrest procedures and the legal situation of detainees held in police stations and prisons. It drew the attention of authorities to failures to respect legal and con-

stitutional arrest and detention procedures, including interference in judicial proceedings.

According to the report, internal mechanisms for investigating police abuses were consolidated and the Inspector-General began handing over to the State Prosecutor cases of police agents accused of alleged abuses and criminal activities. Greater efforts were made to condemn police abuses publicly and to inform the public of disciplinary measures taken. While few cases of abuses by prison guards were reported, MICIVIH noted that only minor sanctions were handed down.

Reports of "popular justice" reached a low in August but rose again in October. Between January and the end of September, 101 individuals were said to have been killed during 50 such incidents. Of especially serious concern was the fact that one victim was pulled out of a courtroom and killed in front of police and judicial officials, which illustrated the authorities' difficulty in exercising their authority.

MICIVIH continued to monitor the performance of HNP with regard to human rights, participating in training of police officers at all levels, recommending measures to improve operational and disciplinary procedures and facilitating police community outreach. To strengthen internal disciplinary procedures further, MICIVIH proposed the addition of a number of serious human rights violations to the list of punishable breaches of police conduct, and information on new cases of abuse documented by MICIVIH was transmitted to the Inspector General.

In addition to ongoing human rights training for HNP, MICIVIH designed a training module on the use of force to complement firearms instruction; helped prepare a programme for the training of investigators in the Inspector General's Office; and assisted in the retraining of presidential and palace guards.

MICIVIH drafted a detention register, in collaboration with CIVPOL, to improve detention conditions in police stations, and the two worked closely in helping HNP improve its outreach to local communities. MICIVIH's civic education seminars and radio programmes offered HNP the opportunity to explain its role and answer questions from the public.

In response to a strike by prison guards in mid-July, during which demands were made for the same rights and remuneration as HNP agents, the Government prepared a bill incorporating the prison administration into HNP. MICIVIH submitted comments on a draft for internal regulations for prison facilities prepared by the administration, which was expected to be adopted in the near future.

MICIVIH collaborated with the Ministry of Justice to implement judicial reform, supported by initiatives by France and the United States. It also proposed measures to deal with the acute backlog of criminal cases, especially in the capital, where in spite of some improvements a MICIVIH survey revealed that over 90 per cent of detainees were in pre-trial detention.

The Ministry of Justice and HNP also adopted and agreed to distribute ministerial directives on police conduct, and a circular on the use of Creole in the justice system was under discussion.

In collaboration with NGOs, the Mission continued to reinforce facilities for the provision of medical, social and psychological assistance to victims of past human rights violations. It also was completing a study on the medical and psychological effects of repression based on the experiences of its medical unit and of other health professionals. Conflict resolution activities with peasant leaders, human rights organizations and authorities included a training seminar for mayors and police. A joint project on conflict resolution was carried out with UNESCO, and Creole language material was produced.

The emphasis placed on institution-building and reform by the Government, the relevant authorities and the international community was starting to bear fruit, the Secretary-General concluded, as new institutions were slowly being consolidated and the public's perception of HNP performance was changing noticeably. Continued insistence on accountability and the rejection of impunity had contributed to the improved human rights situation, but some recent events showed that continued vigilance was necessary and the major bottlenecks and structural weaknesses in the judiciary had to be urgently resolved to restore public confidence in the system. Legal and constitutional procedures had to be observed scrupulously in order to ensure that measures taken to counter corruption and threats to State security could not be interpreted as arbitrary acts intended to restrict or punish political opponents.

Gradual improvements in the functioning of HNP and the prison administration had not been matched by a similar process of reconstruction in other institutions, particularly the judiciary, on which the enjoyment of human rights hinged, the Secretary-General found. It was nonetheless encouraging that the Haitian Senate had before it proposals for badly needed judicial reform, but those could only reinvigorate the judicial system if they met with the widest support among the interested sectors and society as a whole. The Secretary-General was convinced that implementation of agreed judicial reform, together with

the need to overcome remaining weaknesses in the police and prison administration, would require the international community's continued assistance. It was on those areas that MICIVIH had placed emphasis and where it could make a significant contribution. The Government shared his view, he said; on 30 November, the President had requested an extension of MICIVIH's mandate for 12 months.

The Secretary-General, following consultations with OAS, recommended that the General Assembly authorize such an extension of MICIVIH at the current personnel strength, with a focus on assisting the Haitian authorities in rebuilding and consolidating the cornerstone institutions of a democratic society based on law and respect for human rights.

#### GENERAL ASSEMBLY ACTION

On 17 December, the General Assembly adopted **resolution 51/196 A**.

#### **The situation of democracy and human rights in Haiti**

The General Assembly,

Having considered the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Taking note of the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Paying tribute to the Haitian people in their ongoing quest for a strong and lasting democracy, justice and economic prosperity,

Reaffirming its support to the people and the Government of Haiti and for their efforts to advance democracy, respect for human rights and the reconstruction of Haiti,

Strongly supporting the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming the renewal of the mandate of the United Nations Support Mission in Haiti and the contributions of the Special Representative of the Secretary-General of the United Nations and his staff,

Welcoming also the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contribution of the International Civilian Mission to Haiti, its Executive Director and staff, and of the United Nations Support Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti, and encouraging the International

Civilian Mission to continue to cooperate with the United Nations Support Mission and others participating in institution-building, including police training activities,

Taking note of the report of the Secretary-General on the situation of democracy and human rights in Haiti and the request from the President of the Republic of Haiti to the Secretary-General of the United Nations contained in the annex thereto,

Welcoming the continuing improvement in the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission to Haiti, with the tasks of:

(a) Verifying full observance by Haiti of human rights and fundamental freedoms;

(b) Providing technical assistance at the request of the Government of Haiti in the field of institution-building, such as the training of the police or the establishment of an impartial judiciary;

(c) Supporting the development of a programme for the promotion and protection of human rights, in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

2. Decides to authorize, on the basis of the above recommendation, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 July 1997, according to the terms of reference and modalities under which the Mission is operating, with the possibility of a further decision to renew the Mission until 31 December 1997, based upon the report of the Secretary-General mentioned in paragraph 3 below;

3. Requests the Secretary-General to submit to the General Assembly regular reports on the implementation of the present resolution, including a report to be submitted not later than 30 June 1997 on the mandate and further extension of the International Civilian Mission to Haiti, taking into consideration the recommendations contained in the report of the Secretary-General to be submitted to the Security Council by 31 March 1997 on the United Nations Support Mission in Haiti;

4. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

5. Requests the Secretary-General to continue to coordinate the efforts of the United Nations system in providing humanitarian aid and contributing to the development of Haiti;

6. Decides to keep under review at its fifty-first session the item entitled "The situation of democracy and human rights in Haiti".

General Assembly resolution 51/196 A  
17 December 1996 Meeting 87 Adopted without vote  
32-nation draft (A/51/L.63 & Add.1); agenda item 37.  
Financial implications: 5th Committee, A/51/739; 5-6, A/C.5/51/43.  
Meeting numbers. GA 51st session: 5th Committee 45; plenary 87.

In December, the Fifth Committee decided, on the basis of the Secretary-General's statement of programme budget implications [A/C.5/51/43], to inform the Assembly that to implement the resolution, an additional appropriation of \$3,400,400 would be required, to be considered in the context of the revised appropriations for the biennium 1996-1997.

## Other questions

### Cuba-United States

#### Embargo against Cuba

On 20 March, Cuba transmitted [A/51/82] to the Secretary-General a declaration by its Ministry of Foreign Affairs, rejecting emphatically the recent adoption by the United States Congress and the signing by the United States President of the so-called "Cuban Liberty and Democratic Solidarity Act" (the Helms/Burton Act) as essentially an act of aggression against Cuba, an attempt to legislate its destiny and future and an assault on the international community as a whole. As stated in a 1995 Cuban memorandum [YUN 1995, p.459], the legislation in question authorized bringing lawsuits before United States courts with regard to property nationalized in Cuba, as well as retaliatory measures against third-country companies trading with or investing in Cuba.

Also on 20 March, Cuba communicated to the Commission on Human Rights a statement [E/CN.4/1996/142] by the International Relations Committee of its National Assembly characterizing the Helms/Burton Act as an affront to the dignity of the Cuban people and an attempt to oblige other Governments to submit to United States laws. It called on all parliaments to reject the provisions of the Act, and also recommended that an itemized account be prepared of damages caused by the United States embargo and aggression against Cuba.

On the same date, Colombia transmitted a statement [A/51/85] by the Movement of Non-Aligned Countries, which rejected unilateral coercive measures as a means of exerting pressure on non-aligned and other developing countries and expressing particular concern at the enactment of the Helms/Burton bill. The Helms/Burton legislation was also rejected by

the States members of the Permanent Mechanism for Consultation and Policy Coordination (the Rio Group) in a statement [A/51/94] communicated to the Secretary-General on 27 March.

On 19 October [A/51/531], Cuba presented a juridical analysis of the scope and illegality of the Helms/Burton Act, reviewing its compatibility with international law. The analysis concluded that the legislation violated the most fundamental principles of the Charter of the United Nations and of international law and merited the most serious concern of the General Assembly.

On 6 November [A/51/669], Uruguay transmitted a decision adopted by the Council of the Latin American Economic System at its twelfth regular meeting (Montevideo, 23-25 October), which reaffirmed its strongest rejection of the Helms/Burton Act, called on the United States to repeal it, and reiterated its call for the lifting of the economic, commercial and financial embargo imposed by the United States against Cuba.

**Secretary-General's report.** As requested by the General Assembly in resolution 50/10 on the necessity of ending the United States embargo against Cuba [YUN 1995, p. 460], the Secretary-General presented a 13 September report, with later addendum [A/51/355 & Add.1], containing information from 61 States and five UN agencies and organs on their implementation of the resolution, by which the Assembly had called on States to refrain from unilateral application of economic and trade measures against Cuba and urged them to repeal or invalidate such measures.

#### GENERAL ASSEMBLY ACTION

On 12 November, the General Assembly adopted **resolution 51/17**.

#### **Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba**

The General Assembly,

Determined to encourage strict compliance with the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recalling the statements of the heads of State or Government at the Ibero-American Summits concerning the need to eliminate the unilateral application of economic and trade measures by one State against another which affect the free flow of international trade,

Concerned about the continued promulgation and application by Member States of laws and regulations, such as the one promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects

of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation,

Taking note of declarations and resolutions of different intergovernmental forums, bodies and Governments which express the rejection by the international community and public opinion of the promulgation and application of regulations of the kind referred to above,

Recalling its resolutions 47/19 of 24 November 1992, 48/16 of 3 November 1993, 49/9 of 26 October 1994 and 50/10 of 2 November 1995,

Concerned that, since the adoption of its resolutions 47/19, 48/16, 49/9 and 50/10, further measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba continue to be promulgated and applied, and concerned also about the adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries,

1. Takes note of the report of the Secretary-General on the implementation of resolution 50/10;

2. Reiterates its call on all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution in conformity with their obligations under the Charter of the United Nations and international law which, *inter alia*, reaffirm the freedom of trade and navigation;

3. Once again urges States that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;

4. Requests the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the present resolution in the light of the purposes and principles of the Charter and international law, and to submit it to the General Assembly at its fifty-second session;

5. Decides to include in the provisional agenda of its fifty-second session the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

General Assembly resolution 51/17

12 November 1996 Meeting 57 137-3-25 (recorded vote)

Draft by Cuba (A/51/L.15); agenda item 27.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Tur-

key, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: Israel, United States, Uzbekistan.

Abstaining: Bhutan, El Salvador, Estonia, Gabon, Georgia, Guatemala, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Liberia, Lithuania, Marshall Islands, Micronesia, Morocco, Nepal, Oman, Republic of Korea, Republic of Moldova, Rwanda, Saudi Arabia, Tajikistan, the former Yugoslav Republic of Macedonia, United Arab Emirates.

Introducing the text in the Assembly, Cuba said that under the blockade, Cuba was denied access to the biggest and most important market in the world, as well as to the international financial institutions and other sources of financing available in developed countries. Cuba described material limitations and shortages resulting from the embargo in such areas as food, medicine, electricity and transportation. It estimated that the damages inflicted by the embargo were in excess of \$60 billion.

Cuba stated that the Assembly had an opportunity not only to vote against an unfair policy but to ensure that no State, however powerful, might ignore international law. The bells that tolled for Cuba today, it said, might toll for another independent State tomorrow.

The United States said that it had the right, as did every nation, to choose with whom it traded, to protect the property rights of its citizens and to pursue its national interests. It stated that, by introducing the draft resolution in the Assembly, Cuba had manipulated the concerns of countries around the world to claim support for its reprehensible policies of intolerance and oppression. Cuba, it said, was the only nation in the region that did not govern in accordance with democratic principles, and had been condemned by the Assembly and the United Nations Human Rights Commission for its withholding of fundamental freedoms and human rights. The United States believed that the embargo provided leverage to promote peaceful change in Cuba. It also said that its policies included the important element of direct support for the Cuban people, including for human rights organizations and other NGOs working to better the lives of average Cubans.

Ireland, speaking on behalf of the European Union (EU), which supported the draft resolution, said that the Union unreservedly condemned the increasing number of violations of civil and political rights by the Government of Cuba over the last year. It was also concerned that the Cuban people continued to experience a decline in the level of economic and social rights that they enjoyed. While that was due in part to the United States embargo, the Cuban Government must accept a part of the blame for the difficult situation the Cuban people faced. The EU also reiterated its rejection of attempts to apply

national legislation on an extraterritorial basis, and it rejected United States attempts to coerce other countries into complying with commercial measures it had adopted unilaterally against Cuba.

### Aircraft incident

On 24 February 1996, two civil aircraft operated by an American-based group, Brothers to the Rescue, were shot down by the Cuban air force, resulting in the deaths of four persons. On 26 February, the United States requested [S/1996/130] an urgent meeting of the Security Council, "in view of the seriousness of the situation created by the shooting down" of the two planes.

The Council convened at 3:10 a.m. on 27 February, for 35 minutes, hearing one speaker, the representative of Cuba. He stated [S/PV.3634] that his Government had "irrefutable proof" that the planes were shot down in Cuban airspace, within its jurisdictional waters north of Havana. Furthermore, the pilots had been warned that defences had been activated. Despite those warnings and others, the United States had taken no effective measures to prevent unauthorized flights in Cuban airspace, which had occurred on many occasions. Cuba, in a note [S/1996/137&Corr.1] from its Foreign Ministry, had reported that the United States had called the incident, which it believed had occurred in international waters, a "blatant violation of international law and the norms of a civilized country".

### SECURITY COUNCIL ACTION (February)

Following consultations, the Security Council President issued a statement [S/PRST/1996/9] on 27 February, by which the Council strongly deplored the shooting down of the aircraft, and asked that the International Civil Aviation Organization (ICAO) investigate the incident in its entirety.

The Security Council strongly deplores the shooting down by the Cuban air force of two civil aircraft on 24 February 1996, which apparently has resulted in the death of four persons.

The Council recalls that according to international law, as reflected in Article 3 bis of the International Convention on Civil Aviation of 7 December 1944 added by the Montreal Protocol of 10 May 1984, States must refrain from the use of weapons against civil aircraft in flight and must not endanger the lives of persons on board and the safety of aircraft. States are obliged to respect international law and human rights norms in all circumstances.

The Council requests that the International Civil Aviation Organization investigate this incident in its entirety and calls on the Governments concerned to cooperate fully with this investigation. The Council

requests that the International Civil Aviation Organization report its findings to the Council as soon as possible. The Council will consider that report and any further information presented to it without delay.

Meeting number. SC 3635.

**Communications.** Between February and July, Cuba issued a number of statements [S/1996/141, 144, 152, 153, 154, 198, 370, 448, 449, 458, 470, 498 and 499], reiterating its position regarding the 24 February aircraft incident and commenting on related matters.

### GENERAL ASSEMBLY CONSIDERATION (March)

Cuba, on 29 February [A/50/883/Rev.1], asked that the Assembly resume its fiftieth session for one day to consider the agenda item on the "United Nations Decade of International Law", for the purpose of bringing to the Assembly's attention a situation which had undermined respect for the principle of the sovereignty of States, including their full and exclusive sovereignty over their land territory, territorial waters and airspace. The Assembly on 6 March heard statements by Cuba and the United States in that connection.

Cuba said that United States administrations had shown on countless occasions a hostile policy against Cuba, from attempts at diplomatic isolation to a systematic policy of blockade and economic aggression. Concerning the 24 February incident, Cuba said that the United States had been fully aware of the group organized in its territory using airplanes for "clearly provocative purposes", and there was no room for doubt that it was a paramilitary, terrorist organization in open war against Cuba.

"If we are to blame for any mistake in our behaviour", Cuba said, it was that it trusted a country as powerful as the United States "to be able to stop groups of irresponsible people from carrying out perfectly avoidable actions that could even drag it into a genocidal war against our people". Cuba said it assumed full responsibility for the patriotic action it had carried out in legitimate defence of the sovereignty and security of its country.

The United States said it had listened in vain for an apology. It had not sought and did not seek a confrontation with Cuba. But it could not be silent when its citizens were murdered and it would not allow the Cuban Government to transfer blame to the victims of its crime.

Cuba's shooting down of the aircraft violated the prohibition under customary international law against the use of weapons in such circumstances against civil aircraft in flight, the United States said. Behind the smokescreen of Cuba's

rhetoric lay a simple matter of right and wrong. It was preposterous to believe that the four young men killed in unarmed planes were enemies of the Cuban people. The fundamental question was not a question about which there could be two co-equal arguments, nor was it a political question. The action taken was a blatant violation of international law and should be denounced as such by all members of the international community, the United States said.

GA meeting number. 102.

### ICAO action

On 6 March, the ICAO Council adopted a resolution directing the ICAO Secretary-General to initiate an investigation of the incident of 24 February.

**ICAO report.** By a 1 July note, the Secretary-General presented [S/1996/509] to the Security Council the report of the investigating team, which concluded that means other than interception, although available, had not been utilized, which conflicted with the ICAO principle that interception of civil aircraft be undertaken only as a last resort. The two civil aircraft, it said, were destroyed by air-to-air missiles fired by Cuban military planes. ICAO provisions were not followed in executing the interception. It was affirmed that the rule of customary international law, obliging States to refrain from using weapons against civil aircraft in flight, applied irrespective of whether or not such aircraft were within the territorial airspace of that State. At the same time, the report pointed out that the Protocol to the Chicago Convention concerning the use of weapons against civil aircraft had not entered into force and was not ratified either by Cuba or by the United States. The report recommended that each State party to the Chicago Convention ratify the Protocol and that States comply with it pending its ratification and formal entry into force.

The report stated that there were significant differences between the radar data provided by Cuba and by the United States, which could not be reconciled. The most reliable position estimates were considered to be those based on the recorded positions of, and observations by, surface vessels in the area. Based on that information, the report concluded that the two aircraft were shot down outside Cuban territorial airspace.

Also transmitted was a resolution adopted by the ICAO Council on 27 June, noting the report, expressing deep regret over the loss of four lives in the incident, and reaffirming its condemnation of the use of weapons against civil aircraft in flight as incompatible with elementary considerations of humanity, the rules of customary

international law, and the standards and recommended practices set out by the Chicago Convention. The Council further reaffirmed the principles that States must refrain from the use of weapons against civil aircraft in flight, that the lives of persons on board and the safety of the aircraft must not be endangered during interception, and that each State party to the Chicago Convention should take measures to prohibit the use of civil aircraft under its jurisdiction for purposes inconsistent with the aims of the Convention. The Council urged all States to ratify Article 3 bis of the Convention as early as possible and to comply with its provisions pending its entry into force. It also instructed the Air Navigation Commission to study the adequacy of regulations relating to interception of civil aircraft.

**Communications.** Cuba, on 2, 3, 4 and 16 July [S/1996/520,525,532,570], alleged further unauthorized flights, threats to its sovereignty and other violations, citing ICAO regulations. On 17 July, it circulated as a United Nations document [A/50/1008-S/1996/577] a legal memorandum concerning flights by Brothers to the Rescue.

### SECURITY COUNCIL CONSIDERATION

After ICAO transmitted its report [S/1996/509] to the Security Council, a meeting was convened on 26 July to consider its findings and recommendations. The United States submitted a draft resolution, endorsing the ICAO conclusions and condemning the use of weapons against civil aircraft.

Before the vote, the United States said Cuba's position had been callous and contemptible. It had been consistent only in its refusal to admit the truth and in its determination to lie to the world over and over again. The remedy was to accept and adhere to the rule of law.

Cuba said the United States was manipulating information and falsifying data, making it practically impossible to analyse the 24 February incident. It also persisted in confusing the issue as to the supposedly civilian nature of the aircraft involved. Cuba intended to ask ICAO to examine the crucial question of the improper use of civil aviation.

### SECURITY COUNCIL ACTION (July)

On 26 July, the Security Council adopted **resolution 1067(1996)**.

The Security Council,

Recalling the statement made by its President on 27 February 1996 strongly deploring the shooting down by the Cuban Air Force of two civil aircraft on 24 February 1996, which resulted in the death of four persons, and requesting the International Civil Aviation Organization to investigate this incident in its entirety and to report its findings to the Security Council,

Noting the resolution adopted by the Council of the International Civil Aviation Organization on 6 March 1996, which strongly deplored the shooting down of the two civil aircraft and which directed the Secretary-General of the Organization to initiate an immediate investigation of the incident in its entirety in accordance with the statement made by the President of the Security Council on 27 February 1996 and to report on that investigation,

Commending the International Civil Aviation Organization for its examination of this incident, and welcoming the resolution adopted by the Council of the Organization on 27 June 1996, transmitting the report of the Secretary-General of the Organization to the Security Council,

Welcoming also the report of the Secretary-General of the International Civil Aviation Organization regarding the shooting down of civil aircraft N2456S and N5485S by Cuban MIG-29 military aircraft, and noting in particular the conclusions of the report,

Recalling the principle that every State has complete and exclusive sovereignty over the airspace above its territory, and that the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto, and noting in this connection that States shall be guided by the principles, rules, standards and recommended practices laid down in the Convention on International Civil Aviation of 7 December 1944 and its annexes (the Chicago Convention), including the rules relating to the interception of civil aircraft, and the principle, recognized under customary international law, concerning the non-use of weapons against such aircraft in flight,

1. Endorses the conclusions of the report of the International Civil Aviation Organization and the resolution adopted by the Council of the International Civil Aviation Organization on 27 June 1996;

2. Notes that the unlawful shooting down by the Cuban Air Force of two civil aircraft on 24 February 1996 violated the principle that States must refrain from the use of weapons against civil aircraft in flight and that, when intercepting civil aircraft, the lives of persons on board and the safety of the aircraft must not be endangered;

3. Expresses deep regret over the loss of four lives and offers its deep sympathy and condolences to the bereaved families of the victims of this tragic event;

4. Calls upon all parties to acknowledge and comply with international civil aviation law and related internationally agreed procedures, including the rules and standards and recommended practices set out in the Chicago Convention;

5. Reaffirms the principle that each State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of the Chicago Convention;

6. Condemns the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity, the rules of customary international law as codified in article 3 bis of the Chicago Convention and the standards and recommended practices set out in the annexes of the Convention, and

calls upon Cuba to join other States in complying with their obligations under these provisions;

7. Urges all States which have not yet done so to ratify as soon as possible the Protocol adding article 3 bis to the Chicago Convention, and to comply with all the provisions of the article pending the entry into force of the Protocol;

8. Welcomes the decision of the Council of the International Civil Aviation Organization to initiate a study of the safety-related aspects of the report of the investigation with regard to the adequacy of standards and recommended practices and other rules relating to interception of civil aircraft with a view to preventing the recurrence of a similar tragic event;

9. Decides to remain seized of the matter.

Security Council resolution 1067(1996)  
26 July 1996 Meeting 3683 13-0-2  
Draft by United States (S/1996/596).

Vote in Council as follows:

In favour: Botswana, Chile, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, United Kingdom, United States.

Against: None.

Abstaining: China, Russian Federation.

The Russian Federation, explaining its vote, said the text remained unbalanced from the political and international legal standpoints. The resolution skirted over the underlying reasons for the incident and did not strike a balance between the two fundamental principles of the non-use of weapons against civil aircraft and the non-use of such aircraft for illegal purposes. It was common knowledge that the nature of the flights undertaken by Brothers to the Rescue, as well as the objectives pursued through them, were hardly compatible with the aims laid down for the use of civil aviation by the Chicago Convention.

China said that the Security Council should have based its resolution on that of ICAO, which was balanced and fair and represented the collective will of all ICAO members. Just as the provisions of international law on the non-use of weapons against civil aircraft should be respected, so should be, by the same token, those on the inviolability of territorial airspace and those against the abuse of civil aviation.

### Ecuador-Peru

During 1996, Ecuador addressed to the Secretary-General several communications concerning efforts to settle the border dispute with Peru. On 26 January [A/51/60-S/1996/62], Ecuador transmitted the text of a release covering a 17-18 January meeting between the Foreign Ministers of Ecuador and Peru, in which the guarantor countries of the 1942 Protocol of Rio de Janeiro

(Argentina, Brazil, Chile and the United States) also participated. The purpose of the meeting was to identify procedures for dealing with point 6 of the 1995 Itamaraty Declaration of Peace between Ecuador and Peru, which related to the solution of remaining impasses between the two countries. The Declaration, which was signed in Brasilia, Brazil, on 17 February 1995, confirmed the cessation of hostilities between the two countries. At the January meeting, agreements were reached on the continuation of the peace process, the venue for the talks, the composition of the delegations, the confidential nature of the talks, the role of the guarantor countries and the need to extend the Ecuador-Peru Military Observer Mission.

By a 20 February letter [A/51/69-S/1996/122], Ecuador transmitted the statement by the guarantor countries of the Protocol of Rio de Janeiro on the occasion of the first anniversary of the Itamaraty Peace Declaration, in which they expressed their satisfaction at the significant progress made towards complete detente in the relations between the two countries.

Ecuador, on 28 February [A/51/72-S/1996/148], transmitted the texts of two agreements, signed by the Ministers for Foreign Affairs of Ecuador and Peru at meetings held in Quito, Ecuador, on 22 and 23 February. They agreed that Peru would demobilize an observation post, retaining only 60 men there, and to submit to the guarantor countries lists of remaining impasses, in accordance with paragraph 6 of the Itamaraty Peace Declaration. They further agreed to form a working group of officials from the defence sectors of the two countries to design a bilateral mechanism to build confidence between them.

By an 11 March letter [A/51/77-S/1996/181], Ecuador transmitted a communique describing the presentation in Brasilia to the Ambassadors of Ecuador and Peru between the Foreign Minister of Brazil of the lists of remaining impasses, which included demarcation problems and problems arising from division of rivers according to geodesic lines.

On 1 July [A/51/188-S/1996/511], Ecuador transmitted a press release on a meeting between the Foreign Ministers of Ecuador and Peru (Buenos Aires, Argentina, 18-29 June), at which they identified procedures to be followed at talks on the remaining impasses.

In a 31 October letter [A/51/648-S/1996/900], Ecuador transmitted the Santiago Agreement (Santiago, Chile, 29 October), by the Foreign Ministers of Ecuador and Peru and the representatives of the guarantor countries, by which it was decided to begin, before the end of 1996, substantive talks on the border dispute.

## Panama Canal

**Report of Secretary-General.** In response to General Assembly resolution 50/12 [YUN 1995, p. 461], the Secretary-General submitted an 8 August report [A/51/281] on Panama's initiative to convene a Universal Congress on the Panama Canal, to be held in Panama City in September 1997, with the participation of Governments, international bodies, public and private academic institutions, maritime users and shipping companies, to examine the role which the Canal should play in the twenty-first century.

The report described activities of the Organizing Commission, cooperation in organizing the Congress, and its programme. It noted that the Commission collaborated with the United Nations Development Programme (UNDP) in facilitating a national dialogue on the Canal involving all sectors of Panamanian society. Issues on the agenda of the Congress were discussed at the "Panama 2000" meeting (Coronado, Panama, 26-28 May), which adopted a Final Declaration signed by the leaders of all participating delegations.

**Communication.** On 27 September [A/51/477], Panama communicated additional information on the organization of the Congress. It noted that, following consultations with interested parties, the Government had formulated a maritime strategy, to be included in the agenda of the Congress, which outlined Panama's policy on maritime matters and the principles and purposes of its integration in regional and international maritime activities. The letter described activities of the Transition Commission for the transfer of the Panama Canal and of the Interoceanic Region Authority, established by Panama in 1993 and charged with drafting a plan for the development of the interoceanic region. The letter also reviewed action by the Panama Canal Consultative Committee, established under the Panama Canal Treaty to advise the United States and Panama on matters of policy affecting the Council's operation, and activities of OAS in relation to the organization of the Congress. It was pointed out that the European Union had agreed to finance Canal transit projections up to the year 2060; the Organizing Commission believed the study of transit projects to be the keystone of the Congress.

### GENERAL ASSEMBLY ACTION

On 24 October, the General Assembly adopted **resolution 51/5**.

#### Universal Congress on the Panama Canal

The General Assembly,

Recalling its resolution 50/12 of 7 November 1995 supporting the convening of the Universal Congress

on the Panama Canal, which is to be held at Panama City from 7 to 10 September 1997.

Having considered the report of the Secretary-General on the implementation of resolution 50/12,

Taking into account resolution 1376(XXVI-0/96) of the General Assembly of the Organization of American States entitled "The Panama Canal in the Twenty-first Century" and resolution 1379(XXVI-0/96) on the Universal Congress on the Panama Canal, both adopted on 6 June 1996, in which, inter alia, the General Assembly of the Organization of American States noted with satisfaction the harmonious transition process in which the Governments of Panama and the United States of America are participating, through their diplomatic missions, the Panama Canal Commission, the Interoceanic Region Authority and the Transition Commission,

Having considered the letter dated 27 September 1996 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General, outlining the work being done by the Government of Panama in connection with the holding of the Universal Congress on the Panama Canal and indicating the progress made by the Organizing Commission for that Congress, under the direction of the Ministry of Foreign Affairs,

Bearing in mind that on 7 September 1977 the Panama Canal Treaty and the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, known as the Torrijos-Carter Treaties, were signed in Washington, D.C., which stipulate that, at noon on 31 December 1999, the Canal, including all improvements, is to come under the control of the Republic of Panama,

Acknowledging the importance that the international community attaches to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the positive implications that the strengthening of the nuclear-weapon-free regime established by that Treaty has for the permanent neutrality of the Panama Canal,

Welcoming the fact that, in anticipation of the holding of the Congress, Panama has ratified the United Nations Convention on the Law of the Sea, universally recognized as the framework for the adoption of national, regional and global measures in maritime matters, in harmony with chapter 17 of Agenda 21 adopted at the United Nations Conference on Environment and Development,

Reaffirming the utility of the Panama Canal for international maritime transport and the growth of the world economy, and the need to tackle the problems of interoceanic communication in the twenty-first century,

Noting with appreciation the activities being undertaken in various spheres by Governments, organizations and programmes of the United Nations system and other intergovernmental and non-governmental organizations in support of the holding of the Universal Congress,

Recognizing that the next stages of preparation and organization of the Congress require increased efforts and the availability of greater resources,

1. Notes with satisfaction the report of the Secretary-General on the implementation of resolution 50/12;

2. Reiterates its firm support for the initiative of the Government of Panama, and urges it to continue to intensify its efforts to organize the Universal Congress on the Panama Canal at Panama City from 7 to 10 September 1997;

3. Renews its appeal to Member States generously to assist the Government of Panama, and calls upon intergovernmental and non-governmental organizations to do likewise;

4. Again urges the competent organs, programmes and specialized agencies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the International Maritime Organization, to make every effort to provide assistance from within existing resources for the holding of the Universal Congress on the Panama Canal;

5. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on the implementation of the present resolution;

6. Decides to include in the provisional agenda of its fifty-second session the item entitled "Universal Congress on the Panama Canal".

General Assembly resolution 51/5

24 October 1996 Meeting 40 Adopted without vote

3-nation draft (A/51/L.4); agenda item 28.

Sponsors: France, Panama, United States.

Meeting numbers. GA 51st session: plenary 23, 40

### Cooperation with OAS

In response to General Assembly resolution 49/5 [Y UN 1994, p.435], the Secretary-General submitted a 19 August report with later addendum [A/51/297 & Add.1] on cooperation between the United Nations and the Organization of American States (OAS). The report reviewed their joint participation in the International Civilian Mission to Haiti (see above), described consultations and information exchanges on matters of mutual interest held since 1994, and provided information on collaborative activities undertaken with OAS by the United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the United Nations University, the Economic Commission for Latin America and the Caribbean (ECLAC), the World Food Programme (WFP), the United Nations International Drug Control Programme (UNDCP), the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), the International Monetary Fund (IMF), the International Maritime Organization (IMO), the United Nations Conference on Trade and Development (UNCTAD) and UNDP.

At their third general meeting (New York, 17-18 April 1995), the two organizations signed an agreement on cooperation between their Secre-

tariats. The Secretary-General of OAS participated in a meeting between the United Nations and regional organizations and arrangements (New York, 14 February 1996) on modalities for their cooperation in preventive diplomacy, peace-making and peacekeeping. The meeting reached consensus on the need for agreed consultation mechanisms and the importance of a well-defined division of labour, mutual diplomatic support and the avoidance of a multiplicity of negotiators. Also in 1996, the United Nations introduced a more flexible cooperation mechanism, providing for focal points within UN departments, offices, programmes and agencies and allowing direct contacts with the OAS General Secretariat.

#### GENERAL ASSEMBLY ACTION

On 24 October, the General Assembly adopted **resolution 51/4**.

#### **Cooperation between the United Nations and the Organization of American States**

The General Assembly,

Recalling its resolution 49/5 of 21 October 1994 relating to the promotion of cooperation between the United Nations and the Organization of American States,

Having examined the report of the Secretary-General on cooperation between the United Nations and the Organization of American States,

Recalling that the purposes of the United Nations are, *inter alia*, to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

Bearing in mind that the Charter of the United Nations provides for the existence of regional arrangements and agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and whose activities are consistent with the purposes and principles of the United Nations,

Recalling that the Charter of the Organization of American States reaffirms these purposes and principles and provides that that organization is a regional agency under the terms of the Charter of the United Nations,

Noting with satisfaction that the third general meeting between representatives of the United Nations system and of the Organization of American States was held at United Nations Headquarters on 17 and 18 April 1995,

Welcoming the fact that the Secretary-General of the Organization of American States attended the special commemorative meeting of the United Nations on the occasion of its fiftieth anniversary,

Expressing its satisfaction at the way in which the United Nations Under-Secretary-General for Political Affairs and the Assistant Secretary-General of the Organization of American States have been performing their work of coordination between the two bodies,

Recalling its resolutions 47/20 A, 47/20 B, 48/27 B, 49/27 B, 49/5 and 50/86 B of 24 November 1992, 20 April 1993, 8 July 1994, 12 July 1995, 21 October 1994 and 3 April 1996, respectively,

Aware that the effective consolidation of a new international order requires regional action in harmony with that of the United Nations,

1. Expresses its appreciation to the Secretary-General for his initiative in convening a meeting between the United Nations and the heads of regional organizations on 15 and 16 February 1996, welcomes the participation of the Secretary-General of the Organization of American States in that meeting, and recommends that similar meetings be held more frequently;

2. Expresses its satisfaction at the close cooperation between the two organizations and, in particular, the support which they both gave to the conduct of the parliamentary municipal and presidential elections in Haiti from June to December 1995, and at the joint operations of the International Civilian Mission to Haiti;

3. Also expresses its satisfaction at the support given by the Electoral Observer Mission in the general elections in Nicaragua held on 20 October 1996, when the United Nations system also provided technical assistance;

4. Further expresses its satisfaction at the close cooperation between the two organizations in the observation and verification of the electoral process, and recognizes the effectiveness of that cooperation when it is requested by national authorities;

5. Welcomes the meetings between the Secretary-General of the United Nations and the Secretary-General of the Organization of American States, as well as the regular meetings between their representatives throughout the period under review;

6. Also welcomes the signature on 17 April 1995 of the Collaboration Agreement between the United Nations and the Organization of American States;

7. Emphasizes that the cooperation between the United Nations and the Organization of American States should be in accordance with their respective mandates, scope and composition and should take place in forms that are suited to each specific situation, in accordance with the Charter of the United Nations;

8. Recommends that general meetings between representatives of the United Nations system and the Organization of American States be held when deemed necessary to continue to review and appraise progress, and that sectoral and focal point meetings be held on areas of priority or mutually agreed issues, continuing with the modality of operating through the focal points already established;

9. Expresses its appreciation for the efforts of the Secretary-General in the promotion of cooperation between the United Nations and the Organization of American States, and expresses the hope that he will continue to strengthen the mechanism for cooperation between the two organizations;

10. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

11. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Organization of American States".

General Assembly resolution 51/4  
 24 October 1996 Meeting 40 Adopted without vote  
 34-nation draft (A/51/L.5/Rev.1 & Rev. 1/Add.1); agenda item 22.

### Cooperation with CARICOM

As requested by the General Assembly in resolution 49/141 [YUN 1994, p. 251], the Secretary-General reported [A/51/299] on 20 August on cooperation between the United Nations and the Caribbean Community (CARICOM). He described consultations and information exchange between the two organizations since 1994, and provided information on collaborative activities undertaken with CARICOM by the United Nations Secretariat, the United Nations Children's Fund, UNCTAD, UNDP, the United Nations Development Fund for Women, the United Nations Population Fund, UNDCP, UNHCR, INSTRAW, the International Labour Organization (ILO), UNESCO, the Pan American Health Organization and the World Health Organization, IMF, the International Telecommunication Union, IMO, the International Fund for Agricultural Development and the United Nations Industrial Development Organization.

The report noted that ECLAC and CARICOM had signed a memorandum of understanding for cooperation in January 1995 and that the Secretaries-General of the United Nations and of CARICOM held consultations in October 1995 and in February 1996, addressing modalities for cooperation in such areas as preventive diplomacy, peacemaking and peacekeeping. Cooperation between the two organizations was also considered by the CARICOM Standing Committee of Foreign Ministers (twenty-second meeting, Kingston, Jamaica, 13-14 May 1996) and by the Conference of Heads of Government of CARICOM (seventeenth meeting, Bridgetown, Barbados, 3-6 July). In the final communique of the Standing Committee, the Ministers agreed that areas of cooperation should include follow-up to global conferences, advancement of a new international human order, issues related to the law of the sea, implementation of the 1994 Programme of Action for the Sustainable Development of Small Island Developing States [YUN 1994, p. 783], poverty reduction, peacekeeping, diplomatic training, governance and development in the Caribbean, and strengthening of the CARICOM Regional Secretariat's information base. In the final communique of the Conference, transmitted to the Secretary-General by Antigua and Barbuda on 12 August [A/51/295], the Heads of Government of CARICOM noted the development of closer relations between the region and the United Nations, and stressed the importance of

furthering the Community's possible role in the development of peace and security within the Caribbean region.

The Secretary-General further noted that a new cooperation mechanism provided for direct contacts between focal points within the UN system and CARICOM.

#### GENERAL ASSEMBLY ACTION

On 11 November, the General Assembly adopted **resolution 51/16**.

#### Cooperation between the United Nations and the Caribbean Community

The General Assembly,

Recalling its resolutions 46/8 of 16 October 1991, by which it granted observer status to the Caribbean Community, and 49/141 of 20 December 1994,

Noting with satisfaction the report of the Secretary-General on cooperation between the United Nations and the Caribbean Community,

Recalling that the Charter of the United Nations contemplates the existence of regional arrangements or agencies for dealing with such matters as are appropriate for regional action and other activities consistent with the purposes and principles of the United Nations,

Taking into account the reports of the Secretary-General entitled "An Agenda for Peace" and "An Agenda for Development" and the related consultations within the United Nations, including the various working groups on those subjects,

Taking note of the final communique of the twenty-second meeting of the Standing Committee of Ministers Responsible for Foreign Affairs, held at Kingston on 13 and 14 May 1996, and the final communique of the seventeenth meeting of the Conference of Heads of Government of the Caribbean Community, held at Bridgetown from 3 to 6 July 1996, which, inter alia, outlines areas of cooperation between the United Nations and the Caribbean Community and stresses the importance of furthering the possible role of the Community in the development of peace and security within the Caribbean region, and expresses appreciation to the Secretary-General of the United Nations for promoting this heightened level of cooperation,

Recalling the request made of the Secretary-General of the United Nations, in consultation with the Secretary-General of the Caribbean Community, to promote meetings between their representatives for consultations on policies, projects, measures and procedures that will facilitate and broaden cooperation and coordination between the two organizations,

Welcoming the inter-agency consultations between the Caribbean Community and its associated institutions, the Inter-American Development Bank, the Organization of American States and the United Nations on the first conference on governance and development in the Caribbean,

Affirming the need to strengthen the cooperation that already exists between entities of the United Nations system and the Caribbean Community in the areas of economic and social development, as well as of political and humanitarian affairs,

Convinced of the need for the coordinated utilization of available resources to promote common objectives of the two organizations,

1. Takes note of the report of the Secretary-General on cooperation between the United Nations and the Caribbean Community, as well as his efforts to strengthen that cooperation;

2. Invites the Secretary-General to continue taking the necessary measures for promoting and expanding cooperation and coordination between the United Nations and the Caribbean Community in order to increase the capacity of the two organizations to attain their objectives;

3. Requests the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community, or their representatives, to hold consultations with a view to signing an agreement on cooperation between the two organizations;

4. Notes the areas of cooperation approved by the Ministers for Foreign Affairs in the final communique of the twenty-second meeting of the Standing Committee of Ministers Responsible for Foreign Affairs, namely, follow-up to the global conferences; the advancement of the new international human order; law of the sea; follow-up and implementation of the Programme of Action for the Sustainable Development of Small Island Developing States; the development of poverty reduction programmes; peacekeeping; diplomatic training; governance and development in the Caribbean; and the strengthening of the Regional Secretariat Information Base;

5. Also notes the special role played by States members of the Caribbean Community in the restoration of democracy in Haiti and in its participation in the United Nations Mission in Haiti;

6. Calls upon the Secretary-General of the United Nations, in consultation with the Secretary-General of

the Caribbean Community, to assist in furthering the development of peace and security within the Caribbean region;

7. Recommends that the first general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be held in 1997 for the purpose of holding consultations on projects, measures and procedures to facilitate and strengthen cooperation between those organizations;

8. Requests the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community, or their representatives, to encourage inter-agency, sectoral and focal point meetings on areas of priority or mutually agreed issues;

9. Urges the specialized agencies and other organizations and programmes of the United Nations system to cooperate with the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community in order to initiate, maintain and increase consultations and programmes with the Caribbean Community and its associated institutions in the attainment of their objectives, and in this connection welcomes the special relationship between the Caribbean Community and the United Nations Development Programme;

10. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

11. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Caribbean Community".

General Assembly resolution 51/16

11 November 1996 Meeting 56 Adopted without vote  
67-nation draft (A/51/L.14/Rev.2); agenda item 25.