Chapter III

Americas

During 1999, the United Nations continued to advance the cause of lasting peace, human rights, sustainable development and the rule of law in the Americas. The Organization monitored the political and security situation in Central America; with the exception of Haiti, progress had been made in the consolidation of stability and greater democratization throughout the sub-region.

The United Nations Verification Mission in Guatemala (MINUGUA), established in 1994, continued to fulfil its mandate by verifying compliance with the implementation of the peace accords signed in 1996 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca. In December, the General Assembly extended the mandate of MINUGUA until 31 December 2000. The Commission for Historical Clarification submitted its report on the human rights violations that had been committed during the 34-year internal armed conflict. General elections, held in November and December, culminated with the election of Alfonso Portillo as President.

Haiti continued to experience a serious political and institutional crisis, which stalled the implementation of structural reforms and contributed to a worsening of the human rights situation. General elections, scheduled for November, were postponed to March 2000. In view of the situation, the United Nations continued its cooperation in 1999 with the Organization of American States through the jointly fielded International Civilian Mission to Haiti (MICIVIH), established in 1993 to monitor the human rights situation. The United Nations Civilian Police Mission in Haiti (MIPONUH), established in 1997, supervised, supported and trained the Haitian National Police. In December, the General Assembly established the International Civilian Support Mission in Haiti (MICAH) to consolidate the responsibilities of MIPONUH and MICIVIH into one mission. In view of the fact that MIPONUH’s mandate was to expire on 30 November 1999, the Security Council decided to continue the Mission to ensure a phased transition to MICAH by 15 March 2000. The Assembly also decided that MICIVIH’s mandate would terminate with the commencement of MICAH.

Throughout the year, the UN system actively participated in the reconstruction process following the devastation brought about by hurricane Mitch, which struck the region in late 1998 (see PART THREE, Chapter III).

In November 1999, the General Assembly again called on States to refrain from promulgating laws and measures such as the ongoing United States economic embargo against Cuba.

Central America

As requested by the General Assembly in resolution 53/94 [YUN 1998, p. 212], the Secretary-General submitted a September 1999 report on the situation in Central America [A/54/311], covering progress achieved by Central American countries in the areas of peace, freedom, democracy and development since August 1998. The report focused on the five signatories to the Esquipulas II process [YUN 1987, p. 188] (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua). In accordance with the new Central American agenda and the composition of Central American summit meetings, reference was also made to the situation in Belize and Panama.

The Secretary-General said that, in spite of challenges to stability, including the devastation caused by hurricane Mitch in 1998 [YUN 1998, p. 876], increasingly plural and democratic political processes continued to develop in the region. New Governments were democratically elected in Belize (26 August 1998), El Salvador (7 March 1999) and Panama (2 May 1999). In Guatemala, a national referendum on constitutional reform was peacefully and transparently conducted on 16 May. High participation in the Panamanian elections (76 per cent) continued to be an exception, however, and it was hoped that national and regional attention would focus increasingly on mechanisms to broaden citizen participation in the electoral process, particularly with regard to women and indigenous people. The vitality and inclusiveness of democratic governance in Central America was a fundamental counterpart to ongoing efforts to achieve economic growth, stability and equity, added the Secretary-General.
Public security in the region was threatened by the continued escalation in the rate of common crime and social violence, compounded by regional and international criminal networks. Irregularities and long delays in the processing of accused persons undermined public confidence in the judicial process. Attacks by vigilante groups on persons suspected of common crimes were reported. Violence against women continued to be an acute problem, although institutions had been created or strengthened to protect women’s security and rights. Civilian police forces with limited resources had struggled to respond adequately to the public security crisis and had suffered increasing losses of officers in the line of duty, particularly in El Salvador. In spite of those trends, advances had been made in bringing public security forces under civilian control. To that end, in El Salvador, the Government had sought to strengthen prevention policy and to affirm the role of the National Council for Public Security. In Honduras, the National Assembly had ratified reforms that consolidated the transition to civilian command of the armed forces. With regard to Guatemala, the process of strengthening the capacity and expanding the deployment of the new National Civil Police continued, while constitutional reforms aimed at redefining the role of the military were still pending.

Regional and extraregional cooperation on a range of shared security and human rights issues, including illegal drug trafficking, migration, anti-personnel landmines and arms trafficking, had been recurring themes addressed through the presidential and ministerial summit process, including a meeting with the Presidents of the United States (March), the European Union (EU) (May/June) and the Organization of American States (OAS) (June). In January, the Secretary-General of the Central American Integration System (SICA) signed an agreement of cooperation with the International Organization for Migration, which called for joint action in several areas, including regional norms development and the human rights of the migrant population, with a focus on women and children.

Across the region there were indications of a growing gap in human development between zones of relative affluence in the capitals and principal cities and the extreme poverty of marginalized rural and urban areas. Related patterns of social inequality and exclusion between social groups were reflected in regional data on distribution of income and access to employment, health and education. Indigenous peoples, representing 20 per cent of the Central American population (80 per cent of whom lived in Guatemala), and women in particular suffered high rates of socio-economic and political exclusion. The Central American Governments also had to contend with regional disparities among their countries in terms of human development, economic performance and their respective political and legal frameworks, all of which were obstacles to achieving integrated and sustainable arrangements for economic growth and stable political processes.

The reconstruction and transformation process following hurricane Mitch, the worst natural disaster to strike the region in over a century, dominated the regional agenda during the year. A report by the Economic Commission for Latin America and the Caribbean (ECLAC) revealed that the hurricane had left more than 9,000 dead and affected 24 per cent of the regional population, or almost 7 million people, including 77 per cent of the population of Honduras and 19 per cent of the Nicaraguan people, resulting in the displacement and migration of victims, principally to Costa Rica and the United States.

At the first meeting of the Consultative Group on Reconstruction and Transformation (Washington, D.C., 10-11 December 1998), convened by the Inter-American Development Bank (IDB), the international community pledged $6 billion in disaster relief, reconstruction assistance and debt forgiveness. At the follow-up meeting of the Consultative Group (Stockholm, Sweden, 25-28 May), pledges for $9 billion were made, including $5.3 billion from the World Bank and IDB, and the remainder in the form of bilateral assistance. In addition to national proposals, the Central American countries presented a joint reconstruction plan within the framework of SICA that focused on reducing environmental, economic and social vulnerabilities and on deepening the Central American integration process. Participants at the meeting expressed, through the Stockholm Declaration, the shared commitments to reduce the social and ecological vulnerability of the peoples of the region; reconstruct and transform Central America on the basis of an integrated focus on transparency and governability; consolidate democracy and good governance; promote human rights; coordinate donor activities; and renew efforts to reduce the external debt of countries in the region. Special meetings of the Central American Presidents were held in February and March. The latter summit, which took place in Antigua, Guatemala, resulted in the Antigua Declaration, which, among other things, recognized the impact of hurricane Mitch. (See also PART THREE, Chapter III.)

Regarding regional and extraregional trade and economic cooperation, ECLAC reported that
the gross national product (GNP) of the region grew by 4.4 per cent compared with 4.3 per cent in 1997. The slight improvement was due to the growth of external demand, capital inflows and a sustained effort to increase capital investment.

The capacity of Governments to transform underlying structural problems in order to permit sustainable economic growth depended in particular on reducing external debt. In June, the Group of Eight countries (Canada, France, Germany, Italy, Japan, Russian Federation, United Kingdom, United States) made commitments of substantial relief, particularly for Honduras and Nicaragua, which were also being considered for inclusion in the International Monetary Fund/World Bank Heavily Indebted Poor Countries Initiative.

On 28 and 29 May, Mexico hosted the thirteenth summit of the Rio Group, with heads of State from Latin America and the Caribbean. Global financial turbulence, the acute socioeconomic situation of the Central American countries and rapid multilateral disaster response for Central America dominated the agenda. The Rio Group met with EU representatives (Rio de Janeiro, Brazil, 28-29 June) and adopted the Rio Declaration, which confirmed shared principles and goals regarding trade integration, as well as mutual commitment to the preservation of democratic institutions and to free, just and open electoral processes. The Central American Governments maintained their commitments to the agenda set forth in the Santiago Declaration of April 1998 [YUN 1998, p. 211], in order to establish a free trade area of the Americas by 2005.

Regional institution-building efforts continued with further consolidation in the role of SICA, the Central American Economic Integration Secretariat and the Central American Economic Integration Bank. The system of regional institutions was further expanded to include the Central American Court of Justice. The Presidents agreed to meet at least once a year to make strategic and political decisions on integration, while a Council of Ministers had operated as the main decision-making body on the integration of foreign affairs, economy, social affairs and the environment.

At the twenty-ninth regular session of OAS (Guatemala City, 6-8 June), participants adopted, among other things, a resolution regarding the ongoing mine-clearing programme in Central America, noting the setback to operations as a result of hurricane Mitch. That objective had also been given renewed support with OAS participation in the Joint Declaration on the Elimination of Anti-personnel Landmines, signed at a meeting of the Central American Ministers of External Relations (Managua, Nicaragua, 12-13 April).

As for UN efforts in Central America, the Secretary-General stated that the United Nations remained committed to the process of peace-building. In El Salvador, he continued to entrust the United Nations Development Programme (UNDP) with following up on the implementation of outstanding commitments of the 1992 Peace Agreement [YUN 1992, p. 222] and to assist the Government to that end.

In Guatemala, the United Nations continued to verify compliance with the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168]. UNDP worked with distinct sectors of society to promote democratic governance, sustainable human development and capacity-building at the regional level, while at the national level it continued to support the consolidation of peace and consensus-building in El Salvador, Guatemala and Nicaragua. It also played an important role in preventing or minimizing future social conflict by facilitating the demobilization and integration of ex-combatants and by strengthening the civilian police force. In Guatemala and Nicaragua, UNDP promoted pilot projects for the creation of "judicial centres" where citizens could find the police, the local judge and magistrates and legal assistance (including informal means of conflict resolution) in a single, highly visible location. Regarding hurricane Mitch, in January and February the Office for the Coordination of Humanitarian Assistance, UNDP, the United Nations Children's Fund (UNICEF), the World Health Organization and the Pan American Health Organization undertook an inter-agency evaluation mission to analyse, along with Governments, donors, disaster managers and UN system partners, action taken during the emergency and to formulate guidelines to enhance preparedness for future natural disasters. Consultations between SICA and the United Nations focused on launching a new phase of more intense collaboration, building on previous experiences and including the development of new national and regional initiatives. UN agencies continued to assist Governments in achieving diverse objectives that contributed to lasting peace and sustainable development. The World Bank hosted the fourth annual Conference on Development in Latin America and the Caribbean (El Salvador, June). The Bank confirmed that structural adjustment policies had not been sufficient to diminish poverty and improve the quality of life in the region; those policies needed to be complemented by further institutional reform, including the areas of justice and education.
The Secretary-General observed that, although Governments and their peoples continued to advance the cause of lasting peace, human rights, sustainable development and the rule of law, Governments still faced difficulties, particularly in reconciling the imperatives of economic growth, stability and equity. Successfully balancing those needs was at the root of lasting peace. The Secretary-General hoped that the alarming situation in Central America, to reduce external debt significantly and to provide emergency and long-term aid.

Communication. On 17 November [A/54/630], Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama transmitted the Declaration of Guatemala II, signed by them in Guatemala City on 19 October. They agreed to adopt the Strategic Framework for the Reduction of Vulnerability and Disasters in Central America and to establish the Central American Five-Year Plan for the Reduction of Vulnerability to and the Impact of Disasters (2000-2004). They also agreed to support foreign debt relief for Honduras and Nicaragua. The Declaration, among other things, expressed support for the full transfer of control of the Panama Canal to the Government of Panama, scheduled to take place on 31 December 1999, and for an effective mechanism to settle trade and investment disputes in an institutional framework.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 80], the General Assembly adopted resolution 54/118 [draft: A/54/L.24/Rev.1 & Add.1] without vote [agenda item 47].

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,

Considering the relevant resolutions of the Security Council, particularly resolution 637(1989) of 27 July 1989, and its own resolutions, particularly resolution 43/24 of 15 November 1988, in which it requests the Secretary-General to continue his good offices and to afford the fullest possible support to the Central American Governments in their efforts to achieve the objectives of peace, reconciliation, democracy, development and justice established in the agreement on “Procedures for the establishment of a firm and lasting peace in Central America” of 7 August 1987,

Reaffirming its resolutions in which it recognizes and stresses the importance of international economic, financial and technical cooperation and assistance, both bilateral and multilateral, aimed at promoting economic and social development in the region with a view to furthering and supplementing the efforts of the Central American peoples and Governments to achieve peace and democratization, particularly resolution 52/169 G of 16 December 1997, concerning international assistance to and cooperation with the Alliance for the Sustainable Development of Central America, as well as its resolution 53/1 C of 2 November 1998, concerning emergency assistance to Central America, owing to the destruction caused by hurricane Mitch,

Emphasizing the importance of the development of the Central American Integration System, which has as its main objective the promotion of the integration process; the Alliance for the Sustainable Development of Central America as the integrated programme for national and regional development, which contains the commitments and priorities of the countries of the area for the promotion of sustainable development; the establishment of the subsystem and of the regional social policy; the model of democratic Central American security; and the implementation of other agreements adopted at the presidential summit meetings, which taken together constitute the global frame of reference for consolidating peace, freedom, democracy and development and the basis for the promotion of mutually advantageous relations between Central America and the international community,

Recognizing the progress made in the fulfilment of the commitments contained in the Guatemala Peace Agreements, implementation of which is being verified by the United Nations Verification Mission in Guatemala, including the submission of the report of the Commission for Historical Clarification, the finalization of the programme for the repatriation of the Guatemalan refugees in Mexico, the compliance with the expenditure ceilings contained in the Agreements, the expansion of the deployment of the new National Civil Police, the approval by the Congress of the new Land Act and the establishment of the Office for the Defence of Indigenous Women,

Taking note with satisfaction of the successful implementation of the Peace Agreements and of the consolidation of the process of democratization in El Salvador, as a result of the efforts of the country’s people and Government,

Recognizing with satisfaction 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,

Welcoming the changes and progress made by the Central American peoples, whose efforts have brought about, inter alia, the strengthening of civil society and authority, the creation of new political forms, the holding of free and pluralistic elections, the creation of mechanisms for the protection and promotion of human rights, freedom of expression, the strengthening of democratic institutions and of the rule of law, judicial reform processes and the adoption of a fairer development model providing greater opportunities for the Central American peoples,
Emphasizing the importance of the end of a critical period in Central American history and the start of a new phase free from armed conflict, with freely elected Governments in each country and with political, economic, social and other changes which can create a climate conducive to the promotion of economic growth and further progress towards the consolidation and further development of democratic, just and equitable societies.

Reaffirming that firm and lasting peace and democracy in Central America are a dynamic and ongoing process that faces serious structural challenges, whose continuation and consolidation are closely related to progress in human development, especially the alleviation of extreme poverty, the promotion of economic and social justice, judicial reform, the safeguarding of human rights and fundamental freedoms, respect for minorities and the satisfaction of the basic needs of the most vulnerable groups among the peoples of the region, issues which have been a primary source of tension and conflict and which deserve to be discussed with the same urgency and dedication as was the case in the settlement of armed conflicts.

Deeply concerned by the devastating effects of hurricane Mitch and other natural disasters on the population and economies of the region's countries and by the possible consequences of a significant setback as regards the efforts of the Central American peoples and the international community to overcome the aftermath of the armed conflicts and as regards the progress made with respect to political stability, democratization and sustainable development.

Emphasizing the solidarity of the international community with the victims of hurricane Mitch, as demonstrated by friendly States' generous response to the emergency situation and in particular by the meetings of the Consultative Group for the Reconstruction and Transformation of Central America, held in Washington, D.C., in December 1998 and in Stockholm in May 1998, resulting in the Stockholm Declaration, in which the objectives and principles of reconstruction and transformation were established, and of which five countries agreed to initiate the follow-up process,

1. Takes note with appreciation of the report of the Secretary-General;

2. Commends the efforts of the peoples and the Governments of the Central American countries to re-establish peace and democracy throughout the region and promote sustainable development by implementing the commitments adopted at the summit meetings, and supports the decision of the presidents that Central America should become a region of peace, freedom, democracy and development;

3. Recognizes the need to continue to follow closely the situation in Central America according to the objectives and principles established in the Stockholm Declaration in order to support national and regional efforts to overcome the underlying causes that have led to armed conflicts, avoid setbacks and consolidate peace and democratization in the area and promote the objectives of the Alliance for the Sustainable Development of Central America, especially in the transitional period for overcoming the devastating effects of hurricane Mitch and other natural disasters, which entail extraordinary efforts for the reconstruction and transformation of the worst affected countries in the region, in particular Honduras and Nicaragua;

4. Emphasizes the importance of the global frame of reference and the establishment of national and regional development priorities as the basis for promoting the effective, consistent and sustainable progress of the Central American peoples, and for providing international cooperation in accordance with the new circumstances in and outside the region;

5. Welcomes the progress achieved in implementing the Guatemala Peace Agreements, calls upon all parties to take further measures to implement the commitments in the Peace Agreements, and urges all sectors of society to combine efforts and work with courage and determination to consolidate peace;

6. Also welcomes the efforts made by the people and the Government of El Salvador to fulfil the commitments set forth in the Peace Agreements, thus contributing substantially to the strengthening of the democratization process in the country;

7. Requests the Secretary-General, the bodies and programmes of the United Nations system and the international community to continue to support and verify in Guatemala the implementation of all the peace agreements signed under United Nations auspices, compliance with which is an essential condition for a firm and lasting peace in that country;

8. Recognizes the importance of the Central American Integration System as the body set up to coordinate and harmonize efforts to achieve integration, a process aimed at establishing, gradually and progressively, the Central American Union, and calls upon the international community, the United Nations system and other international organizations, both governmental and non-governmental, to extend generous and effective cooperation with a view to improving the competence and efficiency of the Central American Integration System in the fulfilment of its mandate;

9. Encourages the Central American Governments to continue to carry out their historic responsibilities by fully implementing the commitments they have assumed under national, regional or international agreements, especially the commitments to implement the social programme to overcome poverty and unemployment, establish a more just and equitable society, improve public safety, strengthen the judiciary, consolidate a modern and transparent public administration and eliminate corruption, impunity, acts of terrorism and drug and arms trafficking, all of which are necessary and urgent measures for establishing a firm and lasting peace in the region;

10. Reiterates its deep appreciation to the Secretary-General, his special representatives, the groups of countries for the peace processes in El Salvador (Columbia, Mexico, Spain, United States of America and Venezuela), and Guatemala (Colombia, Mexico, Norway, Spain, United States of America and Venezuela), to the Support Group for Nicaragua (Canada, Mexico, Netherlands, Spain and Sweden), to the European Union and to other countries that have contributed significantly and to the international community in general for its support and solidarity in the building of peace, democracy and development in Central America;

11. Reaffirms the importance of international cooperation, in particular cooperation with the bodies, funds and programmes of the United Nations system,
and the donor community in the new stage of consolidating peace and democracy in Central America, and urges them to continue to support Central American efforts to achieve those goals, bearing in mind the global framework of the new regional development strategy, which is in keeping with the collective aspirations and needs of the Central American peoples;

12. Notes with appreciation the demonstrations of international solidarity and support for the region's reconstruction and transformation efforts following the severe damage caused by hurricane Mitch, which will enable the region to attain normality and continue its efforts to consolidate democracy and attain sustainable development;

13. Reaffirms the need to maintain sustained assistance to the region in order to create the conditions needed for balance between the challenges of reconstruction, economic growth and equitable social development that will ensure firm and lasting peace in the region, and stresses the need to improve preparedness and the integration of natural disaster reduction components into development planning;

14. Requests the Secretary-General to continue to lend his full support to the initiatives and activities of the Central American Governments, particularly their efforts to consolidate peace and democracy through the implementation of a new, comprehensive sustainable development programme and the initiative to establish the Central American Union, emphasizing, inter alia, the potential repercussions of natural disasters and the vulnerability of the region, and to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution;

15. Decides to include in the provisional agenda of its fifty-fifth 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”.

On 23 December, the Assembly, by decision 54/465, decided that the agenda item on the situation in Central America remained for consideration during its resumed fifty-fourth (2000) session.

Guatemala

In 1999, the peace process in Guatemala continued to be implemented and gained greater support and acceptance throughout all sectors of society, despite delays and setbacks in fiscal, judicial and military reforms and a worsening human rights situation. The year also witnessed two major events as far as reconciliation and parliamentary representation were concerned: the presentation of the report of the Commission for Historical Clarification, established in 1994 to clarify the human rights violations and acts of violence connected with the armed conflict [YUN 1996, p. 168] and the 1996 Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (the Timetable Agreement) [YUN 1997, p. 176], signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). The Secretary-General transmitted to the General Assembly reports by the MINUGUA Director covering the Mission’s activities throughout 1999. The Assembly renewed the mandate of the Mission until 31 December 2000.

Commission for Historical Clarification

On 23 April, the Secretary-General transmitted the executive summary, conclusions and recommendations of the report of the Commission for Historical Clarification (CEH), “Guatemala: Memory of Silence” [A/53/928]. The report contained the results of the investigation carried out by CEH on human rights violations and acts of violence that had been committed during the 34-year civil war. The Commission registered a total of 42,275 victims, of whom 23,671 were victims of arbitrary execution and 6,159 of forced disappearance. Eighty-three per cent of the victims were identified as Mayan and 17 per cent were Ladino. Together with the results of other studies of political violence in Guatemala, CEH estimated that the number of persons killed or disappeared reached over 200,000. Human rights violations and acts of violence attributable to State actions represented 93 per cent of those registered by CEH, and were especially severe from 1978 to 1984, a period during which 91 per cent of the CEH documented violations were committed. Eighty-five per cent of the violations and acts registered by CEH were attributable to the Army alone and 18 per cent to the Civil Patrols, which were organized by the armed forces. Acts of violence attributable to the guerrillas represented 3 per cent of the registered violations. Human rights violations committed by the State included massacres of the Mayan people, forced disappearances, arbitrary executions, rape of women, the use of death squads, the denial of justice and forced and discriminatory military recruitment. CEH concluded that State agents, within the framework of counter-insurgency operations carried out between 1981 and 1983, committed acts of genocide against groups of Mayan people. Guerrilla groups had carried out arbitrary executions, massacres, forced disappearances and kidnapping and forced recruitment. Private individuals also committed acts of
violence in defence of their own interests and were generally economically powerful people at either the national or local level.

CEH presented a series of recommendations relating to reparatory measures, including the creation of a national reparation programme for the victims and their relatives, a search for the disappeared and an active exhumation policy; measures to foster a culture of mutual respect and observance of human rights; measures to strengthen the democratic process; and the promotion of peace and national harmony. In order to fulfil its recommendations, CEH recommended that the Guatemalan Congress establish a body responsible for implementing and monitoring its recommendations under the name of "Foundation for Peace and Harmony". It presented the Foundation's mandate, composition, appointment procedure, constitution, installation, period of operation, human and material resources and financing. CEH asked the Secretary-General to lend his support, through MINUGUA, so that its recommendations might be implemented. It also asked him to appoint the Foundation's independent member and to establish an international mechanism to provide the Foundation with technical support and to channel donations from the international community.

The Secretary-General stated in November that human rights organizations, a large part of organized civil society and URNG had endorsed the report [A/54/526]. The Government, although it appreciated the Commission's work, disagreed with the recommendation to establish a commission to purify the armed forces and a foundation to follow up the implementation of CEH recommendations, on the grounds that their mandates would duplicate the mandates of other entities involved in the peace process. With regard to the Foundation, the Government later stated that it was open to other options involving the participation of representatives of organized social sectors. On 9 April, under the auspices of the Council for Human Rights, a large group of organizations of civil society agreed to form the Multi-institutional Forum for Peace and Harmony, to advance the implementation of the Commission's recommendations and, especially, the establishment of a Foundation for Peace and Harmony.

Regarding the Commission's request to the Secretary-General, MINUGUA had helped disseminate the report and had used its good offices to secure an agreement between the Government and organizations of civil society on setting up the Foundation. The Secretary-General expressed his intention to appoint the independent member and establish the international technical support mechanism once the Foundation's rules of procedure had been determined. He was of the opinion that it was essential to establish a forum made up of State bodies and organizations of civil society to assume jointly the task of reconciliation. The forum could give priority to actions recommended by CEH, including promotion of and support for historical research; the search for the disappeared; measures to honour and preserve the memory of the victims; compensation for the victims; the initiation of a policy of exhumation; the promotion of a culture of mutual respect; and the formulation and promotion of a legislative agenda based on the CEH report.

MINUGUA

The mandate of MINUGUA, which was extended to 31 December 1999 by General Assembly resolution 53/93 [YUN 1998, p. 221], included verification of all agreements signed by the Government of Guatemala and URNG covering human rights, the parties' compliance with the ceasefire, separation and concentration of the respective forces, and disarmament and demobilization of former URNG combatants. The Mission's functions also comprised good offices, advisory and support services and public information. The parties to the agreements had requested that the duration of the mandate of MINUGUA be the same as that of the implementation timetable, namely four years, up to 31 December 2000.

Report of Secretary-General. In response to General Assembly resolution 53/93, the Secretary-General submitted a September report [A/54/555] covering the state of implementation of the peace agreements (see p. 201) and the structure and staffing of MINUGUA. He said that the Mission's configuration was well suited to the multiple and varied tasks with which it was charged, and, therefore, he proposed that only a modest change in its regional structure be made in 2000. The change, which would contemplate a geographical redeployment of the Mission's regional structure and not a change in geographical coverage, would result in a more flexible distribution of resources. Accordingly, the Mission would close three sub-offices and increase its capacity for flexibility by introducing an additional (third) mobile office. The number of coordinators and political affairs officers (8 and 25, respectively) would remain unchanged. The Secretary-General recommended that the Assembly authorize the renewal of MINUGUA's mandate for a further period of one year, until 31 December 2000. He noted that the financial requirements, inclusive of support staff and op-
erational costs for the period from 1 January to 31 December 2000, were estimated at $31.4 million.

**Verification of compliance**

In response to General Assembly resolution 53/93, the Secretary-General, in November, submitted his fourth report [A/54/526] on the verification of compliance with the agreements signed by the Government of Guatemala and URNG [YUN 1996, p. 168].

The implementation of the commitments entered into by the two parties was governed by the Timetable Agreement [YUN 1997, p. 176], which divided the period from 1997 to 2000 into three phases. The report covered part of the third phase (1998-2000), from 1 August 1998 to 31 August 1999, which coincided with the last year in office of the Government of President Álvaro Arzú, the signatory of most of the peace agreements, and with the period leading up to the general elections of 7 November 1999. In the light of those circumstances, the Secretary-General not only reviewed the verification results for the reporting period, but also included general conclusions on compliance with each agreement and recommendations on the outstanding peace agenda. At the beginning of the year, the Commission to Follow up the Implementation of the Peace Agreements had established seven priorities for 1999 that included the commitments to give sustainability to the reconstruction effort undertaken in the wake of hurricane Mitch (see PART THREE, Chapter III), the preparation of various legislative bills related to the constitutional reform adopted by the Congress in October 1998 [YUN 1998, p.218], fiscal matters, rural development, compensation, civic participation and coordination and consultation, including monitoring the work of the commissions set up under the peace agreements.

Compliance with the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407] included the institution on 12 April 1999 of a National Programme of Compensation for and/or Assistance to the Victims of Human Rights Violations during the Armed Conflict to provide compensation and/or assistance through civic, socio-economic and moral reparation programmes and projects. Pilot projects initiated prior to the formulation of the Programme confirmed that compensation was a complex matter for a country emerging from almost four decades of armed conflict, with a toll of some 200,000 dead and disappeared persons. Nonetheless, the Secretary-General said the State had a legal and moral duty towards the victims and, therefore, it was important to extend the Compensation Programme through the year 2000 and subsequent years as a continuing, long-term effort.

Regarding compliance with the 1994 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict [YUN 1994, p. 407], during the period under review 5,853 Guatemalan refugees were repatriated. The process of organized return of the Guatemalan refugees in Mexico ended on 30 June 1999. Some 43,000 refugees had been repatriated during the past 15 years, while 22,000 who were still living in Mexico had chosen to remain there. Access to land and legal security of tenure were priority issues for the uprooted population and key areas in the implementation of the Agreement. As to the internally displaced population, 1,500 families had applied for assistance in the purchase of 23 estates; as at 31 October, two estates had been purchased. A number of factors continued to imperil the resettlement process, including the absence of land management and micro-regional development plans. There were worrisome delays in implementing commitments on productive integration in the context of regional policies of sustainable development and strengthening the system of development councils.

As to the 1994 Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer [YUN 1994, p. 407], the Secretary-General, on 25 February, received and made public the CEH report entitled "Guatemala: Memory of Silence" (see p. 199).

Under the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 432], priority was given to the continuation of consultations between the Government and indigenous organizations on the Agreement’s implementation. The Joint Commission on Land Rights reached agreement on a preliminary bill establishing the Land Trust Fund, which was approved by the Congress on 13 May. The Act established the principal mechanism for facilitating access to land ownership for peasants who possessed no land or insufficient land. The Office for the Defence of Indigenous Women’s Rights was established within the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights. The Office would have administrative, technical and financial management capacities and the power to promote and develop, together with governmental entities, proposals for public policy and plans and programmes for the prevention of, protection against and eradication of all forms of
violence and discrimination against indigenous women.

Commitments to ensure the sustainability of the reconstruction activities undertaken in the wake of Hurricane Mitch were emphasized under the 1996 Agreement on Social and Economic Aspects and the Agrarian Situation [YUN.1996, p. 165]. A Fiscal Pact Preparatory Commission was established in March 1999 as part of the fiscal pact process, which was responsible, among other things, for preventing a decline in tax collection. The Secretary-General said that a decision on ending the prolonged fiscal stalemate could not be delayed any longer without serious consequences for social and institutional development and, therefore, for governability.

Among positive aspects of government action in the area of rural development were the definition by the Ministry of Agriculture, Livestock and Forestry of areas for long-term strategic action and of priorities for 1999 based on the key elements of the peace agreements; the submission of a document on national agrarian policy which contained components for the definition of a rural development strategy; the modernization of the Ministry; the adoption by the Congress of the Land Trust Fund Act; the increase in public investment in rural areas; the beginning of the process of regulating public land; the execution of pilot land registry plans; the expansion of forestry incentives; and the continuation of consultations between the Government and indigenous organizations within the Joint Commission on Rights relating to Indigenous Peoples’ Land. Scant progress was made in launching comprehensive land management plans in both urban and rural areas which took into account multiculturalism and indigenous communities’ forms of land ownership. That situation was a matter of concern since a substantial part of the damage caused by Hurricane Mitch occurred because of the absence of such plans. The land registry process had made limited progress and was extremely weak, owing to its excessive dependence on external resources and the very limited allocation of national funds.

In the health sector, progress had been made in the commitment to allocate a higher percentage of spending to preventive health, which had improved the health infrastructure and had expanded the coverage of health services, especially in rural areas, despite the fact that there was still a need to reduce the rate of infant mortality. The results achieved were due in large measure to the creation of the Integrated Health Care System (SIAS), which, in less than two years, had provided services throughout the country to low-income people. At times, though, the quality of the SIAS services was somewhat deficient, due to a shortage of medicines, equipment and basic supplies and a lack of training on the part of its rank-and-file workers. Accordingly, the Secretary-General called on SIAS to consolidate its institutions, learn to do without the voluntary work of community staff, overcome its dependence on cooperation workers from Cuba, and improve its agreements with non-governmental organizations (NGOs) in terms of time frame, payments, monitoring and supervision.

In the education sector, the goal of increasing the amount of public spending actually disbursed was achieved in 1998 and progress had been made in reducing illiteracy, in educational support programmes and in increasing educational coverage, especially in rural areas. Nevertheless, progress had been hindered because the target of access for all those between the ages of 7 and 12 to at least three years of schooling by the year 2000 had not been achieved; although there was an overall reduction in illiteracy, the rates for the indigenous population remained higher than for the rest of the population; and little progress had been made in fulfilling other commitments, such as the execution of a national programme of civic education and providing out-of-school education and training. The National Programme for Educational Self-Management provided support for over 175,000 children in 1998, mainly in rural areas, thereby narrowing the traditional gap between urban and rural educational coverage. The Secretary-General stressed that the urgency of instituting educational reform required greater efforts by all sectors involved.

With regard to housing, coverage had increased and the commitment to allocate 1.5 per cent of annual tax revenues to that sector had been fulfilled, although the quality of the service provided was very poor. The Secretary-General noted that there was a need to reformulate completely the policy for access to low-income housing, since the current regulatory framework did not include the components established in the peace agreements. The Government had implemented an emergency agenda for the post-Hurricane Mitch reconstruction period that had helped repair the damage to the economic infrastructure and to solve some of the most pressing social problems in the areas affected, including health, loss of jobs and temporary housing. However, important components of the reconstruction effort had been carried out without respect for the provisions of the peace agreements. As regards participation, once the immediate emergency was over, the implementation of reconstruction activities became over-
centralized and the failure to involve regional and municipal forums precluded the participation of organized sectors of the population in designing and planning those activities. In the case of housing, the relocation and reconstruction programme was carried out without considering such factors as coordination between central and local government agencies, land management, urban planning and environmental protection. In addition, as at July, the food-for-work programme put in place by the Ministry of Labour had not covered women workers. As wage conditions enjoyed by workers prior to hurricane Mitch had deteriorated noticeably and had not improved a year after the emergency, the Secretary-General called for improved labour conditions in the country.

Under the 1996 Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society [YUN 1996, p. 167], the commitment to increase the judiciary's budget by 50 per cent in relation to 1995 was implemented. Other positive developments included the establishment of the ad hoc commission to follow up the recommendations of the Commission on the Strengthening of the Justice System, and the leading role assumed by that Commission, particularly during the process of selecting members of the new Supreme Court of Justice and the Courts of Appeal. The judiciary had continued to implement its modernization plan; however, it was proceeding slowly and had not had the impact necessary to meet the population's demands for justice. The deployment of the National Civil Police (PNC), a central element of the peace agreements, was extended throughout the country, despite constraints on the infrastructure and equipment of the units that had been deployed. The slow deployment and weak structure of the Criminal Investigation Service were not consistent with the importance that the Agreement attached to criminal investigation in developing the new PNC structure.

The restructuring of the armed forces in accordance with the provisions of the peace agreements had been carried out from a quantitative standpoint, in the reduction in the size and budget of the military. The qualitative restructuring remained to be carried out due, in part, to the delays in the discussion of the constitutional reform. In addition, MINUGUA reported that the military, which had 104 units before the signing of the peace agreements, still had 95 units deployed in the same geographical locations as during the armed conflict, even in areas where extremely serious human rights violations had occurred. In view of the situation, the Mission had conducted verification of the deployment to identify the functions carried out by each unit. The Secretary-General said that the qualitative implementation of the commitments and the ambiguities of the current deployment demonstrated the urgency of adopting a new military doctrine to define the military's functions in a democratic, peaceful society. He called on the Government to comply in 1999 with the commitment to disband the Presidential General Staff and replace it with a civilian unit responsible for the security of the President and Vice-President.

As far as the 1996 Agreement on Constitutional Reforms and the Electoral Regime [YUN 1997, p. 178] was concerned, a reform package comprising 50 amendments to the Constitution—was submitted for ratification in a referendum held on 16 May 1999. Although the vast majority of political forces came out in favour of the reform, the outcome of the referendum was negative, raising serious legal difficulties as to the alteration of the mandate of the armed forces, the reform of the career judicial service and official recognition of indigenous languages. Despite that setback, the Secretary-General said that there was a conviction among the main political parties and many elements of civil society that the outcome of the referendum had not diminished the legitimacy and validity of the peace agreements.

Some aspects of the 1996 Agreement on the Basis for the Legal Integration of the URNG [YUN 1996, p. 169] were implemented with the launching of most of the subprogrammes for the initial integration of demobilized combatants. However, serious difficulties remained, due to, among other things, limited progress made in other peace agreements linked to the integration process and delays in the implementation of production projects for some two thirds of all demobilized combatants.

The Secretary-General observed that 1999 was the last year in office of the Government that had signed the majority of the peace agreements. The general elections would bring changes in the executive branch, the Legislative Assembly and the local governments. The current Government and the new authorities would have to implement electoral, fiscal, judicial and military reforms. According to the Secretary-General's Chef de Cabinet, there was a broad consensus among diverse sectors of Guatemalan society as to the need to continue and expand implementation of the peace agenda.

In a later report [A/55/175], the Secretary-General stated that the first general elections since the signing of the 1996 Agreement on a Firm and Lasting Peace took place on 7 Novem-
ber. Alfonso Portillo, the candidate of the Frente Republicano Guatemalteco (FRG), was elected President after winning the second round of presidential elections on 26 December. URNG participated for the first time as a political party in the elections, winning nine congressional seats and 13 mayoral posts as a member of the Alianza Nueva Nacion. FRG won 63 of the 113 congressional seats.

On 15 November, with regard to the 1994 Comprehensive Agreement on Human Rights, the Follow-up Commission submitted to the President of the Congress the preliminary draft of a bill setting up a commission for peace and harmony, the text of which had been agreed on with civil society organizations, based on a preliminary draft prepared by the Multi-institutional Forum for Peace and Harmony and in keeping with the Mission's recommendations. The bill was presented to the full Congress on the last day of its regular session and was referred to the Congressional Committee for Peace and Mine Clearance, which issued a favourable ruling. However, it could not be voted on by the full Congress because the special December session did not have a quorum.

The Judicial Civil Service Act, an important landmark in the modernization of the judiciary, was adopted on 30 November, and, in December, the Ad Hoc Commission, which had taken over from the Commission on the Strengthening of the Justice System, completed its work.

The proposed "doctrinal manual of the Guatemalan armed forces", submitted in late 1999 by the previous Government, focused almost exclusively on military aspects, and therefore did not meet expectations of fulfilling the commitment of a new military doctrine. The newly elected Government had taken over the manual, which it viewed as a working draft, and expressed its willingness to include more sectors in its discussion.

Human rights

In December [A/54/688], the Secretary-General transmitted to the General Assembly the MINUGUA head's tenth report on human rights, which described the Mission's activities between 1 January and 30 November 1999.

One of the most significant events that took place was the verification of political rights in the context of the first round of general elections on 7 November. The Mission monitored a registration plan launched in June by the Supreme Electoral Tribunal and provided logistical support specifically aimed at the most inaccessible areas. Overall, MINUGUA investigated over 200 complaints and incidents during the electoral period, though, in many cases, the complainants failed to provide the minimum information needed to determine plausibility. Threats or intimidation against members of political parties, candidates and officials of the Supreme Electoral Tribunal were reported. On election day, the Mission was present throughout Guatemala, serving as a deterrent to potential conflicts. It also toured 286 of the country's 330 municipalities and visited 750 polling stations. The Mission's observations suggested that in nearly 80 per cent of the municipalities visited, political rights were exercised under normal conditions, while minor problems occurred in just under 20 per cent of the municipalities.

During the first nine months of 1999, the Mission admitted 316 complaints, compared with 219 during the previous reporting period [YUN 1998, p. 218]. The increase was partly due to the fact that 66.12 per cent of all violations of the State's legal obligation to prevent, investigate and punish stemmed from cases admitted during previous periods, regarding massacres and disappearances. Verifications of the violations indicated an increase in the practice of torture and cruel, inhuman or degrading treatment, as well as an increase in violations of the right to individual liberty, due process of law, political rights and the right to freedom of association and assembly. The Mission stressed that greater efforts were needed to promote a culture of independence within the judiciary branch, as well as greater professionalism among judges and prosecutors. A fact-finding mission to Guatemala was carried out by the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers (see PART TWO, Chapter II).

The weaknesses of the judiciary and the Public Prosecutor's Office were compounded by the fact that some institutions of the executive branch had interfered and, at times, refused to cooperate with the justice system. In the case of the assassination of Monsignor Juan Jose Gerardi Conedera [YUN 1998, p. 219], the lack of cooperation or interference had been blatant. In fact, evidence pointed to a parallel investigation in the Gerardi case that was carried out with the participation of intelligence services without the knowledge of the judicial authorities. Parallel investigations were carried out in other cases, disrupting and confusing the work of the Public Prosecutor's Office, thereby perpetuating impunity for the crime. The Mission recommended that the Government should enforce the prohibition contained in the peace agreements against the involvement of military intelligence organizations in civilian matters, particularly judicial investigations.

During the reporting period, the deterioration in the human rights situation was also due to
the actions of PNC. However, MINUGUA noted improvements in its performance, particularly a more active policy to combat the phenomenon of lynching. It also noted a reduction in violations stemming from the excessive use of force in eviction or similar operations resulting in large numbers of victims. At the same time, cases of torture associated with the investigation of crimes and offences had been reported.

The worsening human rights situation, three years after the signing of the peace agreements, was cause for concern. Despite MINUGUA’s recommendations, no progress had been made towards fulfilling the commitment to perfect the norms and mechanisms to protect human rights through the ratification or signing of new instruments. The Mission therefore urged the Government to deposit with the UN Secretary-General its instrument of ratification of the Optional Protocol to the International Covenant on Civil and Political Rights [YUN1966, p.431] and recognize the competence of the Committee against Torture and the Committee on the Elimination of Racial Discrimination, so that the respective Committees could receive communications from individuals. The Mission once more stressed the need for the Government to complete the process of ratification of the 1994 Inter-American Convention on Forced Disappearance of Persons, by depositing the relevant instruments with OAS, as an effective means of fostering in the international community recognition of enforced disappearance as a crime against humanity. As to the ownership, use and bearing of firearms by individuals, the Mission called on the State to develop effective and reliable mechanisms of control, given the indiscriminate proliferation of that type of weapon and its widespread marketing.

GENERAL ASSEMBLY ACTION

On 8 December [meeting 73], the General Assembly adopted resolution 54/99 [draft: A/54/L.27 & Add.1] without vote [agenda item 47].

United Nations Verification Mission in Guatemala

The General Assembly,

Recalling its resolution 53/93 of 1 December 1998, in which it decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 1999,

Taking into account the ninth report on human rights of the Mission,

Taking into account also the report of the Commission for Historical Clarification,

Stressing the role played by the Mission in support of the Guatemala peace process, and emphasizing the need for the Mission to continue to enjoy the support of all parties,

Taking into account the fact that the parties have expressed their interest in the continued presence of the Mission in Guatemala,

Having considered the report of the Secretary-General on the work of the Mission and the recommendations therein, which are aimed at ensuring that the Mission can respond adequately to the demands of the peace process until 31 December 2000,


2. Also welcomes the report of the Commission for Historical Clarification and its recommendations;

3. Takes note with satisfaction of progress made in the implementation of the peace agreements, in particular the finalization of the programme for the repatriation of Guatemalan refugees in Mexico, compliance with the spending targets included in the agreements, increased deployment of the new National Civil Police, the approval by Congress of the new Land Trust Fund and the establishment of the Office for the Defence of Indigenous Women;

4. Also takes note with satisfaction of the ongoing efforts at consensus-building carried out within the commissions created under the peace agreements, as well as of the contribution of the Women’s Forum;

5. Underscores the fact that, as pointed out by the Commission to follow up the Implementation of the Peace Agreements, key reforms remain outstanding, including the fiscal, judicial, military and electoral reforms, and therefore stresses the critical importance of continued compliance with the peace agreements in 2000;

6. Encourages the Government to implement its decision to adopt a new military doctrine and disband the current Presidential Military Staff, in keeping with the peace agreements;

7. Underscores the fact that meeting the tax revenue targets set in the Agreement on Social and Economic Aspects and the Agrarian Situation is essential to the sustainability of the implementation of the peace agreements;

8. Notes that, while significant achievements have been registered in the implementation of the Comprehensive Agreement on Human Rights, important shortcomings persist, and calls upon the Government to redouble its efforts in the promotion of human rights, taking into account the recommendations contained in the reports on human rights of the Mission, and to do its utmost to assist in the investigation of the murder of Monsignor Juan Jose Gerardi Conedera;

9. Calls upon the Government to follow up on the recommendations of the Commission for Historical Clarification, with a view to promoting national reconciliation, upholding the right to truth and providing redress, in accordance with Guatemalan law, for the victims of human rights abuses and violence committed during the thirty-six-year armed conflict;

10. Welcomes the commitment to the implementation of the peace agreements made by the presidential candidates of the major political parties and their support for the extension of the mandate of the Mission;

11. Encourages the parties and all sectors of Guatemalan society to continue efforts to achieve the goals of the peace agreements, in particular the observance of
human rights, including the rights of indigenous peoples, equitable development, participation and national reconciliation;

12. Invites the international community and, in particular, the agencies, programmes and funds of the United Nations, to continue to take the implementation of the peace agreements as the framework for their technical and financial assistance programmes and projects, and stresses the continued importance of close cooperation among them;

13. Stresses the role of the Mission as a key instrument in the consolidation of peace, promotion of the observance of human rights and building of confidence in the implementation of the peace agreements;

14. Decides to authorize the renewal of the mandate of the Mission from 1 January to 31 December 2000;

15. Requests the Secretary-General to submit, as early as possible, an updated report to the General Assembly at its fifty-fifth session, with his assessment and recommendations with regard to the peace process after 31 December 2000;

16. Also requests the Secretary-General to keep the General Assembly fully informed of the implementation of the present resolution.

Financing of Military Observer Group


The Committee recommended that Member States be credited their share of the unencumbered balance of $184,200 gross ($140,500 net) for the financing period. Regarding the treatment of interest ($38,653) and miscellaneous income ($68,983), totalling $107,636, it advised the General Assembly either to credit that amount, along with any surplus from the eventual liquidation of the remaining obligations in the Special Account for the Military Observer Group, to the Peacekeeping Reserve Fund, or to credit Member States their respective share. As to obligations owed to Governments that provided contingents and/or logistic support that had been retained beyond the period stipulated under the financial regulations of the United Nations, ACABQ recommended approval of the special arrangements under article IV of the regulations, similar to those annexed to General Assembly resolution 52/240 [YUN 1998, p. 205].

GENERAL ASSEMBLY ACTION

On 8 June [meeting IOI], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/53/981], adopted resolution 53/235 without vote [agenda item 142].

Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala

The General Assembly,

Having considered the report of the Secretary-General on the financing of the Military Observer Group of the United Nations Verification Mission in Guatemala and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1094(1997) of 20 January 1997, in which the Council authorized the attachment to 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 of a group of one hundred and fifty-five military observers and requisite medical personnel for a period of three months,

Recalling also its resolution 51/228 of 3 April 1997 on the financing of the Observer Group,

Reaffirming that the costs of the Observer Group 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 Group, 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,

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

1. Takes note of the status of contributions to the Military Observer Group of the United Nations Verification Mission in Guatemala as at 30 April 1999, including the contributions outstanding in the amount of 298,613 United States dollars, representing 7 per cent of the total assessed contributions from the inception of the Observer Group to the period ending 31 May 1997, notes that some 55 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 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 additional 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 Group in full and on time;
5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;
6. Approves, on an exceptional basis, the special arrangements for the Observer Group 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 which provided contingents and/or logistic support for the Observer Group 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. Decides that Member States that have fulfilled their financial obligations to the Observer Group shall be credited their respective share of the unencumbered balance of 184,200 dollars gross (140,500 dollars net) in respect of the period ending 31 May 1997 and their respective share of the miscellaneous income of 68,983 dollars and interest income of 38,653 dollars;
8. Decides also that, for Member States that have not fulfilled their financial obligations to the Observer Group, their share in the unencumbered balance of 184,200 dollars gross (140,500 dollars net) in respect of the period ending 31 May 1997 and their respective share of the miscellaneous income of 68,983 dollars and interest income of 38,653 dollars shall be set off against their outstanding obligations;
9. Decides further to transfer to the Peacekeeping Reserve Fund any surplus arising from the eventual liquidation of the remaining obligations in the Special Account for the Military Observer Group of the United Nations Verification Mission in Guatemala;
10. Takes note of the report of the Secretary-General on the disposition of assets of the Observer Group;
11. Requests the Secretary-General to ensure the safety of United Nations assets and that there are accountability procedures in place to deter and penalize those responsible for the losses of the United Nations property and to report thereon to the General Assembly at its fifty-fourth session;
12. Notes with concern that the provisions of its decision 52/485 of 26 June 1998 have not been complied with, and reiterates that all reports on the final disposition of assets should contain detailed information on and justification for items written off and lost;
13. Requests the Board of Auditors to conduct an audit of the final disposition of assets of the Observer Group, in particular of assets sold and written off, and include its recommendations in the audit report for the period July 1998 to June 1999.

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 Military Observer Group of the United Nations Verification Mission in Guatemala 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 financial 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.

Pursuant to resolution 53/235, the Secretary-General submitted a December report [A/54/669 & Corr.1] that provided statistics on losses of UN property in peacekeeping operations from 1 January 1996 to 31 December 1997, including those pertaining to MINUGUA.

On 23 December, the Assembly, by decision 54/465, decided that the item on the financing of the Military Observer Group of MINUGUA remained for consideration during its resumed fifty-fourth (2000) session.

On the same date, the Assembly decided that the Fifth Committee should continue to consider the item at the resumed session (decision 54/462 A).

Nicaragua

In a report on international assistance for the rehabilitation and reconstruction of Nicaragua [A/55/125-E/2000/91] (see PART THREE, Chapter III), the Secretary-General noted that in June the National Assembly elected the Attorney for the Defence of Human Rights and his deputy. The election led to the installation of the Attorney's Office for the Defence of Human Rights, created by law in 1996 as an independent State institution. At the Government's request, UNDP initiated a project, with the support of the Nordic countries, to create the necessary conditions for it to function, providing office space and equipment, communication facilities, technical assistance and managerial and organizational support. In November, the Special Attorney for Children and Adolescents took up his post. The most significant change in government policy towards children's rights had been the approval by the National Assembly (May 1998) and entry into force (November 1998) of the Code for Children and Adolescents. While
the Code had yet to demonstrate its impact on the situation of Nicaraguan children, the preparatory work for its approval, strongly supported by UNICEF, visibly increased the presence of the subject of children and adolescent rights on the Government's agenda, in the media and as an issue for debate among the public in general. The promotion of public sensitivity about the problem of child labour advanced. The Ministry of Labour supported the implementation of national legislation prohibiting labour for children under 14 years of age.

A comprehensive programme that had assisted governmental efforts to return properties confiscated by the Sandinist Government between 1979 and 1990 to their former owners or at least to compensate them had entered a second phase in 1998 with support from Sweden, UNDP and Nicaragua. While much remained to be done, the programme had decreased significantly the problem of property conflicts.

Governance, democratization and consolidation of the rule of law had been set as priorities by the Nicaraguan Government. The need to reform the judicial system led to the formulation of a national programme to modernize justice, implemented by the Government with financial support from a wide range of Governments and organizations. Under the umbrella of the programme, various initiatives were carried out, such as the modernization of laws and codes, the restructuring of the Supreme Court of Justice and the Attorney-General's Office, the installation of the Institute of Forensic Medicine and the integrated reform of the penitentiary system. In December 1999, the Justice Commission of the National Assembly presented a project for a new penal code.

In recent years, a range of projects for ex-combatants, comprising productive reintegration, capacity-building, construction of family habitats and legal support for the set-up of multiple service cooperatives, had benefited more than 15,000 persons. Since November 1998, the Institute for Rural Development, with contributions from UNDP and France, had been implementing the second phase of a programme which provided assistance in the process of the consolidation of peace and the creation of a basis for productive and social development. The first stage of the project responded to the needs of more than 6,000 families of former combatants in over 40 municipalities. In the early 1990s, the Nicaraguan Government sought the support of the International Organization for Migration to create a programme to allow Nicaraguan professionals to return and re-integrate fully into Nicaraguan society. The qualified Nicaraguan professionals return programme, which was supported by the EU, ended in August 1999, having transferred 466 professionals and their dependants to Nicaragua, thereby re-integrating a total of more than 1,500 persons.

Communications. In response to a 1998 letter submitted by Nicaragua [YUN 1998, p. 223], Costa Rica, on 13 January [A/53/795], demanded respect for the Jérez-Cañas Treaty, the Cleveland Award and the Judgement of 30 September 1916 of the Central American Court of Justice, which, it said, stipulated that Costa Rica had a real, perpetual and immutable right of use in relation to navigation on the San Juan River. On 23 March [A/53/882], Nicaragua said that there was no dispute between it and Costa Rica concerning matters of territorial sovereignty over the San Juan River [YUN 1998, p. 224] or any other matter. By a reply of 9 April [A/53/905], Costa Rica also declared that no dispute existed between it and Nicaragua regarding territorial sovereignty.

On 3 December [A/54/652], Nicaragua informed the Secretary-General that Honduras had ratified on 30 November the Maritime Delimitation Treaty (the Ramírez-López Treaty), an agreement which Honduras had negotiated with Colombia in 1986. According to Nicaragua, the Treaty's ratification by Honduras breached the provisions of a ruling issued by the Central American Court of Justice on 30 November 1999. Nicaragua was not a party to the Treaty, which, it maintained, would deprive it of 30,000 square kilometres of continental shelf off its Atlantic coast.

In order to reduce tensions between the two countries, OAS had appointed a special envoy who had been instrumental in arranging confidence-building measures, such as a pull-back of forces, joint naval patrols and the demilitarization of the border. On 30 December [A/54/696], by a joint communique issued in Miami (United States), Nicaragua and Honduras undertook to adopt measures designed to avoid the occurrence of violent actions that endangered peace, security and stability in the Central American region and reaffirmed their desire to resolve their differences through peaceful means.

Haiti

During 1999, Haiti continued to experience a serious political and institutional crisis, which stalled the implementation of essential structural reforms and contributed to a worsening of the human rights situation. General elections,
which were scheduled to take place in November 1999, were postponed to March 2000. Improvements were reported in the restructuring and functioning of the Haitian National Police (HNP), though major structural weaknesses in the justice system undermined the rule of law and civil liberties.

The United Nations continued to support Haiti in its difficult transition process towards greater democracy and development. The United Nations Civilian Police Mission in Haiti (MIPONUH) monitored and assisted HNP, while the joint UN/OAS International Civilian Mission to Haiti (MICIVIH) provided institutional assistance, helped in the promotion and protection of human rights and verified observance of individual rights and fundamental freedoms.

In December, following a request for continued UN assistance by Haiti's President Rene Preval and within the UN framework of developing a long-term strategy of support for the Haitian people, the General Assembly established the International Civilian Support Mission in Haiti (MICAH) to consolidate the results, as well as some of the activities of MIPONUH and MICIVIH. Since MIPONUH's mandate was to expire on 30 November 1999, the Security Council decided to continue the Mission to ensure a phased transition to MICAH by 15 March 2000. MICIVIH's mandate was also extended until the commencement of MICAH.

### Civilian Police Mission

**Reports of Secretary-General (February and May).** On 19 February [S/1999/181], the Secretary-General updated the activities of MIPONUH and developments in the mission area since his November 1998 report [YUN 1998, p. 228]. The Mission had been established by Security Council resolution 1141(1997) of 28 November 1997 [YUN 1997, p. 193] to assist the Government of Haiti by supporting and contributing to the professionalization of HNP in close cooperation with MICIVIH.

The Secretary-General said that there had been disturbing developments in the political situation in Haiti, raising renewed concerns about the country's stability and its transition to democracy. On 11 January, President Preval, following failure to complete the ratification process of his nominee for the position of Prime Minister [YUN 1998, p. 229], declared that the terms of all deputies, one third of the senators and all the local authorities had expired. Noting that he lacked the legal authority to either dissolve Parliament or extend its mandate, he appealed to all sectors of society to find a constitutional solution to the crisis. On 20 January, the Council of Ministers adopted a resolution calling for the relevant authorities to freeze the bank accounts of the National Assembly and withhold the salaries of parliamentarians, cancel their diplomatic passports and confiscate their firearms. Certain parties characterized the declaration as a coup d'etat and as a step towards totalitarianism.

Following a briefing to the Security Council on 19 January by the Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, the President of the Council made a statement to the press, in which he urged a negotiated solution to the crisis and broad agreement on the formation of a credible Provisional Electoral Council (CEP). On 26 January [A/53/830-S/1999/156], the Government responded by pointing out that President Preval had not dissolved Parliament; it was still sitting with nine senators whose terms would expire in 2001, and there had been no untimely interruption of the democratic process, as the President had not vested himself with dictatorial powers.

Concerned about the deepening political crisis, the Secretary-General requested his Representative, Julian Harston, and MICIVIH's Executive Director, Colin Granderson, to meet for consultations in New York from 20 to 22 January with the "Friends of the Secretary-General for Haiti". At the meeting, the participants agreed to engage jointly in parallel discussions with the President, the Prime Minister and political parties to assist in resolving the situation, while using the statement of the Security Council President as a basis for joint and individual initiatives. President Preval initiated a dialogue with opposition leaders in order to achieve consensus on the establishment of CEP and the holding of elections. On 3 February, after having had a further briefing on the situation in Haiti, the President of the Security Council, in a press statement, urged Haiti's political leaders to overcome their differences and to create the basis for free and fair elections.

As at 15 February, MIPONUH was composed of 282 civilian police officers (CIVPOL) from 10 countries, including a 140-strong special police unit deployed along with the necessary support personnel. The substantive police element remained deployed in Port-au-Prince and in all nine départements, while the special police unit was based in the capital. Among other activities, MIPONUH conducted weekly training on administration, arrest procedures, community relations, crowd control, data processing, judiciary-police relations, record keeping and report writing to enhance the competence and effectiveness of HNP. The Mission continued to coor-
dinate its activities closely with those of UNDP and bilateral programmes, such as those of Canada, France and the United States. Following a deterioration in the security situation after 11 January, the MIPONUH special police unit provided assistance to MIPONUH personnel and increased its activities in the protection of Mission property.

The Secretary-General noted that HNP, which numbered 6,100, had performed in an efficient and exemplary manner since 11 January and had remained politically neutral. The human rights record of HNP had improved and reports of ill-treatment during arrests and interrogations had decreased. However, individual acts of abuse and misconduct by some officers remained a problem.

Developments in the justice system were uneven. The Ministry of Justice had failed to take steps to implement the short- and long-range plan of reform submitted by the Preparatory Commission on Legal and Judicial Reform in July 1998 [YUN 1998, p. 227]. With a view to strengthening the Office of the Ombudsman, UNDP had financed training of its personnel, human rights seminars for HNP and publications to inform the public on the role of the Ombudsman. However, financial difficulties impeded the capacity of the Office to fulfil its mandate.

The performance of the Haitian economy was encouraging throughout 1998, with a 3.1 per cent growth in GNP in real terms, and the national currency, the gourde, was stabilized. For the first time in years, agricultural production increased significantly, inflation was reduced to 8 per cent and the budget deficit was kept to 1.3 per cent of GNP. Improvements in tax collection and the launching of a voluntary early retirement programme for civil servants also inspired optimism. On the downside, hurricane Georges, which struck the island in September 1998 [YUN 1998, p. 875], and—as a result of the institutional crisis—unratified loan agreements with major donors had a negative impact on the economy. The report of the resident coordinator of January 1999 emphasized that the United Nations was able to provide assistance according to national priorities, through the Joint United Nations Programme on HIV/AIDS (UNAIDS) (see PART THREE, Chapter XIII), hurricane-related disaster relief, the police project, and measures to enhance the participation of the public in local government, environmental protection and the promotion of equality, health and advocacy. Development activities of the UN system included, among other programmes, an advocacy campaign on violence against women by all UN agencies; a United Nations Educational, Scientific and Cultural Organization workshop on the culture of peace; a rights of the child and justice for minors programme by UNICEF; the finalization of the UNDP-assisted national environment plan; and sensitization of the public on reproductive health sponsored by the United Nations Population Fund.

The Secretary-General observed that there had been an increasing polarization in Haiti and new risks to the consolidation of democracy. The absence of a functioning Parliament had created a serious institutional vacuum. The political crisis was affecting adversely social and economic development. Without a functioning government and legislature, it was becoming increasingly difficult to utilize international assistance or to implement developmental projects. The Secretary-General expressed concern over the lack of real progress in implementing the reform of the judicial system and called on the international community to provide assistance to the Office of the Ombudsman.

On 19 May [S/1999/579], the Secretary-General described the activities of MIPONUH and developments in the mission area since February. He also proposed initial recommendations on a viable transition to other forms of international assistance for Security Council consideration.

The Secretary-General said that encouraging steps had been taken towards resolving the protracted political crisis in Haiti. President Préval had held talks with leaders of a coalition of opposition parties—the so-called Espace de concertation—as well as with popular, business and labour organizations. UN officials, “Friends of Haiti” representatives and former President of Costa Rica Oscar Arias also endeavoured to establish common ground between all parties concerned. In February, the Cour de cassation (Supreme Court) dismissed an action by members of Parliament challenging President Préval’s declaration on the expiration of their mandate by deciding that the Court did not have the legal authority to rule on the dispute between the legislative and executive branches of government. On 6 March, President Préval and the representatives of the Espace de concertation reached agreement on the principles for the establishment of a new CEP and a new government. On 16 March, the President appointed the nine members of CEP; on 25 March, the Prime Minister, Jacques-Édouard Alexis, announced his new Cabinet. The Prime Minister, who also held the portfolio of Minister of Interior, called his Administration transitional and said that its top priority would be to organize legislative and local elections. The newly appointed CEP held talks with a number of political parties on the promul-
gation of a new electoral decree, in the hope of holding the first round of elections before the end of the year. Following a request from CEP for UN technical assistance, a member of the Department of Political Affairs visited Haiti on an electoral assessment mission from 27 to 30 April. As a result of his recommendations, UNDP decided to provide electoral advisers and assistance to CEP. A monitoring committee and a technical task force had been established by the Secretary-General's Representative.

Increased insecurity was reflected in a number of high-profile murders and attempted murders, while other disquieting developments included demonstrations, blockades, strikes and other violent incidents. The unrest was due to tensions among the different political forces, as well as economic desperation and political frustration on the part of the population.

MIPONUH continued to provide HNP with training in its day-to-day work, while technical advice was given to the leadership of the police force at the supervisory level. Close links had developed between HNP's crowd-control unit and the UN special police unit. CIVPOL provided border-monitoring training to those police officers stationed near the frontier with the Dominican Republic. On 14 March, a helicopter carrying six members of the Argentine National Gendarmerie and seven members of the International Charter Incorporated helicopter company was involved in an accident in which all 13 people on board were killed. A UN inquiry was to follow.

The Secretary-General said that the HNP continued to perform in a professional and neutral manner, despite the increased number of demonstrations and violent protests that had occurred throughout the country since February. HNP had been the target of attacks from some political forces in what appeared to be a campaign to destabilize and undermine the police service. Although HNP had made considerable progress, a top priority remained combating police involvement in drug trafficking and other criminal activities.

Structural weaknesses in the judicial system continued to undermine the rule of law and civil liberties and remained the most significant obstacle to the effective protection of human rights. The newly appointed Minister of Justice noted that real judicial reform could not take place without the election of a new Parliament.

It was expected that a common country assessment, a key step under the Secretary-General's reform programme for the creation of a United Nations Development Assistance Framework, would be completed at year's end, thus providing UN agencies with the elements to define a long-term assistance programme and to harmonize their interventions. The UN Disaster Management Team held meetings to prepare for the hurricane season. UNDP finalized four preparatory projects in the areas of governance, protection of the environment, productive employment and the prevention and management of disasters. Other UN-sponsored activities included the launching by UNICEF of a national programme for salt iodization; the signing of an agreement between the Food and Agriculture Organization of the United Nations and the Government to promote sustainable agriculture and soil and water conservation; and the development of a programme funded by UNAIDS that focused on the transmission of AIDS from mother to child.

The Secretary-General said CEP would face a number of challenges in organizing the parliamentary and local elections before the end of 1999. A secure and stable environment was a precondition for a free and fair electoral campaign. In view of Security Council resolution 1212(1998) [YUN 1998, p. 229], which had expressed the Council's intention not to extend MIPONUH's mandate beyond 30 November 1999 and had called on the Secretary-General to present recommendations on a viable transition to other forms of international assistance, the Government would have to assume full responsibility for the further strengthening and effective functioning of HNP. In consultation with the Secretary-General's Representative, HNP was developing a two-year technical assistance programme designed to provide the police service with the expertise to carry out training and institution-building and to ensure the necessary continuity to the efforts of MIPONUH following its termination.

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 16 February [E/1999/7-S/1999/170], the President of the Economic and Social Council (ESC) sought advice from the President of the Security Council on the interpretation of paragraph 8 of resolution 1212(1998), by which the Council invited UN bodies and agencies, especially ESC, to contribute to designing a long-term programme of support for Haiti. On 7 April [E/1999/12-S/1999/403], the Council confirmed that, through resolution 1212(1998), it had invited ESC to contribute to designing a programme of support.

On 7 May, ESC, by resolution 1999/4, created an Ad Hoc Advisory Group on Haiti and asked it to submit its recommendations on how to ensure that adequate, coherent, well-coordinated and effective assistance could be provided by the in-
ternational community to Haiti in order to achieve sustainable development (see PART THREE, Chapter III).

On 31 July [E/1999/115-S/1999/865], the ESC President informed the Security Council that, on 27 July, ESC, on the basis of a report presented by the Ad Hoc Advisory Group, adopted resolution 1999/11, by which it called on the Secretary-General to take steps to develop on a priority basis a long-term strategy and programme of support for Haiti. It also called on the General Assembly to review all aspects of the mandate and operations of MICIVIH, and to consider devising a UN special training and technical assistance programme for HNP. Also on 31 July [A/54/274-E/1999/116], a similar letter was submitted by the ESC President to the General Assembly.

On 20 August [E/1999/117-S/1999/905], the President of the Security Council informed the ESC President that, in order to ensure sustainable development in Haiti, the effort of the international community had to be geared towards supporting the Government in addressing the capacity-building of its governmental institutions.

Report of Secretary-General (August). On 24 August [S/1999/908], the Secretary-General described the activities of MIPONUH and developments in the mission area since May and presented recommendations on a possible transition to other forms of international assistance to HNP following the expiration of MIPONUH’s mandate, as requested by the Security Council in resolution 1212(1998).

The period under review was marked by continuing negotiations, interrupted by repeated discord, and slow progress between the political parties and the Government on how to continue to provide essential services, such as police and customs services, and how to further the cause of democracy through the organization of legislative and municipal elections. No agreement had been reached on how to alleviate the legislators’ loss of power, the result of President Préval’s 11 January declaration on the expiration of their mandate (see p. 209). On 24 May, Prime Minister Alexis presented his Government Action Plan, outlining in detail the priorities and resource allocations for each of the 15 government ministries. The plan was well received by some political parties.

Since May, a few highly visible developments and incidents had heightened the perception of an increase in public insecurity. On 28 May, police officers allegedly killed 11 detainees in Port-au-Prince. The Secretary-General’s Representative called for the immediate suspension of any officer suspected of involvement. The authorities arrested four police officers and a special commission was established to investigate the crime further. A number of violent street demonstrations had also taken place.

The newly established CEP conducted in-depth consultations to organize local and legislative elections. On 11 June, CEP announced that it had drafted an electoral text to replace the Electoral Law of 1995. Although that action had elicited favourable comments from a large number of political parties, President Préval expressed reservations about it. On 16 July, the President and the Prime Minister, on behalf of the Government, signed an electoral law, which CEP had modified to reflect the President’s concerns. The tentative date for the first round of elections was set for mid-December 1999, although it was later changed to March 2000 (see p. 213). Donor countries had pledged to assist with the election costs.

Police training procedures were designed to facilitate the transition to the post-MIPONUH era. As part of that process, and in order to enable HNP to pursue its professionalization without interruption, efforts were made to install technical advisers as counterparts to key police officers before the expiration of the Mission’s mandate. A draft schedule by the MIPONUH civilian police Commissioner proposing the deployment of advisers (32 from the United Nations, 17 from the Canadian International Development Agency, 12 from the United States International Criminal Investigative Training Assistance Programme, and 1 from the French bilateral programme) was reviewed by donor representatives during a coordination meeting on 13 July and was being considered by the Director-General of HNP and other participants in police training in Haiti.

HNP continued to be the target of criticism from a number of political actors, who had called for the resignation of high-ranking security officials. Numerous demonstrations had dramatized calls for changes in the police hierarchy. In addition to accusations of involvement in extrajudicial killings and reports of ill-treatment during arrests and interrogations, HNP addressed allegations of involvement in drug trafficking.

Developments in the justice system were uneven. On 21 May, a Court for Minors was inaugurated, which constituted an important element in judicial institution-building. Conditions had improved at the National Penitentiary but overcrowding and poor infrastructure were reported in the majority of prisons. A considerable number of detainees continued to be held in prolonged pre-trial detention in violation of inter-
national treaties ratified by Haiti. The prison administration continued to receive technical assistance from UNDP. The Office of the Ombudsman had indicated that, to the extent permitted by its budgetary and human resources, it would strive to carry out some of the services previously provided by MICIVIH. In June, the Special Rapporteur of the Commission on Human Rights on violence against women visited Haiti (see PART TWO, Chapter II).

UNDP launched, in June 1999, a technical assistance project to assist CEP in organizing the local and legislative elections. An inter-agency meeting (Barahona, Dominican Republic, 20-21 May), attended by UN country teams from Haiti and the Dominican Republic, discussed operational arrangements for a more coordinated intervention on both sides of the border, with a focus on migration and human rights.

Within the context of devising a post-MIPONUH support programme, HNP continued to develop a two-year technical assistance programme that foresaw the recruitment of international police advisers to work throughout Haiti with HNP. Subject to the availability of resources, police advisers would continue to assist the Government with the training and professionalization of HNP. The Secretary-General said that it would appear appropriate to review the extent to which some of the functions exercised by MIPONUH and MICIVIH could be combined in one integrated mission. He added that the new mission could discharge responsibilities in the areas of human rights monitoring and institution building to provide support to both the justice sector and HNP. The Economic and Social Council recommended the continued presence in Haiti of an office of a representative of the Secretary-General to continue his good offices and to manage any new civilian mission mandated by the United Nations. Following the expiration of MIPONUH’s mandate, such an office could help the Government with the transition from the Security Council-mandated assistance to a new model of police development in the context of the continuing consolidation of democracy. In addition, the office would manage any new UN civilian mission, facilitate continuing dialogue among key actors in Haiti and the international community, support the democratization process, help to mobilize international political and financial support for Haiti and provide the political framework and focal point for integrating and coordinating the activities of the international community.

The Secretary-General observed that the international community should support CEP’s aspiration to have a new legislature in place by January 2000, even though it was unlikely that both rounds of elections could be held before the end of 1999. At the same time, the security situation in Haiti remained a matter of concern. In order to avoid further deterioration in the months leading to the elections, a coordinated effort by the Government, the police service and Haiti’s political and civil leaders was required.

Communications (September). On 10 September [S/1999/969], the Secretary-General informed the President of the Security Council that following consultations he intended to appoint Alfredo Lopes Cabral (Guinea-Bissau) to succeed Julian Harston (United Kingdom) as his Representative in Haiti and head of MIPONUH. On 14 September [S/1999/970], the Council took note of the Secretary-General’s intention.

Further reports of Secretary-General. On 18 November [S/1999/1184], the Secretary-General described the activities of MIPONUH and developments in the mission area since his August report. He stated that preparations for the next legislative and local elections had continued to lag, violent crime had not diminished and HNP had been the target of renewed attacks. On 29 September, despite an initial proposal by CEP to hold the elections in November and December 1999, the Government, following discussions between President Préval and CEP, announced 19 March 2000 as the date for the first round of legislative elections. In the official electoral timetable published on 6 October, CEP set 30 April 2000 as the date for the second round of elections, which would make it impossible for a new Parliament to be in place by the second week of January, as stipulated in the Constitution. A new electoral alliance of right-wing parties, the Front civico-politique haïtien, was formed on 15 September, while the Espace de concertation formally presented itself as an electoral alliance on 20 September. The security situation was characterized by continuing demonstrations, blockades and incidents of violence, some of which were related to discontent over the country’s dire economic situation and difficult living conditions.

In the area of police training, MIPONUH had attained the objectives established for it by the Director-General of HNP. In view of the planned departure of the Mission at the end of November, the emphasis had shifted to the training of the trainers to prepare HNP for the post-MIPONUH period. CIVPOL had similarly continued to discharge its mentoring responsibilities, which focused on the fight against capital crimes and drug trafficking, as well as on the maintenance of law and order and logistics and administration.
Seven working groups were established in September by the Ministry of Justice and Public Security to work on judicial reform and draft legislation. Despite financial limitations, the Office of the Ombudsman opened its first regional office on 5 November and announced that its second one would open at the beginning of January 2000. The Office reported that, from its inception in November 1997 to the end of 1998, it had received almost 300 complaints, including 35 concerning HNP and 35 related to the judicial system. The Ombudsman observed that the institution was not well known among the population and recommended a more active presence in the field to reinforce its activities.

As to the formulation of a long-term programme of development and assistance for Haiti, the first step in implementing Economic and Social Council resolution 1999/11 was the launching of a common country assessment to conduct an in-depth analysis of the country’s strategic development sectors and to identify priorities for social and economic development. New activities by resident agencies intensified and UNDP continued to support developing cooperation efforts. Regarding support to Haiti after 30 November, the Government had taken the lead in exploring possible modalities for the strengthening and effective functioning of HNP. Senior police officials had presided over a series of meetings with representatives of the international donor community to develop a strategy for Government-donor cooperation built on the concept of a core of police advisers to be provided by the United Nations and bilateral donors. Parallel to those efforts, a needs assessment mission visited Haiti (11-15 October) to prepare the ground for the future UN presence (see below). Consultations between the Government, the Friends of Haiti, the Secretary-General’s Representative, the UN resident coordinator and the MICIVIH Executive Director, as well as an Economic and Social Council delegation that visited Haiti, had facilitated planning for the new and integrated mission. An 8 November letter from President Préval to the Secretary-General, requesting an institutional support mission, whose members would be neither uniformed nor armed, to support democracy, strengthen the judiciary and professionalize HNP, was annexed to the report.

The Secretary-General observed that challenges in planning the next elections, including registering some 4 million eligible voters, conducting effective civic education programmes and distributing electoral materials, required the active support of CEP by the Government and the international community. Responsibility for ensuring a peaceful and secure environment prior to and during the elections rested with the Haitian authorities, in particular the political leaders and HNP.

The Secretary-General said that, in pursuance of Security Council resolution 1212(1998), he was preparing to withdraw MIPONUH following the expiration of its mandate on 30 November, unless the Council decided otherwise. An appropriate repatriation schedule for the civilian police contingent was being prepared. He stressed that the assistance of the international community in the process of democratization, professionalization of the police and reinforcement of the justice system would continue to be necessary.

In a later report [S/2000/150], the Secretary-General stated that the Security Council, by resolution 1277(1999) (see p. 215), had decided to continue MIPONUH in order to ensure a phased transition to an International Civilian Support Mission in Haiti (MICAH) by 15 March 2000. The Secretary-General had been requested to coordinate and expedite the transition from MIPONUH and MICIVIH to MICAH.

The period from mid-November to early December was marked by the expulsion of more than 20,000 migrant workers of Haitian nationality or descent from the Dominican Republic. The situation stirred up public sentiment and led to some calls for the restoration of the Haitian armed forces. Negotiations between the two countries led to the signature on 2 December of an accord providing, among other things, for the humane treatment of repatriates and requiring the Government of the Dominican Republic to give advance notification of any future expulsion plans to their Haitian counterparts. The pre-electoral registration process started on 15 November and was completed on 12 December.

In December 1999, jury trials were held in several jurisdictions in the country after a long period of interruption, thereby suggesting an increased commitment by the authorities to restoring the credibility and confidence of the people in the judicial system.

**Needs assessment mission.** A needs assessment mission, led by the UN Department of Political Affairs in cooperation with the Department of Peacekeeping Operations, visited Haiti (11-15 October) [A/54/629]. The mission envisaged the establishment of a new integrated UN mission that would combine some of the functions of MIPONUH and MICIVIH to assist the Government of Haiti in the areas of human rights monitoring and institution-building.

The assessment mission proposed main objectives and plans of action, as well as activities, for improving the climate of respect for human
rights and reinforcing the institutional effectiveness of the police and the judiciary. The implementation of the mission’s recommendations would require resources estimated at approximately $24 million, of which $10 million would need to be funded from the regular budget and $14 million from voluntary contributions, the latter in respect of the technical assistance component of the programme.

SECURITY COUNCIL ACTION

On 30 November [meeting 4074], the Security Council adopted resolution 1277(1999) by vote (14-0-1). The draft [S/1999/1202] was sponsored by Argentina, Brazil, Canada, France, the United States and Venezuela.

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1212(1998) of 25 November 1998, and those adopted by the General Assembly and the Economic and Social Council,

Taking note of the letter dated 8 November 1999 from the President of the Republic of Haiti to the Secretary-General, requesting the establishment of an international civilian support mission in Haiti,

Taking note also of the reports of the Secretary-General of 24 August and 18 November 1999,

Commending the valuable contributions of the Representative of the Secretary-General, the United Nations Civilian Police Mission in Haiti, the International Civilian Mission in Haiti and the technical assistance programmes of the United Nations Development Programme and bilateral donors, in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police Force as an integral element of the consolidation of Haiti’s system of justice, as well as by their efforts in developing national institutions,

Recognizing that the people and Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice and the reconstruction of their country, and that the Government of Haiti bears particular responsibility for the further strengthening and effective functioning of the Haitian National Police Force and the justice system,

1. Decides to continue the United Nations Civilian Police Mission in Haiti in order to ensure a phased transition to an International Civilian Support Mission in Haiti by 15 March 2000;

2. Requests the Secretary-General to coordinate and expedite the transition from the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti to the International Civilian Support Mission in Haiti and to report to the Security Council on the implementation of the present resolution by 1 March 2000;

3. Decides to remain seized of the matter.

VOTE ON RESOLUTION 1277(1999):

In favour: Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Slovenia, United Kingdom, United States.

Against: None.

Abstaining: Russian Federation.

The Russian Federation stated that it would abstain from voting on the draft because the Council was in breach of its own decision by extending the Mission’s mandate. The fact that in the text the words “to continue” were used instead of “to extend the mandate” did not change the essence of the matter. In addition, President Preval, on 8 November [S/1999/1184], had thanked the United Nations for the work of MIPONUH and had expressed the desire that the new mission be established whose members would be neither uniformed nor armed. That approach was at variance with the draft.

International Civilian Mission to Haiti

On 10 May [A/53/950], the Secretary-General reviewed the situation of human rights and democracy in Haiti and updated the activities of MICIVIH since his November 1998 report [YUN 1998, p. 231]. The Mission continued to cooperate with MIPONUH, which in turn provided MICIVIH with logistical and administrative support. MICIVIH, a joint UN/OAS Mission, was established in 1993 [YUN 1993, p. 338] to verify full observance of human rights and fundamental freedoms, provide institution-building and support the development of a programme to promote and protect human rights.

Monitoring the human rights dimension of police conduct continued to be one of the most important activities of the Mission. The police had met the challenges of the political crisis—a concerted campaign of denigration against HNP leadership, numerous demonstrations and spates of armed crimes—in a professional manner. Police authorities had yet to take broad, effective action to reduce beatings and other forms of ill-treatment. Statistics regarding such allegations fluctuated, though figures for 1998 (423) showed a marked increase, compared to 1997 (284). Inquiries by the General Inspectorate and by HNP’s General Directorate led to the dismissal of 288 police officers by the end of 1998. Forty-one police officers were being detained on drug-trafficking charges as of the beginning of April 1999. By and large, the judiciary was slow to prosecute complaints of human rights violations allegedly committed by police officers, though there had been a few exceptions. Self-appointed vigilante brigades and other informal police aides had been operating in the capital and in some rural areas. At the same time, MICIVIH, in coordination with MIPONUH, continued to train police officers on human rights and conflict resolution.

As of March, MICIVIH had recorded a total prison population of some 3,665 detainees,
which resulted in overcrowding and poor infrastructure in some detention facilities. A code of conduct for prison guards and a set of internal regulations that had been pending since 1997 had still not been approved or implemented, though some steps had been taken to hold prison guards accountable for abuses. The Mission strengthened its working ties with the unit which supervised those legal assistants assigned to identify cases of illegal detention, prolonged pre-trial detention, miscalculation of prison sentences and other serious irregularities in prison dossiers, with a view to seeking solutions.

Though the period under review revealed no signs of overall progress in the judicial system, MICIVIH continued its monitoring and technical support activities. The Justice Minister had requested MICIVIH's assistance on matters related to impunity and compensation and the defining of short-term priorities. In response to the latter request, MICIVIH transmitted a document calling for, among other things, the development of the Ecole de la magistrature into a proper training school for judges; the development of a police and judicial criminal investigation capacity; the implementation of the 1998 strategic plan for judicial reform [YUN 1998, p. 227]; and the establishment of a functioning judicial inspectorate to closely supervise judicial work as one of the fundamental steps towards improving judicial performances.

The Mission’s human rights promotion programmes were greatly reduced, pending the start of a new budget year and a review of its activities. MICIVIH, nevertheless, continued to distribute information through documentaries and a monthly bulletin. A major focus had been the development of a pilot programme of seminars on human rights, women's rights and civic education with the State Secretariat for Literacy. The Mission continued to work with local human rights organizations, mainly in terms of training, to assist in strengthening their capacity for human rights monitoring. The consolidation of a network of committees set up, with MICIVIH assistance, to monitor prisons and police custody cells remained a priority, particularly in the light of the Mission’s eventual departure.

The Secretary-General concluded that, given the adverse consequences of the protracted crisis in Haiti, it was apparent that much still remained to be accomplished prior to the Mission's withdrawal with regard to the strengthening of State institutions and civil society organizations.

On 6 August [A/54/211], the Secretary-General updated the General Assembly on developments concerning MICIVIH. He said that the OAS Secretary-General on 4 June had informed him that, owing to financial constraints, a reduction of the OAS component of MICIVIH was necessary. As at 1 July, OAS had withdrawn 34 members of its personnel and only one OAS contracted staff, the Executive Director, remained. As a result, five of MICIVIH’s nine regional offices had been closed since that date. Discussions between the United Nations and OAS focused on the payment by OAS of its share of the joint expenses incurred up to the time of the reduction of OAS personnel, and the new modalities of cooperation, including financial arrangements, for the remaining period of the MICIVIH mandate, on the basis of a significantly reduced OAS component. The United Nations and OAS nevertheless agreed to continue their cooperation in MICIVIH as a joint mission. The UN Secretary-General believed that the joint mission would be able to carry out its core activities at a meaningful, though reduced, level. It was therefore envisaged that the UN component of MICIVIH would remain at the same authorized level for the duration of its mandate. Since much remained to be accomplished in Haiti with regard to the strengthening of State institutions and civil society organizations, the Secretary-General called on the Assembly to renew the mandate of the UN component of the Mission.

On 22 November [A/54/625], the Secretary-General reviewed the activities of MICIVIH since May.

The milieu in which HNP operated during the period was marked by violent street demonstrations, armed crime and public pressure to act against criminals, as well as political pressures, threats and attacks against police officers. Against that background, the human rights situation deteriorated sharply. HNP remained a fragile institution, weakened by internal shortcomings (administrative, disciplinary and operational) and external pressures (ebbing public support and an aggressive campaign by the political movement Fanmi Lavalas against its leadership). The sudden resignation of the Secretary of State for Public Security in early October and the assassination of the person rumoured to replace him brought to the forefront questions about the capacity of HNP to provide effective security during the election period. The credibility and reputation of HNP were damaged by accusations that it was allegedly responsible for the summary execution of 11 individuals arrested in the Carrefour-Feuilles area in the outskirts of Port-au-Prince on 28 May. Following initial investigations, seven policemen were detained in connection with that crime. The executions were among 50 killings allegedly caused by the police
between April and early June 1999, more than the total for the whole of 1998.

The shortcomings and systemic weaknesses that plagued the functioning of the judicial system were most apparent in the areas of respect for judicial procedures and in the preparation of cases for trial. In order to address those problems, in August MICIVIH presented updated lists of detainees held in pre-trial detention since 1995 and 1996. The Mission’s suggestion to establish a commission to study the long-outstanding cases was adopted by the Minister of Justice. In other action, MICIVIH helped prepare a draft agreement under which an institution for juveniles run by a priest and the Ministries of Justice and of Social Affairs would work together on literacy and trade training programmes for women and juveniles.

On 28 September, MICIVIH published its report on impunity and compensation, which analysed legal proceedings related to the prosecution of human rights abuses that had occurred during the coup d’etat period (September 1991 to October 1994), looked at initiatives by the Government, civil society organizations and the international community in response to the issue of impunity and compensation and concluded with a wide range of recommendations. The Government announced that it would create a commission of judges to investigate serious human rights violations, in particular three massacres with strong symbolic value attributed to security forces.

MICIVIH’s programme of human rights promotion and advocacy was severely disrupted by the downsizing of the Mission, as a consequence of which many of its training and seminar programmes were suspended. As the reduced Mission moved closer to the end of its mandate, its work focused increasingly on developing and carrying out projects in partnership with government ministries, organizing training-of-trainer courses, reinforcing the capacity of local NGOs and working with a network of committees set up to monitor prisons and police custody. Some 40 members of human rights organizations from throughout the country took part in a seminar from 8 to 13 November, organized by MICIVIH on behalf of the Office of the United Nations High Commissioner for Human Rights, the aim of which was to deepen the participants’ theoretical and practical knowledge of national and international human rights mechanisms, recourses and themes. One of the Mission’s major projects was the completion of a video documentary, entitled A Work in Progress: Human Rights in Haiti, the Creole version of which was launched on 30 September.

The Secretary-General observed that Haiti had reached a critical juncture, with a political and security climate that was far from conducive to launching the electoral process. The persistent professional and ethical shortcomings of a yet to be reformed judicial system continued to be a source of endemic due process violations, as well as an obstacle to the police’s performance in the area of law and order. Despite improvements in the penal system and the conditions of detention, formidable obstacles remained. New State institutions, such as the Office of the Ombudsman, remained embryonic and required the support of the State and of the international community with regard to their unmet resource needs and institutional development. MICIVIH had helped put in place some of the essential building blocks of the rule of law through its activities. However, Haiti was still in the early stages of transition towards a full-fledged democracy. There remained a number of areas in which the United Nations could continue to provide support in response to the request of Haitian authorities for assistance in strengthening institutions and civil society. The Secretary-General called on the General Assembly to consider the establishment of a new mission to consolidate the gains achieved by the Haitians with the support of MIPONUH and MICIVIH. By resolution 54/193 (see p. 218), the Assembly approved the establishment of the new mission, the International Civilian Support Mission in Haiti, to consolidate the results achieved by MIPONUH, MICIVIH and previous UN missions.

International Civilian Support Mission in Haiti

In November [A/C.5/54/38], the Secretary-General submitted the programme budget implications for the extension of the MICIVIH mandate for the first part of 2000 and the subsequent establishment of the International Civilian Support Mission in Haiti (MICAH) until 6 February 2001. He recalled General Assembly resolution 53/206 [YUN 1998, p. 1284], which had decided that a provision of $86,200,000 should be reflected in the proposed programme budget for the biennium 2000-2001 for special political missions. Accordingly, should the Assembly decide to extend MICIVIH’s mandate and establish MICAH, the estimated requirements from the UN regular budget of $10,353,200 ($9,173,100 for MICAH and $1,180,100 for MICIVIH) would be charged against the $86,200,000 provision. It was also estimated that $14,734,200 from extrabudgetary resources would be required to support the technical assistance component.
In December [A/54/659], ACABQ said that the total estimated resource requirements to be funded from the regular budget and from extrabudgetary resources might not be sufficient to cover all the potential requirements identified in the report of the needs assessment mission (see p.215).

**GENERAL ASSEMBLY ACTION**

On 17 December [meeting 84], the General Assembly adopted resolution 54/193 [draft: A/54/L.36] without vote [agenda item 48].

**International Civilian Support Mission in Haiti**

The General Assembly, 

Recalling all its relevant resolutions, in particular its resolution 53/65 of 8 December 1998 on the situation of democracy and human rights in Haiti,

Taking note of Security Council resolution 1212(1998) of 25 November 1998, in which the Council decided to extend the mandate of the United Nations Civilian Police Mission in Haiti until 30 November 1999 and, in particular, paragraph 11, in which the Secretary-General was requested to make recommendations on a viable transition to other forms of international assistance,

Having considered the report presented by the Ad Hoc Advisory Group on Haiti to the Economic and Social Council and the recommendations contained therein, and noting with satisfaction the contribution made by the Economic and Social Council,

Welcoming Economic and Social Council resolution 1999/11 of 27 July 1999, in which the Economic and Social Council, inter alia, emphasized the need to establish the necessary mechanisms to develop on a priority basis a long-term strategy and programme of support for Haiti,

Taking note of the relevant resolutions adopted on the question by the Organization of American States, commending the contribution of the organization to the International Civilian Mission in Haiti, and inviting the organization to pursue its cooperation with the United Nations in Haiti,

Taking into account the recommendations of the Secretary-General contained in his reports on the United Nations Civilian Police Mission in Haiti to the Security Council and in his reports to the General Assembly on the International Civilian Mission in Haiti and on the needs assessment mission,

Recognizing the efforts made by the Secretary-General, his representatives, the Organization of American States and its Secretary-General and the group of Friends of the Secretary-General on Haiti and their constant support and contribution to the continuing consolidation of the political, economic and social institutions in Haiti, and supporting fully the efforts already undertaken by the Civilian Mission and the Civilian Police Mission, as well as those by individual Member States,

Encouraged by the efforts made by the people and the Government of Haiti to consolidate democracy and to improve respect for human rights and the rule of law, Recognizing that the people and the Government of Haiti bear the ultimate responsibility for the reconstruction of their country, in particular for national reconciliation and the maintenance of a secure and stable environment, and taking note of the plan of action developed by the Haitian Government, in particular for the administration of justice,

Taking note of the request of 8 November 1999 from the President of Haiti to the Secretary-General,

1. **Affirms** the will of the United Nations to continue to accompany Haiti in its democratic, economic and social development, in particular during the next crucial period;

2. **Decides**, at the request of the President of Haiti, to establish the International Civilian Support Mission in Haiti to consolidate the results achieved by the International Civilian Mission in Haiti, the United Nations Civilian Police Mission in Haiti and previous United Nations missions;

3. **Also decides** that the initial mandate of the International Civilian Support Mission in Haiti will begin at the closing of the United Nations Civilian Police Mission in Haiti and continue until 6 February 2001 and that the mandate of the International Civilian Support Mission in Haiti will continue until the commencement of the International Civilian Support Mission in Haiti;

4. **Further decides** that the personnel and goods of the International Civilian Mission in Haiti and the United Nations Civilian Police Mission in Haiti will be transferred to the International Civilian Support Mission in Haiti, as needed;

5. **Decides**, pursuant to the request of the Government of Haiti, that the International Civilian Support Mission in Haiti shall have, in accordance with the recommendations of the Secretary-General, the following mandate:

(a) To support the democratization process and assist the Haitian authorities with the development of democratic institutions;

(b) To assist the Haitian authorities in the reform and the strengthening of the Haitian system of justice, including its penal institutions, and to promote the Office of the Ombudsman;

(c) To support the efforts of the Government of Haiti to professionalize the Haitian National Police through a special training and technical assistance programme and help the Government to coordinate bilateral and multilateral aid in this area;

(d) To support the efforts of the Government of Haiti aimed at the full observance of human rights and fundamental freedoms;

(e) To provide technical assistance for the organization of democratic elections and to collaborate with the Government of Haiti in the coordination of bilateral and multilateral assistance;

6. **Underlines** the importance of full coordination and transparency, including among multilateral and bilateral contributors, and, in this regard, decides that the Representative of the Secretary-General and head of the Mission will have overall authority over all United Nations activities in Haiti and, as appropriate, act as the focal point for coordinating the activities of the international community and facilitating its continuing dialogue with key political and social actors in Haiti, assisted by a committee of representatives of police contributors and international donors and in close liaison with the Government of Haiti;

7. **Endorses** the recommendations of the Economic and Social Council contained in resolution 1999/11,
inter alia, its request that the Secretary-General take the necessary steps, in agreement with the Government of Haiti, and making use of the appropriate United Nations presence there, to develop on a priority basis a long-term strategy and programme of support for Haiti;

8. Recommends that the United Nations Resident Coordinator continue to be the Deputy to the Representative of the Secretary-General, that continued use be made of the resident coordinator system, including completion of a Common Country Assessment, and that preparations be made for the United Nations Development Assistance Framework in order to contribute to the establishment of an effective development programme involving all relevant organizations in the United Nations system;

9. Requests the Secretary-General to coordinate with the Government of Haiti and interested Member States on modalities to ensure support from the international community for the electoral processes under way in Haiti, and, in this regard, requests the United Nations Development Programme to continue its work relating to support of the Haitian electoral processes;

10. Authorizes the Secretary-General to utilize the amounts allocated in the regular budget for the International Civilian Mission in Haiti, under its current mandate, for activities undertaken by the International Civilian Support Mission in Haiti;

11. Requests the Secretary-General to establish a trust fund for the Mission, and invites Member States to make voluntary contributions, which will cover additional costs for the implementation of its mandate;

12. Also requests the Secretary-General to submit a report on the Mission to the General Assembly every four months;

13. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "The situation of democracy and human rights in Haiti".

In resolution 54/187 (see PART TWO, Chapter I), the Assembly called on the Government of Haiti to ensure the necessary political and security environment to hold free and fair elections and to continue structural reforms in the police and the judicial system, as well as the prison sector.

Financing of missions

In January [A/53/789], the Secretary-General submitted the revised budget for the maintenance of MIPONUH for the period from 1 July 1998 to 30 June 1999, amounting to $29,994,700 gross ($28,562,700 net), excluding budgetary voluntary contributions in kind totalling $3,428,400. Of that amount, $12,290,015 gross ($11,603,615 net) represented the additional requirements resulting from the continuation of the Mission's mandate and for some transportation, data-processing and other equipment that was not included previously.

In February [A/53/846], ACABQ recommended that the General Assembly approve the appropriation and assessment of $12,264,015 gross ($11,577,615 net) for the period from 1 July 1998 to 30 June 1999, in addition to $17,704,685 gross ($16,959,085 net) that had been appropriated and assessed under Assembly resolution 52/246 [YUN 1998, p. 234]. In a letter of 9 February, annexed to the report, ACABQ's Chairman authorized the Secretary-General to enter into additional commitments in the amount of $3,000,000 for MIPONUH's maintenance for the same period.

GENERAL ASSEMBLY ACTION (April)

On 7 April [meeting 97], the General Assembly, on the recommendation of the Fifth Committee [A/53/873], adopted resolution 53/222 A without vote [agenda item 141].


The General Assembly,

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


Bearing in mind also Security Council resolution 1123(1997) of 30 July 1997, by which the Council established the United Nations Transition Mission in Haiti for a single four-month period,


Recalling its resolution 51/15 A of 4 November 1996 on the financing of the Support Mission and its subsequent decisions and resolutions thereon, the latest of which was resolution 52/246 of 26 June 1998,

Reaffirming that the costs of the Missions 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 Missions, 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 Missions by certain Governments,

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

1. Takes note of the status of contributions to the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti as at 28 February 1999, including the contributions outstanding in the amount of 179 million United States dollars, representing 20 per cent of the total assessed contributions from the inception of the Support Mission to the period ending 30 June 1999, notes that some 37 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 of the Organization, in particular with regard to reimbursements to troop contributors, which bear additional 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 Missions 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. Requests the Secretary-General to take all necessary action to ensure that the Civilian Police Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Civilian Police Mission against General Service posts, commensurate with the requirements of the Mission;

8. Decides to appropriate the amount of 12,264,015 dollars gross (11,577,615 dollars net) for the maintenance of the Civilian Police Mission for the period from 1 July 1998 to 30 June 1999, in addition to the amount of 17,704,685 dollars gross (16,959,085 dollars net) already appropriated under the terms of General Assembly resolution 52/246 and inclusive of the amount of 3 million dollars gross and net authorized by the Advisory Committee under the terms of section IV of Assembly resolution 49/233 A of 23 December 1994;


10. 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 9 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 686,400 dollars approved for the Civilian Police Mission for the period from 1 July 1998 to 30 June 1999;

11. Invites voluntary contributions to the Civilian Police 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 and practices established by the General Assembly;


In January [A/53/789/Add.1], the Secretary-General presented the proposed budget for the period from 1 July 1999 to 30 June 2000 for the maintenance of MIPONUH from 1 July to 30 November 1999 and for the liquidation of the Mission from 1 December 1999 to 30 June 2000, which amounted to $19,246,400 gross ($18,223,200 net), including budgeted voluntary contributions in kind amounting to $1,714,200.

In April [A/53/895/Add.7], ACABQ recommended, with regard to the Secretary-General's 1998 report on the financing of the United Nations Support Mission in Haiti (UNSMIH), the United Nations Transition Mission in Haiti (UNTMIH) and MIPONUH [YUN 1998, p. 235], that the unencumbered balance of $906,800 gross ($573,200 net) be credited to Member States in a manner to be determined by the Assembly. In addition, it recommended that the special arrangements for the application of article IV of the financial regulations of the United Nations, approved for UNSMIH in Assembly resolution 51/15 B [YUN 1997, p. 188], be applied to UNTMIH and MIPONUH. With regard to the Secretary-General's report on the financing of MIPONUH from 1 July 1999 to 30 June 2000, the Committee recommended that the Assembly approve the proposed appropriation and assessment of $17,532,200 gross ($16,509,000 net) for the maintenance and liquidation of the Mission.
GENERAL ASSEMBLY ACTION (June and December)

On 8 June [meeting 101], the General Assembly, on the recommendation of the Fifth Committee [A/53/873/Add.1, adopted resolution 53/222 B without vote [agenda item 141].


The General Assembly,

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


Bearing in mind also Security Council resolution 1123(1997) of 30 July 1997, by which the Council established the United Nations Transition Mission in Haiti for a single four-month period,


Recalling its resolution 51/15 A of 4 November 1996 on the financing of the Support Mission and its subsequent decisions and resolutions thereon, the latest of which was resolution 53/222 A of 7 April 1999,

Reaffirming that the costs of the Missions 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 Missions, 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 Missions by certain Governments,

Mindful of the fact that it is essential to provide the Missions with the necessary financial resources to enable them to fulfill their responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti as at 30 April 1999, including the contributions outstanding in the amount of 23.8 million United States dollars, representing 21 per cent of the total assessed contributions from the inception of the Support Mission to the period ending 30 June 1999, notes that some 27 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 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 additional 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 Missions 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. Requests the Secretary-General to take all necessary action to ensure that the Civilian Police Mission is administered with a maximum of efficiency and economy;

7. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Civilian Police Mission against General Service posts, commensurate with the requirements of the Mission;

8. Decides, on an exceptional basis, that the special arrangements approved in its resolution 51/15 B of 13 June 1997 for the Support Mission, with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations owed to Governments providing contingents and/or logistic support to the Support 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, shall be applied to the Transition Mission and the Civilian Police Mission;

10. 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 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,023,200 dollars approved for the Civilian Police Mission for the period from 1 July 1999 to 30 June 2000;

11. Decides that, for Member States that have fulfilled their financial obligations to the Missions, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share of the unencumbered balance of 906,800 dollars gross (865,200 dollars net) in respect of the period ending 30 June 1998;

12. Decides also that, for Member States that have not fulfilled their financial obligations to the Missions, their share of the unencumbered balance of 906,800 dollars gross (865,200 dollars net) in respect of the period ending 30 June 1998 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Civilian Police 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 and practices established by the General Assembly;

14. Requests the Secretary-General to include in all future reports, both on budget performance and budget estimates, information on inventory in a standard and simplified format;


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 shall remain recorded in the Special Account for the United Nations Transition Mission in Haiti and the Civilian Police 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 financial 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.

On 23 December, the Assembly decided that the Fifth Committee should continue its consideration of the financing of the United Nations Mission in Haiti (UNMHI), UNSMHI, UNTMIH and MIPONUH at its resumed fifty-fourth (2000) session (decision 54/462 A).

On the same date, the Assembly decided that the items on the situation of democracy and human rights in Haiti and the financing of UNMHI, UNSMHI, UNTMIH and MIPONUH remained for consideration at that session (decision 54/465).

Other questions

Cuba-United States

Report of Secretary-General. In August [A/54/259], the Secretary-General, in response to General Assembly resolution 53/4 [YUN 1998, p. 236], submitted information received from 58 States, the EU and eight UN organs and specialized agencies on the implementation of the resolution, by which the Assembly had called on States to refrain from unilateral application of economic and trade measures against States, and urged them to repeal or invalidate such measures. The preamble to resolution 53/4 had made particular reference to the Helms-Burton Act, promulgated by the United States in 1996, which had strengthened sanctions against Cuba.

General Assembly Action

The General Assembly, on 9 November [meeting 50], adopted resolution 54/21 [draft: A/54/L.7] by recorded vote (155-2-8) [agenda item 33].

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 that affect the free flow of international trade,

Concerned about the continued promulgation and application by Member States of laws and regulations, such as that promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects of which affect the sovereignty of other States, the legiti-
mate 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 that express the rejection by the international community and public opinion of the promulgation and application of regulations of the kind referred to above.


Concerned that, since the adoption of its resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10 and 53/4, 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 53/4;

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-fifth session;

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

Communications. By a 1 June letter to the Secretary-General [A/54/122], Cuba transmitted the text of a legal complaint submitted by the people of Cuba against the Government of the United States for human damages, which had been filed with the Civil and Administrative Division of the People's Provincial Court of the City of Havana on 31 May.

On 16 September [A/54/375], Cuba transmitted to the Secretary-General a Proclamation issued by its National Assembly of People's Power, which denounced the United States economic blockade on Cuba as an act of genocide.

Peru-Ecuador

By a 14 June letter [A/54/158] to the Secretary-General, Ecuador and Peru transmitted a declaration signed by their respective Presidents on 13 May, formalizing the conclusion of the process of demarcating their common land boundary, carried out in accordance with the 1998 Brasilia Presidential Act [YUN 1998, p.239], and the entry into force of the agreements constituting a comprehensive settlement of their differences.