

## Chapter III

## Americas

In 2004, the United Nations continued to advance the cause of lasting peace, human rights, sustainable development and the rule of law in the Americas.

In Guatemala, peaceful elections in December 2003 and the orderly handover of power in January 2004 brought a sense of relief and renewed optimism. The United Nations Verification Mission in Guatemala (MINUGUA) continued to fulfil its mandate of verifying compliance with the peace accords signed in 1996 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca. MINUGUA, in anticipation of the termination of its mandate at the end of the year, continued its two-year phase-down of operations and carried out a transition strategy designed to build national capacity to promote the goals of the peace accords. The formal public closure of the Mission took place in November.

Despite efforts in January by the Caribbean Community (CARICOM) to end the polarization and build consensus in Haiti, the political and security crisis in that country escalated into violence in February. President Jean-Bertrand Aristide resigned and the constitutional President, Boniface Alexandre, requested UN assistance to restore peace and stability, thereby authorizing international troops to enter Haiti. The Multinational Interim Force (MIF) was immediately deployed and an interim government was selected. May floods and Hurricane Jeanne exacerbated the situation and appeals to donors were made. In view of the unstable and complex security situation, the Security Council established the United Nations Stabilization Mission in Haiti (MINUSTAH), which assumed the operations from MIF in June. In December, in response to a number of kidnappings in the capital and warnings of possible increased violence, MINUSTAH conducted an intensive patrolling operation, which resulted in a peaceful and secure environment through the end of the year.

In other developments in the region, the Andean Zone of Peace was established at the fifteenth meeting of the Andean Presidential Council in Ecuador. Cuba denounced new restrictions placed by the United States on visits to Cuba by relatives, family remittances to Cubans and tourist travel. The General Assembly again called on States to refrain from promulgating

laws and measures such as the ongoing embargo against Cuba by the United States. It also adopted resolutions on strengthening United Nations cooperation with the Organization of American States and CARICOM.

The General Assembly requested the Secretary-General to submit a report on the situation in Central America in 2005 and decided to consider the item every two years.

On 23 December, by **decision 59/552**, the General Assembly decided to consider the item "The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development" at its resumed fifty-ninth (2005) session.

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## Central America

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### Guatemala

Following the successful conclusion of elections in Guatemala in 2003 [YUN 2003, p. 282] for the third time since the signing of the Guatemala peace agreements in 1996 [YUN 1996, p. 168], the orderly handover of power in January brought a sense of relief and renewed optimism to the population. The country continued to make significant progress in consolidating the peace and laid a firmer foundation on which to construct a better future. Notable progress was made in the areas of human rights, demilitarization and the strengthening of civilian authority, and in decentralization, which allowed the increased participation of citizens in decision-making. However, in the socio-economic sphere, especially agrarian reform, progress remained limited, due mainly to inadequate financing.

The United Nations Verification Mission in Guatemala (MINUGUA) (see below) continued to verify the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168], signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), and to monitor compliance with the 2000-2004 verification timetable [YUN 2000, p. 239]. In anticipation of its departure at the end of 2004, MINUGUA continued its two-year phase-down of operations and carried out a transition strategy designed to build na-

tional capacity to promote the goals of the peace accords. The formal public closure of the Mission took place on 15 November. MINUGUA received Guatemala's highest civilian honours, the Order of the Quetzal, in recognition of its work.

### MINUGUA

The mandate of MINUGUA, which had been extended to 31 December 2004 by General Assembly resolution 58/238 [YUN 2003, p. 283], focused in 2004 on verification of two areas—human rights, and demilitarization and the strengthening of civilian power—as outlined in the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168].

**Report of Secretary-General.** In response to Assembly resolution 58/238, the Secretary-General submitted on 30 August [A/59/307] the ninth and final report on the implementation of the Guatemalan peace agreements, which summarized political developments during the previous year, and the status of the implementation of the peace accords. The Secretary-General said that the political environment had improved considerably since his last report [YUN 2003, p. 280] and that the electoral defeat of General Efraín Ríos Montt [ibid., p. 279], under whose 1982-1983 rule the army committed some of the worst atrocities of the conflict, was a sign that Guatemalans were rejecting the past and looking towards the future.

Regarding the implementation of the peace accords (1996-2004), the Secretary-General said that it had been plagued by obstacles and setbacks, and the resistance of powerful groups that felt threatened by change. On 25 February, President Oscar Berger pledged to reinvigorate implementation of the peace accords with the support of a new National Peace Accords Commission.

In the area of human rights, the Secretary-General said that the overall assessment of progress was positive. Advances included: the creation of a new civilian police force, an independent Public Prosecutor's Office and a Public Defender's Institute; the enactment of a judicial career law which had improved the selection, training and evaluation of judges; improvements in technology and expansions in the physical infrastructure of the courts, as well as better access for indigenous people through the hiring of bilingual staff and interpreters; and the creation of five Justice Administration Centres in the country's predominantly indigenous areas. The main challenge was to consolidate the rule of law amid a surge in crime and manifold evidence that key institutional reform processes launched under the accords had lost momentum or had regressed. The National Human Rights Movement reported 18 incidents of harassment during the

first half of 2004, mainly threats to human rights organizations or others involved in judicial processes. A 2003 initiative, reached in agreement with the United Nations and the former Government to create the Commission for the Investigation of Illegal Groups and Clandestine Security Organizations (CICIACS) to investigate clandestine groups, was withdrawn from Congress in May amid constitutional objections. Although several articles of the agreement were declared unconstitutional by the Constitutional Court, the new Government said it remained committed to creating CICIACS and would propose modifications to the United Nations after consultations with human rights groups and other interested actors. Public security remained a major concern to Guatemalans, who were suffering under a surge of violent crime common to post-conflict societies. Guatemala's location in the drug trafficking corridor made it vulnerable to organized crime groups, and the deplorable condition of the National Civilian Police had allowed crime to proliferate, resulting in increasing and serious abuse by its members, including kidnapping, social cleansing and torture. The naming of a well-regarded human rights activist, Frank Larue, to head the Presidential Commission on Human Rights had instilled new dynamism in that institution. Reparations to human rights abuse victims would be a test of Guatemala's commitment to human rights. The Government provided initial funding for a National Reparations Programme for the victims of human rights violations, and named Rosalina Tuyuc, a respected indigenous leader and victims' representative, to head the commission overseeing the programme. However, the programme still needed to be placed on firmer legal and financial footing. The Office of the Human Rights Ombudsman also needed to be strengthened, and international observation of and assistance for the human rights situation in Guatemala continued. The proposed office of the High Commissioner for Human Rights would make an important contribution in that regard.

In the area of identity and rights of indigenous peoples, reforms had taken place at the legal and institutional levels through the creation of special programmes and agencies, as envisaged in the peace accords. Debate was also taking place on the topics of racism and discrimination. However, the everyday reality for most indigenous people had changed little. Except for access to communications media from which it had been traditionally excluded, the indigenous population remained outside the mainstream of national life and the worst social indicators continued to be registered in predominantly indigenous areas.

The report noted that great changes in the area of demilitarization and the strengthening of civilian authority had occurred during the past year. The army was trimmed from 27,000 to 15,500 troops and officers, a new military budget ceiling was set at 0.33 per cent of gross domestic product, and the Presidential General Staff was eliminated and a professional civilian presidential security force created in its place. Although a new human rights-based military doctrine was presented publicly in July, more still needed to be done to institutionalize civilian control over the armed forces and intelligence structures.

Little actual change was noted in the inter-related areas of socio-economic aspects, the agrarian situation and gender issues. The Secretary-General remarked that only limited results had been achieved in agrarian reform. Despite increases in social spending and the creation of new institutions to address land issues, public services remained inadequate, rural development opportunities scarce and land conflicts persistent. The percentage of the population living in poverty remained at 57 per cent, while the number of those living in extreme poverty had increased. One of the main limitations to improving the situation was the chronic lack of government funds to finance the expansion of State services benefiting the poor, resulting from its failure to increase the tax base. Efforts to improve access to land and resolve land conflicts had also been insufficient. The government agency responsible for providing credit for land purchases remained severely underfunded, as was the one created for mediating land disputes, which also lacked the institutional stability to play that role in a sustained manner. Improvements in Guatemala's health system were modest and the country continued to exhibit some of the worst primary health indicators in Latin America. However, one positive step was the creation of the integrated health-care system for the rural areas. Although significant progress had been made in the area of education reform, much more needed to be done. Increases in education spending were hampered by the inadequacy of the education budget. The Government succeeded in lowering illiteracy rates to 30 per cent and started bilingual education, but that was available to less than 10 per cent of indigenous children. The most important advance in the area of decentralization was the increase in citizen participation in local decision-making. In many parts of the country, civil society groups were beginning to play a more active role in influencing municipal and departmental policy-making, and the new Administration named several governors proposed by the Departmental Development Councils. Significant efforts were made

to reform laws, create institutions and formulate public policies favouring women and gender equality; however, domestic violence, unequal access to education and jobs, and low levels of political participation among women persisted. Funding shortages limited the reach and impact of newly created institutions for dealing with women's issues.

The process of demobilizing and reintegrating the URNG combatants into civilian life was successful. However, the process fell short in providing viable economic opportunities for ex-combatants, due to insufficient government assistance in providing land, housing, credit and other basic services. A similar situation confronted returning former refugees and internally displaced persons.

The Secretary-General observed that Guatemala could not rest on its achievements, as the deeper structural reforms envisaged by the peace accords lagged far behind the political advances. Crime and insecurity were the greatest dangers to Guatemala's democracy and economic future, and halting the deterioration of the National Civilian Police had become a matter of national urgency. Other areas needing attention included unpaid debt to victims; the investigation and punishment of those responsible for acts of genocide and other crimes against humanity; tax reform; a functional State with sufficient resources to make major public investments in health, education, security and justice; and policies to help lift more than half its citizens out of poverty. The Secretary-General stated that the peace process had matured and the democratic framework in Guatemala had been consolidated to the point where it should be possible to address unresolved issues peacefully through national mechanisms and more standard forms of international cooperation. It was essential that UN agencies, funds and programmes remain guided by the accords, directing funding to priority areas. He emphasized the importance of continued support by the donor community, and of further engagement in projects supporting the peace accords and political dialogue with the Government on implementation of the accords.

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## Haiti

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### **Political and security situation**

During 2004, the political and security crisis in Haiti escalated into violence. The situation originated in 2000, when Haitian President Jean-Bertrand Aristide and his Fanmi Lavalas party

claimed victory in presidential and parliamentary elections, in which voter turnout hardly rose above 10 per cent of the electorate. The opposition and members of the international community contested the results, accusing the Government of manipulating them. Subsequent dialogue between the Government and the opposition on resolving the situation broke down. The opposition was increasingly repressed by politicized sectors of the Haitian National Police and by irregular armed groups supportive of the Government. By late 2003, a newly united opposition movement, comprising political parties, civil society actors and the private sector, was calling for President Aristide's resignation.

In January 2004, the Caribbean Community (CARICOM), in an initiative to resolve the crisis, sent a fact-finding mission to Haiti to meet with President Aristide and the opposition, and presented proposals for moving the process forward at a meeting with the major political stakeholders (Nassau, Bahamas, 20-21 January) and including observers from the United States, Canada and the Organization of American States (OAS). In a subsequent meeting hosted by the Jamaican Prime Minister, P. J. Patterson, in his capacity as CARICOM Chairman (Kingston, Jamaica, 31 January), and attended by international partners, including the European Union (EU), the CARICOM Prior Action Plan on Haiti was submitted. The Plan involved measures to improve the security climate and to build confidence, and included compliance with previous OAS resolutions, negotiation of rules for demonstrations, the release of detainees, disarmament of strong-arm groups, the strengthening of the police force and the enjoyment of fundamental freedoms. The Plan envisaged the establishment of an electoral commission, the formation of a council of eminent persons and the appointment of a neutral and independent prime minister. It also called for the formation of a new Government through a process of consultations. A plan of action to facilitate implementation of the CARICOM Prior Action Plan was drawn up at a subsequent meeting in Washington, D.C. That plan was accepted by President Aristide but rejected by the opposition.

In early February, armed conflict broke out in the northern city of Gonaïves and in the following days fighting spread to other cities. Insurgents took control of the northern part of the country. Despite diplomatic efforts, the armed opposition threatened to march on the capital, Port-au-Prince. The already weakened and outnumbered Haitian National Police were forced to abandon their posts or protectively barricade themselves against mounting attacks of the rebel groups. Some 70 persons were killed in February.

**Security Council press statement.** The Security Council President, on 18 February [S/2004/224], issued a press statement in which Council members expressed deep concern over the increasing violence and political crisis in Haiti, the deterioration of the humanitarian situation, and the massive violations of human rights. They called on President Aristide's Government and the opposition to restore dialogue to overcome their differences peacefully and democratically. The Council expressed support for the CARICOM and OAS initiative to bring the crisis to an end, and deplored the decision of the opposition to reject the CARICOM-OAS Action Plan (see above). It called on both parties to accept and implement its provisions and pertinent OAS resolutions. The Council called on the international community to respond to the serious humanitarian situation in Haiti.

**Communications (23-26 February).** On 23 February [S/2004/143], Jamaica, on behalf of the CARICOM members, requested a meeting of the Security Council in the light of the steadily deteriorating situation in Haiti.

France, in a letter of 25 February [S/2004/145], urged the international community to take action to preserve Haiti from disorder and violence. Stressing the need to establish a transitional Government of national unity in Haiti, France expressed its willingness to play a role in the international mobilization effort and proposed an initiative, which broadened the CARICOM Prior Action Plan (see above) to include the establishment of a civilian peacekeeping force, international assistance in preparing for elections, the delivery of humanitarian aid, the dispatch of human rights observers and a long-term commitment to providing aid for Haiti's economic and social reconstruction.

On 26 February [S/2004/148], OAS called on the Security Council to address the crisis in Haiti, and requested that the Secretaries-General of OAS and the United Nations remain in close contact to ensure coordination and complementarity in the roles of the two organizations.

**Appointment of Special Adviser.** On 26 February [A/58/722-E/2004/13, S/2004/161], the Secretary-General appointed John Reginald Dumas (Trinidad and Tobago) as his Special Adviser on Haiti. Mr. Dumas would examine ways in which the Organization could enhance its contributions to alleviating the political, economic and social crises in the country. On 27 February [S/2004/162], the Security Council noted the Secretary-General's decision.

**Security Council consideration.** The Security Council met on 26 February [meeting 4917] to discuss the question concerning Haiti, as requested

by Jamaica (see p. 289). Speaking before the Council, the Jamaican representative said that the past 20 months had been challenging and without much progress towards ending polarization or building a political consensus in Haiti. He cited recent CARICOM efforts initiated in January, which included fact-finding missions to Haiti, meetings with President Jean-Bertrand Aristide and with the opposition, in addition to a CARICOM initiative presented in January in the Bahamas (*ibid.*).

Drawing attention to the political upheaval that had escalated in the past weeks, Jamaica concluded that the situation within Haiti could no longer be viewed as an internal matter and posed a serious threat to regional peace and security, given the outflow of refugees, which threatened to overwhelm the resources of neighbouring States. Incursions by rebel forces from the north had resulted in reprisal killings, the destruction of property and general lawlessness, creating a state of anarchy in much of the country. Immediate action was needed to safeguard democracy and to avert bloodshed and a humanitarian disaster.

Jamaica also stated that President Aristide had requested international community assistance, specifically, from CARICOM to strengthen the Haitian National Police. While CARICOM continued to seek a political solution to the Haitian crisis, its member States sought direct and immediate UN intervention, as the situation was one of utmost urgency and the need for decisive action was paramount. The immediate need was for the Security Council to authorize the deployment of a multinational force, in addition to addressing the growing humanitarian crisis and extending assistance to Haiti's long-term economic and social reconstruction. It was also imperative that affected States be assisted to offset the costs for relief and humanitarian assistance to the refugees.

**SECURITY COUNCIL ACTION (26 February).**

On 26 February [meeting 4917], following consultations among Security Council members, the President made statement [S/PRST/2004/4] on behalf of the Council:

The Security Council expresses deep concern in regard to the deterioration of the political, security and humanitarian environment in Haiti. It deplores the loss of life that has already occurred and fears that the failure, thus far, to reach a political settlement may result in further bloodshed. Continued violence and the breakdown of law and order in Haiti could have destabilizing effects in the region.

The Council commends the Organization of American States and the Caribbean Community for their lead role in promoting a peaceful solution and

for trying to re-establish confidence among the parties, in particular through their Plan of Action.

The Council supports the Caribbean Community and the Organization of American States as they continue to work towards a peaceful and constitutional solution to the current impasse. The principles outlined in the Caribbean Community/Organization of American States Plan of Action represent an important basis for a solution to the crisis. The Council calls upon the parties to act responsibly by choosing negotiation instead of confrontation. An accelerated timetable now seems necessary.

The Council is deeply concerned with the prospect of further violence in Haiti and acknowledges the call for international involvement in Haiti. The Council will consider urgently options for international engagement, including that of an international force in support of a political settlement in accordance with the Charter of the United Nations.

The Council calls upon all sides in Haiti's conflict to facilitate the distribution of food and medicine and ensure the protection of civilians. It calls upon all sides to respect international humanitarian personnel and facilities and to ensure that humanitarian assistance reaches those who need it.

The Council calls upon the Government and all other parties to respect human rights and to cease the use of violence to advance political goals. Those responsible for human rights violations will be held accountable.

The Council supports the Secretary-General's decision to name a Special Advisor for Haiti.

The Council will continue to monitor closely the situation in Haiti and remains seized of the matter.

**Deployment of Multinational Interim Force**

Early on 29 February, Mr. Aristide left the country. His letter of resignation was read out by the Prime Minister, Yvon Neptune. In accordance with the constitutional rules of succession, Boniface Alexandre, the President of the Supreme Court, was sworn in as interim President.

**Security Council consideration (29 February).** On 29 February [meeting 4919], the Security Council met to discuss the situation in Haiti. The Council had before it an appeal [S/2004/163] by Mr. Alexandre for support to the Haitian constitutional process and authorizing international security forces to enter Haiti to help bring a climate of security and stability to support the political process and facilitate the provision of humanitarian assistance.

**SECURITY COUNCIL ACTION (29 February)**

On 29 February [meeting 4919], the Security Council unanimously adopted **resolution 1529 (2004)**. The draft [S/2004/164] was prepared in consultations among Council members.

*The Security Council,*

*Recalling* its resolutions as well as the statements by its President concerning Haiti, in particular the statement of 26 February 2004 (S/PRST/2004/4),

*Deeply concerned* by the deterioration of the political, security and humanitarian situation in Haiti and deploring the loss of life that has already occurred,

*Expressing its utmost concern* at the continuing violence in Haiti, as well as the potential for a rapid deterioration of the humanitarian situation in that country, and its destabilizing effect on the region,

*Stressing* the need to create a secure environment in Haiti and the region that enables respect for human rights, including the well-being of civilians, and supports the mission of humanitarian workers,

*Commending* the Organization of American States and the Caribbean Community for their lead efforts to advance a peaceful solution and for attempting to establish confidence among the parties, in particular through their Plan of Action,

*Taking note* of the resignation of Jean-Bertrand Aristide as President of Haiti and the swearing-in of Boniface Alexandre as the Acting President of Haiti in accordance with the Constitution of Haiti,

*Acknowledging* the appeal of the new President of Haiti for the urgent support of the international community to assist in restoring peace and security in Haiti and to further the constitutional political process now under way,

*Determined* to support a peaceful and constitutional solution to the current crisis in Haiti,

*Determining* that the situation in Haiti constitutes a threat to international peace and security and to stability in the Caribbean, especially through the potential outflow of people to other States in the subregion,

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

1. *Calls upon* Member States to support the constitutional succession and political process now under way in Haiti and the promotion of a peaceful and lasting solution to the current crisis;

2. *Authorizes* the immediate deployment of a Multinational Interim Force in Haiti for a period of not more than three months from adoption of the present resolution:

(a) To contribute to a secure and stable environment in the Haitian capital and elsewhere in the country, as appropriate and as circumstances permit, in order to support Haitian President Alexandre's request for international assistance to support the constitutional political process under way in Haiti;

(b) To facilitate the provision of humanitarian assistance and the access of international humanitarian workers to the Haitian people in need;

(c) To facilitate the provision of international assistance to the Haitian police and the Haitian Coast Guard in order to establish and maintain public safety and law and order and to promote and protect human rights;

(d) To support the establishment of conditions for international and regional organizations, including the United Nations and the Organization of American States, to assist the Haitian people;

(e) To coordinate, as needed, with the Special Mission of the Organization of American States and with the United Nations Special Adviser for Haiti, to prevent further deterioration of the humanitarian situation;

3. *Declares its readiness* to establish a follow-on United Nations stabilization force to support continua-

tion of a peaceful and constitutional political process and the maintenance of a secure and stable environment, and in this regard requests the Secretary-General, in consultation with the Organization of American States, to submit to the Council recommendations, preferably by thirty days from the adoption of the present resolution, for the size, structure and mandate of such a force, including the role of international police and means of coordination with the Special Mission of the Organization of American States, and for subsequent deployment of the United Nations force not later than three months from the adoption of the present resolution;

4. *Welcomes* the appointment by the Secretary-General on 26 February of a Special Adviser for Haiti, and requests the Secretary-General to elaborate a programme of action for the United Nations to assist the constitutional political process and support humanitarian and economic assistance and promote the protection of human rights and the development of the rule of law;

5. *Calls upon* Member States to contribute personnel, equipment and other necessary financial and logistic resources on an urgent basis to the Multinational Interim Force, invites contributing Member States to inform the leadership of the Force and the Secretary-General of their intent to participate in the mission, and stresses the importance of voluntary contributions to help defray the expenses of the Force that participating Member States will bear;

6. *Authorizes* the Member States participating in the Multinational Interim Force to take all necessary measures to fulfil its mandate;

7. *Demands* that all parties to the conflict in Haiti cease using violent means, reiterates that all parties must respect international law, including with respect to human rights, and that there will be individual accountability and no impunity for violators, and also demands that parties respect the constitutional succession and the political process under way to resolve the current crisis and enable legitimate Haitian security forces and other public institutions to perform their duties and provide access to humanitarian agencies to carry out their work;

8. *Further calls upon* all parties in Haiti and on Member States to cooperate fully with the Multinational Interim Force in the execution of its mandate and to respect the security and freedom of movement of the Force, as well as to facilitate the safe and unimpeded access of international humanitarian personnel and aid to populations in need in Haiti;

9. *Requests* the leadership of the Multinational Interim Force to report periodically to the Council, through the Secretary-General, on the implementation of its mandate;

10. *Calls upon* the international community, in particular the United Nations, the Organization of American States and the Caribbean Community, to work with the people of Haiti in a long-term effort to promote the rebuilding of democratic institutions and to assist in the development of a strategy to promote social and economic development and to combat poverty;

11. *Decides* to remain seized of the matter.

**Report of Multinational Force.** On 23 March [S/2004/239], the United States submitted to the

Secretary-General, in accordance with resolution 1529(2004), an interim report of the Multinational Interim Force in Haiti (MIF), whose strength stood at 3,400 troops as at that date. The Force began operations on 29 February, and within days armed gangs had begun to withdraw from Port-au-Prince, looting was significantly reduced, and by 11 March the main airports and seaports had been secured. The Force undertook stabilization efforts in northern Haiti, deploying troops to the rebel stronghold cities of Gonaives and Cap-Haitien, and established roving patrols to provide a visible presence. Similar patrols were also established in Port-au-Prince and in central and southern Haiti. However, the number of troops available was still insufficient to guard the large number of static sites. MIF assisted the local police in "practical disarmament", detaining illegally armed persons and confiscating arms, and worked with humanitarian personnel to improve the coordination of assistance. That allowed staff of international and regional organizations to return to work and assistance projects to resume. The Force also began to work with the Haitian National Police and Coast Guard in support of patrols to maintain law and order. The police requested MIF assistance in vetting existing police units to remove human rights abusers, finding new officers and procuring vehicles and fuel. MIF would work closely with the United Nations and OAS to establish the conditions for the deployment of a follow-on UN force and to facilitate international efforts to assist the Haitian National Police. With the MIF mandate concluding on 1 June, planning had begun for the transition to a UN stabilization force. The MIF troop contributors recommended that a UN transition team be deployed to Haiti by mid-April.

**Security Council consideration.** On 23 March [S/2004/328], the Assistant Secretary-General for Political Affairs, in a briefing to the Council on the situation in Haiti, stated that MIF, having deployed in the capital and other areas of the country, had made considerable progress in stabilizing a situation characterized by a collapse of public structures, looting and widespread violence. Calm had been restored in Port-au-Prince but there was still an urgent need for increased security in other localities. The Secretariat was continuing close consultations with MIF with the aim of facilitating the transition to a UN operation. A secure corridor from Port-au-Prince to Cap-Haitien had been opened allowing for the resumption of activities by UN agencies. A multi-disciplinary assessment mission under the auspices of the Secretary-General's Special Adviser was being conducted and would soon report to the Council.

The members of the Council took note of the presentation given by the United States delegation in the name of the countries participating in MIF. They welcomed CARICOM's agreement to participate in a forthcoming UN stabilization force and stressed that the international community should be mobilized in order to create the necessary conditions to restore a secure political, social, economic and humanitarian environment in Haiti in the long term.

#### *Departure of Haitian President*

On 4 March [S/2004/195], the President of the Central African Republic informed the Secretary-General that his country had agreed to receive and welcome the former President of Haiti, Jean-Bertrand Aristide, as a humanitarian act.

On 11 March [A/58/731-S/2004/191], Jamaica transmitted the text of a statement issued by CARICOM heads of Government at their emergency meeting (Kingston, Jamaica, 2-3 March), which expressed the view that the circumstances under which Mr. Aristide demitted office set a dangerous precedent for democratically elected Governments everywhere and that no action should be taken to legitimize the rebel forces nor should they be included in any interim government. They called for an investigation, under UN auspices, to clarify the circumstances leading to his relinquishing the Presidency.

The Security Council held consultations on 30 March with the Special Adviser to the Secretary-General [S/2004/328], who had visited Haiti and countries of the area and had attended the CARICOM summit in Saint Kitts and Nevis. Council members focused on the disarmament of armed groups, the need for national reconciliation and the timely organization of elections. They agreed that stabilization of the country and creating the necessary conditions for security were the most urgent needs.

#### *Further political developments*

The Secretary-General, in his April report on Haiti [S/2004/300], said that on 4 March, a Tripartite Council was named, consisting of one representative each from the Fanmi Lavalas party, the Plateforme démocratique and the international community. The following day, that group selected seven eminent persons to form the Conseil des sages, which would in turn select a Prime Minister. The Council included representatives of key sectors of Haitian society, including human rights groups, churches, academia, the private sector and political groups. On 9 March, the Conseil des sages selected Gérard Latortue as

Prime Minister, who, in consultation with it, formed a 13-member Transitional Government. Some supporters of the Fanmi Lavalas party and others contested the Transitional Government's legitimacy. To build political consensus for the work of the Transitional Government, a political pact, called the Consensus on the Political Transition Pact, was signed on 4 April by the Prime Minister, members of the Conseil des sages, representatives of political groups, except the Fanmi Lavalas party which denounced it, and civil society organizations. The understanding reached provided for the holding of municipal, parliamentary and presidential elections in 2005. Members of the Transitional Government, the electoral council and the Conseil des sages agreed not to contest those elections. Until the next parliament was in place, the Conseil des sages would advise the Transitional Government on important matters such as the budget, agreements and decrees, and draw attention to questions requiring high-level intervention. The Pact also provided for procedures to address vacancies in the executive branch; measures to be undertaken during the transition period in the areas of security, development, the fight against impunity and corruption, decentralization, elections, judicial reform, a national conference and a new social contract; institutional strengthening of political parties and civil society organizations; reintegration of former armed elements; and professionalization of the Haitian National Police. It was agreed to establish commissions to address human rights abuses, financial wrongdoing and matters related to the former military, and to discuss with the United Nations the status of MIF and the follow-on peacekeeping operation.

The Secretary-General said that a major test for the Transitional Government was extending State authority outside Port-au-Prince, as many communities were without legitimate local governments and were controlled by irregular armed groups. Self-appointed or insurgent-designated mayors and leaders had replaced some local bodies. The intended nomination by the Transitional Government of provisional municipal committees would require consensus at the local level.

The Secretary-General reported that he had dispatched on 11 March a multidisciplinary assessment mission to Haiti, comprising representatives of several Secretariat departments, to gather information on the ground, specifically on the political and security situation (see p. 292), the police, judicial and corrections institutions, human rights, the humanitarian situation, development issues, gender issues, the situation of the

media, and the activities of regional and sub-regional organizations.

According to the Secretary-General, the security situation remained uncertain and would be influenced by the political process; the pace and efficacy of the restoration of government authority and State institutions, particularly the Haitian National Police, throughout the country; the durability of the measures undertaken by MIF, particularly with regard to disarmament; and the willingness of armed groups to cooperate with disarmament and reintegration plans. To date, weapons handovers had been largely symbolic and pledges by rebels to lay down arms upon the establishment of the Transitional Government had not been followed through. In the circumstances, an international presence would be needed to provide a security umbrella and, in conjunction with the police, to confiscate illicit arms and seize caches. A comprehensive programme for the disarmament, demobilization and reintegration of armed groups would be required. The international community would support the national capacity to develop, coordinate and implement such a strategy. Support could be provided for the development of national legal, law enforcement and administrative capacities for weapons control, collection, management, stockpiling, destruction and disposal and to combat illicit trafficking.

During the period of unrest, the police almost completely collapsed and were reduced to a strength of no more than 2,500. Stations were vandalized, burnt and seriously damaged, while equipment, records and archives were looted or destroyed. Law enforcement officers had begun to return to work and efforts were being made to bring back more officers and recruit new ones. A successful restoration of the rule of law and public security in Haiti would require a comprehensive approach to assist the police with sustainable reform and institutional strengthening, with parallel improvements in other areas of the criminal justice system. The administration of justice was greatly affected by the crisis, and considerable improvements were needed to ensure lasting peace and security.

To ensure an effective and timely response to the emergency humanitarian situation and rehabilitation needs, a quick and generous response from donors was essential. The United Nations issued a flash appeal for Haiti in 2004, requesting \$35 million for six months (see p. 938). With regard to medium- and longer-term assistance needs, a Haiti Contact Group meeting (Washington, D.C., 23 March) agreed to prepare an interim framework, focusing on the current economic, social and institutional needs of Haiti.

The Secretary-General said that, on the basis of the findings of the multidisciplinary team, he was recommending the establishment of a multi-dimensional stabilization operation in Haiti, to be known as the United Nations Stabilization Mission in Haiti (MINUSTAH), for an initial period of 24 months, to help the country address a range of complex issues in a sustainable manner, achieve peace and stability, build and strengthen functioning democratic institutions, support the re-establishment of the rule of law and promote social and economic development and good governance. It would be composed of a strong civilian component, including 1,622 UN civilian police, backed up by a robust UN military force of up to 6,700 troops. It would also include a humanitarian affairs and development pillar and a civilian affairs pillar, under the overall leadership of the Special Representative of the Secretary-General.

#### SECURITY COUNCIL ACTION (April)

On 30 April [meeting 4961], the Security Council unanimously adopted **resolution 1542(2004)**. The draft [S/2004/334] was prepared in consultations among Council members.

*The Security Council,*

*Recalling* its resolution 1529(2004) of 29 February 2004,

*Welcoming* the report of the Secretary-General of 16 April 2004, and supporting its recommendations,

*Affirming its strong commitment* to the sovereignty, independence, territorial integrity and unity of Haiti,

*Deploring* all violations of human rights, particularly against the civilian population, and urging the Transitional Government of Haiti ("Transitional Government") to take all necessary measures to put an end to impunity and to ensure that the continued promotion and protection of human rights and the establishment of a State based on the rule of law and an independent judiciary are among its highest priorities,

*Reaffirming* its resolution 1325(2000) of 31 October 2000 on women and peace and security and its resolutions 1379(2001) of 20 November 2001, 1460(2003) of 30 January 2003 and 1539(2004) of 22 April 2004 on children in armed conflict, as well as its resolutions 1265(1999) of 17 September 1999 and 1296(2000) of 19 April 2000 on the protection of civilians in armed conflict,

*Welcoming and encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

*Commending* the rapid and professional deployment of the Multinational Interim Force in Haiti and the stabilization efforts it has undertaken,

*Taking note* of the political agreement reached by some key parties on 4 April 2004, and urging all parties to work without delay towards a broad political consensus on the nature and duration of the political transition,

*Reiterating its call upon* the international community to continue to assist and support the economic, social

and institutional development of Haiti over the long term, and welcoming the intention of the Organization of American States, the Caribbean Community, and of the international donor community, as well as international financial institutions, to participate in those efforts,

*Noting* the existence of challenges to the political, social and economic stability of Haiti, and determining that the situation in Haiti continues to constitute a threat to international peace and security in the region,

1. *Decides* to establish the United Nations Stabilization Mission in Haiti, the stabilization force called for in resolution 1529(2004), for an initial period of six months, with the intention to renew it for further periods, and requests that authority be transferred from the Multinational Interim Force in Haiti to the Mission on 1 June 2004;

2. *Authorizes* remaining elements of the Multinational Interim Force to continue carrying out its mandate under resolution 1529(2004) within the means available for a transition period not exceeding thirty days from 1 June 2004, as required and requested by the Mission;

3. *Requests* the Secretary-General to appoint a Special Representative for Haiti, who will have overall authority on the ground for the coordination and conduct of all the activities of the United Nations agencies, funds and programmes in Haiti;

4. *Decides* that the Mission will consist of a civilian and a military component, in accordance with the report of the Secretary-General on Haiti, the civilian component to include a maximum of 1,622 civilian police, including advisers and formed units, and the military component to include up to 6,700 troops of all ranks, and requests further that the military component report directly to the Special Representative through the Force Commander;

5. *Supports* the establishment of a Core Group chaired by the Special Representative and comprising also his/her Deputies, the Force Commander, representatives of the Organization of American States and the Caribbean Community, other regional and sub-regional organizations, international financial institutions and other major stakeholders, in order to facilitate the implementation of the Mission's mandate, promote interaction with the Haitian authorities as partners, and enhance the effectiveness of the international community's response in Haiti, as outlined in the report of the Secretary-General;

6. *Requests* that, in carrying out its mandate, the Mission cooperate and coordinate with the Organization of American States and the Caribbean Community;

7. *Acting* under Chapter VII of the Charter of the United Nations with regard to section I below, decides that the Mission shall have the following mandate:

#### I. *Secure and stable environment:*

(a) To ensure a secure and stable environment, in support of the Transitional Government, within which the constitutional and political process in Haiti can take place;

(b) To assist the Transitional Government in monitoring, restructuring and reforming the Haitian National Police, consistent with democratic policing

standards, including through the vetting and certification of its personnel, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the Haitian National Police;

(c) To assist the Transitional Government, particularly the Haitian National Police, with comprehensive and sustainable disarmament, demobilization and reintegration programmes for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures;

(d) To assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision, inter alia, of operational support to the Haitian National Police and the Haitian Coast Guard, as well as with their institutional strengthening, including the re-establishment of the corrections system;

(e) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its personnel, taking into account the primary responsibility of the Transitional Government in that regard;

(f) To protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, without prejudice to the responsibilities of the Transitional Government and of police authorities;

#### II. *Political process:*

(a) To support the constitutional and political process under way in Haiti, including through good offices, and to foster principles of democratic governance and institutional development;

(b) To assist the Transitional Government in its efforts to bring about a process of national dialogue and reconciliation;

(c) To assist the Transitional Government in its efforts to organize, monitor, and carry out free and fair municipal, parliamentary and presidential elections at the earliest possible date, in particular through the provision of technical, logistical, and administrative assistance and continued security, with appropriate support to an electoral process with voter participation that is representative of the national demographics, including women;

(d) To assist the Transitional Government in extending State authority throughout Haiti and support good governance at local levels;

#### III. *Human rights:*

(a) To support the Transitional Government as well as Haitian human rights institutions and groups in their efforts to promote and protect human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims;

(b) To monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights, including on the situation of returned refugees and displaced persons;

8. *Decides* that the Mission, in collaboration with other partners, shall provide advice and assistance within its capacity to the Transitional Government:

(a) In the investigation of human rights violations and violations of international humanitarian law, in collaboration with the Office of the High Commissioner, to put an end to impunity;

(b) In the development of a strategy for reform and institutional strengthening of the judiciary;

9. *Decides also* that the Mission shall coordinate and cooperate with the Transitional Government, as well as with their international partners, in order to facilitate the provision and coordination of humanitarian assistance and access of humanitarian workers to Haitian people in need, with a particular focus on the most vulnerable segments of society, particularly women and children;

10. *Authorizes* the Secretary-General to take all necessary steps to facilitate and support the early deployment of the Mission in advance of the United Nations assumption of responsibilities from the Multinational Interim Force;

11. *Requests* the Haitian authorities to conclude a status-of-forces agreement for peacekeeping operations with the Secretary-General within thirty days of adoption of the present resolution, and notes that, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 shall apply provisionally;

12. *Demands* strict respect for the persons and premises of the United Nations and associated personnel, the Organization of American States, the Caribbean Community and other international and humanitarian organizations, as well as diplomatic missions in Haiti, and that no acts of intimidation or violence be directed against personnel engaged in humanitarian, development or peacekeeping work, and demands further that all parties in Haiti provide safe and unimpeded access to humanitarian agencies to allow them to carry out their work;

13. *Emphasizes* the need for Member States, United Nations organs, bodies and agencies and other international organizations, in particular the Organization of American States and the Caribbean Community, other regional and subregional organizations, international financial institutions and non-governmental organizations to continue to contribute to the promotion of the social and economic development of Haiti, in particular for the long term, in order to achieve and sustain stability and combat poverty;

14. *Urges* all the above-mentioned stakeholders, in particular the United Nations organs, bodies and agencies to assist the Transitional Government of Haiti in the design of a long-term development strategy to this effect;

15. *Calls upon* Member States to provide substantial international aid to meet the humanitarian needs in Haiti and to permit the reconstruction of the country, utilizing relevant coordination mechanisms, and further calls upon States, in particular those in the region, to provide appropriate support for the actions undertaken by the United Nations organs, bodies and agencies;

16. *Requests* the Secretary-General to provide an interim report to the Council on the implementation of the present mandate, and to provide an additional report, prior to the expiration of the mandate, containing recommendations to the Council on whether to extend, restructure or reshape the Mission in order to

ensure that the Mission and its mandate remain relevant to changes in the political, security and economic development situation in Haiti;

17. *Decides* to remain seized of the matter.

#### *MIF-MINUSTAH transition*

In May [S/2004/386], the Secretary-General transmitted the 60-day report on MIF activities, which provided an update on the status of the tasks assigned to the Force. It indicated that the constitutional political process had remained consistent, and MIF had provided security to the Presidential Palace and the Primature so they could continue to function. All appropriate humanitarian assistance requests for support through the Civil Military Operations Centre had been fulfilled, and MIF collaborated with humanitarian organizations to distribute assistance in targeted areas. The report also cited the development of long-term training plans for the Haitian Coast Guard; the establishment of a rewards programme for seizure of weapon caches; continued work towards facilitating the transfer of authority to MINUSTAH; and the progress made since the March report in returning portions of the country to an acceptable level of stability.

In a 16 June report [S/2004/497], the Secretary-General stated that an ongoing MIF assessment revealed stable and relatively secure conditions in the southern claw region, which allowed forces to withdraw and focus on Hinche and the Port-au-Prince area. The political process had significantly improved since the establishment of the Transitional Government. MIF and MINUSTAH held a joint planning conference (3-7 May), which resulted in a draft transition document. The report also covered MIF activities to facilitate humanitarian assistance, including relief to the heavily flooded towns of Fond Verrettes and Mapou; to assist the Haitian National Police and the Haitian Coast Guard to support public safety and human rights; to establish conditions so that international and regional organizations could assist the Haitian people; and to coordinate with OAS and the United Nations Special Adviser to prevent further deterioration of the humanitarian situation.

The Assistant Secretary-General for Peacekeeping Operations, on 16 June [S/2004/622], briefed the Security Council on the situation in Haiti. Outlining the efforts to establish MINUSTAH and envisaging the transfer of authority from MIF to MINUSTAH on or before 1 July, he stressed the need for continued support from donor countries, troop-contributing countries and the Council for MINUSTAH to succeed. MINUSTAH assumed operational responsibilities on 25 June.

**Appointments.** On 27 May [S/2004/439], the Secretary-General informed the Security Council of his intention to appoint Lieutenant General Augusto Heleno Ribeiro Pereira (Brazil) to the post of Force Commander of MINUSTAH, which formally assumed authority from MIF on 1 June. On 12 July [S/2004/565], he indicated his intention to appoint Juan Gabriel Valdés (Chile) as his Special Representative and Head of MINUSTAH. The Council took note of those intentions [S/2004/440, S/2004/566].

#### *MINUSTAH activities*

**Report of Secretary-General (August).** In an August report [S/2004/698], the Secretary-General described progress in the implementation of the MINUSTAH mandate, including the deployment of military troops and civilian police, whose strength was 2,755 and 240, respectively, at the time of the report. Troops were deployed to every area in Haiti except in the north where patrols were conducted in Cap-Haitien and Fort-Liberté. More troops would be required to deal with the challenges in the more remote municipalities and along the border with the Dominican Republic. Civilian police officers were deployed outside the capital from 26 July. Regional operational centres were set up in every region. To support the Haitian National Police in re-establishing their presence and enhance confidence, civilian police advisers would be deployed at every decision-making level of the national police force.

The Transitional Government, having taken office on 17 March, had begun to restore governance and prepare the ground for transition to an elected Government, in accordance with the time line agreed in the Consensus on the Political Transition Pact (see below). In May, with the support of bilateral and multilateral agencies and the United Nations, it prepared the interim cooperation framework, setting out priorities and targets to respond to the country's urgent and medium-term development needs, assessed at \$1,370 million, of which \$446 million had already been committed by donors. At the International Donors Conference on Haiti (Washington, D.C., 19-20 July), the international community pledged another \$1,085 million.

The signatories of the Consensus on the Political Transition Pact agreed on 23 July to the formation of a Follow-up Committee, comprising representatives of the Transitional Government, the Conseil des sages, political parties and civil society groups, to institutionalize the process of overseeing its implementation. However, Fanmi Lavalas remained outside the main political transition process. Tensions continued to characterize the relationship between the Transitional Gov-

ernment and Fanmi Lavalas, which alleged that its members were subject to political persecution and pointed to the 27 June arrest of former Prime Minister Yvon Neptune as evidence. Mr. Neptune had been detained for his alleged involvement in the February massacre in Saint-Marc, but no charges had so far been brought against him. The Government had also placed a number of Fanmi Lavalas supporters on a list of those barred from leaving the country. The Secretary-General's Special Adviser tried to broker an agreement between the Transitional Government and Fanmi Lavalas on the latter's entry into the political process. The Fanmi Lavalas party itself had shown signs of increasing internal divisions, with moderates considering joining the political transition process. A group of former Fanmi Lavalas members formed a new political party on 31 July—the Mouvement démocratique et réformateur haïtien, which indicated its intention to compete in the next elections and take part in the political process. In addition, more than 70 new political parties and groups had emerged, making the Haitian political landscape very fragmented.

The Provisional Electoral Council, which was mired in internal disputes, had not drawn up time frames for the elections or taken a decision regarding the sequence and number of votes. On 15 April, the Transitional Government requested UN electoral assistance. A UN mission was sent to Haiti (8-17 June) to assess its electoral needs and determine the modalities for assistance. The assessment mission recommended action to amend the electoral law and related regulations, training and direct assistance to the Provisional Electoral Council, the establishment of a voters list and the development of a civic education campaign. It also recommended that joint municipal and parliamentary elections be held towards the middle of 2005 and presidential polls towards the end of 2005. MINUSTAH would supervise the electoral process and coordinate and monitor international technical assistance.

During the reporting period, the Transitional Government made moderate strides in extending State authority outside Port-au-Prince. By August, it had appointed 103 of the 139 municipal commissions. However, a number of municipalities remained without a mayor and, in those where a local government was in place, infrastructure and basic facilities were lacking. MINUSTAH established contact with the various levels of State administration to identify local needs and develop a municipal database. It assessed needs in public administration, local management skills and good governance and was working with the United Nations Development Programme (UNDP), OAS

and the EU on decentralization and the establishment and strengthening of local authority.

While the security situation improved, armed groups continued to control parts of the country, particularly in the north and the east along the border with the Dominican Republic. Isolated instances of violence and gunfire, home invasions, acts of retaliation, kidnappings, gang activity and confrontation between the National Police and former soldiers of the disbanded Haitian armed forces were reported. On 8 July the Transitional Government's Superior Council on the National Police stated that the activities of armed groups presenting themselves as security forces were illegal and action would be taken against them, with MINUSTAH help, if they were still operating after 15 September.

With regard to disarmament, demobilization and reintegration, a mixed inter-ministerial commission, essential for developing a national programme, had not yet been established. The Transitional Government, however, did establish the commission, led by the Minister of the Interior, to examine the situation of the former armed forces, and on 13 August announced the formation of an inter-ministerial commission to study issues related to back pay and retirement funds and to formulate recommendations on the reorganization of the military. A worrisome development was the refusal of the former military to disarm until their demands were met. Meanwhile, the National Police had increased from 2,500 to 3,567 officers, which was still insufficient to provide adequate security.

Insecurity and problems in the functioning of law enforcement structures contributed to the continuing precariousness of the human rights situation. The trial of Louis Jodel Chamblain, accused of participating in the assassination of Antroine Izmerly, a businessman and adviser to former President Aristide, in September 1993, opened on 16 August. Mr. Chamblain and his co-defendant were acquitted but remained in prison pending further trials. The international community denounced the trial as not meeting minimum legal standards and expressed concern at the haste with which the Transitional Government had arrested members of Fanmi Lavalas suspected of political violence and corruption, while failing to act against perpetrators of serious human rights violations.

The humanitarian situation remained complex, compounded by chronic poverty and environmental degradation. MINUSTAH initiated preparations to support the response to complex emergencies. UN inter-agency assessment missions were deployed to follow up on the floods in

southern Haiti and to identify possible vulnerable areas.

The Secretary-General said that the restoration of the rule of law would be crucial to restoring confidence in the institutions of the State. The Government of Haiti had to do more to establish a well-functioning and impartial justice system. The Secretary-General remained concerned by reports of double standards in the administration of justice. He urged the Government to strengthen the country's legitimate democratic institutions, while overhauling or abolishing those that did not meet democratic standards, and to establish, as a priority, a national commission on disarmament, demobilization and reintegration. The Secretary-General called on all concerned to lay down their arms and to refrain from violence so as to allow the political process, including the electoral process, to unfold free from pressure.

#### SECURITY COUNCIL ACTION (September)

On 10 September [meeting 5030], following consultations among Security Council members, the President made statement **S/PRST/2004/32** on behalf of the Council:

The Security Council extends its appreciation to participating countries of the United Nations Stabilization Mission in Haiti, and hopes that those countries that have pledged to contribute troops and civilian police will do their utmost to expedite the early deployment of their personnel.

The Council notes that, while the overall situation in Haiti has improved since last February, challenges by illegal armed groups to the authority of the Transitional Government are undermining stability and security in some parts of the country.

The Council condemns attempts by some illegal armed groups to perform unauthorized law enforcement functions in some Haitian cities. The Council underscores the need for the Transitional Government to extend its control and authority throughout the country. It stresses the need for the Mission actively to assist the Transitional Government's security institutions in addressing the activities of all illegal armed groups, in accordance with the mandate provided in resolution 1542(2004).

The Council stresses the urgency of disbanding and disarming all illegal armed groups. It calls upon the Transitional Government to complete without delay the establishment of the required structures and the adoption of the required legal framework for the implementation of a national disarmament, demobilization and reintegration programme. It notes that the Mission will assist the Transitional Government in these efforts.

The Council underlines the fact that stability and security remain key to the political and economic reconstruction efforts of the Transitional Government and the international community. It stresses the importance of building the capacity of an effective and professional national police in Haiti. It reiterates the

importance of effective coordination and cooperation between the Mission and the Haitian National Police. It also underlines the urgency of improving the situation of human rights in the country, including women's rights.

The Council underlines the fact that only a comprehensive and inclusive dialogue in Haiti can lay down the foundations of a peaceful and democratic political environment. It calls upon all Haitian political actors to participate in the national dialogue, as well as in the transition and in the electoral process to occur in 2005.

The Council welcomes the fact that the Provisional Electoral Council has marked the start of the electoral process in Haiti by holding a broad dialogue on the preparation of elections. The Council encourages the United Nations and the Organization of American States to finalize a memorandum of understanding outlining the election responsibilities of each organization as soon as possible.

The Council reiterates that an end to impunity is key to national reconciliation in Haiti. The Council stresses that justice should apply equally to all citizens in that country and be carried out by an independent judicial system with the support of a reformed correctional system. The Council expresses its strong concern at reports of double standards in the administration of justice. The Council welcomes the intention expressed by the Transitional Government to cease travel restrictions without judicial justification in place against former civil servants and politicians. It urges the Transitional Government to end such restrictions without delay.

The Council welcomes the results of the donors conference held in Washington, D.C., on 19 and 20 July 2004, and urges a timely disbursement of the funds pledged. The Council looks forward to the follow-up implementation meeting to be held in Port-au-Prince from 22 and 23 September 2004, taking into account the priorities identified by the Haitian Government's Interim Cooperation Framework.

The Council reiterates its support for the establishment of a core group to maintain the mobilization of the international community, to increase the consultation among major stakeholders to enhance the coordination and effectiveness of the assistance for Haiti, and to contribute to the definition of a long-term development strategy aimed at the promotion of lasting peace and stability in that country.

The Council welcomes the appointment of Mr. Juan Gabriel Valdés as Special Representative of the Secretary-General and Head of the United Nations Stabilization Mission in Haiti, and commits its full support to his work.

#### Report of Secretary-General (November).

The Secretary-General, in his November report on MINUSTAH [S/2004/908], stated that the Mission had deployed throughout Haiti and had a permanent presence in all important areas, except in Jérémie and Port-de-Paix. The security situation had deteriorated, particularly in Port-au-Prince, and the political climate remained tense. Armed groups remained the main threat, some of which

increasingly defied and confronted the Transitional Government. In late August and early September, former military officers occupied police stations in Petit-Goâve, Thomazeau and Terre-Rouge, and, in November, took possession of an unoccupied station near Saint-Marc. The National Police, with MINUSTAH assistance, expelled them from the Thomazeau police station and prevented them from occupying other public buildings. On 29 September, MINUSTAH forces denied them entry to Gonaïves.

On 30 September, violence broke out during demonstrations organized by supporters of former President Aristide to commemorate the thirtieth anniversary of the 1991 military coup [YUN 1991, p. 151]. On 4 October, the Secretary-General's Special Representative expressed regret that a peaceful demonstration had served as an excuse for a series of brutal and violent actions and appealed to all Haitians not to be drawn into a vicious cycle of revenge and violence and to embark on the path of dialogue, reconciliation and peace. During the demonstrations, more than 60 people were killed, including 13 National Police officers, three of whom were beheaded. The unrest disrupted the daily life of city residents and brought port activities in Port-au-Prince to a standstill, preventing the unloading of humanitarian assistance. To counter the spread of violence, the Joint MINUSTAH/Haitian National Police Operations Centre was established on 4 October in Port-au-Prince as a means of enhancing coordination between the Mission and the National Police. Regular joint patrols contributed to the normalization of public markets and the reopening of schools. In addition, MINUSTAH forces and civilian police patrolled outside the capital to provide a visible security presence and protect key installations, and established checkpoints which monitored movement and searched for illegal weapons.

The Transitional Government blamed former President Aristide and his armed supporters for instigating the violence. Several political leaders and civil society representatives urged the Transitional Government to take stronger action against them, including declaring Fanmi Lavalas a "terrorist" organization and outlawing it, and issuing an international warrant for Mr. Aristide's arrest. The Prime Minister called on the non-violent Fanmi Lavalas elements to condemn the violence and join the transition process. Meanwhile, Fanmi Lavalas supporters continued to denounce the political persecution and repression of their movement.

On 26 October, in the Fort-National district of Port-au-Prince, at least seven young people were executed. At the urging of the Special Represen-

tative, the Transitional Government ordered an investigation into the reported deaths. Two days later, four other youths were killed in similar circumstances in Carrefour-Péan.

The Transitional Government took steps to address the grievances of the former military by creating three commissions. On the recommendation of one of the commissions, the Transitional Government, on 6 October, set up a Demobilized Soldiers Management Bureau to reintegrate the demobilized soldiers into the country's economic and social life. To enhance their public image, the former military offered assistance in restoring public order and some were cooperating with the National Police. However, the police spokesperson stated that only demobilized soldiers who had been integrated into its structures would be recognized.

On 21 October, Prime Minister Latortue reshuffled his cabinet, the first since the Transitional Government took office on 17 March, and appointed a former military officer as Secretary of State in charge of public security, reporting to the Minister of Justice. The Special Representative met with political leaders and civil society representatives to discuss a national dialogue, its objectives and format. The Transitional Government reiterated its commitment to organize free, fair and credible elections in 2005, and allocated funds to the Provisional Electoral Council to launch its preparatory activities. The Council, on 5 October, decided to set local elections for 6 November 2005, the first round of national (presidential and legislative) for 27 November 2005, and the second round of voting for 18 December 2005. Fifty per cent of the vote would be needed to be elected president, senator or member of parliament. A memorandum of understanding between the United Nations and OAS concerning electoral assistance to Haiti was signed on 2 and 3 November.

On 9 September, the Special Representative formally established the Core Group on Haiti, comprising representatives of the diplomatic corps, international financial institutions and regional and subregional organizations.

In view of the changing situation in Haiti, the Secretary-General proposed a number of modifications to MINUSTAH's structure to increase its capacity to implement its mandate. They included: adding a police unit of 125 officers to be stationed in Port-au-Prince to provide operational support to the National Police and to strengthen security arrangements in the capital; continuation of quick-impact humanitarian projects beyond the first year of the Mission; augmenting MINUSTAH's capacity to implement disarmament, demobilization and reintegration

projects; strengthening its capacity to monitor community-based projects and to support the Transitional Government in developing legal and institutional frameworks for disarmament, demobilization and reintegration; the addition of an engineering company; and the strengthening of the humanitarian and development coordination pillar. The Secretary-General recommended that the Security Council extend the MINUSTAH mandate for a further 18 months, until 31 May 2006.

**SECURITY COUNCIL ACTION (November)**

On 29 November [meeting 5090], the Security Council unanimously adopted **resolution 1576 (2004)**. The draft [S/2004/923] was prepared in consultations among Council members.

*The Security Council,*

*Reaffirming* its resolution 1542(2004) of 30 April 2004, and recalling resolution 1529(2004) of 29 February 2004 and relevant statements by its President on the situation in Haiti,

*Commending* the work of the Special Representative of the Secretary-General in support of the efforts of the Transitional Government of Haiti and all political actors in Haiti towards a comprehensive and inclusive national dialogue and reconciliation process, including the holding of fair and free elections in 2005 and the subsequent transfer of power to elected authorities,

*Underlining* the fact that political reconciliation and economic reconstruction efforts remain key to the stability and security of Haiti, and in that regard stressing that all Member States, especially those in the region, should continue to support the Transitional Government in those efforts,

*Urging* the Transitional Government to continue to make progress in the implementation of the Interim Cooperation Framework, including by developing concrete projects for economic development, in close cooperation with, and with the full assistance of, the international community, in particular the United Nations and international financial institutions,

*Welcoming* the establishment of the Core Group on Haiti and the Ad Hoc Advisory Group on Haiti of the Economic and Social Council,

*Condemning* all acts of violence and the attempts by some armed groups to perform unauthorized law enforcement functions in the country,

*Stressing*, in that context, the urgency of conducting disarmament, demobilization and reintegration programmes, and urging the Transitional Government to establish, without delay, the national commission on disarmament, demobilization and reintegration,

*Condemning* all violations of human rights and urging the Transitional Government to take all necessary measures to put an end to impunity,

*Concerned* by any arbitrary detention of people solely for their political affiliation, and calling upon the Transitional Government to release those against whom no charges have been brought,

*Calling upon* the international community to continue to address, in full support of the Transitional

Government, the humanitarian needs caused by natural disasters in various parts of the country,

*Welcoming* the contribution made by Member States to the United Nations Stabilization Mission in Haiti, and urging troop- and police-contributing countries to abide by the deployment schedules agreed, and noting in particular the need for more French-speaking police officers,

*Noting* the continuing existence of challenges to the political, social and economic stability of Haiti, and determining that the situation in Haiti continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations, as described in paragraph 7, section I, of resolution 1542(2004),

1. *Decides* to extend the mandate of the United Nations Stabilization Mission in Haiti as contained in resolution 1542(2004), until 1 June 2005, with the intention to renew for further periods;

2. *Encourages* the Transitional Government to continue to explore actively all possible ways to include in the democratic and electoral process those who currently remain outside the transition process but have rejected violence;

3. *Welcomes* the report of the Secretary-General of 18 November 2004 on the Mission, and endorses the Secretary-General's recommendations as outlined in paragraphs 52 to 57 thereof;

4. *Urges* relevant international financial institutions and donor countries to disburse promptly the funds pledged at the International Donors Conference on Haiti, held in Washington, D.C., on 19 and 20 July 2004;

5. *Requests* the Secretary-General to provide a report to the Council at least every three months on the implementation by the Mission of its mandate;

6. *Decides* to remain seized of the matter.

**Further developments.** In a later report [S/2005/124], the Secretary-General indicated that on 14 December MINUSTAH troops and civilian police officers, jointly with the National Police, launched an operation to restore law and order in the shantytown of Cité Soleil in Port-au-Prince. Forces met with little resistance and no casualties were reported. On 15 December, a group of former soldiers illegally occupied the abandoned private residence of former President Aristide in the Port-au-Prince suburb of Tabarre. At the request of the Transitional Government, MINUSTAH and the Haitian National Police surrounded the residence. When a delegation from the Government and another one composed of political parties and civil society leaders failed to reach a negotiated solution, MINUSTAH troops took over the residence and disarmed 43 individuals there. In retaliation, former soldiers attacked police officers and police stations. MINUSTAH responded promptly and retook control of the police stations seized in Grand-Goâve, Mirebalais and Petit-Goâve.

As the holiday season approached, there were warnings of a possible increase in violence by armed gangs associated with Mr. Aristide, and a number of kidnappings took place in the capital. MINUSTAH conducted its largest patrolling operation in Port-au-Prince to date, which resulted in a peaceful and secure environment during the holidays. A total of 41 suspects were arrested and six weapons seized, in addition to ammunition being confiscated. It also prevented a widely announced march by former soldiers through Port-au-Prince.

On 20 December, the Transitional Government announced the launching of a compensation programme for members of the former military demobilized in 1995 and made some \$2.8 million available for that purpose. Payment of the first of three instalments began on 28 December and was expected to be completed in March 2005. MINUSTAH's improved military and police operations in some of the most volatile areas contributed to an improved environment conducive to implementing disarmament, demobilization and reintegration programmes. Preliminary discussions on those programmes began with gang members and community leaders.

Most political actors appeared to favour a national dialogue and the holding of elections. On 6 December, the Prime Minister invited the leader of the Congrès national des mouvements démocratiques to contact various political, social and religious sectors and interested personalities to formally advance the process of national dialogue. An ad hoc group (Groupe de réflexion et de promotion du dialogue national) was formed, which reported to the Prime Minister on 31 December. The Prime Minister also established the Committee on Assistance for Victims of Violence to provide assistance to those who had been wounded, lost relatives or been displaced because of their political beliefs. The commission, created on 6 October to investigate the financial management of the Lavalas Government between February 2001 and February 2004, continued its activities. Relations between Fanmi Lavalas and the Transitional Government remained tense, despite the release of several party leaders, while differences within Fanmi Lavalas resulted in growing ambiguity regarding its legitimate leaders. On 16 December, Fanmi Lavalas created a 19-member commission, which, according to a press release, would be allowed to engage in political discussions on behalf of the party.

#### Programme of support for Haiti

**Report of Secretary-General.** On 16 June, the Secretary-General submitted a report [E/2004/80] on the development of a long-term programme

of support for Haiti, which elaborated on the national and economic situation, provided an overview of UN system activities in the country, and re-evaluated the existing long-term programme of support. The report indicated that Haiti remained the poorest nation in the western hemisphere and that the country's critical economic condition was negatively affected by its political situation. On 22 April, major development partners met to elaborate a plan of action. UNDP and the World Bank decided to lead the process for the preparation of the Interim Cooperation Framework for donors, and a round table was scheduled for July.

The report also covered humanitarian assistance and other UN activities, including: ensuring the availability of food; restoring the public health sector; combating HIV/AIDS; ensuring public security and the rule of law; tracking the Millennium Development Goals [YUN 2000, p. 51]; and monitoring human rights violations.

**Economic and Social Council action.** On 23 July, the Economic and Social Council adopted **resolution 2004/52** on the long-term programme of support for Haiti (see p. 938); on 11 November, it adopted **decision 2004/322** on the Ad Hoc Advisory Group on Haiti (see p. 939); and, on 22 July, it adopted **resolution 2004/46** on support for MINUSTAH (see p. 1025).

#### Financing of MINUSTAH

On 3 May [A/58/236], the Secretary-General requested the inclusion in the agenda of the resumed fifty-eighth session of the General Assembly the item entitled "Financing of the United Nations Stabilization Mission in Haiti".

Pending submission to the Assembly during its fifty-ninth session of a full budget for MINUSTAH for 1 May 2004 to 30 June 2005, including results-based frameworks, the Secretary-General submitted on 17 May [A/58/800] an interim budget for the Mission for 1 May to 30 June 2004 and from 1 July to 31 December 2004, which reflected preliminary financial requirements for MINUSTAH amounting to \$49,259,800 and \$215,552,000, respectively.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its May report [A/58/809], noted that it had already concurred on commitment authority of up to \$49,259,800 for MINUSTAH for 1 May to 30 June, and recommended that the Assembly approve a total assessment of \$221,740,300.

#### GENERAL ASSEMBLY ACTION (June)

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/58/832],

adopted **resolution 58/311** without vote [agenda item 168].

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

*The General Assembly,*

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

*Recalling* Security Council resolution 1529(2004) of 29 February 2004, by which the Council declared its readiness to establish a United Nations stabilization force to support continuation of a peaceful and constitutional political process and the maintenance of a secure and stable environment in Haiti,

*Recalling also* Security Council resolution 1542 (2004) of 30 April 2004, by which the Council decided to establish the United Nations Stabilization Mission in Haiti for an initial period of six months,

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

*Reaffirming* the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

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

1. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

2. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

3. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

4. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

5. *Requests* the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission;

6. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;

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

8. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to

make efforts to recruit local staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

**Budget estimates for the period from 1 May to 31 October 2004**

9. *Authorizes* the Secretary-General to establish a special account for the United Nations Stabilization Mission in Haiti for the purpose of accounting for income received and expenditure incurred in respect of the Mission;

10. *Also authorizes* the Secretary-General to enter into commitments in the amount of 172,480,500 United States dollars for the period from 1 July to 31 October 2004 for the maintenance of the Mission, in addition to the amount of 49,259,800 dollars for the period from 1 May to 30 June 2004 authorized by the Advisory Committee for the establishment of the Mission under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994;

**Financing of the commitment authority**

11. *Decides* to apportion among Member States the amount of 221,740,300 dollars, comprising the amount of 49,259,800 dollars for the period from 1 May to 30 June 2004 and the amount of 172,480,500 dollars for the period from 1 July to 31 October 2004, in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2004 as set out in its resolution 58/1 B of 23 December 2003;

12. *Decides also* 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 11 above, their respective share in the Tax Equalization Fund of 2,272,000 dollars, comprising the estimated staff assessment income of 387,000 dollars approved for the Mission for the period from 1 May to 30 June 2004 and the estimated staff assessment income of 1,885,000 dollars approved for the Mission for the period from 1 July to 31 October 2004;

13. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

14. *Encourages* the Secretary-General to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

15. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

16. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Financing of the United Nations Stabilization Mission in Haiti".

On 20 August [A/59/288], the Secretary-General presented a report containing the budget for MINUSTAH for 1 May 2004 to 30 June 2005, which amounted to \$428,306,600 and included the budgetary proposals for 1 May to

31 December 2004, set out in the Secretary-General's 17 May report (see p. 296).

In a 29 September report [A/59/390], ACABQ reviewed budget proposals and identified reductions totalling \$9,312,400. However, it recommended approval of the full amount proposed by the Secretary-General due to the effects of Hurricane Jeanne (see p. 942) on the Mission's activities, facilities and infrastructure, and with regard to the additional tasks the Mission was being called upon to perform in relation to humanitarian assistance and food distribution.

#### GENERAL ASSEMBLY ACTION (October)

On 29 October [meeting 46], the General Assembly, on the recommendation of the Fifth Committee [A/59/530], adopted **resolution 59/17** without vote [agenda item 155].

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

*The General Assembly,*

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

*Recalling* Security Council resolution 1529(2004) of 29 February 2004, by which the Council declared its readiness to establish a United Nations stabilization force to support continuation of a peaceful and constitutional political process and the maintenance of a secure and stable environment in Haiti,

*Recalling also* Security Council resolution 1542 (2004) of 30 April 2004, by which the Council decided to establish the United Nations Stabilization Mission in Haiti for an initial period of six months,

*Recalling further* its resolution 58/311 of 18 June 2004 on the financing of the Mission,

*Reaffirming* the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

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

*Stressing* the role of the Fifth Committee in the consideration and approval of the budgetary proposals of the Secretary-General,

1. *Takes note* of the status of contributions to the United Nations Stabilization Mission in Haiti as at 30 September 2004, including the contributions outstanding in the amount of 144.4 million United States dollars, representing some 65 per cent of the total assessed contributions, notes with concern that only thirty-two Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States that have paid their assessed contributions in full, and urges all other Member States to make every possible

effort to ensure payment of their assessed contributions to the Mission in full;

3. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

4. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission;

8. *Requests* the Secretary-General to make all efforts to provide the necessary facilities to expedite the deployment of troops and to take all necessary measures to repair the infrastructures required for the operational needs of the Mission;

9. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

10. *Authorizes* the Secretary-General to fill the following posts at appropriate grades until 30 June 2005:

Director of the Office of the Special Representative of the Secretary-General;  
Special Assistant to the Director;  
Special Assistant to the Special Representative;  
Protocol Officer;  
Political Affairs Officer;  
Deputy Special Representative of the Secretary-General for Humanitarian and Development Coordination;  
Senior Humanitarian and Development Officer;  
Humanitarian and Development Officer;  
Principal Legal Adviser;  
Chief of Public Information;  
Spokesperson;

Head of the Political Affairs and Planning Division; and requests the Secretary-General to re-justify these posts in his next budget with additional information on the appropriate grades;

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

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

#### Budget estimates for the period from 1 May 2004 to 30 June 2005

13. *Takes note* that in paragraph 7.II (c) of its resolution 1542(2004), the Security Council mandates the

Mission to assist in organizing, monitoring and carrying out free and fair municipal, parliamentary and presidential elections;

14. *Requests* the Secretary-General to implement fully the mandate given to him and to measure the Mission's accomplishments, in particular expected accomplishment 2.3, fully in accordance with the Security Council mandate;

15. *Decides* to appropriate to the Special Account for the United Nations Stabilization Mission in Haiti the amount of 49,259,800 dollars for the period from 1 May to 30 June 2004 previously authorized by the Advisory Committee on Administrative and Budgetary Questions for the establishment of the Mission under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994;

16. *Decides also* to appropriate to the Special Account for the United Nations Stabilization Mission in Haiti the amount of 379,046,800 dollars for the period from 1 July 2004 to 30 June 2005, inclusive of the amount of 172,480,500 dollars previously authorized by the Assembly in its resolution 58/311 for the period from 1 July to 31 October 2004;

#### Financing of the appropriation

17. *Decides further* to apportion among Member States the amount of 206,566,300 dollars at a monthly rate of 25,820,787 dollars for the maintenance of the Mission for the period from 1 November 2004 to 30 June 2005, taking into account the amount of 172,480,500 dollars already apportioned by the General Assembly for the period from 1 July to 31 October 2004 in its resolution 58/311, in accordance with the levels set out in its resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, taking into account the scale of assessments for 2004 and 2005 as set out in its resolution 58/1 B of 23 December 2003, subject to a decision of the Security Council to extend the mandate of the Mission;

18. *Decides* 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 17 above, their respective share in the Tax Equalization Fund of 4,371,700 dollars approved for the Mission for the period from 1 November 2004 to 30 June 2005;

19. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

20. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

21. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

22. *Decides* to keep under review during its fifty-ninth session the item entitled "Financing of the United Nations Stabilization Mission in Haiti".

On 23 December, by **decision 59/552**, the Assembly decided that the item on financing of

MINUSTAH would remain for consideration during its resumed fifty-ninth (2005) session.

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## Other questions

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### Andean Zone of Peace

By a 12 October letter [A/59/235], Bolivia, Colombia, Ecuador, Peru and Venezuela—the member countries of the Andean Community—transmitted to the Secretary-General the Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace, adopted on 12 July by the Presidents of those countries at the fifteenth meeting of the Andean Presidential Council held in Quito, Ecuador.

The General Assembly, in **resolution 59/54** (see p. 592) of 2 December, welcomed the Declaration.

### Colombia

In a letter dated 2 July [S/2004/569], the Netherlands, on behalf of the EU, transmitted a statement on the occasion of the formal start of talks between the Government of Colombia and the Autodefensas Unidas de Colombia (AUC) paramilitary groups. The EU confirmed its readiness to assist in reaching a peaceful and durable solution to the conflict, within the framework of a credible and comprehensive peace strategy, and in that regard, underlined the importance of the good offices of the Secretary-General of the United Nations and of regular constructive dialogue between the Government and civil society.

### Cuba–United States

In a letter dated 10 May [A/58/789], Cuba denounced the 6 May announcement by the United States Government of new measures against Cuba. The measures, described by Cuba as part of the United States "aggressive and hostile" policy against Cuba, dealt with restricting visitation to Cuba by relatives and United States citizens, limiting family remittances from Cubans residing in the United States, and discouraging tourist travel to Cuba.

On 1 July [A/58/851], Cuba, in a declaration by its National Assembly, objected to the implementation on 30 June of the new measures, which included the cancellation of almost all United States citizens' visitation licences, as well as to threats by the United States of applying more aggressively sections of its Helms-Burton Act [YUN

1996, p. 194] that would penalize businessmen from third countries dealing with Cuba.

On 8 September [A/59/348], Cuba submitted a report on the implementation of General Assembly resolution 58/7 [YUN 2003, p. 286], which described, in addition to the new measures, the extraterritorial nature of the United States embargo policy, the embargo's impact on the Cuban national health system and economy, and damage to exchanges between the Cuban and American peoples.

**Reports of Secretary-General.** On 27 August [A/59/302, Part I] and on 5 October [A/59/302, Part II], the Secretary-General, in response to General Assembly resolution 58/7, forwarded replies by Governments on their actions to implement that resolution. That text had called on States to refrain from unilateral application of economic and trade measures against other States, and urged them to repeal or invalidate such measures. The two reports included, in addition to the replies from 86 States, statements from the EU, eight UN bodies and ten specialized agencies.

#### GENERAL ASSEMBLY ACTION

On 28 October [meeting 44], the General Assembly adopted **resolution 59/11** [draft: A/59/L.2] by recorded vote (179-4-1) [agenda item 28].

#### **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* at 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 legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation,

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

*Recalling* its resolutions 47/19 of 24 November 1992, 48/16 of 3 November 1993, 49/9 of 26 October 1994, 50/10 of 2 November 1995, 51/17 of 12 November

1996, 52/10 of 5 November 1997, 53/4 of 14 October 1998, 54/21 of 9 November 1999, 55/20 of 9 November 2000, 56/9 of 27 November 2001, 57/11 of 12 November 2002 and 58/7 of 4 November 2003,

*Concerned* that, since the adoption of its resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9, 57/11 and 58/7, 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 at 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 58/7;

2. *Reiterates its call upon* 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 sixtieth session;

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

#### RECORDED VOTE ON RESOLUTION 59/11:

*In favour:* Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:* Israel, Marshall Islands, Palau, United States.

*Abstaining:* Micronesia.

### El Salvador-Honduras

On 5 January [S/2004/9], Honduras transmitted to the Security Council President an Application for the revision of the Judgment of 11 September 1992 [YUN 1992, p. 983] in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (El Salvador v. Honduras)* dated 18 December 2003 [YUN 2003, p. 1306].

### Cooperation between the United Nations and regional organizations

#### Caribbean Community

In response to General Assembly resolution 57/41 [YUN 2002, p. 254] on cooperation between the United Nations and the Caribbean Community (CARICOM), the Secretary-General summarized, in his September consolidated report on cooperation between the United Nations and regional and other organizations [A/59/303], UN-CARICOM collaborative activities, including high-level consultations in early 2004 on the unfolding political crisis in Haiti (see p. 288) and subsequent cooperation with MINUSTAH.

The third general meeting between the United Nations and CARICOM was held in New York in April. The meeting, which reviewed follow-up action to the second meeting, considered that substantial progress had been achieved in cooperation between the two organizations, especially in the areas of conflict prevention, governance and security. The meeting also discussed institutional arrangements for cooperation and training and the need for improved coordination of activities. It stressed the need to convene regular review meetings to deal with constraints in the relationship between the two organizations.

#### GENERAL ASSEMBLY ACTION

On 10 December [meeting 71], the General Assembly adopted **resolution 59/138** [draft: A/59/L.25 & Add.1, as orally revised] without vote [agenda item 56 (e)].

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

*The General Assembly,*

*Recalling* its resolutions 46/8 of 16 October 1991, 49/141 of 20 December 1994, 51/16 of 11 November 1996, 53/17 of 29 October 1998, 55/17 of 7 November 2000 and 57/41 of 21 November 2002,

*Bearing in mind* the provisions of Chapter VIII of the Charter of the United Nations on the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and other activities consistent with the purposes and principles of the United Nations,

*Bearing in mind also* the assistance given by the United Nations towards the maintenance of peace and security in the Caribbean region,

*Recalling* the signing, on 27 May 1997, by the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community of a cooperation agreement between the secretariats of the two organizations,

*Noting with satisfaction* that the third general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system was held in New York on 12 and 13 April 2004,

*Bearing in mind* that, in its resolutions 54/225 of 22 December 1999, 55/203 of 20 December 2000 and 57/261 of 20 December 2002, it recognized the importance of adopting an integrated management approach to the Caribbean Sea area in the context of sustainable development,

*Bearing in mind also* that in the United Nations Millennium Declaration, adopted by resolution 55/2 of 8 September 2000, Heads of State and Government resolved to address the special needs of small island developing States by implementing the Barbados Programme of Action and the outcome of the twenty-second special session of the General Assembly rapidly and in full,

*Noting* that the World Summit for Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, considered the specific issues and problems facing small island developing States, and noting that a special meeting to review the implementation of the Barbados Programme of Action will be convened in Mauritius in January 2005,

*Noting also* that the Declaration of Commitment on HIV/AIDS adopted by the General Assembly in resolution S-26/2 of 27 June 2001 recognized the Caribbean region as having the second-highest rate of infection after sub-Saharan Africa and that the region therefore needs special attention and assistance from the international community,

*Noting further* that the Caribbean region has been hard hit, and in some cases devastated, by hurricanes in 2004, and concerned that their frequency, intensity and destructive power pose a challenge to the development endeavours of the region,

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

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

*Having considered* the report of the Secretary-General on cooperation between the United Nations and regional and other organizations,

1. *Takes note* of the report of the Secretary-General, in particular section IV on the Caribbean Community, as well as efforts to strengthen cooperation;

2. *Calls upon* the Secretary-General of the United Nations, in association with the Secretary-General of the Caribbean Community, as well as the relevant regional organizations, to continue to assist in furthering the development and maintenance of peace and security within the Caribbean region;

3. *Invites* the Secretary-General to continue to promote and expand cooperation and coordination between the United Nations and the Caribbean Community in order to increase the capacity of the two organizations to attain their objectives;

4. *Urges* the specialized agencies and other organizations and programmes of the United Nations system to cooperate with the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community in order to initiate, maintain and increase consultations and programmes with the Caribbean Community and its associated institutions in the attainment of their objectives, with special attention to the areas and issues identified at the third general meeting, as set out in the report of the Secretary-General, as well as in resolutions 54/225, 55/203, 55/2 and S-26/2 and the decision of the World Summit on Sustainable Development on the sustainable development of small island developing States;

5. *Invites* the organizations of the United Nations system as well as Member States to increase financial and other assistance to the countries of the Caribbean Community to help to implement the priorities of the Caribbean Regional Strategic Plan of Action, which sets out realistic targets for reducing the rate of new infections, raising the quality and coverage of care, treatment and support and building institutional capacity, and to cope with the problems and the burden caused by the HIV/AIDS pandemic;

6. *Invites* the Secretary-General to consider utilizing a strategic programming framework modality to strengthen the coordination and cooperation between the two secretariats as well as between the United Nations field offices and the Caribbean Community;

7. *Calls upon* the United Nations, the specialized agencies and other organizations and programmes of the United Nations system to assist the countries of the Caribbean, in particular those in greatest need, such as Grenada and Haiti, in their rebuilding efforts after the hurricane damage of 2004;

8. *Welcomes* the initiatives of Member States in assisting in the cooperation between the United Nations and the Caribbean Community, and encourages their continuing efforts;

9. *Recommends* that the fourth general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be held in the Caribbean in early 2006 in order to review and appraise progress in the implementation of the agreed areas and issues and to hold consultations on such additional measures and procedures as may be required to facilitate and strengthen cooperation between the two organizations;

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

11. *Decides* to include in the provisional agenda of its sixty-first session the sub-item entitled "Cooperation between the United Nations and the Caribbean Community".

### Cooperation with OAS

In response to General Assembly resolution 57/157 [YUN 2002, p. 253] on cooperation between the United Nations and the Organization of

American States (OAS), the Secretary-General, in his September consolidated report on cooperation between the United Nations and regional and other organizations [A/59/303], reviewed the continued collaborative activities of MINUSTAH and OAS in Haiti; close cooperation between OAS and the Department for Disarmament Affairs through the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, including work on a jointly designed web-based small arms and light weapons administration system; coordination between the Economic Commission for Latin America and the Caribbean and OAS; and consultations and exchange of information on a regular basis between OAS and the UN Secretariat, funds, programmes and agencies.

#### GENERAL ASSEMBLY ACTION

On 23 December [meeting 76], the General Assembly adopted **resolution 59/257** [draft: A/59/L.41/Rev.1 & Add.1] without vote [agenda item 56 (o)].

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

*The General Assembly,*

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

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

*Recalling further* that both organizations seek, inter alia, to promote social advancement, improve the standards of living of peoples, particularly in developing countries, and promote the protection of all human rights and fundamental freedoms,

*Recalling* its resolution 57/157 of 16 December 2002 on promoting cooperation between the United Nations and the Organization of American States,

*Aware* that the United Nations and the Organization of American States signed a memorandum of understanding on 3 November 2004 concerning the provision of assistance for the planning, organization and monitoring of the elections in Haiti,

*Recalling* that one of the common goals of the two organizations is to combat corruption and impunity, and noting that the Inter-American Convention against Corruption is a pioneering international instrument in that field,

*Recalling also* the fifth high-level meeting between the Secretary-General and heads of regional organizations, held in New York on 29 and 30 July 2003 to review the new threats to international peace and security, including international terrorism, civil and international conflicts, the proliferation of weapons of

mass destruction, poverty, organized crime and violations of human rights, which demonstrated the need for greater synergy in the efforts made by the two organizations,

*Noting* that during the Special Conference on Security, held in Mexico City on 27 and 28 October 2003, the States members of the Organization of American States defined a new concept of security that is multidimensional in scope and includes traditional and new threats, concerns and challenges to their security,

*Mindful* of the meeting held in March 2004 between the secretariats of the Organization of American States and the United Nations, which reviewed the progress made in promoting transparency in the area of conventional weapons, and reviewed their cooperation with a view to curbing the illicit traffic in weapons,

*Aware* of the increased cooperation between bodies of the inter-American system for the protection of human rights and the United Nations Commission on Human Rights,

*Noting with grave concern* the continuing spread of the HIV/AIDS pandemic in the region, which requires coordinated action at the national, regional and global levels,

1. *Takes note with satisfaction* of the report of the Secretary-General on cooperation between the United Nations and the Organization of American States and his continuing efforts to strengthen that cooperation;

2. *Notes with satisfaction* the cooperation between the Organization of American States and the United Nations Stabilization Mission in Haiti as well as other bodies and programmes of the system providing assistance and support for the recovery and stability of Haiti, and calls upon them to continue to support the planning, organization and monitoring of elections in 2005 in that country;

3. *Calls for* a prompt mobilization of resources to meet the emergency needs of the Caribbean countries, especially Haiti and Grenada, in the wake of the serious floods and hurricanes that affected that region;

4. *Expresses its appreciation* to the Economic Commission for Latin America and the Caribbean for the initiatives to strengthen cooperation with inter-American institutions in various fields, in particular, hemispheric integration, statistics, women and development;

5. *Recognizes* the work of the Organization of American States in promoting democracy, in the field of regional cooperation and in connection with its task of coordination with the United Nations;

6. *Also recognizes* the close cooperation between the United Nations and the Organization of American States in promoting the necessary transparency in all matters concerning the registration of conventional weapons, and calls upon them to continue intra-regional dialogue and coordination with a view to curbing the illicit traffic in weapons;

7. *Calls upon* the Organization of American States to actively participate in the International Meeting to Review the Implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States, to be held in Port Louis from 10 to 14 January 2005;

8. *Invites* the Organization of American States to participate actively in the World Conference on Disaster Reduction, to be held in Kobe, Japan, from 18 to 22 January 2005;

9. *Calls for* an increase in financial resources and the strengthening of national and regional programmes for combating HIV/AIDS, as well as an increase in the supply of safe, effective and essential medicines at a reasonable cost;

10. *Calls upon* the United Nations and the Organization of American States to continue to develop their mutual cooperation in accordance with their respective mandates, jurisdiction and composition and to adapt to each specific situation in accordance with the Charter of the United Nations;

11. *Notes with satisfaction* the holding of periodic meetings between representatives of the United Nations and the Organization of American States, as well as the exchange of information taking place between the two organizations, and recommends that these practices be maintained;

12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution, as appropriate;

13. *Decides* to include in the provisional agenda of its sixty-first session the sub-item entitled "Cooperation between the United Nations and the Organization of American States".

### Observer status

On 2 December, the General Assembly, by **resolution 59/52** (see p. 1460), granted observer status to the Organisation of Eastern Caribbean States in the work of the Assembly.