

## Chapter III

**Americas**

During 2000, the United Nations continued to assist countries in the Americas region in the attainment of political stability, security, economic and social development, judicial reform and respect for human rights. Although there was an increase in the level of crime in some countries of Central America, progress was made in consolidating democracy in the subregion.

The United Nations Verification Mission in Guatemala (MINUGUA), established in 1994, 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. In December, the General Assembly extended MINUGUA's mandate until 31 December 2001. After four years, a number of commitments on the peace agenda still had not been implemented or were in the process of implementation. The Commission to Follow Up the Implementation of the Peace Agreements rescheduled the pending commitments in an implementation timetable for 2000-2004. The new Government of President Alfonso Portillo took office in January.

In Haiti, the political and institutional crisis continued to worsen throughout the year, stalling the implementation of much-needed structural reforms and further polarizing political and civil society. Parliamentary and local elections were held on 21 May amid a climate of violence. A flawed method of electoral calculation allotted all but one of the contested Senate seats to the ruling Fanmi Lavalas party, headed by former President Jean-Bertrand Aristide. Based on those elections, a new Parliament was installed on 28 August, despite calls for rectification of the results by the international community. Haiti's main bilateral donors suspended all forms of international assistance, deciding to channel their technical support through non-governmental organizations (NGOs). Elections for President and a third of the remaining Senate seats were held on 26 November but were boycotted by the opposition parties. Mr. Aristide was elected President and Fanmi Lavalas won all the contested Senate seats. The International Civilian Support Mission in Haiti (MICAHA) was launched on 16 March in order to consolidate the results already achieved by the United Nations Civilian Police

Mission in Haiti and the International Civilian Mission to Haiti. The Security Council had extended the mandates of those two Missions in November 1999 to ensure a phased transition to MICAHA by 15 March. By mid-October, the three pillars of MICAHA—justice, police and human rights—had deployed a total of 68 advisers in Haiti. In November, due to the political turmoil and instability in the country, the Secretary-General recommended that the Mission be terminated at the end of its mandate on 6 February 2001 and called for a new programme of assistance for the Haitian people that was commensurate with the country's political realities.

In November, the General Assembly again called on States to refrain from promulgating laws and measures such as the ongoing United States economic embargo against Cuba. It also adopted resolutions on strengthening cooperation with the Organization of American States and the Caribbean Community.

**Central America**

In response to General Assembly resolution 54/118 [YUN 1999, p. 197], the Secretary-General submitted an October report on the situation in Central America [A/55/465], describing progress achieved by Central American countries in the areas of peace, freedom, democracy and development since September 1999. The report focused on the five signatories to the Esquipulas II process [YUN 1987, p. 188] (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua).

The Secretary-General said that a new Government took office in Guatemala on 14 January, following the first general election (November/December 1999) [YUN 1999, p. 194] held since the signing of the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168]. Ongoing verification of political rights by MINUGUA had exposed the need to deepen electoral reforms to increase voter participation and improve conditions for the free exercise of political rights. To that end, the approval by Congress of the Political Parties and Electoral Law was crucial.

Congressional and municipal elections took place in El Salvador on 12 March and voting proceeded without incident. Both the peaceful fashion in which the polling unfolded and the voting patterns exhibited were signs that the rancour of the past had been replaced by a new political maturity. However, 62 per cent of the nation's 3 million voters chose not to vote. Implementation of the 1995 electoral reforms would encourage greater participation.

In Nicaragua, municipal elections were scheduled to take place on 5 November under new electoral rules. The strengthening of citizen participation throughout Central America in electoral and other political processes, in particular by women and indigenous people, was assuming greater urgency. It was hoped that reformed electoral regulations would foster increasingly democratic and pluralistic processes. In that regard, democratic governance was fundamental to ongoing efforts to achieve regional stability.

The region's deteriorating public security situation was a major threat to the enjoyment of fundamental rights. The rise in common crime and social violence was linked to the inability to investigate and punish crimes and human rights violations. Regional and international criminal networks posed an additional challenge to fragile public security structures. The trafficking in firearms was a constant threat to security. Irregularities and long delays in processing accused persons undermined public confidence in the judicial process. Prison reform was urgently needed, in particular the approval of new legislation, the training of personnel and upgrading of the infrastructure. Acts of so-called social cleansing, as well as lynching, continued. In addition, domestic violence and violence against women remained a problem.

The establishment in El Salvador and Guatemala of the National Civil Police, bringing public security forces under civilian control, represented one of the most important achievements of the peace agreements and a key element of the democratization process in the region. In Guatemala, Congress approved legislation allowing for joint patrols by the police and the army. Similar joint patrols were conducted in rural parts of El Salvador. The Secretary-General said that the need to address the population's feeling of insecurity should not be made at the cost of remilitarizing public security. The participation of police officers in criminal acts and human rights violations seriously undermined the credibility of the security forces. Salvadoran authorities had established a special commission to strengthen discipline and internal control mechanisms. Similar functions were fulfilled in Guatemala by

the Office of Professional Responsibility within the National Civil Police. Criminal investigative capacity was still deficient throughout the region, giving rise to numerous due process violations and lack of confidence in the administration of justice. The adoption in Guatemala of the Career Judicial Service Act, together with the setting up of the ad hoc commission on the strengthening of the justice system, should strengthen the rule of law, while inadequacy of the national penitentiary system was being addressed by means of new legislation and increasing budgetary allocations. However, serious deficiencies in infrastructure, trained personnel and prison security persisted, leading to overcrowding and deplorable living conditions for the inmates. Lengthy periods of pre-trial detention remained a problem throughout the region.

Meeting for the twelfth time in March, Central American ombudsmen made a collective call to Central American Governments to ensure that globalization would not negatively impact the enjoyment of social, economic, cultural and political rights. They recommended a cautious approach towards privatizing basic services such as health, education, housing and communications, in order to avoid increasing extreme poverty. At the national level, the ombudsmen played a central role in the defence of democracy and the rule of law by ensuring public accountability of government actions. For that reason, it was important that the independence of those institutions be strengthened and that problems related to the lack of leadership and proper funding be adequately addressed. The establishment in Nicaragua of the Ombudsman's Office represented an important development.

Hurricane Mitch, which devastated parts of Central America in October 1998 [YUN 1998, p. 876], revealed the region's extreme social and ecological vulnerability. After the May 1999 meeting of the Consultative Group for the Reconstruction and Transformation of Central America and the adoption of the Stockholm Declaration [YUN 1999, p. 195], national follow-up meetings were held for Costa Rica, Honduras and El Salvador in February 2000. The national meetings recognized significant progress in the process of reconstruction in all the countries examined. It was also recognized that the agenda of transformation, including the strengthening of democratic governance, transparency, environmental protection and poverty reduction, should become the focus of national efforts with the support of the international community.

According to the Economic Commission for Latin America and the Caribbean (ECLAC), the gross national product for the Central American

region grew by 3.4 per cent in 1999 compared to 4.4 per cent in 1998. That drop mirrored similar stagnation throughout Latin America and the Caribbean. The gross domestic product (GDP) growth rates ranged from a high of 7.5 per cent in Costa Rica to a low of 2 per cent in Honduras. The major factor in that contraction was the devastation caused by hurricane Mitch. Overall, however, the 1990s brought significant economic growth to Central America. Advances had been made in the area of structural economic reform, though the capacity of Governments to transform and create sustainable economic growth depended largely on reducing the burden of external debt. In July, the International Monetary Fund and the World Bank agreed to support a comprehensive debt reduction package for Honduras under the Heavily Indebted Poor Countries Initiative. As a sign of increasing trade and cooperation within and outside the region, El Salvador, Guatemala and Honduras, in May, signed a free trade agreement with Mexico, which committed those countries to pursuing regional trade liberalization to further economic integration in the western hemisphere. In the same month, the United States extended the benefits of the Caribbean Basin Initiative to a number of Central American countries, ensuring their increased duty-free access to the United States market. In addition, cooperation continued or was projected with the European Union (EU), the Andean Community (Bolivia, Colombia, Ecuador, Peru, Venezuela) and Canada.

On 15 and 16 May, Colombia hosted the fourteenth Summit Meeting of Heads of State and Government of the Rio Group, which served as a mechanism for political coordination. For the first time, Central American countries participated in the Summit, with heads of State from Latin America and the Caribbean. The role of the United Nations, personal and environmental safety and the reform of the international financial system dominated the agenda. Ministers of Trade from six Central American countries met in Panama in March to continue discussions on a regional free trade agreement. At that meeting, ministers from Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua began talks with Panama on a comprehensive trade pact.

Closer regional integration remained the key to consolidating peace and fostering development throughout the isthmus. The secretariat of the Central American Integration System (SICA) continued to work towards the execution and coordination of the mandates established at the summits of the Central American Presidents, as well as the decisions of the Council of Ministers of External Relations. On 2 May, the Presidents

of El Salvador, Guatemala and Nicaragua signed an integration pact, the *Declaración Trinacional para el siglo XXI*, containing economic and political proposals to accelerate the integration process (see p. 237). Furthermore, at a meeting of Ministers for Foreign Affairs from Central American States in Panama that same month, ways to advance the goal of regional integration established by SICA were explored.

The Ministers of External Relations of the Central American countries attended the thirtieth regular session of the General Assembly of the Organization of American States (OAS) (Windsor, Canada, 4-6 June). The session focused on democracy and human security, adopting various resolutions on Central America, and, in particular, reaffirming the need to continue joint efforts between the OAS and SICA secretariats. It also adopted a resolution for the continued support of the mine-clearing programme in Central America, as well as the Special Programme of Support for Guatemala. Finally, the Assembly resolved to establish a permanent fund for the peaceful resolution of territorial disputes among member States.

OAS played a leading role in reducing tensions and seeking a political solution to border disputes, such as in the case of the dispute between Honduras and Nicaragua that flared up in late 1999 [YUN 1999, p. 208]. Under the auspices of the OAS Secretary-General, Costa Rica and Nicaragua reached an understanding on the San Juan River [ibid.].

The United Nations continued to support the process of peace-building and development in Central America. In El Salvador, the United Nations Development Programme (UNDP) followed up on the implementation of outstanding commitments of the 1992 Peace Agreement [YUN 1992, p. 222] and was assisting the Government to that end. The Secretary-General said that much remained to be done to implement the recommendations of the Commission on the Truth [YUN 1993, p. 314]. Also outstanding was the enactment of an agrarian code. Other concerns included the non-fulfilment by the authorities of their obligation to provide benefits to handicapped combatants and the dependants of combatants killed during the conflict; the deteriorating public security situation; and the failure to strengthen the role of the ombudsman.

In Guatemala, the United Nations continued to verify compliance with the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168]. The Secretary-General was encouraged by the fact that, upon taking office in January, President Alfonso Portillo embraced the accords as an obligation of the State and pledged to reinvestigate

the peace process by promoting social policies based on the accords. Equally important was the commitment shown by the Unidad Revolucionaria Nacional Guatemalteca (URNG) to fully implement the peace agenda. However, the Secretary-General expressed concern about signs of a qualitative deterioration in the human rights situation.

UNDP was elaborating a regional strategy, within the framework of the 1999 Stockholm Declaration [YUN 1999, p. 195], on the effects of hurricane Mitch. The strategy would focus on democratic governance, poverty and equality, protection of the environment and reduction of the region's vulnerability to natural disasters. A regional strategy for reducing disasters, which included the five Central American countries plus Belize and Panama, had been drawn up. With regard to other operational activities, Guatemalan civil society and, in particular, women's and indigenous organizations, had contributed policy proposals related to the peace accords with the support of UNDP and bilateral donors. UNDP had supported the Nicaraguan Government in creating national forums for the discussion of public policy and in drafting an environmental curriculum. It had also assisted Nicaragua and Honduras in preparing national reconstruction plans and monitoring their implementation and in preparing the poverty reduction strategy papers required by the World Bank in order to enter into relief programmes for highly indebted countries. In El Salvador and Guatemala, UNDP supported the modernization of the justice sector by focusing on institutional strengthening, law reforms and personnel training. In Guatemala and Nicaragua, UNDP was supporting initiatives to increase the access of excluded populations to the justice system.

The Secretary-General observed that nearly two decades after the United Nations first became involved in the region, it seemed clear that the success of the peacekeeping operations was due to the comprehensive peace-building strategy put in place by Central American countries and civil societies. Furthermore, the international community had consistently supported, through political and economic means, the exemplary engagement of local actors. As a result of that multifaceted effort, Central America was a region transformed. However, the effective completion of the peace-building stage, such as greater regional integration, continued to be a challenge for the consolidation of democracy.

**Communication.** On 4 May [A/54/862], El Salvador, Guatemala and Nicaragua transmitted to the Secretary-General three documents they had

signed on 2 May on ways to facilitate political and economic integration and cooperation in Central America.

#### GENERAL ASSEMBLY ACTION

On 19 December [meeting 86], the General Assembly adopted **resolution 55/178** [draft: A/55/L.42/Rev.1 & Add.1] without vote [agenda item 43].

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

The General Assembly,

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

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

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

Recognizing the considerable success achieved in the fulfilment of the commitments contained in the Guatemala Peace Agreements, implementation of which is being verified by the United Nations Verification Mission in Guatemala,

Noting at the same time the delays in the fulfilment of some of the commitments contained in the Guatemala Peace Agreements, which has led the Commission to Follow up the Implementation of the Peace Agree-

ments to reschedule its fulfilment for the period 2001-2004, and having considered the report of the Secretary-General on the work of the United Nations Verification Mission in Guatemala and the recommendations contained therein aimed at ensuring that the Mission is able to respond adequately to the demands of the peace process until December 2001,

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

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

Recognizing with satisfaction also the organization and holding of general elections in Guatemala at the end of 1999, of municipal and parliamentary elections in El Salvador in March 2000 and of municipal elections in Nicaragua in November 2000,

Emphasizing the importance of the end of a critical period in Central American history and the start of a new phase free from armed conflict, with freely elected Governments in each country and with political, economic, social and other changes which are creating a climate conducive to the promotion of economic growth and further progress towards the consolidation and further development of democratic, just and equitable societies,

Noting with gratification that the Third Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction will be held in Nicaragua in September 2001,

Reaffirming that the consolidation and establishment of firm and lasting peace and democracy in Central America is a dynamic and ongoing process that faces serious structural challenges,

Stressing the importance of progress in human development, especially the alleviation of extreme poverty, the promotion of economic and social justice, judicial reform, the safeguarding of human rights and fundamental freedoms, respect for minorities and the satisfaction of the basic needs of the most vulnerable groups among the peoples in the region, issues which have been a primary source of tension and conflict and which deserve to be discussed with the same urgency and dedication as was the case in the settlement of armed conflicts,

Considering with concern that it has not yet been possible to overcome the devastating effects of hurricanes Mitch and Keith on sectors of Central American countries and which are causing setbacks in the efforts of the peoples and the Governments of Central America,

Emphasizing the solidarity of the international community with the victims of hurricane Mitch, as demonstrated by the Stockholm Declaration, the subsequent meetings of the Consultative Group for the Reconstruction and Transformation of Central America and the next meeting of the Group in Madrid in January 2001,

Bearing in mind the efforts made by the Central American Governments to reduce the risks and miti-

gate the consequences of natural disasters in the region, as demonstrated by the adoption, by the Presidents of the isthmus, of the Declaration of Guatemala II of 19 October 1999, the subsequent adoption of the Strategic Framework for the Reduction of Vulnerability and Disasters in Central America, as well as the adoption of the Central American Five-Year Plan for the Reduction of Vulnerability to and the Impact of Disasters, 2000 to 2004,

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

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

3. Reaffirms the need to continue to improve the electoral processes that have been taking place in Central America, which are conducive to the consolidation of democracy in the region, and encourages greater participation of citizens in elections;

4. Recognizes the need to continue to follow closely the situation in Central America according to the objectives and principles established in the Stockholm Declaration in order to support national and regional efforts to overcome the underlying causes that have led to armed conflicts, avoid setbacks and consolidate peace and democratization in the area and promote the objectives of the Alliance for the Sustainable Development of Central America;

5. Stresses the importance of lending support to the meeting of the Consultative Group for the Reconstruction and Transformation of Central America, which will be held in Madrid in January 2001, in order to continue to help to consolidate the modernization and improvement of the principal structures of the region in accordance with the model established by the Alliance for Sustainable Development;

6. Welcomes the Declaration of Guatemala II which provides for the necessary measures to prevent vulnerability to and mitigate the effects of natural disasters;

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

8. Requests the Secretary-General, the bodies and programmes of the United Nations system and the international community to continue to support and verify in Guatemala the implementation of all the peace agreements signed under United Nations auspices, compliance with which is an essential condition for a firm and lasting peace in that country, and to consider the implementation of the Peace Agreements as the framework for their technical and financial assistance programmes and projects, stressing the importance of constant and close cooperation among them in the context of the United Nations Development Assistance Framework for Guatemala;

9. Expresses its appreciation with satisfaction to the people and the Government of El Salvador for their efforts to fulfil the commitments set forth in the Peace Agree-

ments, which has made a substantial contribution to the strengthening of the process of democratization in that country;

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

11. Underlines the efforts carried out in the Central American region towards integration, such as the Trilateral Declaration between Guatemala, El Salvador and Nicaragua, as well as the Customs Union between those countries, as means for promoting integration while respecting different stages of development, through a pragmatic mechanism open to the participation of the other countries of the region;

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

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

14. Reaffirms the importance of international cooperation, in particular cooperation with the bodies, funds and programmes of the United Nations system and the donor community in the new stage of consolidating firm and lasting peace and democracy in Central America, and urges them to continue to support Central American efforts to achieve those goals;

15. Notes with satisfaction the determination of the Central American Governments to settle their disputes through peaceful means, thereby avoiding any setback in the efforts to consolidate firm and lasting peace in the region;

16. Requests the Secretary-General to continue to lend his full support to the initiatives and activities of the Central American Governments, particularly their efforts to consolidate peace and democracy through the promotion of integration and the implementation of the comprehensive sustainable development programme, emphasizing, inter alia, the potential repercussions of natural disasters, in particular the persist-

ing effects of hurricane Mitch, for the peace processes and the vulnerable economies of the region, and to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution;

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

On 23 December, the Assembly decided that the agenda item on the situation in Central America would remain for consideration during its resumed fifty-fifth (2001) session (**decision 55/458**).

### Guatemala

In 2000, the peace process in Guatemala continued to be implemented, although its impact on the lives of the people was marginal, a situation that was affecting governance and the process itself. There was a marked deterioration in public security, reflected in, among other things, an increase in crime and actions by armed criminal groups.

The United Nations Verification Mission in Guatemala (MINUGUA) continued to verify the implementation of the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168] and the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (the Timetable Agreement) [YUN 1997, p. 176], signed by the Government of Guatemala and URNG. After four years, a number of commitments were still in the process of implementation or had not been implemented. The Commission to Follow Up the Implementation of the Peace Agreements therefore completely rescheduled pending commitments in an implementation timetable for 2000-2004. The Secretary-General transmitted to the General Assembly reports by the MINUGUA Director covering the Mission's activities throughout 2000. The Assembly renewed the Mission's mandate until 31 December 2001.

### MINUGUA

The mandate of MINUGUA, which was extended to 31 December 2000 by General Assembly resolution 54/99 [YUN 1999, p. 205], included verification of all agreements signed by the Government of Guatemala and URNG covering human rights, the parties' compliance with the ceasefire, separation and concentration of the respective forces, and disarmament and demobilization of former URNG combatants. The Mission's functions also comprised good offices, advisory and support services and public information. The parties to the agreements had re-

requested that the duration of MINUGUA's mandate be the same as that of the implementation timetable, namely four years, up to 31 December 2000.

By a 28 July letter [A/54/950], the Secretary-General informed the General Assembly of his decision to appoint Gerd D. Merrem (Germany) as his Special Representative in Guatemala and Head of MINUGUA, succeeding Jean Arnault (France). The appointment would take effect on 1 August 2000.

**Report of Secretary-General.** In response to General Assembly resolution 54/99, the Secretary-General submitted a September report [A/55/389] covering the state of implementation of the peace agreements (see below) and the structure and staffing of MINUGUA. He noted that March 2000 marked the tenth anniversary of direct UN involvement in the Guatemalan peace process. Citing the relevance and extent of the outstanding agenda, the parties to the peace agreements had requested the United Nations to continue to support the consolidation of the process until 2003, although the duration of MINUGUA's mandate had been the same as that of the implementation timetable, namely four years, up to 31 December 2000. A considerable number of commitments remained to be fully accomplished in the third and last phase (1998-2000), which would necessitate monitoring the further implementation of the agreements, with a special focus on socio-economic issues, rural development, strengthening of civilian power and various forms of increased citizen participation. The implementation of the agreements was to be based on a revised calendar that was being considered by the Commission to Follow Up the Implementation of the Peace Agreements (Follow-up Commission), which was expected to reschedule pending commitments and establish timelines for items that were not initially included in the agreements.

For the 2001-2003 period, the Secretary-General planned to scale down the Mission's operation, starting with an important reduction in staffing, which would ensure substantive savings in 2001. The achievements already registered in the implementation of the peace process formed the basis for an important restructuring of personnel. Regional offices and sub-offices would be redeployed without sacrificing geographical coverage. In order to ensure a steady transition through the three-year period towards a nationally driven process, the Mission's functions were being refocused with the aim of strengthening national actors, both governmental and non-governmental. MINUGUA would continue to assist the parties in providing good offices, verification, assistance in specific fields and public infor-

mation. In 2001, the Mission was expected to have a total of six regional offices (reduced from eight), four sub-offices (reduced from five) and five mobile offices (increased from three). The number of political affairs officers would be reduced by approximately 45 per cent. An 80 per cent reduction of military and police observers was also envisaged, as well as corresponding reductions of 40 per cent in international and national administrative support staff. That would result in an overall 45 per cent decrease in Mission staff. The structure of the Mission's headquarters would continue to consist of four substantive areas, namely: human rights; juridical affairs; socio-economic affairs, resettlement and incorporation; and public security and military affairs. The Public Information Office would remain unchanged. The offices of the Military and Police Advisers would merge under public security and military affairs. With a view to enhancing cooperation within the UN system, MINUGUA would begin a gradual transfer of projects, funded by an existing trust fund for peace in Guatemala, to relevant UN agencies. The Mission would, however, continue to guide core projects to ensure their timely implementation and coherence with the overall MINUGUA strategy and the priorities established by the Follow-up Commission. The Mission would provide, with the parties' consent, specific technical support to other entities, such as NGOs and State structures involved in the implementation of the peace process. The Secretary-General recommended that the Assembly authorize the renewal of MINUGUA's mandate for a further period of one year, until 31 December 2001.

#### Verification of compliance

In response to General Assembly resolution 54/99, the Secretary-General, in July, submitted his fifth report [A/55/175] on the verification of compliance with the agreements signed by the Government of Guatemala and URNG [YUN 1996, p.168].

The implementation of the commitments entered into by the two parties was governed by the Timetable Agreement [YUN 1997, p. 176], which divided the period from 1997 to 2000 into three phases. The report covered part of the third phase (1998-2000), from 1 November 1999 to 30 June 2000, and focused on the priority areas identified in 1999 by the Follow-up Commission [YUN 1999, p. 201].

The Secretary-General said that there was a need to implement the outstanding agenda, which included commitments such as the implementation of fiscal reforms, the expansion of judicial reforms, the reform of the electoral system

and the armed forces, and critical aspects related to public security. At the same time, the labour and housing situations, the sustainable reintegration of the uprooted and demobilized population and the problems of compensation and national reconciliation remained outstanding and the failure to solve them was affecting both the peace process and governance. The challenge was to ensure the sustainability of the progress achieved, to make adequate provision for the multicultural and multi-ethnic characteristics of Guatemala society in all areas of national life, and to extend the benefits of peace to the areas of the country where the social debt remained greatest.

Noting that Alfonso Portillo had taken office as President on 15 January, the Secretary-General recalled that he had expressed his satisfaction at President Portillo's strong reaffirmation, in his inaugural speech, of the validity of the peace process and his recognition that its full implementation was a State commitment. In late January, President Portillo presented his proposal for a democratic governance pact, intended as a mechanism for reaching consensus among State representatives and political and social leaders on a national agenda, based on the peace agreements, that would be submitted to local authorities for discussion in order to secure broad consensus throughout the country. The President specifically requested the help of the UN system and MINUGUA.

In March, the Chairman of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights set out the policy adopted by the Government in the area of human rights. The proposed measures included ratification of international human rights instruments and acknowledgement of the State's responsibility in cases submitted to the Inter-American Court of Human Rights. In May, the Peace Secretariat (SEPAZ) presented its Strategic Guidelines for the Implementation of the Peace Agreements, 2000-2004, which envisaged a renewed effort to implement the agreements and the strengthening of institutions set out under the peace process.

MINUGUA reported that, in the early months of the new Government, a number of bodies had been created and mechanisms set in motion that, in some cases, paralleled or duplicated the institutions derived from or provided for in the agreements. Lack of coordination among government agencies responsible for the broad strategic outlines of the peace agenda could hamper their ability to carry out their mandates properly, and that could weaken both the institutions created by the peace process and the State's organiza-

tional capacity to implement the agreements. SEPAZ announced that priority would be given to allocating resources and building State institutions in areas of the country hardest hit by the internal armed conflict, where a significant percentage of the uprooted and demobilized population were living. MINUGUA believed that SEPAZ's approach would promote reconciliation in those areas, though it should not take the place of fulfilling the commitments undertaken towards the resettlement of population groups uprooted by the civil war and the integration of former combatants. The delay in fulfilling those commitments was undermining legal certainty as to land tenure and the economic self-sufficiency of the intended beneficiaries.

While the Mission noted the urgent need to overcome the population's feelings of insecurity, it was deeply concerned that measures were being adopted that were not conducive to the demilitarization of public security or to the strengthening of civilian authority. Despite the perception that the National Civil Police (PNC) was given to excesses, no serious effort had been made to improve its operational, technical and training capacities. The Secretary-General had recommended that the Government should fulfil its commitments under the peace agreements with regard to public security, namely: to set up the Advisory Council on Security; to implement the judicial reform in order to combat impunity; to increase the capacity of the new PNC in all its aspects; and to adopt a comprehensive public security policy as soon as possible.

The Secretary-General reiterated his deep satisfaction at the signing of the Fiscal Pact for a Future with Peace and Development, the outcome of an extensive process of national consultation to define a long-term fiscal policy [YUN 1999, p. 202]. That process, which was supported by MINUGUA as part of its good offices and technical assistance mandate, was without precedent in Guatemala's history and involved the participation of broad sectors of society.

As to the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407], MINUGUA had observed substantial delays in implementing the 1999 National Programme of Compensation for and/or Assistance to the Victims of Human Rights Violations during the Armed Conflict [YUN 1999, p. 201]. SEPAZ had identified the readjustment of that programme as a priority in its strategic guidelines. MINUGUA monitored the execution of two pilot programmes of assistance to victims of human rights violations, which covered the areas of health, education, housing, infrastructure, exhumation and restoration of dignity to the victims. The purpose of the pilot

projects was to provide information to help finalize the design of the national compensation and assistance programme. The Mission had found that communities in which some of those projects had been carried out were pleased with them. The beneficiaries saw the projects as a reparation for the losses suffered during the armed conflict, but did not associate them with forgiveness and reconciliation. The Secretary-General noted that in reformulating the national compensation programme, it would be important to incorporate those missing dimensions. A national programme of reconciliation had to be launched as a matter of urgency and its technical and financial sustainability ensured as part of a long-term effort to fulfil the State's legal and moral obligation to the victims.

The Follow-up Commission submitted to the Guatemalan Congress the preliminary draft of a bill setting up a commission for peace and harmony, the text of which was based on a draft prepared by the Multi-institutional Forum for Peace and Harmony, a group of civil society organizations formed in 1999 to advance the implementation of the Commission for Historical Clarification recommendations [YUN 1999, p. 199]. In April 2000, the Congressional Committee for Peace and Mine Clearance issued a new, unfavourable ruling on the draft bill, which had still to be submitted to the full Congress. MINUGUA considered it important for the national reconciliation process that the bill be debated and approved in the Congress as soon as possible. The establishment of a commission for peace and harmony, as provided for in SEPAZ strategic guidelines, would make it easier to address such critical issues as comprehensive policies on the search for the disappeared and on exhumations.

Regarding compliance with the 1994 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict [YUN 1994, p. 407], the Secretary-General said that the implementation of a comprehensive, long-term rural development policy was essential for consolidating the bases for sustainable productive integration, and thereby ensuring the definitive reintegration of the uprooted population in conditions of dignity. It was important to move ahead in fulfilling a number of commitments made with regard to rural development, land management plans, the promotion of public investment in rural areas and the allocation of specific resources to the competent institutions. At the same time, the formulation of long-term social development policies should include: the allocation of resources and the identification of institutional mechanisms that would facilitate the integration of the uprooted population and allow for the incorpo-

ration of elements of the special education plan into the official educational system; reaffirmation in the new public health policy of the priority accorded to 13 specific projects, to help ensure that the goal of bringing comprehensive health care to 100 per cent of the uprooted population was attained by the end of 2001; and disbursement of the fund of 200 million quetzales (approximately \$25 million) announced by the Government in order to provide housing for uprooted and demobilized populations. Access to land and legal security of tenure continued to be priority issues for the uprooted population. The purchase of agricultural estates for Communities in Resistance had been completed, but resources had yet to be earmarked for ensuring that the process of socio-economic reintegration was sustainable. For the internally displaced population, only two more estates were acquired in addition to the two previously purchased. The Land Trust Fund (FONTIERRAS) did not have sufficient funds to purchase the remaining 19 estates needed to reach the target of 23 estates pledged in 1999. Moreover, for the estates already purchased, no specific funds had been allocated for moving in the new owners or providing basic services. FONTIERRAS had also assumed responsibility for completing the process of regularizing title to public lands awarded to the uprooted population. Little had been accomplished in terms of sustainable productive integration. The Trust Fund of the Consultative Assembly of Uprooted Population Groups/Ministry of Agriculture, Livestock and Food was still at the negotiation stage. Congress adopted a decree that fulfilled the commitment to provide the uprooted population with personal documentation, although there had been constraints on its implementation.

Under the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 432], a number of ministries were carrying out decentralization projects based on new social participation structures, chiefly in the areas of health and education. In some cases, that process overlooked existing forms of participation, notably those of indigenous communities and their traditional authorities. MINUGUA recommended that the recognition of the legal personality of indigenous communities should be made effective and reiterated the importance of the commitment to create consultation mechanisms allowing indigenous people to participate in decision-making on public matters that concerned them. The Permanent National Commission for the Official Recognition of Indigenous Languages and the Academy of Mayan Languages of Guatemala had prepared a preliminary draft of a bill on lan-

guages, but lack of funds had prevented it from being submitted to the linguistic communities for endorsement. The Joint Commission on Reform and Participation proposed amendments to the Municipal Code and the Development Councils Act, but discussions on both proposals were at a standstill pending the formulation of a decentralization strategy. The Government and SEPAZ were refocusing the Commission's work towards broader proposals covering issues of decentralization, participation and governance. MINUGUA trusted that the intention of broadening the opportunities for debate with other social actors would respect the nature of that Commission, which had been judged an important mechanism for participation and consensus-building between the Government and indigenous peoples. The Mission welcomed the appointment of members of the Maya people to high-level political posts, though the number of such appointments was still very small. The Joint Commission on Rights relating to Indigenous Peoples' Land continued its work, although it faced difficulties owing to the turnover of its membership and the absence of technical, logistical and economic support. The Mission noted that the commitments concerning land and natural resources were a key issue that transcended the economic use of land, was highly sensitive and offered considerable potential for social conflict. It was therefore urgent that the commitments relating to land contained in the peace agreements should be addressed comprehensively, especially those relating to the recognition and regulation of indigenous communities' land tenure. The proposal submitted by the Joint Commission on Educational Reform, which envisaged an intercultural, bilingual education system in keeping with Guatemala's cultural and linguistic diversity, was welcomed by the Advisory Commission of the Ministry of Education. MINUGUA noted with satisfaction the increase in the number of studies on indigenous customary law carried out by educational institutions and research centres, but expressed concern that the Guatemalan Government had committed limited resources to the funding of the Office for the Defence of Indigenous Women's Rights.

Under the 1996 Agreement on Social and Economic Aspects and the Agrarian Situation [YUN 1996, p. 165], the Fiscal Pact for a Future with Peace and Development was signed on 25 May by over 130 organizations representing a broad spectrum of society. The Pact set forth the principles and commitments that should guide fiscal policy in the coming decade. On 20 June, representatives of civil society and business signed the Political Agreement for Funding Peace, Development and

Democracy in Guatemala, which set forth measures for beginning the tax and administrative changes needed to build a new fiscal system. On 28 June, the signatories to that Agreement and representatives of the executive branch and the Congress completed negotiations on a set of fiscal measures to be implemented beginning in July and, progressively, throughout the rest of the year.

Crucial commitments concerning the agrarian situation remained to be implemented, including the establishment of an agrarian and environmental jurisdiction and the promulgation of a land registry act. The agricultural policy for 2000-2004 presented by the Ministry of Agriculture, Livestock and Food included guidelines for assisting small farmers but lacked specific investment plans for promoting their development.

MINUGUA noted that there was a glaring disproportion between the magnitude and complexity of the country's labour problems and the human and material resources allocated by the State to overcome them. It also noted that labour issues played a secondary role in political decision-making. On the other hand, the Mission welcomed the increase in the minimum wage and in the bonuses decreed in early 2000, as well as the bill sent by the President to Congress containing amendments to the Labour Code that would bring national legislation into line with the standards set by International Labour Organization (ILO) conventions.

Progress in fulfilling the commitments on social development encountered serious obstacles. Public investment in the social sphere was delayed and an almost 20-per-cent cut in the approved budget, except for health, education and security, affected the State's physical and financial investment capacity. The budget cuts affected not only public investment in the country's poorest areas, but also the funding of many commitments scheduled for implementation in 2000. As a result, in the first six months of the year, very little progress was made in meeting targets for social investment and for coverage and quality of social services. The social sector budget for 2000 was approximately \$500.6 million, but only 31 per cent of that amount had been disbursed as at 31 May. The Ministry of Education announced the implementation of a national literacy programme that it hoped would reduce the illiteracy rate to around 15 per cent within four years and would benefit 2.8 million people.

The 2000 budget for the health sector amounted to \$263.6 million, of which only 29.2 per cent had been disbursed by May. The basic objectives of the National Health Plan 2000-2004 included plans for promoting women's health,

such as adequate access to prenatal care and childbirth services. The 2000 budget for the housing sector amounted to \$38.4 million, none of which was distributed due to, among other things, the suspension of the activities of the Guatemalan Housing Fund.

With regard to social participation and consultation, the development councils had made progress as forums for allocating the budget of the Solidarity Fund for Community Development and for approving municipal projects. However, civil society organizations were still not participating in the councils as fully as they should. MINUGUA welcomed the establishment of the Presidential Secretariat for Women as an advisory and public policy coordinating body for promoting the advancement of Guatemalan women and the development of a culture of democracy.

Under the 1996 Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society [YUN 1996, p. 167], an important landmark in the administration of justice was achieved with the entry into force of the Career Judicial Service Act. In January, the National Commission for Monitoring and Supporting the Strengthening of the Justice System, responsible for advising on and supporting the modernization and reform of the judicial system, took up its functions. It had since prepared a five-year strategic plan. In May, judges' and magistrates' representatives were elected to the Career Judicial Service Council. MINUGUA noted with concern, however, that the commitment to amend the Penal Code was still unfulfilled and scant progress was made in strengthening the Public Prosecutor's Office. Guatemalan prisons continued to experience serious deficiencies in infrastructure and trained personnel.

During the period under review, the public perception of heightened insecurity and criminal violence continued to grow. Frequent changes in the PNC command structure created the feeling that the institution was unstable. A number of reforms in police rules and regulations were introduced, including the creation of an anti-kidnapping squad as a specialized unit for preventing, investigating and prosecuting the crimes of abduction or kidnapping and extortion. In that connection, MINUGUA expressed its concern at the withholding of the identity of investigators and operatives for a 10-year period, a provision that could undermine the principles of accusatory criminal proceedings in force in Guatemala. PNC was deployed in all 22 of the country's departments and covered 307 of its 331 municipalities, with a force of 16,205 members, of whom 1,692 were women. The number of indigenous people who applied and were selected, trained

and deployed remained low. The Mission noted that, in general, the PNC regime of confinement to barracks was affecting police morale and preventing better public service and the development of a relationship with the community. The Police Academy had continued to train new police recruits and had completed the retraining process of former police members. The Mission stressed the need to recruit throughout the country, particularly in indigenous areas, and to strengthen police training at all levels. It reiterated its concern at the lack of development of the PNC information and criminal investigation services. Three years after its creation, the Criminal Investigation Service was deployed in only 14 departments and its staff had not increased significantly. Notwithstanding efforts to modernize the disciplinary section and the PNC Office of Professional Accountability, MINUGUA considered it essential to create higher oversight mechanisms to monitor the overall functioning of the police. With the change of government, progress had been made in ensuring that the Strategic Analysis Secretariat was made up of civilian personnel. In June, the Secretariat submitted a plan of work, which included the restructuring and functional rethinking of State intelligence mechanisms. The plan indicated that the Secretariat's mission was to advise the President on the creation of democratic institutions by providing information and forward-looking analysis for decision-making purposes.

With regard to the reduction of the armed forces budget as provided for in the peace agreements, the sum allocated—approximately \$118.6 million—failed to meet the agreed reduction target. Some progress in the redeployment of governmental troops from areas they had occupied during the armed conflict took place following the inauguration of the new Government. The proposed doctrinal manual of the armed forces, submitted in late 1999, did not meet expectations of fulfilling the commitment on the formulation of a new doctrine. The new Government expressed its willingness to include more sectors in its discussions of the manual. It also made some progress towards disbanding the Presidential General Staff by including that commitment in its draft amendments to the Act establishing the armed forces. The Mission was extremely concerned at the potential impact of the recently adopted Support for the Civil Security Forces Act. The Act provided for the participation of the armed forces in public security tasks, and thus was a major setback for the process of demilitarizing public security pursuant to the peace agreements. Moreover, in MINUGUA's view, the Act contained legal ambiguities and reflected a public

security policy that did not include the strengthening of PNC.

As to the 1996 Agreement on Constitutional Reforms and the Electoral Regime [YUN 1997, p. 178], the draft amendments to the Elections and Political Parties Act were discussed in the Electoral Affairs Committee of the Congress. The Committee had launched a broad debate on the amendments and was receiving proposals on that issue from women's organizations and civic committees.

During the period under review, the Mission observed that the unease that demobilized population groups were feeling at implementation delays had evolved into a perception that compliance with the 1996 Agreement on the Basis for the Legal Integration of URNG [YUN 1996, p. 169] was at a standstill. However, implementation of the programme of production projects began after a delay of over a year. It was hoped that the programme would benefit nearly 1,500 demobilized combatants—approximately half of the total demobilized population. The integration of demobilized women faced additional difficulties since no specific measures had been envisaged to facilitate their access to production projects. A comprehensive programme for disabled former combatants and civilians had been completed. Also, 891 housing units were being built for uprooted and demobilized population groups. The Secretary-General reiterated his recommendation that the Guillermo Toriello Foundation be strengthened and called on Governments to provide it with the support it needed to perform its tasks in the integration process.

The Secretary-General observed that the increased mobilization of national resources that would result from the tax measures agreed within the framework of the Fiscal Pact would give the State the capacity to finance adequately a large number of commitments whose fulfilment had been affected by lack of resources and budget cuts. The depth and extent of poverty and social exclusion in rural areas required a comprehensive rural development strategy. The commitments relating to redeployment and to the elaboration of a new doctrine of the armed forces had to be complied with fully, while military intelligence had to be transformed and the Presidential Military Staff disbanded. At the same time, there was a need to continue the professionalization of PNC. The new educational policy should aim to establish new models for democratic pluralism and promote technical and scientific progress. In order to overcome the historical exclusion of large population groups from Guatemala's political life, priority should be given to reforming the electoral system. There was also a need to put

in place a public policy of fostering collective bargaining that would promote the development of consensus methods of dealing with labour disputes. The Secretary-General said that in order to attain the goals of decentralization specified in the agreements, it was essential for the Government to define its strategy with regard to functional and territorial decentralization. Defining that strategy would allow the proposed reforms to the Development Council Acts and the Municipal Code to be taken into account by the Congress. The process of building national unity required the full integration of indigenous people and women in the political, economic and cultural life of the country.

In a later report [A/55/973], the Secretary-General said that, in December, the Follow-up Commission rescheduled pending commitments in an implementation timetable for 2000-2004, to which the Government pledged its support. The execution of public spending for 2000 on items related to the peace process was generally satisfactory. However, actual spending by key ministries, such as the Ministry of Agriculture, Livestock and Food, the Ministry of Communications, Infrastructure and Housing and the Ministry of Labour and Social Security, was unsatisfactory. With regard to revenues, the estimated tax burden at the end of 2000 was 9.44 per cent of GDP; if that situation continued, it would be impossible to reach the 12-per-cent target rescheduled for 2002 in the Fiscal Pact. The draft General Budget of State Revenues and Expenditures, which the executive branch transmitted to the Congress in September, gave priority to spending for peace. However, it underwent significant cuts in the course of its approval by Parliament. The Government requested the suspension of the Consultative Group on Reconstruction and Transformation meeting that had been scheduled to take place before the end of 2000, due to delays in fulfilling pending commitments, the difficulties in increasing tax collection and the rescheduling carried out by the Follow-up Commission. In November, a further one-year extension of the Special Temporary Act on Personal Documentation was approved because some internally displaced persons and women still did not have documentation and were therefore unable to obtain credit, land, housing and other social benefits.

#### Human rights

In July [A/55/174], the Secretary-General transmitted to the General Assembly the MINUGUA Head's eleventh report on human rights, which described the Mission's activities between 1 December 1999 and 30 June 2000.

In March, the new Government announced that it intended to ratify certain international human rights treaties and that it was prepared to recognize the State's responsibility in 52 cases of human rights violations that were before the Inter-American Commission on Human Rights. The State also acknowledged its responsibility in the cases of Myrna Mack (an anthropologist who was killed in Guatemala City in 1990), the 1982 Dos Erres massacre and the 1994 death of street child Marcos Fidel Quisquinay. The new Government also condemned the fact that the files on the investigation of high-profile cases, such as the assassination of Monsignor Juan José Gerardi Conedera [YUN 1998, p. 219] and Myrna Mack, were missing and that some confidential files in the possession of the Strategic Affairs Secretariat in the Office of the President had been partially destroyed. The general perception of an increase in criminal activity and lack of public security was heightened by the discovery of a large number of corpses of alleged criminals bearing signs of torture, possibly as part of so-called social cleansing between individuals or criminal gangs. Also filed were complaints of death threats and selective searches and robberies at the headquarters of social organizations. Those acts of intimidation were aimed mainly at social, human rights and victims' organizations, and judges, prosecutors and journalists involved in the criminal trials of State agents or investigations into the activities of the intelligence services. Notwithstanding the Government's new human rights policy and its clear willingness to move forward with the implementation of its commitments under the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407], the human rights situation in Guatemala was deteriorating.

During the period under review, the Mission admitted 285 complaints, compared with 316 during the previous reporting period [YUN 1999, p. 204]. There was a slight increase in the number of alleged violations of the rights accorded priority under the Comprehensive Agreement, as well as in the number of confirmed violations. The comprehensive analysis by category of right showed an increase in confirmed violations of the right to freedom of association and assembly and of political rights. In the case of political rights, nearly all the violations were connected with the general election. There was also an increase in violations of the right to individual liberty and security of person. The number of violations of the right to life decreased, though there was an increase in the involvement of PNC members in such violations. As for the right to integrity of person, 91 confirmed violations were reported—63 from the period under review and 28

from previous periods. Confirmed violations of due process of law totalled 2,991, of which 1,639 corresponded to complaints submitted during the period under review.

The persistent and widespread failure of the State to fulfil its obligation to prevent, investigate and punish crimes and human rights violations and to enforce the guarantees that constituted due process of law was one of the main factors contributing to the situation of impunity prevailing in Guatemala. Major progress had been made in February with the ratification of the Inter-American Convention on Forced Disappearances of Persons, even though that was marred by the attachment of a reservation to the effect that the extradition to or from the country of Guatemalans alleged to be responsible for enforced disappearances would not be facilitated. Illegal security forces and clandestine groups continued to be active and the Government had not devised a policy to combat them. The operational capacity of those groups, their links with public officials at the local and national level and the impunity that prevailed for most of their actions were all factors that contributed to the people's perception of insecurity.

In order to strengthen the mechanisms to ensure effective exercise of human rights, it was particularly important to deal with legal provisions, such as the reform of the Elections and Political Parties Act, the characterization of discrimination and sexual harassment as offences, the law which regulated the civil service and the law on arms and munitions. The State also had to bring domestic legislation into line with the precepts of the 1989 Convention on the Rights of the Child, annexed to General Assembly resolution 44/25 [YUN 1989, p. 561].

MINUGUA noted that, despite legal and infrastructural constraints, there had been considerable improvement in the management of the Supreme Electoral Tribunal during the electoral process in 1999. In order to surmount the exclusion of broad sectors of society from political life and to approve the reforms of the Elections and Political Parties Act, the Mission recommended that the Tribunal should consider sectoral voter registration campaigns, particularly for women and indigenous people, and ensure that officials working to register voters in the interior were familiar with Mayan languages.

PNC, which bore primary responsibility for human rights violations during the period under review, had to adopt without delay a democratic policy that was respectful of the rule of law and consistent with human rights and the concept of public service. Some of the violations committed by police officers could be prevented by redou-

bling efforts to enhance police training, particularly as regards arrest procedures, treatment of those detained and proportional use of force. In addition, in order for the State to fulfil its duty to investigate and punish human rights violations, priority had to be given to dealing with the inadequacies and interferences that prevented the Public Prosecutor's Office from playing its role in criminal investigations and the fight against impunity. Prosecutors, like judges, had to be free from pressure and threats, and the judiciary had to be reformed and modernized. The Government had to separate military intelligence agencies from civil matters and particularly from judicial investigations. It also had to put a stop to lynchings and so-called social cleansing and establish the Advisory Council on Security, which was provided for in the peace agreements.

In a later report [A/56/273], MINUGUA stated that, in September, Guatemala signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly resolution 54/4 [YUN 1999, p. 1100], and the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, adopted by Assembly resolution 54/263 (see p. 615). In October, it ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, and in November it ratified the Optional Protocol to the International Covenant on Civil and Political Rights, adopted by Assembly resolution 2200 A (XXI) [YUN 1966, p. 423]. Lynchings and acts of mob violence, both spontaneous and premeditated, continued, undermining governance in various municipalities.

#### GENERAL ASSEMBLY ACTION

On 19 December [meeting 86], the General Assembly adopted **resolution 55/177** [draft: A/55/L.33/Rev.1 & Add.1] without vote [agenda item 43].

#### United Nations Verification Mission in Guatemala

The General Assembly,

Recalling its resolution 54/99 of 8 December 1999, in which it decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2000,

Taking into account that, for the first time since the signing of the peace agreements, Guatemala held general elections during the period from November to December 1999 and that the peaceful transfer of power signals significant progress towards the consolidation of an inclusive and democratic political system,

Underlining the fact that substantive aspects of the agenda of the peace agreements are yet to be implemented and that their implementation requires a revised calendar prepared by the Commission to Follow Up the Implementation of the Peace Agreements,

Taking into account that the parties have requested the United Nations to support the consolidation of the peace-building process until 2003,

Taking into account also the tenth and eleventh reports of the Mission on human rights,

Taking into account further the fourth and fifth reports of the Secretary-General on the verification of compliance with the peace agreements,

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

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

Having considered the report of the Secretary-General on the work of the Mission,

1. Welcomes the tenth and eleventh reports of the United Nations Verification Mission in Guatemala on human rights;

2. Also welcomes the fourth and fifth reports of the Secretary-General on the verification of compliance with the peace agreements;

3. Recalls the report of the Commission for Historical Clarification and the recommendations contained therein;

4. Welcomes the commitment made by the new Government of Guatemala in January 2000 to the implementation of the peace agreements and to reinvigorating the peace process through the adoption of social policies anchored to the agreements;

5. Takes note of the agreement reached by the parties regarding the importance of the continuing presence of the Mission in Guatemala until 2003;

6. Also takes note of the recommendations contained in the report of the Secretary-General which are aimed at ensuring that the Mission can respond adequately to the demands of the peace process until 31 December 2001, as well as of his proposals relating to the changes in the structure and staffing of the Mission for the period 2001-2003;

7. Notes with satisfaction the progress made in the implementation of the peace agreements, in particular the process towards the finalization of the Fiscal Pact for a Future with Peace and Development which establishes the basis for increased public spending on the peace agenda and paves the way for the modernization of the economic system, the reinforcement of the operational capacities and training of the National Civil Police and the establishment by decree of the Women's Secretariat;

8. Welcomes the rescheduling of pending commitments by the Commission to Follow Up the Implementation of the Peace Agreements and the inclusion of commitments not initially scheduled in a revised calendar for implementation, and urges the rapid approval of the new timetable;

9. Notes that the consolidation of the peace-building process remains a significant challenge that requires the strengthening of achievements to date and the completion of the outstanding agenda;

10. Underlines with concern that key reforms envisaged in the peace agreements remain outstanding, including the fiscal, judicial, military, electoral and land reforms, as well as decentralization and rural development, and therefore urges the finalization of the Fiscal Pact, notes the need to strengthen the institutions es-

tablished under the agreements, and stresses the importance of continued compliance with the peace agreements;

11. Notes that the present Government has assigned priority to national and international human rights obligations;

12. Encourages the Government to implement the recommendations contained in the reports of the Mission on human rights, in particular in view of the persistent shortcomings in the overall human rights situation and the troubling increase in incidents directed at people working on such issues;

13. Underlines the importance of implementing fully the Agreement on identity and rights of indigenous peoples as a key to achieving peace in Guatemala, and highlights the need to implement fully the Agreement on Social and Economic Aspects and the Agrarian Situation as a means of addressing the root causes of the armed conflict;

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

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

16. Invites the international community and, in particular, the agencies, programmes and funds of the United Nations, to continue to support the consolidation of the peace-building process and to consider the implementation of the peace agreements as the framework for their technical and financial assistance programmes and projects, and stresses the continued importance of close cooperation among them in the context of the United Nations Development Assistance Framework for Guatemala;

17. Urges the international community to support financially the strengthening of the capacities of the United Nations agencies and programmes as they assume a more active role in working in a closely coordinated relationship with the Mission in order to ensure the consolidation of the peace process in Guatemala;

18. Stresses that the Mission has a key role to play in promoting the consolidation of peace and the observance of human rights and in verifying compliance with the newly approved timetable for the implementation of pending commitments under the peace agreements;

19. Decides to authorize the renewal of the mandate of the Mission from 1 January to 31 December 2001;

20. Requests the Secretary-General to submit, as early as possible, an updated report to the General Assembly at its fifty-sixth session, together with his recommendations regarding the continuation of the peace-building phase after 31 December 2001;

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

#### Financing of Military Observer Group

The MINUGUA Military Observer Group was deployed for three months—from 3 March to 27 May 1997 [YUN 1997, p. 172]—to verify the Agreement on the Definitive Ceasefire of 4 December 1996 [YUN 1996, p. 168] between the Government of Guatemala and URNG.

On 23 December, the General Assembly decided that the item on the financing of the Military Observer Group would remain for consideration at its resumed fifty-fifth (2001) session (**decision 55/458**) and that the Fifth (Administrative and Budgetary) Committee should continue to consider the item at that session (**decision 55/455**).

#### Nicaragua

In a report on international assistance for the rehabilitation and reconstruction of Nicaragua [YUN 1999, p. 207], the Secretary-General noted that, at the Consultative Group meeting for Nicaragua (Washington, D.C., 23-24 May 2000), the country's sound economic performance during the 1998-1999 biennium, with economic growth and decreasing inflation, was emphasized. There was general agreement that combating poverty was the most important development goal for Nicaragua. The Government was commended for the progress achieved in the preparation of a comprehensive poverty reduction strategy. President Arnoldo Alemán underlined the importance of governance as an indispensable precondition for confronting poverty and creating the structures for stable development. The international community stressed the importance of transparency in public spending and urged the Nicaraguan authorities to apply the new instruments at their disposition in order to resolve cases of corruption.

The most important political event was the agreement achieved by the two political parties, the Partido Liberal Constitucionalista and Frente Sandinista de Liberación Nacional, around issues of constitutional reform, which were approved in January. Among the reforms were the automatic membership in parliament of former Presidents, the increased number of judges for the Supreme Court and the replacement of judges in the Supreme Electoral Council. An additional element of the agreement became the new Electoral Law, criticized by international experts on the grounds that it made political participation unduly difficult, with numerous requirements that appeared to serve no purpose other than imposing a bipartisan model for Nicaragua. At the beginning of May, the National Assembly approved the Law for the Creation of the Public Ministry as

the entity for opening criminal proceedings, a major step in the consolidation of the rule of law.

## Haiti

During 2000, Haiti's three-year-old political and institutional crisis deepened, further eroding the moral, economic and social fabric of the country. After repeated delays, the first round of parliamentary and local elections was held on 21 May. Although election day went unexpectedly well, with a higher than usual turnout and little violence, the electoral process unfolded in a climate of violence and intimidation and fell short of the desired goal. A flawed method of calculating percentages in the Senate race wrongly gave front-runners, all of whom belonged to the ruling Fanmi Lavalas party headed by former President Jean-Bertrand Aristide, an absolute majority in the first round. Despite calls by the international community for rectification of the methods of calculation of the Senate results, a new Parliament was seated on 28 August. That decision compelled all main bilateral donors to cut direct international assistance to the Haitian Government and to channel aid through NGOs. Despite the failure to correct the error, Haitian authorities held elections for President and a third of the Senate on 26 November. Since the opposition parties boycotted the elections in protest over the 21 May results, Mr. Aristide won the presidential race and Fanmi Lavalas took all the Senate seats up for contest. In response to the electoral and political crisis, and after intensive examination of Haiti's Provisional Electoral Council (CEP) and its practices, the United Nations withdrew a technical team of electoral experts in mid-October.

The International Civilian Support Mission in Haiti (MICAHA), which was launched on 16 March, was expected to consolidate and develop the results already achieved by the United Nations Civilian Police Mission in Haiti (MIPONUH) and the OAS/UN International Civilian Mission to Haiti (MICIVIH) with regard to respect for human rights and reinforcement of the institutional effectiveness of the Haitian police and judiciary. The MIPONUH and MICIVIH mandates had been extended in November 1999 by Security Council resolution 1277(1999) [YUN 1999, p. 215] in order to ensure a phased transition to MICAHA by 15 March. Despite initial budgetary shortfalls, the first MICAHA advisers arrived in Haiti in mid-June. By mid-October, a total of 68 advisers were in place. However, due to the political turmoil

and instability in Haiti, the Secretary-General recommended in November that MICAHA be terminated on 6 February 2001 and that new forms of technical assistance be devised in order to allow the UN system to continue supporting the Haitian people.

### Civilian Police Mission

**Report of Secretary-General.** On 25 February [S/2000/150], the Secretary-General updated the activities of MIPONUH and developments in its mission area since his November 1999 report [YUN 1999, p. 213]. The Mission had been established by Security Council resolution 1141(1997) [YUN 1997, p. 193] to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police (HNP) in close cooperation with MICIVIH.

The Secretary-General said that during the reporting period, the security situation in Haiti was characterized by frequent demonstrations and by incidents of violence and robbery. The political climate had been dominated by pre-electoral activities. Despite some election-related disturbances and organizational delays, CEP had proceeded with the implementation of its electoral timetable. It was hoped that the process would culminate in the holding of legislative and local elections as scheduled on 19 March. On 4 January, CEP held a conference with the political parties to obtain their commitment to an electoral code of ethics binding them to pursue their electoral objectives by non-violent means. Numerous parties, including Fanmi Lavalas, signed the code. The voter registration campaign was launched on 24 January. Despite reported irregularities, delays and protests, more than 3 million voters had registered by the middle of February.

As at 21 February, MIPONUH was composed of 219 civilian police officers from 10 countries, including a 110-strong special police unit. The police continued to be deployed in all of Haiti's nine departments, while the special police unit remained in the capital. The curriculum of training courses designed by MIPONUH in cooperation with HNP had been taught comprehensively and had met all the objectives established by HNP. Civilian police officers continued to discharge their mentoring (accompagnement) responsibilities at the Offices of the Director-General and Inspector-General of HNP, as well as alongside the departmental directors of the police force. The emphasis remained on community policing, the maintenance of law and order, the fight against capital crimes and drug trafficking, and the reinforcement of police administration and logistics. A disengagement plan had

been established to ensure the progressive withdrawal of MIPONUH civilian police personnel. The special police unit was scheduled to be withdrawn on 16 March.

While the security situation in Haiti remained of concern, HNP had been able to work with increased efficiency during the period under review. In fact, HNP had undertaken several successful operations in the fight against delinquency and drug trafficking and, in most cases, had provided adequate security during election-related events.

In the context of the transition to MICAHA, both MIPONUH and MICIVIH held a series of coordination meetings with a view to harmonizing their activities and preparing the transition. In February, meetings were conducted by the Prime Minister and the Minister of Justice with the Secretary-General's Representative, the UNDP representative and bilateral donors to prepare the assistance to judicial reform in the context of MICAHA. The joint working groups composed of Haitian officials and international experts established in 1999 by the Minister of Justice [YUN 1999, p. 214] continued to work on the drafting of legal texts in order to promote the judicial reform process.

The UN system continued to implement and support development activities (see also p. 815), such as the launching of a United Nations Capital Development Fund programme to strengthen governance for the environment, and the organization by the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and MICIVIH of a national workshop for the preparation of the first report on the implementation of the Convention on the Rights of the Child, annexed to General Assembly resolution 44/25 [YUN 1989, p. 561].

By early February, the withdrawal plans for MIPONUH's civilian police personnel were finalized and their repatriation was expected to be concluded by 15 March. The Mission had earmarked some assets to be retained by MICAHA. The liquidation phase was expected to be completed by 30 June. The recruitment of police advisers for MICAHA was under way. The advisers were expected to provide continued training and mentoring support to HNP decision makers, who still did not have all the necessary experience to command and administer their young police force. Concerning the new Mission, the UN Secretariat had identified and recommended candidates for the majority of the positions to be financed under the regular budget. Those positions would need to be complemented by personnel that would be financed by extrabudgetary means.

The Secretary-General observed that, by deciding to establish MICAHA, the international community had confirmed that it was committed to continuing to assist the Haitian Government in reinforcing the country's democratic institutions. MICAHA was expected to consolidate and develop the results already achieved by MIPONUH and MICIVIH as regards respect for human rights and reinforcement of the institutional effectiveness of the police and the judiciary, and to coordinate and facilitate the international community's dialogue with political and social actors in Haiti. Subject to the availability of resources, MICAHA's relatively short-term objectives would be situated in the longer-term perspective of facilitating the passage from security to development priorities. The Secretary-General called on Member States to assist in the transition from peacekeeping to peace-building and to contribute to the Trust Fund established for MICAHA. The Fund would allow for the recruitment of over 100 advisers in the areas of police, justice and human rights.

#### SECURITY COUNCIL ACTION

On 15 March [meeting 4112], following consultations among Security Council members, the President made statement S/PRST/2000/8 on behalf of the Council:

The Security Council has considered the report of the Secretary-General dated 25 February 2000 submitted in accordance with resolution 1277(1999) of 30 November 1999.

The Council commends the Representative of the Secretary-General, the United Nations Civilian Police Mission in Haiti, the International Civilian Mission in Haiti and all previous missions deployed in Haiti for assisting the Haitian Government in supporting the professionalization of the Haitian National Police force, consolidating the system of justice and other national institutions of Haiti, and promoting human rights. The Council expresses its thanks to all the countries that took part in, and contributed to the success of, the United Nations Civilian Police Mission in Haiti, the International Civilian Mission in Haiti and all previous missions deployed in Haiti, particularly the troop-contributing countries.

The Council recognizes that the people and the Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice and the reconstruction of their country, and that the Government of Haiti bears particular responsibility for the further strengthening and effective functioning of the Haitian National Police and the justice system. The Council considers that timely, free and fair elections are crucial to democracy and all aspects of Haiti's development, and strongly urges the Haitian authorities to work cooperatively together in order to finalize arrangements for holding credible elections as rapidly as possible so as to restore, promptly and fully, the lapsed parliament and independent local governments.

The Council commends the Secretary-General for ensuring a phased transition to the International Civilian Support Mission in Haiti and recognizes that economic rehabilitation and reconstruction constitute a major task facing the Government and people of Haiti and that significant international assistance is indispensable for the sustainable development of Haiti.

The Council recognizes the success of cooperative efforts in bringing about the mandate for this new mission in Haiti, and notes with satisfaction the contributions made by the General Assembly and the Economic and Social Council in this regard. The Council welcomes the initiative of the Economic and Social Council to develop a strategic framework and a comprehensive approach for a long-term United Nations programme of support for Haiti, and underlines the vital link between national stability and economic and social development.

The Council expects the Secretary-General to keep it informed, as appropriate, of the situation in Haiti and, in particular, the progress achieved in the electoral process.

**Communications.** On 15 March [A/54/806-S/2000/232], the EU Presidency noted the postponement of legislative and local elections in Haiti and the new dates (9 April-21 May 2000) proposed by CEP. The EU expressed regret that, 14 months after Parliament was officially prorogued and one year after CEP was appointed, the Haitian authorities were, despite large-scale international aid, unable to fulfil all the conditions necessary for the holding of fair and transparent elections.

On 31 March [A/54/819], the Secretary-General informed the General Assembly President that no contributions had been received for the MICAH Trust Fund. As a result, MICAH began its mandate on 16 March with only core staff. In the light of the lack of financial resources, the Assembly might wish to consider whether the Mission should be closed and its substantive activities transferred to UNDP.

#### **International Civilian Support Mission**

On 17 July [A/55/154], the Secretary-General submitted the first report on the activities of the International Civilian Support Mission in Haiti (MICAH), covering the period since the Mission's inception on 16 March. MICAH had been established by General Assembly resolution 54/193 [YUN 1999, p. 218] to consolidate the results achieved by MICIVIH, MIPONUH and previous UN missions.

The Secretary-General said that although parliamentary and local elections were held in Haiti, the electoral process, which unfolded in a climate of violence, intimidation and unpredictability, fell short of the desired goal. A dispute over the

method used to calculate the Senate results remained unresolved. While the first round of elections was originally set for 28 November 1999, the polling was rescheduled three additional times and finally held on 21 May 2000. The delay was due in part to the unexpectedly high number of citizens seeking voter identity cards. Concern about the repeated postponements was raised by the Group of Friends of the Secretary-General for Haiti (Argentina, Canada, Chile, France, the United States and Venezuela) and other envoys in several meetings with President René Préval and Prime Minister Jacques-Édouard Alexis. In a 15 March letter to President Préval, the Secretary-General stated that the prompt holding of free and transparent elections was an essential step towards the consolidation of democracy. Three days of violent protests against early elections by members of pro-Fanmi Lavalas groups (popular organizations) in Port-au-Prince from 27 to 29 March caused additional disquiet. According to the OAS Electoral Observation Mission (EOM), more than 70 acts of violence were committed in the three-month run-up to the May elections. In the department of Grand'Anse, elections were postponed to a later date due to an internal political dispute.

The election itself went unexpectedly well, with a turnout of over 50 per cent, little violence and a visible, disciplined police presence throughout the country. However, signs of electoral mismanagement abounded, including inadequate planning for the receipt of voting urns, which meant that ballots were mixed up, mislaid or even scattered in the street, rendering any recount impossible. The major opposition parties asserted that there had been massive fraud and refused to participate in any second round. More than 30 opposition candidates and activists were arrested on 23 May on the grounds that they had staged violent protests. EOM's initial evaluation did not support the opposition's claim of systematic fraud, although it acknowledged many minor irregularities and a few serious ones, but those irregularities were isolated and did not affect the overall credibility of the elections. A similar assessment was issued by the Conseil National d'Observation Electorale, the umbrella organization of several thousand Haitian electoral observers. On close examination, it was discovered that CEP's Senate results had not been calculated according to the electoral law. All 17 of the Senate contests held on 21 May were won in the first round (16 of them by Fanmi Lavalas and one by an independent). If properly calculated, however, a run-off would have been required for eight of those seats, for which no candidate obtained an absolute majority of all votes cast, as re-

quired by the electoral law. In the view of EOM, the credibility of the entire electoral process would be jeopardized if that serious error were not corrected. Haitian officials strongly rejected suggestions that the results be recalculated, justifying the decision in part because it obviated the need for costly run-offs. Fanmi Lavalas called on its supporters to defend its election victory, resulting in two days of aggressive demonstrations by hundreds of protesters outside embassies and offices of the international community in Port-au-Prince. On 14 June, the Secretary-General expressed his expectation that the electoral authorities would calculate the final results in accordance with the electoral law. Statements were also issued by OAS and other international organizations. Meanwhile, the nine-member CEP came under conflicting pressure, forcing two members to resign. The CEP President fled the country and subsequently announced that he had been under pressure, from the Government in particular, to confirm the provisional Senate results. After continued violence and demonstration on the part of Fanmi Lavalas supporters, the six remaining CEP members issued final results for the Senate elections, using the same disputed system of calculation and confirming the first-round victory of the 16 Fanmi Lavalas candidates and one independent. According to CEP's final results for the first round of the Chamber of Deputies elections, in which the percentages appeared to have been calculated correctly, Fanmi Lavalas won about a third of the seats outright and was front-runner in run-offs for most of the other seats. Fanmi Lavalas also won most municipal councils overwhelmingly.

On 28 June, a delegation of the Caribbean Community (CARICOM) arrived in Haiti and submitted a proposal for resolving the Senate results issue to former President Aristide, head of Fanmi Lavalas. In order to pre-empt that effort, President Préval issued a decree fixing the second round for 9 July. The second round was held on that day, with run-offs being held only for the lower Chamber of Deputies. EOM did not observe the second round on the grounds that the unreviewed Senate results could not be the basis for a credible electoral process. It also reported that, since 21 May, the electoral process had become increasingly flawed by such irregularities as the inaccurate transmission of results, the arbitrary treatment of challenges filed by candidates and political parties, and other irregularities. On 6 July, the Security Council President issued a statement to the press expressing the Council's concern about the violence and desire that Haitian authorities address electoral irregularities. On 10 July, the Secretary-General also expressed

his regret that Haitian authorities had chosen to proceed to hold run-off elections without having resolved outstanding issues related to the first round. The delayed elections in Grand'Anse on 11 June were marred by the theft of counted ballots and tally sheets, as a result of which polling had to be reheld in two places. The theft of voting urns from several polling stations also disrupted the polling when it was reheld on 6 July. According to CEP provisional results for Grand'Anse, the department's two Senate seats were also won in the first round by Fanmi Lavalas, giving it a total of 18 out of 19 Senate seats.

Sufficient voluntary contributions had been received to allow for recruitment of MICAH's justice, human rights and police advisers. The first advisers arrived in Haiti in mid-June 2000. Discussions had been held with government authorities, UN agencies and representatives of NGOs and civil society in order to define the advisers' specific activities and responsibilities and to clarify the kind of support they could bring to development and institutional strengthening.

The resignation in April of the Inspector-General, Luc Eucher Joseph, raised new concerns about the politicization of HNP; Mr. Joseph's departure had been among the demands of Fanmi Lavalas supporters. Evidence of politicization was also seen in the passivity of the police in the face of the often violent protests by Fanmi Lavalas supporters at various stages of the electoral process between late March and mid-June, compared with resolute police interventions against opposition protests in late May. It was also alleged that certain elements of the police participated in the theft of ballots and the falsification of vote tallies after the 21 May election. As the technical assistance to be provided by the MICAH police pillar was different from the work of preceding missions, a new framework for its activities had to be created. By mid-June, 26 of the projected 34 advisers had been selected and several had arrived in the Mission area, where they were assigned to posts throughout the nine departments.

At the outset of MICAH, senior staff of the human rights pillar crafted a programme of human rights capacity-building and monitoring to be implemented by its 31 advisers, the first of whom arrived in June. Activities likely to have a long-term impact, such as work with human rights trainers, were identified as priorities. Teams deployed in the capital and the interior would develop a programme of monitoring activities to focus on the human rights aspects of the electoral process.

During the reporting period, the Ministry of Justice drafted a series of laws to be submitted to Parliament that reinforced the independence of

the judiciary. MICAH's justice pillar had been providing technical assistance to the Ministry of Justice and had held discussions with bilateral donors and within the UN system in order to ensure that justice sector work would be coordinated, complementary and sustainable. Other activities envisaged by the justice pillar included support for legal aid programmes and training of court clerks and prison staff.

Among development programmes, UNDP, the World Health Organization, the World Food Programme (WFP) and UNICEF helped prepare the first national plan for risk and disaster prevention and management, while the Joint United Nations Programme on HIV/AIDS (UNAIDS) launched a public information campaign on HIV/AIDS in 10 major cities. UNICEF supported the Ministry of Health in a measles immunization campaign.

The Secretary-General observed that the 21 May elections had led to a deepening of the political crisis, increased tension and violence and the possible installation of a Senate that—if the crucial calculation question was not addressed—would cast a shadow over the Parliament's democratic legitimacy, thereby threatening the resumption of international financial assistance. Although EOM's initial assessment of the elections did not support the claim of widespread systematic fraud, the decision of the electoral authorities, supported by the Government and the ruling Fanmi Lavalas party, to stand by the erroneous Senate results was cause for serious concern.

The rule of law had suffered as a result of the passivity or even complicity of some police and judicial authorities in the face of violent demonstrations by members of so-called popular organizations, which targeted opposition parties, journalists and the general population. The Secretary-General said it was regrettable that political leaders had not consistently and publicly urged their supporters to refrain from such activity. The reliance on street violence to impose objectives at every crucial juncture in the political process had set dangerous precedents that bode ill for the future. Developments related to HNP were also cause for increasing concern; events in the aftermath of the 21 May election suggested that some Haitian political leaders sought to use the police for their own ends.

MICAH's capacity to support Haiti's fledgling democratic institutions risked being jeopardized by a climate of political turmoil and intolerance, which could place significant constraints on the ability of its advisers to do their work. Strong, independent justice sector institutions were the best guarantors of the rule of law. MICAH's sup-

port hinged on the existence of credible interlocutors in Haiti who enjoyed the support of their people as well as of the international community. Canada, Norway and the United States had contributed to MICAH's Trust Fund, while the Friends of the Secretary-General for Haiti had played a supportive role during the transition from MIPONUH/MICIVIH to MICAH.

On 9 November [A/55/618], the Secretary-General described MICAH's activities and developments in the Mission area since July. He said that Haiti's political and electoral crisis had again deepened, polarizing its political class and civil society, jeopardizing its international relations and sapping an already declining economy. Disregarding all calls for rectification of the calculation method of the Senate results and other irregularities in the 21 May elections, and with the opposition maintaining its boycott, the authorities completed the drawn-out electoral process, promulgated the final results and seated a new Parliament. Former President Aristide's Fanmi Lavalas party took 18 of the 19 contested Senate seats and 72 of the 83 seats in the Chamber of Deputies. Without consulting the opposition, President Préval named three new CEP members to replace its President, who fled the country in June, and two opposition representatives who had resigned. He then empowered CEP to organize elections for President and the remaining one third of the Senate seats on 26 November. Most of the opposition, grouped in a tactical alliance known as the Democratic Convergence, adhered, throughout the period under review, to the position that the 21 May elections were so fraudulent that they should be annulled and held again under a new CEP, but only after President Préval had stood down and been replaced by a provisional government. In the meantime, the opposition ruled out any participation in the November elections. While not backing the opposition call for the complete annulment of the elections, civil society organizations urged the authorities to address the electoral irregularities in order to avoid exacerbating the political crisis and jeopardizing international assistance.

The international community always held that the errors of the 21 May elections could be rectified, although its appeals to that end at every stage in the process had no effect. After an OAS mission in mid-August and several visits by envoys of CARICOM and the United States had failed to stop the seating of the new Parliament on 28 August, Haiti's main bilateral donors announced that they would not finance the November elections or any electoral observer mission, would not recognize the new Parliament, and would henceforth provide little or no assistance

to the Government of Haiti, channelling it all through NGOs. The United States Administration also stated that it would consider opposing Haitian loan requests from international financial institutions. All that was to stay in effect until an independent and credible CEP was established; accommodations were made with regard to the 21 May elections, especially the contested Senate seats; and a dialogue was started with the opposition on ways to strengthen Haitian democracy. At a ministerial-level meeting (New York, 13 September), the Group of Friends of the Secretary-General for Haiti voiced disappointment and concern at the failure of the Haitian authorities to rectify the flaws of the 21 May elections. The United Nations decided that it was not in a position to continue its technical assistance to CEP in its preparations for the November elections, given the fact that it did not meet required standards. The UN technical assistance team—deployed under the auspices of UNDP—left the country on 15 October.

The deepening political crisis and the continued suspension of much financial assistance by international financial institutions precipitated a fall in the Haitian currency (*gourde*). Since July, there had also been an increase in violent crime, with allegations of police involvement in robbery, extortion and abduction, as well as drug trafficking. Political pressures on HNP had contributed to the demoralization of the police force and had eroded its operational capacity and credibility.

By mid-October, MICAH's three pillars—justice, police and human rights—had a total of 68 advisers assigned to the Ministry of Justice, HNP, the Prison Authority, the Judges School and the Office of the Ombudsman, as well as to MICAH regional offices, a human rights verification unit and units working with civil society partners. MICAH worked with UNDP and bilateral donors to identify short-term projects that would best be undertaken by the Mission and took part in discussions with all United Nations agencies on the common country assessment conducted throughout June.

MICAH's justice pillar, which had 17 advisers by mid-October, provided logistical and organizational support for a process of discussion and revision of five newly prepared draft laws concerning the organization and independence of the judiciary, drug trafficking and money-laundering. Two landmark trials were held in the fight against impunity: one of a group of police officers accused of carrying out executions in 1999; and the other of a group of former army officers, soldiers and civilians accused of a 1994 massacre. Building on the work of UNDP, the jus-

tice pillar helped to organize the Prison Authority and attempted to address problems in prison conditions.

The police section of MICAH had 24 advisers by mid-October. The equipment and materiel necessary for the police to operate were found to be in extremely short supply in most units. After the installation of the new Parliament, several Fanmi Lavalas senators embarked on a campaign of almost daily criticism of the police, accusing the service of incompetence and inactivity in the face of soaring crime and of having corrupted elements within its ranks.

MICAH's human rights section had 27 advisers by the start of October. A training programme was developed for human rights instructors at the Police Academy and for prison guard recruits, in order to reinforce their knowledge of human rights. MICAH organized a number of activities to raise public awareness of human rights, such as International Peace Day (19 September), which was used as a vehicle to promote the values of a culture of peace through the media, meetings and other activities organized jointly with the United Nations Educational, Scientific and Cultural Organization (UNESCO). The human rights section also began carrying out verification activities, following up incidents of violence that could be of a political nature. Respect of the rights to individual liberty and a fair trial within a reasonable time limit continued to be the most frequent human rights violations (see also p. 628).

The UN system was engaged in formulating a United Nations Development Assistance Framework for Haiti, which was expected to be finalized in January 2001. Other UN activities included the launching of a justice programme by UNDP, aimed at, among other things, promoting the participation of civil society in the debate on judicial reform, and a special assistance drive by WFP to stabilize the food security situation in drought-stricken northern and north-eastern regions.

The Secretary-General observed that the political polarization of Haiti was highlighted by the Inter-American Commission of Human Rights, which visited Port-au-Prince from 21 to 25 August. The Commission stated that the most critical and worrying aspect of the human rights situation in Haiti was the deterioration of the political climate to such a point that no consensus seemed to exist about the ways in which to consolidate the country's fledgling democracy. A disturbing element of that polarization was the widely held perception among opponents of Fanmi Lavalas that the party might establish a dictatorial and repressive regime if, as was widely

expected, Mr. Aristide regained the presidency. On the other hand, it was evident that Mr. Aristide enjoyed the loyalty of broad sectors of the urban and rural poor. The disinclination of the parties to work towards a compromise was a fundamental cause of the polarization. Many in the opposition seemed to hope that, under the pressure of international isolation and internal unrest, Fanmi Lavalas would somehow disintegrate and that compromise was therefore unnecessary. The consequences of that attitude could be seen in Haiti's political stalemate, soon to enter its fourth year.

In the absence of any solution to the crisis, popular discontent seemed likely to mount in response to the rising prices and increasing poverty. A combination of rampant crime, violent street protests and incidents of violence targeted at the international community could severely limit MICAHA's ability to fulfil its mandate. In that climate of political turmoil and instability, and with national counterparts often lacking or distracted by political concerns, it would be necessary to devise new forms of technical assistance that might better allow the UN system to continue supporting the Haitian people. The Secretary-General expressed the view that, in the light of the conditions in Haiti, a renewal of MICAHA's mandate was not advisable, and recommended, with regret, that the Mission be terminated at the end of its mandate on 6 February 2001. In preparation, discussions had already commenced among UNDP, MICAHA and the Friends of the Secretary-General for Haiti, in consultation with other members of the UN system, with the aim of designing a programme of assistance to the Haitian people that was commensurate with the country's political realities and absorption capacity.

In a later report [A/55/905], the Secretary-General detailed, among other things, developments in the Mission area during the last two months of 2000. Elections for President and a third of the Senate were held on 26 November, despite the absence of an accord between Fanmi Lavalas and opposition parties to resolve the irregularities of the 21 May elections. The opposition boycotted the electoral process and former President Aristide faced no serious opposition candidates. As a result, Mr. Aristide won the presidential race with 92 per cent of the vote, while Fanmi Lavalas took all nine Senate seats up for election, giving it a total of 26 of the Senate's 27 seats.

EOM's final report on the 21 May elections, published in December, noted that there should have been run-offs for eight Senate seats where a flawed method of calculating percentages

wrongly gave front-runners an absolute majority in the first round. In addition, vote tally discrepancies indicated that run-offs should also have been held for at least one other Senate seat and perhaps as many as three Deputy seats. The report cited many other irregularities, including the mishandling of challenges and irregular complementary elections in several districts.

Mr. Aristide's offer, after the 26 November election, to include persons from outside Fanmi Lavalas in his Government was rejected by the opposition parties. The only negotiations that took place were between Mr. Aristide and two United States envoys. They resulted in an eight-point accord contained in a 27 December letter to the President of the United States, William J. Clinton, in which Mr. Aristide pledged to: hold run-offs for the disputed Senate seats (or rectify the 21 May election problems by other credible means); create a credible new electoral council in consultation with the opposition; endeavour to form a broad-based government; and request a semi-permanent OAS commission to facilitate dialogue and reinforce democratic institutions. The accord also contained commitments on drug trafficking, money-laundering, illegal migration, reinforcement of the police and economic reforms. Though rejected by the opposition as insufficient and insincere, action was taken by the authorities to implement some of the points. In mid-December, the opposition parties announced their intention to form a provisional government to fill what they considered a constitutional void that would be left at the end of President Préval's term. Although the leaders of the Democratic Convergence gave private assurances that they had no intention of trying to install their alternative government by force, their public statements sometimes created a different impression. Haitian authorities responded with a series of critical and implicitly threatening statements and urged the popular organizations to mobilize against what they viewed as a coup d'etat.

A second national forum on judicial reform was organized jointly by the Ministry of Justice and MICAHA from 4 to 8 December. Four draft laws were debated, including a code of ethics for the judiciary and legislation regulating the Judicial Inspectorate, the Judicial Police and legal aid. MICAHA supported the drafting of a series of judicial reform bills, which included legislation to combat drug trafficking and money-laundering.

UNAIDS supported several activities for World AIDS Day on 1 December, in particular a mobilization and sensitization campaign throughout the country. Following heavy floods in northern

Haiti in early November, the United Nations Disaster Management Team reacted swiftly, coordinated immediate assistance and formulated a joint integrated proposal for local risk and disaster management.

On 23 December, the General Assembly decided that the item on the situation of democracy and human rights in Haiti would remain for consideration at its resumed fifty-fifth (2001) session (**decision 55/458**).

### Financing of missions

In February [A/54/757], the Secretary-General submitted to the General Assembly MIPONUH's financial performance report for the period from 1 July 1998 to 30 June 1999. Expenditures for the period totalled \$26,261,000 gross (\$25,101,100 net), excluding budgeted voluntary contributions in kind of \$1,788,000, resulting in an unencumbered balance of \$3,707,700 gross (\$3,435,600 net).

In April [A/54/825], ACABQ suggested that the Assembly might consider crediting the unencumbered balance to Member States or to MICAH's Trust Fund.

#### GENERAL ASSEMBLY ACTION

On 15 June [meeting 98], the General Assembly, on the recommendation of the Fifth Committee [A/54/907], adopted **resolution 54/276** without vote [agenda item 147].

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

The General Assembly,

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

Bearing in mind Security Council resolutions 1063(1996) of 28 June 1996, by which the Council established the United Nations Support Mission in Haiti, and 1086(1996) of 5 December 1996, by which the Council extended the mandate of the Mission until 31 July 1997,

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

Bearing in mind further Security Council resolutions 1141(1997) of 28 November 1997, by which the Council established the United Nations Civilian Police Mission in Haiti, and 1277(1999) of 30 November 1999, by which the Council continued the Mission until 15 March 2000,

Recalling its resolution 51/15 A of 4 November 1996 on the financing of the Support Mission and its subsequent decisions and resolutions thereon, the latest of which was resolution 53/222 B of 8 June 1999,

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

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

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

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

Noting with appreciation that voluntary contributions have been made to the United Nations Civilian Police Mission in Haiti by certain Governments,

Mindful of the fact that it is essential to continue to provide the account of the Missions with the necessary financial resources to enable them to meet their outstanding liabilities,

1. Takes note of the status of contributions to the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti as at 30 April 2000, including the contributions outstanding in the amount of 23 million United States dollars, representing 24 per cent of the total assessed contributions from the inception of the Support Mission to the period ending 30 June 2000, notes that some 29 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding contributions;

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

3. Expresses concern about 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. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Civilian Police Mission in Haiti in full;

5. 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;

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

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

8. Takes note of the observations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

9. Decides that Member States that have fulfilled their financial obligations to the Civilian Police Mis-

sion shall be credited their respective share of the unencumbered balance of 3,707,700 dollars gross (3,435,600 dollars net) in respect of the period ending 30 June 1999;

10. Decides also that, for Member States that have not fulfilled their obligations to the Civilian Police Mission, their share of the unencumbered balance of 3,707,700 dollars gross (3,435,600 dollars net) in respect of the period ending 30 June 1999 shall be set off against their outstanding obligations;

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

12. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Financing of the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti".

On 5 September, the Assembly decided to include in the draft agenda of its fifty-fifth session the item entitled "Financing of the United Nations Mission in Haiti" (**decision** 54/498).

In December [A/55/667], the Secretary-General submitted a report on the final disposition of the assets of the United Nations Support Mission in Haiti (UNSMIH), which ended in July 1997, the United Nations Transition Mission in Haiti (UNTMIH), which terminated in November 1997, and MIPONUH, which terminated on 15 March 2000. The inventory value of the Missions' assets as at 15 March amounted to some \$27.2 million, 46 per cent of which had been transferred to other peacekeeping operations or to the United Nations Logistics Base in Brindisi, Italy, for temporary storage. The disposal of the assets had been guided by the principles endorsed by the Assembly in section VII of resolution 49/233 A [YUN 1994, p. 1340].

On 23 December, the Assembly decided that the items on the financing of the United Nations Mission in Haiti and of UNSMIH, UNTMIH and MIPONUH would remain for consideration at its resumed fifty-fifth (2001) session (**decision** 55/458), and that the Fifth Committee should continue its consideration of those items at that session (**decision** 55/455).

## Other questions

### Cuba-United States

In July [A/55/172], the Secretary-General, in response to General Assembly resolution 54/21 [YUN 1999, p. 222], submitted information received from 54 States, the EU and 10 UN bodies on the implementation of the resolution, by which the Assembly had called on States to refrain from

unilateral application of economic and trade measures against States, and urged them to repeal or invalidate such measures. The preamble to resolution 54/21 had made particular reference to the Helms-Burton Act, promulgated by the United States in 1996, which had strengthened sanctions against Cuba. In a September report [A/55/172/Add.1], the Secretary-General submitted information received from six States and one UN body.

### GENERAL ASSEMBLY ACTION

On 9 November [meeting 56], the General Assembly adopted resolution 55/20 [draft: A/55/L.7] by recorded vote (167-3-4) [agenda item 35].

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

The General Assembly,

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

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

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

Concerned about the continued promulgation and application by Member States of laws and regulations, such as that promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects of which affect the sovereignty of other States, the 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 and 54/21 of 9 November 1999,

Concerned that, since the adoption of its resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4 and 54/21, further measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba continue to be promulgated and applied, and concerned also about the adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries,

1. Takes note of the report of the Secretary-General on the implementation of resolution 54/21;

2. Reiterates its call on all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolu-

tion in conformity with their obligations under the Charter of the United Nations and international law, which, *inter alia*, reaffirm the freedom of trade and navigation;

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

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

5. Decides to include in the provisional agenda of its fifty-sixth 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 55/20:

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, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, 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, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, 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, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, Marshall Islands, United States.  
Abstaining: El Salvador, Latvia, Morocco, Nicaragua.

**Communications.** On 14 January [A/54/715-S/2000/44], Cuba informed the Secretary-General that on 1 January an aircraft from the United States violated Cuban airspace by flying at a low altitude over the capital city of Havana.

On 20 June [A/55/316], Cuba transmitted to the Secretary-General a submission from the Cuban people to the Government of the United States for economic damage to Cuba.

### Panama-United States

On 15 September [A/55/392-S/2000/874], Panama, transmitted to the Secretary-General a note concerning the contamination of several thousand hectares of Panamanian territory with materials, explosives and toxic waste left behind by the armed forces of the United States after the clo-

sure of United States military bases in Panama and the transfer of the Panama Canal to exclusive Panamanian control on 31 December 1999. Panama said that when the 1977 Panama Canal Treaties were signed [YUN 1978, p. 160], it was agreed that the United States had a broad responsibility without any time limit for the decontamination of the areas used by it for target and bombing practice. According to Panama, the United States was reluctant to meet its obligations, claiming that it could not improve on the clean-up operations already performed. Panama requested the United Nations to investigate that alleged United States breach of its obligations.

### Cooperation with OAS

In response to General Assembly resolution 53/9 [YUN 1998, p. 237], the Secretary-General submitted a July report on cooperation between the United Nations and the Organization of American States (OAS) [A/55/184]. The report reviewed their joint participation in the International Civilian Mission to Haiti (see p. 249), described consultations and information exchange on matters of mutual interest, and provided information on collaborative activities undertaken with OAS by the UN Secretariat, ECLAC, the United Nations Conference on Trade and Development (UNCTAD), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations International Drug Control Programme (UNDCP), ILO, UNESCO, the International Civil Aviation Organization (ICAO), the World Bank, the International Maritime Organization (IMO) and the United Nations Industrial Development Organization (UNIDO).

In June, the United Nations was represented at the thirtieth session of the General Assembly of OAS, at which a resolution was adopted requesting the OAS Secretary-General to continue to strengthen cooperation between the two organizations.

#### GENERAL ASSEMBLY ACTION

On 3 November [meeting 51], the General Assembly adopted **resolution 55/15** [draft: A/55/L.21 & Add.1] without vote [agenda item 21].

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

The General Assembly,

Recalling its resolution 53/9 of 22 October 1998 relating to the promotion of cooperation between the United Nations and the Organization of American States,

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

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

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 its resolutions 47/20 A of 24 November 1992, 47/20 B of 20 April 1993, 48/27 B of 8 July 1994, 49/5 of 21 October 1994, 49/27 B of 12 July 1995, 50/86 B of 3 April 1996, 51/4 of 24 October 1996 and 53/9 of 22 October 1998,

Welcoming the upcoming Summit of the Americas to be held in Quebec City, Canada, from 20 to 22 April 2001,

Welcoming also resolution AG/RES.1733(XXX-O/00), adopted by the General Assembly of the Organization of American States at its thirtieth regular session, by which it declared 2001 as the Inter-American Year of the Child and the Adolescent, and related efforts in the Americas to address emerging issues for children in the twenty-first century, during lead-up to the special session of the General Assembly of the United Nations in 2001 for follow-up to the World Summit for Children,

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 efforts to strengthen that cooperation;

2. Also takes note with satisfaction of the exchanges of information between the United Nations and the Organization of American States in the context of the work of the International Civilian Support Mission in Haiti and of the United Nations Verification Mission in Guatemala;

3. Recognizes the work of the Organization of American States towards the promotion of democracy in the Americas, in the field of regional cooperation and in connection with its task of coordination with the United Nations;

4. Welcomes the efforts of the Economic Commission for Latin America and the Caribbean to strengthen cooperation with inter-American institutions in various fields, including hemispheric integration, statistics and women and development;

5. Recommends that a general meeting of representatives of the United Nations system and of the Organization of American States be held in 2001 for the continued review and appraisal of cooperation programmes and of other matters to be mutually decided upon;

6. Expresses its satisfaction at the exchange with the Organization of American States of information and substantive reports on the advancement in the status of women, on matters relating to youth and on the eradication of poverty;

7. Emphasizes that the cooperation between the United Nations and the Organization of American States should be undertaken in accordance with their respective mandates, scope and composition and be

suited to each specific situation, in accordance with the Charter of the United Nations;

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

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

### Cooperation with CARICOM

In response to General Assembly resolution 53/17 [YUN 1998, p. 238], the Secretary-General submitted an August report on cooperation between the United Nations and the Caribbean Community (CARICOM) [A/55/215]. He described consultations and information exchange between the two organizations and provided information on collaborative activities undertaken with CARICOM by the UN Secretariat, ECLAC, UNCTAD, UNDP, the United Nations Environment Programme, the United Nations Population Fund, UNHCR, UNDCP, ILO, the Food and Agriculture Organization of the United Nations, UNESCO, ICAO, the World Bank, the Universal Postal Union, IMO and UNIDO.

The second general meeting between representatives of CARICOM and its associated institutions and the UN system (Nassau, Bahamas, 27-28 March) recognized existing collaboration between the United Nations and CARICOM and welcomed new areas of possible cooperation, which, it was agreed, should be further explored and developed, subject to financial and human resources. At the invitation of CARICOM, the United Nations was represented by the UNDP Resident Representative in Trinidad and Tobago and Barbados at the twentieth and twenty-first Conferences of Heads of State and Government of CARICOM, held in Trinidad and Tobago in July 1999 and in Saint Vincent and the Grenadines in July 2000.

#### GENERAL ASSEMBLY ACTION

On 7 November [meeting 54], the General Assembly adopted **resolution 55/17** [draft: A/55/L.2V Rev.1 & Add.1] without vote [agenda item 23].

#### 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 and 53/17 of 29 October 1998,

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

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,

Noting with satisfaction that the first general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system was held in New York on 27 and 28 May 1997, and that the second general meeting was held in Nassau on 27 and 28 March 2000,

Bearing in mind that, in its resolution 54/225 of 22 December 1999, 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,

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

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

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

2. Welcomes 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;

3. Calls upon the Secretary-General of the United Nations, in consultation with the Secretary-General of the Caribbean Community, to continue to assist in furthering the development and maintenance of peace and security within the Caribbean region;

4. 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;

5. 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 second general meeting, as set out in the report of the Secretary-General, as well as resolutions 54/225 and 55/2;

6. Welcomes the initiatives of Member States in assisting in the cooperation between the United Nations and the Caribbean Community;

7. Recommends that the third general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be held in 2002 in New York 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;

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

9. Decides to include in the provisional agenda of its fifty-seventh session the item entitled "Cooperation between the United Nations and the Caribbean Community".