Chapter III Political and security questions

Americas

The United Nations continued, throughout 2002, to assist countries in the Americas region in strengthening political stability, security, economic and social development, judicial reform and respect for human rights. The Organization monitored the political and security situation in Central America, where, despite serious delays in implementation of the peace agreements in Guatemala, consolidation of greater democratization throughout the subregion progressed.

The United Nations Verification Mission in Guatemala (MINUGUA) continued to fulfill its mandate of verifying compliance with the 1996 peace accords between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatamalteca, and to monitor compliance with the 2000-2004 verification timetable. Despite the stated commitment of the Guatemalan Government, the new deadlines had not been met and increased political polarization impeded implementation of the peace agreements. In December, the General Assembly extended MINUGUA’s mandate until 31 December 2003.

In Haiti, despite efforts by the Organization of American States and the Caribbean Community to promote dialogue, the political and security crisis continued, further undermining social and economic development. The United Nations Development Programme coordinated UN assistance to Haiti throughout the year.

In November, the Assembly again called on States to refrain from promulgating laws that imposed economic and trade measures on other States, 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 56/224 [YUN 2001, p. 241], the Secretary-General submitted a September report on the situation in Central America [A/57/384], describing progress achieved by Central American countries in the areas of peace, freedom, democracy and development since September 2001.

The Secretary-General said that presidential and legislative elections had been held in Costa Rica, Honduras and Nicaragua during the reporting period [YUN 2001, p. 239]. Costa Rica’s first run-off presidential election on 7 April resulted in the election of Abel Pacheco. Some progress was made in respect for human rights throughout the region, especially through the work of human rights ombudsmen. In El Salvador, the ombudsman’s office had made great strides in rebuilding its capabilities and respect among the citizenry, though it faced financial constraints and isolation from other State institutions mandated to protect and promote human rights. The Legislative Assembly ratified a number of treaties, including protocols against trafficking in persons, smuggling of migrants, and illicit manufacturing of and trafficking in firearms. In Guatemala, however, respect for human rights eroded over the year as lynchings and mob violence continued, illegal groups and clandestine structures operated with impunity, and violations by the police increased. A new human rights ombudsman was selected in the hope that his office would be able to assume full responsibility for human rights protection once the United Nations Verification Mission in Guatemala (MINUGUA) (see p. 243) ceased to exist. In anticipation of that day, the Office of the United Nations High Commissioner for Human Rights (OHCHR) increased its staff and scope of work. Guatemala also took steps to establish a professional judiciary, including the first evaluation and dismissal of judges deemed inappropriate to serve. In El Salvador, the judicial sector was still inadequate for the demands of a post-war crime wave, though it had evolved considerably towards becoming capable of guaranteeing the rule of law.

Several countries in the region were experiencing high crime rates. In some, the regulation of weaponry was lax, while in others unregulated private security agents outnumbered the uniformed police. In response, some had called for a rollback of progress made in judicial reform. The Secretary-General said that while public security concerns were valid, responding to the challenge should be left to a strengthened...
civillian police, whose resources and appropriate leadership had to be guaranteed. A major achievement in Guatemala had been the assignment of public security functions to civilians, although the National Civil Police continued to fall short of expectations. In El Salvador, progress was made in the internal organization of the National Civil Police, such as the creation of a Human Rights Division, which earned the respect of the citizenry. In Honduras, new members of the Supreme Court of Justice and the National Commissioner for Human Rights were chosen through a participatory, transparent mechanism that should enhance credibility and public confidence. Corruption among government officials had become a major issue throughout the region in 2002, a sign that citizens were demanding greater integrity and accountability from those in public life. In Nicaragua, the executive branch and the judiciary had launched a series of investigations that resulted in the indictment of several prominent figures of the Administration of former President Arnoldo Alemán.

According to the Economic Commission for Latin America and the Caribbean (ECLAC), the per capita gross domestic product (GDP) growth rate for the Central American region, excluding Belize and Panama, decreased by 0.3 per cent in 2001, due to the susceptibility of Central American economies to world market fluctuations. Panama’s GDP grew by 0.4 per cent in 2001, down from the 2.6 per cent growth in 2000. Belize’s GDP grew by 4.7 per cent in 2001, following a 10.5 per cent rise in 2000. At a presidential summit in March 2002, it was agreed that Central America would negotiate as a unified bloc with the United States in talks leading to a free trade agreement. Furthermore, regional leaders agreed to continue the process of establishing a regional customs union, expanding the existing cooperation among El Salvador, Guatemala, Honduras and Nicaragua. The Puebla-Panama Plan, a comprehensive initiative launched by Mexico in 2001 [YUN 2001, p. 240], which envisioned, among other things, new investment in human development and infrastructure, had advanced. At the end of June 2002, Central American countries and Mexico agreed on a number of infrastructure projects and regional economic initiatives.

The Central American Integration System (SICA) continued to promote regional coordination. At the Fifth Summit of the Tuxtla Mechanism for Dialogue and Coordination (Mérida, Mexico, 27-28 June), heads of State and Government of Central America and Mexico adopted the Mérida Joint Declaration, which called for greater regional integration through the consolidation of a community of Mesoamerican nations. In 2002, Costa Rica took over as pro tempore secretariat of the Rio Group (of Latin America and Caribbean States), the first Central American country to do so, and hosted the Rio Group Summit (San José, 11-12 April). In a comprehensive political declaration, the heads of State confirmed that the Rio Group was the primary forum for dialogue and political coordination in Latin America and a valid regional interlocutor for other regions and international forums. Central American countries also participated actively in the session of the Organization of American States (OAS) Assembly (Bridgetown, Barbados, 2-4 June). The theme of the session was the multidimensional approach to hemispheric security, with the aim of broadening the approach to security and terrorism to include traditional threats to human security, such as poverty, hunger and environmental degradation.

Despite a series of confidence-building measures conducted under the auspices of OAS and the United Nations, long-standing border disputes continued between Belize and Guatemala and between Honduras and Nicaragua.

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) monitored pending aspects of the 1992 Peace Agreement [YUN 1992, p. 222]. In 2002, steps were taken, albeit slowly, to implement the December 2001 agreement between the Government and the associations representing the war wounded and disabled [YUN 2001, p. 240], which tried to remedy the fact that many former combatants had not been included in the Fund for the Protection of the War Wounded and War Disabled, and consequently had not received any form of compensation. Initial funds were secured in 2002 to launch a census and evaluations of potential new beneficiaries.

In Guatemala, the United Nations continued to verify compliance with the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168]. Scant progress was made in the implementation of the Agreement and in some areas backsliding was apparent. In 2002, the army expanded its role in public security and other areas of government action.

The Secretary-General observed that while constitutional succession in Central America was no longer in doubt, there was still a need for further electoral reforms in several countries to facilitate the inclusiveness of elections. He urged Central American Governments to continue in their efforts for greater regional integration and
cooperation, and to take environmental concerns into account in all development objectives. He expressed satisfaction with the progress made in the implementation of the peace accords in El Salvador. On the other hand, Guatemala stood at a crossroads. Stagnation in the implementation of the peace accords, coupled with worrisome deterioration in many other areas, could jeopardize progress made since 1996. The Secretary-General urged Guatemala to strengthen its democratic institutions.

In a December addendum [A/57/384/Add.1], the Secretary-General reported on the closure of the United Nations verification function in El Salvador, which the Organization had exercised since the signing of the country’s peace accords in 1992. The report focused on measures taken by the Government of El Salvador to comply with its commitment to extend benefits to those left incapacitated by the fighting and to the dependants of combatants who lost their lives on both sides of the conflict. That undertaking constituted the last point subject to UN verification. Despite the complexity of ascertaining the new applicants’ entitlements, the process was gradually moving forward and work to determine the final list of beneficiaries was well under way and was expected to conclude early in 2003.

The Secretary-General said that El Salvador in 2002 was a transformed country. It had made great strides in abandoning conflict and excluding violent confrontation as a means to resolve differences. It had taken considerable steps along the path to democratization. The Frente Farabundo Martí para la Liberación Nacional (FMLN) was fully integrated into the institutional life of the country and, as the main opposition party, it held a considerable share of legislative mandates, a weak political culture and widespread socio-economic disparities. The authorities had a tendency not to consult at the societal or political level on fundamental policy decisions; popular participation in the political process and allegiance to political parties had been dwindling as a consequence. The legal and institutional reforms of the peace accord had yet to reach their full potential. The National Civilian Police was strengthening its capacity after a period of deterioration.

An in-depth evaluation of its personnel resulted in the dismissal of up to 1,200 officers and agents found to be corrupt or implicated in other crimes. After a period of rapid growth, the economy had slowed down in the last five years and suffered a severe setback as a consequence of the earthquakes in early 2001 [YUN 2001, p. 868]. The Secretary-General said that the United Nations would continue to support the goals of peace, democratization and the rule of law through its programmes and projects and through its reports on the situation in Central America. International cooperation, in collaboration with UN funds and programmes, would support national initiatives to construct and consolidate a just and equitable society.

**GENERAL ASSEMBLY ACTION**

On 16 December [meeting 76], the General Assembly adopted resolution 57/160 [draft: A/57/L.20/Rev.1 & Add.1] without vote [agenda item 38].

**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,

Reaffirming all its relevant resolutions in which it 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 consolidate peace and democracy,

Reaffirming also its resolution 52/169 G of 16 December 1997, concerning international assistance to and cooperation with the Alliance for the Sustainable Development of Central America, and the relevant resolutions concerning emergency assistance to the Central American countries as a consequence of the destruction caused by natural disasters,

Taking note of the peaceful and orderly elections held during the past year in Costa Rica, Honduras and Nicaragua, and emphasizing the existence throughout Central America of freely elected Governments, indicating the achievement of political, economic and social changes that are creating a climate conducive to the promotion of economic growth and advancement towards the consolidation and further development of democratic, just and equitable societies,

Emphasizing the importance of the Central American Integration System, the Alliance for the Sustainable Development of Central America, 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,

Recognizing that the consolidation of peace and democracy in Central America is the outcome of a long and arduous process in which obstacles have been encountered but are being overcome through the efforts of the peoples and Governments of the region aimed at continuing progress in the strengthening of peace and democratic institutions,
Noting that in 2002, on the tenth anniversary of the signature of the El Salvador peace agreements, additional steps have been taken towards the successful implementation of the commitments, enabling the completion of the verification work entrusted to the Secretary-General,

Noting with concern that the progress achieved in previous years in the fulfilment of the commitments contained in the Guatemala peace agreements has not maintained the same momentum during the period 2001-2002 and in some aspects has even been reversed,

Recognizing the establishment of offices of human rights defenders throughout Central America and the progress achieved in the field of human rights, which is being supported by public education campaigns to highlight both the responsibilities of States in the field of human rights and the rights and responsibilities of citizens,

Noting with concern the deterioration in the Central American region due, inter alia, to an unfavourable international economic climate and the fall in exports, as well as the adverse effects on the efforts of the peoples and Governments of the region to achieve sustainable economic development, and underlining the need for economic reforms,

Noting with concern also that Central America is highly vulnerable to natural disasters and that some countries have not yet been able to overcome the devastating effects of hurricanes Mitch, Keith and Michelle, the earthquakes in El Salvador in January 2001 and the drought that afflicted the entire region in 2001,

Noting that the natural disasters have proved the relevance of environmentally responsible economic and development policies and the need for the Central American nations to consider environmental aspects among all their development objectives,

Bearing in mind the efforts made by the Central American Governments to reduce the risks and mitigate the consequences of the natural disasters in the region, including the adoption of the Strategic Framework for the Reduction of Vulnerability and Disasters in Central America and the Central American Five-Year Plan for the Reduction of Vulnerability to and the Impact of Disasters, 2000 to 2004,

1. Takes note of the report of the Secretary-General on the situation in Central America;
2. Commends the efforts of the peoples and the Governments of the Central American countries to consolidate peace and democracy and promote sustainable development by implementing the commitments adopted at the summit meetings in the region;
3. Takes note with satisfaction of the firm determination shown by the Central American Governments to resolve their differences peacefully, thereby avoiding any setback in efforts to consolidate peace, further the process of Central American integration and guarantee the sustainable development of the region;
4. Urges the Central American nations to continue to work together to resolve border issues for the greater good of the region and its inhabitants;
5. Draws attention to the convening of the Conference on Small Arms and Light Weapons in Central America: Control and Regulation of Weapons Transfers in Implementation of the United Nations Programme of Action, held in San José from 3 to 5 December 2001, and welcomes the adoption of a plan of activities recommended for the national and regional implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;
6. Recognizes the importance of the process of Central American integration, and urges Member States to continue combining efforts to adapt, strengthen and promote even further the Central American integration process, especially in economic, social, cultural and tourism fields, and recalling the Declaration regarding a South American Zone of Peace and Cooperation, appeals to the international community to continue supporting that process in order to contribute to the peace, security and sustainable development of the region;
7. Reaffirms the importance of the Puebla-Panama Plan as a means of promoting the economic and social development of the Mesoamerican region, recognizes in that connection the progress made in implementing the Plan, and invites the friendly countries of the Mesoamerican region, international agencies and international businessmen and investors to support the Mesoamerican countries in the implementation of the projects prioritized in the Plan;
8. Welcomes the Mérida Joint Declaration adopted on 28 June 2002 at the Fifth Summit of the Tuxtla Mechanism for Dialogue and Coordination, in which the Heads of State and Government of Central America and Mexico expressed their firm commitment to promote deep regional integration through the consolidation of a community of Mesoamerican nations;
9. Recognizes the importance of the Conference on Information and Communications Technology and Electronic Government for Regional Development and Integration for Central America, convened at Tegucigalpa on 20 November 2002, and, with a view to garnering greater support, requests the United Nations Secretariat to continue rendering support in the areas of information and communications technology and electronic government for the regional development of Central America;
10. Restates the importance of negotiating trade agreements between the region and its counterparts outside the region with a view to promoting the sustainability of the economic development of the region;
11. Calls upon the Central American Governments to continue to fulfil the commitments they have assumed under national, regional and international agreements with a view to enhancing governance in the region, especially in the promotion and protection of human rights and the implementation of social programmes designed to overcome poverty and unemployment, improve public safety, strengthen the judiciary, consolidate a modern and transparent public administration and eliminate corruption;
12. Urges the Central American Governments to redouble their efforts to combat common crime and transnational organized crime with a view to providing greater security for inhabitants and their property, within a framework of full respect for all human rights and fundamental freedoms;
13. Recognizes the progress achieved in the consolidation of a Mesoamerican biological corridor as a system of territorial classification, comprising natural areas under special administrative regimes, multi-use areas and interconnecting areas in order to contribute
to improving the quality of life of the inhabitants of the region.

14. **Reiterates its appreciation** to the people and the Government of El Salvador for their efforts in fulfilling the commitments set forth in the peace agreements, and expresses its profound thanks to the Secretary-General for the commendable way in which he has carried out the verification work entrusted to him, and to the international community for the support it has rendered in order to achieve the objectives of the peace process in El Salvador;

15. **Urges** all Guatemalans, and in particular the Government of Guatemala, to give renewed impetus to the fulfilment of the commitments contained in the peace agreements, in the context of reprioritization for the period 2001-2004, and to the understanding reached during the meeting of the Consultative Group for Guatemala, organized by the Inter-American Development Bank in Washington, D.C., on 11 and 12 February 2002;

16. **Reiterates** the need to implement fully the commitments set forth in the Guatemala peace agreements, in particular the recommendations of the Commission for Historical Clarification, and urges all sectors of society to combine efforts and to work with determination to consolidate peace;

17. **Requests** the Secretary-General, the relevant bodies and programmes of the United Nations system and the international community to continue to support and verify the implementation of the Guatemala peace agreements signed under United Nations auspices, and to consider the implementation of the peace agreements as the framework for their technical and financial assistance programmes and projects in the context of the United Nations Development Assistance Framework for Guatemala;

18. **Recognizes** the need to continue to follow closely the situation in Central America in support of national and regional efforts to overcome the underlying causes that have led to armed conflicts, avoid setbacks and consolidate peace and democracy in the region, as well as promote the objectives of the Alliance for the Sustainable Development of Central America;

19. **Commends** the efforts and actions undertaken by the present Government of Nicaragua to combat the scourge of corruption, which threatens to undermine the legitimacy of public institutions in that country, and urges it to continue its actions until that evil has been eradicated, thereby strengthening confidence in the rule of law and the belief of the Nicaraguan people in democracy;

20. **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 consolidation of democracy and sustainable development in Central America, and urges them to continue to support Central American efforts to achieve those objectives;

21. **Requests** the Secretary-General to continue to lend his fullest support to the initiatives and activities of the Central American Governments, in particular their efforts to consolidate democracy through the promotion of integration and the implementation of the comprehensive sustainable development programmes, emphasizing, inter alia, the potential repercussions of natural disasters on the vulnerable economies and political systems of the region, and to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution;

22. **Decides** to include in the provisional agenda of its fifty-eighth session an item entitled “The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development”.

On 20 December, the Assembly decided that the agenda item on the situation in Central America would remain for consideration during its resumed fifty-seventh (2003) session (decision 57/383).

**Guatemala**

The peace process in Guatemala remained far behind schedule in 2002. Despite some significant legislative advances and a renewed commitment to the peace process expressed at a Consultative Group meeting on Guatemala, implementation of the peace agreements lagged in many areas, including in the social and educational sectors, which experienced budget cuts.

The United Nations Verification Mission in Guatemala (MINUGUA) continued to verify the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168], signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), and monitored compliance with the 2000-2004 verification timetable [YUN 2000, p. 239]. The calendar established in the 1997 Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreement [YUN 1997, p. 176] for the period 1997-2000, also signed by the Government and URNG, expired in December 2000. Since much of the peace agenda remained outstanding, the Commission to Follow Up the Implementation of the Peace Agreements rescheduled pending commitments in an implementation timetable for 2000-2004, which recognized that the basis of the Timetable Agreement and the peace agreements as a whole remained valid. MINUGUA also embarked on a transition programme to strengthen the capacity of Guatemalan governing and civil institutions to carry forward the peace agenda after the Mission’s withdrawal.

**MINUGUA**

The mandate of MINUGUA, which was extended to 31 December 2002 by General Assembly resolution 56/223 [YUN 2001, p. 247], 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 respective forces, and disarmament and demobilization of former URNG combatants. The Mission...
also verified compliance with the 2000-2004 timetable for the implementation of pending commitments under the peace agreements, and provided good offices, advisory and support services and public information.

On 18 April [A/56/981], the Secretary-General informed the General Assembly of his decision to appoint Tom Koenigs (Germany) as his Special Representative in Guatemala and Head of MINUGUA, effective 1 August 2002, succeeding Gerd Merrem (Germany).

Report of Secretary-General. In response to Assembly resolution 56/223, the Secretary-General submitted a September report [A/57/584] covering the state of implementation of the peace agreements (see p. 245) and the structure and staffing of MINUGUA.

After a year of lagging peace implementation and political polarization, a renewed effort in the peace process was made at the Consultative Group meeting for Guatemala (Washington, D.C., 10-12 February), organized by the Guatemalan Government and the Inter-American Development Bank, and attended by representatives of the Government, civil society, the donor community and the UN system. At the conclusion of the meeting, nine goals were selected for priority action: accelerated implementation of the peace agreements; guarantees of appropriate budget allocations; improvement in the tax situation; commencement of a process of consultation with civil society on the poverty reduction strategy; approval of comprehensive reform of the financial sector; an end to impunity, improvement of citizens’ security and guarantees of human rights; revitalization of the economy; increase in transparency; and promotion of dialogue and national unity. The Government presented detailed plans for carrying out its pledge to the Consultative Group and reported periodically on its progress to the Commission to Follow Up the Implementation of the Peace Agreements.

Following the Consultative Group meeting, the Guatemalan Congress, in April, approved laws on urban and rural development councils and on municipal decentralization and reforms. An anti-discrimination law was passed in September. Despite those advances, implementation of the peace agreements remained behind schedule, due in large part to budget cuts. Social and educational budgets remained underfunded, while the military absorbed excessive resources and was slow to change its counter-insurgency doctrine and deployment. The Government had not followed through on its promise to dismantle the Presidential General Staff, a presidential security unit linked to grave human rights violations during the civil war. Discrimination remained widespread and lynchings were again on the rise, underscoring the weakness of the institutions responsible for justice and public security.

As MINUGUA planned its departure, new dynamics were causing added concern. There was an upsurge in attacks and threats against human rights workers in the first months of 2002, possibly by clandestine groups, including former military officers. Those incidents had not been followed by serious investigations. Elections scheduled for December 2003 added an element of uncertainty and potential conflict. The electoral process could divert attention from the peace agenda or lead to policies contrary to the peace agreements. MINUGUA was scheduled to depart Guatemala just as the new authorities took office and before the new Government could demonstrate its commitment to the peace accords.

Despite those uncertainties and setbacks, the Secretary-General said that there had been encouraging signs as well. Civil society organizations were participating actively and at many levels to ensure that public policies were formulated and carried out in accordance with the peace agreements. Donor Governments appeared committed to funding the peace process, while conditioning their assistance on faster implementation. Human rights trials testifying to progress, albeit tentative, in establishing the rule of law in Guatemala. Another welcome sign was the convening of thematic round-table meetings on strategic national issues under the auspices of UNDP and OAS.

During 2002, MINUGUA verified compliance with the peace agreements, provided technical assistance and good offices and embarked on a transition programme, the goal of which was to fortify the capacity of Guatemalan State and civil society institutions to carry forward the peace agenda after the Mission had withdrawn. MINUGUA would have to carry out its work within the framework of the gradual budget reductions initiated in previous years. Therefore, the Secretary-General proposed a further scaling down of MINUGUA in 2003. International staff at Guatemala City headquarters would be reduced while field offices would retain their current strength of operation. That would allow a decreased but focused verification capacity while increasing transition activities aimed at local actors.

In early 2002, a Transition Unit was formed at MINUGUA headquarters to provide strategic advice and technical support to the Special Representative, to develop the Mission’s work plan and benchmarks for transition and to monitor transition progress. The Unit would also continue to
identify transition partners among relevant State entities, peace institutions and civil society organizations; participate in strengthening the Office of the Human Rights Ombudsman; and work closely with the Resident Coordinator’s office, relevant agencies and programmes of the UN system and bilateral cooperation agencies.

MINUGUA would continue to organize its verification of the peace agreements around four main areas: human rights, indigenous rights, the strengthening of civilian power, and economic policy and rural development. The Mission would also closely monitor the Government’s compliance with the promises made to the Consultative Group related to the peace agreements and human rights. The Advisory on Human Rights, in coordination with the Transition Unit, would prioritize activities to build the capacity of the Human Rights Ombudsman to carry out verification. To ensure that MINUGUA’s experience was adequately documented and analysed, a new Mission History and Lessons Learned Unit would prepare an official report on the history of MINUGUA.

OHCHR took significant steps towards developing an increased presence in Guatemala. The visit of the Special Rapporteur on indigenous peoples (September) (see p. 763) was an important first step in determining the role OHCHR could play in the period after MINUGUA’s withdrawal.

**Verification of compliance**


The implementation of the commitments entered into by the two parties was governed by the Timetable Agreement [YUN 1997, p. 765], which expired in December 2000. The Commission to Follow Up the Implementation of the Peace Agreements rescheduled pending commitments in an implementation timetable for 2000-2004 [YUN 2000, p. 245].

The Secretary-General stated that the road to a firm, lasting and irreversible peace in Guatemala was still being built and it was vital that it be given decisive impetus. The peace agreements and their implementation progress were the central focus at the February meeting of the Consultative Group for Guatemala (see p. 244), following which the Government drafted a matrix for follow-up of the nine key areas identified by the Group and an implementation timetable. It also invited the Dialogue Group, composed of the ambassadors to Guatemala of 12 cooperating countries, and civil society to monitor the timetable.

During the first four months of 2002, a series of events occurred that blocked the advance of the peace process. They included deaths, abductions and reports of threats and intimidation against human rights organizations, members of the church, political activists, journalists and others. At the same time, the number of social demands had increased in the country’s interior regions. There were signs of discontent due to the lack of access to basic services and clashes occurred between mayors and deputies regarding implementation of development projects and the use of municipal funds. Guatemala’s General Budget of State Revenues and Expenditures for 2002 allocated very little funding for programmes of peace, including the Peace Secretariat (SEPAZ) and the Ministry of Education. In April, the Government signed an agreement with the International Monetary Fund to improve macroeconomic, monetary and fiscal performance, support social spending and reorganize the financial system.

Implementation of the Agreement on Identity and Rights of Indigenous Peoples was still seriously behind schedule, although the Government, since the Consultative Group meeting, had approved significant legislation on decentralization and social participation. The Office for the Defence of Indigenous Women’s Rights had been working to defend and promote the human rights of indigenous women.

Sustainable resettlement of the uprooted population and the definitive integration of URNG continued to be hampered by the absence of a comprehensive rural development policy. In addition, little progress had been achieved in integrating the uprooted population into the national education system or in the purchase of land through the Land Trust Fund. Despite temporary measures for issuing personal identification documents, lack of such documents remained a problem affecting mainly displaced persons and indigenous women. Dialogue between the Government and human rights organizations on the creation of a national compensation programme for victims of the armed conflict was put on hold when the organizations concerned protested the lack of funds earmarked for the 2002 programme. The Secretary-General expressed concern that although three years had passed since the Clarification Commission presented its report [YUN 1999, p. 199], its recommendations had not been implemented. He reiterated the need to have a functioning Commission...
for Peace and Harmony under the terms set out by the Clarification Commission.

Human development commitments suffered from budget cuts in education, the health sector and housing. The housing sector also suffered from the absence of institutional mechanisms for implementing housing programmes.

Some progress was made in sustainable development, such as the passage of a bill establishing an agrarian and environmental jurisdiction, within the framework of agrarian reform and the establishment of the Ministry of the Environment and Natural Resources. The Rural Development Bank increased its credit portfolio and financial services. However, most poor peasants remained outside the financial system because they lacked secure title to the land. In the labour sector, the national plan for the prevention and elimination of child labour and protection of adolescent workers had not been adequately enforced. In addition, the Social Security Institute had not been consolidated and indigenous peoples had yet to be included in the social security arrangements.

The modernization of the democratic State remained a key element in the consolidation of the peace agreements. Progress in implementing the fiscal pact had been backed up by a substantial body of legislative measures to increase the penalty for tax evasion and to combat corruption. Despite these steps, and despite some tax increases, the tax burden target of 12 per cent had not been reached. Decentralization had begun through institutional and financial strengthening of municipal governments, establishment of a system of participation at the local level and sectoral decentralization.

A number of commitments remained pending in the justice sector, including the development of a policy to combat crime, refining measures to facilitate access to justice, and strengthening mechanisms to counter intimidation of and attacks on judicial officials. Positive steps included the entry into force of the Code of Judicial Ethics and the establishment of legal offices for the defence of indigenous rights. However, the cutting of the judiciary’s budget for 2002 could jeopardize the continuity of the modernization efforts.

Public security continued to deteriorate in Guatemala throughout the year. Constant changes in the senior ranks and management of the National Police Force (PNC) undermined institutional stability and career structure. The Secretary-General suggested that priority be given to institutional capacities in the areas of criminal investigation and police information. MINUGUA verified, among other things, that armed forces had assumed public security functions despite restrictions laid down in the peace agreements and that military intelligence bodies had assumed investigative functions that rightfully belonged to PNC. Although the deadline for fulfilment of the rescheduled commitments concerning information and intelligence was December 2001, no bills had been drafted for the creation of a civil intelligence department in the Ministry of the Interior, nor had any progress been made on the law that was supposed to establish procedures for the legislative oversight of State intelligence agencies. The Strategic Analysis Secretariat had submitted a legislative proposal on incorporating access to public information, which was under consideration. The redeployment of military units was at a standstill, drafting of a new military doctrine was pending, and no substantive progress had been noted in military education and training.

The Secretary-General called on Guatemala’s Government and all its citizens to set aside conflict, fulfill their respective responsibilities in upholding democratic values, revive the constructive spirit that prevailed at the Consultative Group meeting, and place national interest before private and sectoral interests.

In a later report [A/58/267], the Secretary-General said that tensions rose around the country in June 2002 as former civil patrollers blockaded the Tikal archaeological park and airport and oil installations nearby to demand compensation for their services during the armed conflict. The sense of insecurity increased following a spate of killings in late 2002. The September visit of the United Nations Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people (see p. 762) drew attention to the deep-rooted problem of racial discrimination and to the need for progress in implementing the Agreement on the Identity and Rights of Indigenous Peoples. A presidential commission and a special prosecutor’s office were established in mid-2002 to investigate threats against human rights activists. Military spending in 2002 was below that of the previous two years, but once again went beyond the goal of 0.66 per cent of GDP, as established in the peace accords. A High-level Commission was formed in late 2002 by the Interior Ministry and civil society representatives in order to develop a civilian State intelligence system.

Human rights

In August [A/57/336], the Secretary-General transmitted to the General Assembly MINUGUA’s thirteenth report on human rights in Guatemala, which described the Mission’s activities between 1 July 2001 and 30 June 2002.
During the period under review, the human rights situation in Guatemala deteriorated. The climate of intimidation worsened amid threats, lynchings and assassinations, while impunity was widespread. Illegal groups and clandestine structures continued their operations. The State failed in its duty to investigate crimes and punish those responsible. State agents acted to obstruct justice. There was also a notable increase in human rights abuses by members of PNC. The deteriorating human rights situation was closely linked to the failure to advance on most aspects of the peace agreements and the persistence of social and economic inequalities. The State’s lack of political will and weak institutional response had defrauded Guatemalans’ expectations that the peace process would bring tangible improvements in their lives beyond the cessation of the conflict. The Government had not taken decisive action towards strengthening civilian power and demilitarizing Guatemalan society.

MINUGUA admitted a total of 647 complaints, compared with 352 during the previous reporting period [YUN 2001, p. 246]. Criminal violence had become the major threat to the right to life and grave human rights violations by State agents continued. Verified cases of cruel, inhuman and degrading treatment by the police increased by 128 per cent during the reporting period. Complaints of threats, intimidation and harassment and a lack of serious investigations or punishment of those responsible continued, with the number of complaints almost doubling to 938. However, MINUGUA was encouraged by the creation of a coalition of non-governmental organizations, the Human Rights Movement, and the decision to form a National Council of Indigenous Peoples. Also, although some journalists were victims of violence, threats and intimidation during the period, newspapers and other media freely and vociferously criticized the Government and exposed corruption scandals.

The Secretary-General said that an important first step for combating fear generated by threats and aggression would be to carry out serious investigations into the most emblematic of the cases and punish those responsible. The Government had to fulfill its commitments to combat impunity and strengthen the institutions that protected human rights and battled corruption. The human rights framework would also be strengthened by the approval of additional legislation contemplated in the peace agreements, including reforms to the Penal Code establishing ethnic discrimination and sexual harassment as crimes; laws regulating private security firms and the penitentiary system; and a law creating the Commission for Peace and Harmony. Speedy approval of reforms to the Electoral and Political Parties Law would help ensure that political rights were respected in the 2003 elections, particularly through increased participation by the rural poor, indigenous people and women. The Secretary-General added that MINUGUA, as it approached the completion of its mandate, would make priority use of its resources to help civil society, peace institutions and the Office of the Human Rights Counsel become stronger and more effective.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 76], the General Assembly adopted resolution 57/161 [draft: A/57/L.27/Rev.1 & Add.1] without vote [agenda item 38].

United Nations Verification Mission in Guatemala

The General Assembly, recalling its resolution 56/223 of 24 December 2001, 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 2002, taking into account the fact that the Government of Guatemala has reaffirmed its commitment to the full implementation of the peace agreements, underlining the fact that substantive aspects of the peace agreements have yet to be implemented and that the Commission to Follow up the Implementation of the Peace Agreements has approved a new schedule for their implementation from 2000 until the end of 2004, taking into account the fact that the parties have requested the United Nations to support the consolidation of the peace-building process until 2003, taking into account also the thirteenth report of the Mission on human rights, taking into account further the seventh report 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 and the recommendations contained therein,

1. Welcomes the thirteenth report of the United Nations Verification Mission in Guatemala on human rights;
2. Also welcomes the seventh report 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. Calls upon the Government of Guatemala to fulfill its commitment to the full implementation of the peace agreements;
5. Recalls that the Commission to Follow up the Implementation of the Peace Agreements has rescheduled the pending commitments and included others not initially scheduled;
6. Takes note of the recommendations contained in the report of the Secretary-General aimed at ensuring that the Mission can respond adequately to the demands of the peace process until 31 December 2003, as well as of his proposal for a further scaling down of the Mission in 2003;

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

8. Takes note further of the meeting of the Consultative Group for Guatemala, held in Washington, D.C., in February 2002, which provided new impetus for compliance with the peace agreements, and looks forward to the next Consultative Group meeting planned for the middle of 2005;

9. Notes with satisfaction the progress made in the implementation of the peace agreements in some areas, in particular significant legislative advances through the approval of a package of laws on decentralization and of a law criminalizing discrimination on the basis of gender, ethnicity and other criteria;

10. Also notes with satisfaction the election of a new Human Rights Ombudsman and a new Public Prosecutor, as well as steps taken to establish a professional judiciary;

11. Underlines with concern the fact that a number of key commitments remain outstanding in the areas of fiscal, judicial, military, electoral and land reform, as well as rural development and indigenous rights, and therefore urges that those commitments be implemented without further delay;

12. Also underlines with concern the budgetary constraints placed on institutions and programmes which are given priority under the peace process, while special budgetary transfers have been made to the armed forces, exceeding both budgetary allocations and targets of the peace agreements;

13. Notes that the consolidation of the peace-building process remains a significant challenge that requires a concerted national effort to guarantee the irreversibility of the peace process;

14. Notes with concern that the human rights situation has deteriorated, in particular the climate of intimidation has worsened amid an increase in threats and violence against judges, journalists and human rights defenders;

15. Calls upon the Government to implement fully the recommendations contained in the report of the Mission on human rights, in particular those related to the systematic impunity for crimes and human rights violations;

16. Underlines the importance of implementing fully the Agreement on Identity and Rights of Indigenous Peoples as a key to fighting discrimination and consolidating peace and equality in Guatemala, and highlights the need to implement fully the Agreement on Social and Economic Aspects and Agrarian Situation as a means of addressing the root causes of the armed conflict;

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

18. Welcomes in this regard the recent agreement reached between the Government and civil society to establish a National Reparations Commission, and calls upon the Congress to adopt the draft law on the National Reparations Programme;

19. 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, with 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;

20. Urges the international community to support financially, through existing mechanisms of national cooperation, the strengthening of national capacities to ensure the consolidation of the peace process in Guatemala;

21. Also urges the international community to support financially the strengthening of the capacities of the United Nations agencies and programmes, as the Mission will transfer some of its activities and projects to those agencies to support the national efforts to comply with the commitments of the peace agreements;

22. 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 revised timetable for the implementation of pending commitments under the peace agreements;

23. Takes note of the request of the Government of Guatemala for an extension of the mandate of the Mission until the end of 2004, taking into account the fact that the new Administration is scheduled to take office in January 2004;

24. Notes that civil society organizations and members of the international community have expressed concerns that voids will be created, particularly in the areas of human rights, indigenous rights, demilitarization and the strengthening of civil society, if the Mission departs Guatemala at the end of 2003, just as the new Government takes office and before it has been able to demonstrate its commitment to the peace process;

25. Welcomes the intention of the Secretary-General to initiate consultations with interested Member States regarding these requests and to keep the General Assembly apprised of progress in these talks;

26. Decides to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2003;

27. Requests the Secretary-General to submit, as early as possible, an updated report to the General Assembly at its fifty-eighth session, together with his recommendations regarding the best way to accompany Guatemala in its peace-building process beyond 31 December 2003;

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

During 2002, Haiti continued to experience a political and security crisis, brought about by a breakdown in the dialogue between the Government of Haiti and its opposition. Despite efforts by OAS and the Caribbean Community to promote dialogue, neither party made the compromise necessary for meaningful negotiations. That failure had prevented the release of urgently needed development assistance.

OAS established the Special Mission to Strengthen Democracy in Haiti, which focused on the promotion of security, justice, human rights and governance. The comprehensive transition programme coordinated by UNDP [YUN 2001, p. 250], following the closure of the United Nations International Civilian Support Mission in Haiti (MICAH) in 2001 [ibid., p. 249], remained a valuable complement to OAS efforts.

Political and security situation

In a report to the Economic and Social Council [E/2003/54], the Secretary-General said that efforts to resolve the political crisis remained seriously limited in their scope by the persistence of socioeconomic (see also p. 922) and political challenges. The presidency of Jean-Bertrand Aristide, who took office in February 2001 [YUN 2001, p. 249], had been marked by crises within the Government and strong challenges by the opposition, particularly by the Convergence Démocratique, a coalition of political parties. In late 2002, the public debate became more radicalized and many pro- and anti-ruling party (Fanmi Lavalas) demonstrations were organized. During the same period, 184 civil society organizations established a new group, which was proposing a solution to the crisis through a new social contract. The situation remained polarized by the end of 2002 and an atmosphere of growing insecurity was discernable in several towns and districts.

Following the departure of MICAH in February 2001, OAS had assumed a major role of support for the negotiation process between the ruling party and the opposition. In January 2002, OAS called on the parties to establish a framework conducive to political negotiations, and created the OAS Special Mission to Strengthen Democracy in Haiti. The Mission was established on 1 March on the basis of an agreement between OAS and the Haitian Government, which defined the Mission’s areas of competence: security, justice, human rights, good governance, and strengthening of democracy and institutions. In June, the Special Mission facilitated the conclusion of an agreement between the two parties on the holding of local and legislative elections in 2003, the establishment of a Provisional Electoral Council and the appointment of its members. OAS, in September 2002, confirmed its readiness to strengthen the rule of law and support the holding of elections, the disarmament programme and the normalization of relations with the Bretton Woods institutions (the World Bank Group and the International Monetary Fund). In November, the Special Mission and the Haitian Government negotiated specific terms of reference for assistance to be provided in the areas of elections, security, disarmament, justice and institutions.

On 24 July, the Economic and Social Council, in resolution 2002/22, welcomed the efforts of OAS and the Caribbean Community to promote dialogue and reconciliation in order to strengthen Haiti’s political environment (see p. 922).

Financing of missions

UNSMIH, UNTMIH, MIPONUH

In February [A/56/841], the Secretary-General submitted to the General Assembly the final performance report of the United Nations Support Mission in Haiti (UNSMIH) (mandate ended 31 July 1997 [YUN 1996, p. 185]), the United Nations Transition Mission in Haiti (UNTMIH) (mandate ended 30 November 1997 [YUN 1997, p. 191]) and the United Nations Civilian Police Mission in Haiti (MIPONUH) (mandate ended 15 March 2000 [YUN 2000, p. 249]). The report contained information on reimbursement to troop-contributing Governments, expenditures, cash position and unpaid assessed contributions. In view of the shortage of cash resources in the special account for the three missions, the Secretary-General requested the Assembly to suspend temporarily the provisions of financial regulations 4.3, 4.4 and 5.2 (d) in respect of the remaining surplus of $4,000,200 gross ($3,978,900 net).

In April [A/56/887], the Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its report on administrative and budgetary aspects of the financing of UN peacekeeping operations, recommended acceptance of the Secretary-General’s proposal.

GENERAL ASSEMBLY ACTION

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/56/986], adopted resolution 56/507 without vote [agenda item 156].

The General Assembly,

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


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


Recalling General Assembly resolution 51/15 A of 4 November 1996 on the financing of the Support Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 55/269 of 14 June 2001,

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 operations,

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

Mindful of the fact that it is essential to provide the Missions with the necessary financial resources to enable them to 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 2002, including the contributions outstanding in the amount of 19.8 million United States dollars, representing some 17 per cent of the total assessed contributions, notes with concern that only one hundred and thirty-two Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

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

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

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

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

7. Endorses the recommendations contained in paragraph 82 of the report of the Advisory Committee on Administrative and Budgetary Questions;

8. Decides to suspend for the immediate future the provisions of regulations 4.3, 4.4 and 5.2 (d) of the Financial Regulations of the United Nations in respect of the surplus of 4,000,200 dollars in the light of the cash shortage of the Missions, and requests the Secretary-General to provide an updated report in one year;

9. Decides also to defer consideration of the treatment of the decrease in staff assessment income of 21,300 dollars in respect of the surplus referred to in paragraph 8 above;

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


On 20 December, the Assembly decided that the items on the financing of UNSMIH, UNTMIH and MINUSTAH would remain for consideration at its resumed fifty-seventh (2002) session (decision 57/585) and that the Fifth Committee should continue to consider those items at that session (decision 57/556).

UNMIH

In March [A/56/831], the Secretary-General submitted the final performance report of the United Nations Mission in Haiti (UNMIH), which completed its mandate on 30 June 1996 [YUN 1996, p. 74]. The report contained information on reimbursement to troop-contributing Governments, expenditures, cash position and unpaid assessed contributions. As at 31 December 2001, the balance of appropriations amounted to $39,561,400 gross ($37,419,500 net), while the
UNMIH special account had an operating deficit of $9.1 million. That cash shortage was primarily due to outstanding loans to other peacekeeping missions. The Secretary-General requested the Assembly to credit the amount of $25,266,000 to Member States from the unencumbered balance of $39,561,400 gross ($37,419,500 net) and to suspend temporarily the provisions of financial regulations 4.3, 4.4 and 5.2 (d) in respect of the remaining surplus of $14,295,400 gross ($12,153,500 net) in the light of the cash shortage of the Mission.

In April [A/56/887], ACABQ, in its report on administrative and budgetary aspects of the financing of UN peacekeeping operations, recommended the acceptance of the Secretary-General’s proposal.

**GENERAL ASSEMBLY ACTION**

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth Committee [A/56/987], adopted **resolution 56/504** without a vote [agenda item 131].

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

**The General Assembly,**

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

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

Recalling also its decision 48/477 of 23 December 1993 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was decision 55/477 of 8 June 1999,

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

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

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

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

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

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

1. **Takes note** of the status of contributions to the United Nations Mission in Haiti as at 30 April 2002, including the contributions outstanding in the amount of 1.9 million United States dollars, representing some 1 per cent of the total assessed contributions, notes with concern that only one hundred and forty-one Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

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

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

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

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

7. **Endorses** the recommendations contained in paragraph 82 of the report of the Advisory Committee on Administrative and Budgetary Questions;

8. **Decides** to credit Member States the amount of $39,561,400 gross ($37,419,500 net) and to suspend temporarily the provisions of financial regulations 4.3, 4.4 and 5.2 (d) in respect of the remaining surplus of $14,295,400 gross ($12,153,500 net) in the light of the cash shortage of the Mission.

On 20 December, the Assembly decided that the item on the financing of UNMIH would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee should continue to consider the item at that session (decision 57/556).

**Other questions**

**Cuba–United States**

In July [A/5/264], the Secretary-General, in response to General Assembly resolution 56/9 [YUN 2000, p. 252], submitted information received
from 74 States, the European Union and 12 UN bodies and agencies on the implementation of the resolution, by which the Assembly had called on States to refrain from unilateral application of economic and trade measures against States, and urged them to repeal or invalidate such measures. The preamble to resolution 56/9 had made particular reference to the Helms-Burton Act, promulgated by the United States in 1996, which had strengthened sanctions against Cuba. In August [A/57/264/Add.1], the Secretary-General submitted information received from six additional States and one specialized agency.

GENERAL ASSEMBLY ACTION

On 12 November [meeting 48], the General Assembly adopted resolution 57/11 [draft: A/57/L.5] by recorded vote (173-3-4) [agenda item 26].

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,

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

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

Concerned at the continued promulgation and application by Member States of laws and regulations, such as that promulgated on 12 March 1996 known as the “Helms-Burton Act”, the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation,

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


Concerned that, since the adoption of its resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20 and 56/9, further measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba continue to be promulgated and applied, and concerned also at the adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries,

1. Takes note of the report of the Secretary-General on the implementation of resolution 56/9;
2. Reiterates its call upon all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution in conformity with their obligations under the Charter of the United Nations and international law, which, inter alia, reaffirm the freedom of trade and navigation;
3. Once again urges States that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;
4. Requests the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the present resolution in the light of the purposes and principles of the Charter and international law and to submit it to the General Assembly at its fifty-eighth session;
5. Decides to include in the provisional agenda of its fifty-eighth 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 57/11:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, 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, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, Marshall Islands, United States.

Abstaining: Ethiopia, Malawi, Nicaragua, Uzbekistan.

Cooperation with OAS

In response to General Assembly resolution 55/15 [UN 2000, p. 258], the Secretary-General submitted a July report on cooperation between the United Nations and the Organization of American States (OAS) [A/57/257]. The report reviewed their continued collaborative activities in Guatemala and Haiti, described consultations and information exchange on matters of mutual interest, and provided information on collaborative activities undertaken with OAS by the United Nations Secretariat, the Economic Commission.
for Latin America and the Caribbean (ECLAC),
the United Nations Conference on Trade and Development (UNCTAD),
the United Nations International Drug Control Programme (UNDCP),
the Office of the United Nations High Commissioner for Refugees (UNHCR),
the World Food Programme (WFP),
the United Nations Human Settlements Programme (UN-Habitat),
OHCHR,
the International Labour Organization (ILO),
the United Nations Educational, Scientific and Cultural Organization (UNESCO),
the Pan American Health Organization (PAHO),
the World Bank,
the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO).

In June, the United Nations was represented at the thirty-first 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 16 December [meeting 75], the General Assembly adopted resolution 57/157 [draft: A/57/L.55/Rev.1 & Add.1] without vote [agenda item 22 (ii)].

Cooperation between the United Nations and the Organization of American States

The General Assembly,

Recalling its resolution 55/15 of 3 November 2000 relating to the promotion of cooperation between the United Nations and the Organization of American States,

Taking note with satisfaction of 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,


Taking account of the Summit of the Americas, held in Quebec City, Canada, from 20 to 22 April 2001,

Noting that the International Civilian Support Mission in Haiti completed its mandate in March 2001,

Aware of the increasing cooperation between bodies of the inter-American system for the protection of human rights and those pertaining to the United Nations Commission on Human Rights,

Expressing concern over the spread of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) epidemic in the region and the need for increased financial resources and affordable essential drugs,

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

Notes with satisfaction that the Organization of American States Special Mission for Strengthening Democracy in Haiti commenced operations in June 2002 and that the United Nations Verification Mission in Guatemala continues to collaborate with the Organization of American States on its thematic projects;

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

Welcomes the establishment of the Office of the Regional Adviser to the United Nations High Commissioner for Human Rights in Santiago on 1 November 2001;

Also 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, women and development;

Recommend that a general meeting of representatives of the United Nations system and of the Organization of American States be held in 2003 for the continued review and appraisal of cooperation programmes and of other matters to be mutually decided upon;

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

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;

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

Decides to include in the provisional agenda of its fifty-ninth session the sub-item entitled “Cooperation between the United Nations and the Organization of American States”.

Cooperation with CARICOM

In response to General Assembly resolution 55/17 [YN 2000, p. 259], the Secretary-General submitted a July report on cooperation between the United Nations and the Caribbean Community (CARICOM) [A/57/254]. He described consultations and information exchange between
the two organizations and provided information on collaborative activities undertaken with CARICOM by the United Nations Secretariat, ECLAC, UNCTAD, UNDCP, the Joint United Nations Programme on HIV/AIDS (UNAIDS), UNDP, WFP, UN-Habitat, OHCHR, the United Nations University (UNU), ILO, the Food and Agriculture Organization of the United Nations (FAO), UNESCO, ICAO, IMO, the World Intellectual Property Organization (WIPO) and the United Nations Industrial Development Organization (UNIDO).

At the invitation of CARICOM, the United Nations was represented at the twenty-second (Bahamas, July 2001) and twenty-third (Guyana, July 2002) Conferences of Heads of State and Government of CARICOM. UNAIDS intensified its cooperation with CARICOM under the framework of the Pan-Caribbean Partnership against HIV/ AIDS, which was launched in Barbados in February 2001. The UNAIDS Executive Director participated in the first annual meeting of the Pan-Caribbean Partnership (Saint Lucia, November 2001) and the sixth meeting of the CARICOM Council for Human and Social Development (Guyana, April 2002).

GENERAL ASSEMBLY ACTION

On 21 November [meeting 56], the General Assembly adopted resolution 57/41 [draft: A/57/L.26 & Add.1] without vote [agenda item 22 (c)].

Cooperation between the United Nations and the Caribbean Community

The General Assembly,


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 resolutions 54/225 of 22 December 1999 and 55/203 of 20 December 2000, it recognized the importance of adopting an integrated management approach to the Caribbean Sea area in the context of sustainable development,

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

Noting that the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, considered the specific issues and problems facing small island developing States, and noting the call to convene a special meeting in 2004 to review the implementation of the Barbados Programme of Action,

Also noting that the Declaration of Commitment on HIV/AIDS adopted by the General Assembly in resolution S-26/2 of 27 June 2001 recognized the Caribbean region as having the second-highest rate of infection after sub-Saharan Africa,

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

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, 55/203, 55/2 and S-26/2 and the decision of the World Summit on Sustainable Development on the sustainable development of small island developing States;

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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 New York in March 2003 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-ninth session a report on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its fifty-ninth session the sub-item entitled “Cooperation between the United Nations and the Caribbean Community”.

Colombia

In 2002, the Secretary-General’s Special Adviser on Colombia, Jan Egeland (Norway), continued to assist peace efforts in that country through regular contacts with the Government, guerrilla groups, civil society and the international community. In early January, the Secretary-General’s Acting Special Adviser, James LeMoyne (United States), a group of 10 “facilitating countries” and the Catholic Church helped to avert a breakdown in the peace talks between the Government and the Revolutionary Armed Forces of Colombia (FARC). However, similar efforts in February were unable to prevent the talks from collapsing. Talks with the smaller guerrilla group, the National Liberation Army, continued intermittently throughout that period, but ended in May. The Secretary-General urged the parties to sign a humanitarian agreement that would protect the civilian population and ensure full respect for human rights and international humanitarian law. In June, he met with the President-elect of Colombia, Álvaro Uribe Vélez, and discussed how the United Nations could most effectively assist the Colombian people.

On 1 November, the Secretary-General appointed Mr. LeMoyne as his Special Adviser on Colombia.

El Salvador–Honduras

On 22 January [S/2002/108], Honduras informed the Security Council President that El Salvador had failed to execute the 11 September 1992 Judgment [YUN 1992, p. 983] by the International Court of Justice (ICJ), which settled the land, island and maritime frontier dispute between the two countries. Honduras claimed that El Salvador had not initiated the land boundary demarcation, was unwilling to observe the right of joint sovereignty in the Gulf of Fonseca, and refused to give effect to the ICJ decision on maritime space in the Pacific Ocean, which also included Nicaragua’s rights. Honduras requested the Council’s intervention and assistance in securing the execution of and faithful compliance with ICJ’s Judgment. (See also p. 1269.)

On 11 March [S/2002/23], Honduras stated that El Salvador had entered a reservation with respect to the Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific, signed in Antigua, Guatemala, on 19 February 2002. That reservation challenged and attempted to disregard both the letter and the spirit of the ICJ 1992 Judgment with respect to the maritime spaces of Honduras in the Pacific Ocean.

On 24 September [S/2002/1092], El Salvador stated that the solution to the execution of a complex judgement had to be sought through negotiations between the parties involved.

On 17 September [S/2002/1088], Honduras informed the Security Council that it had agreed with El Salvador to start the process of demarcation of the common boundary as defined in the ICJ decision. El Salvador confirmed that agreement in a 23 October letter to the Council [S/2002/1094], which also included the complete set of notes exchanged between the two countries.

South American zone of peace

On 27 July [A/S/232], Peru transmitted to the Secretary-General the Declaration on the South American Zone of Peace and Cooperation, adopted at the second meeting of the Presidents of South America (Guayaquil, Ecuador, 26-27 July). The Declaration stated, among other things, that South America was to be a zone of peace and cooperation and that the use of force between States in the region had to be banned. It also called for the elimination of weapons of mass destruction, the gradual elimination of antipersonnel mines and the timely implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects [YUN 2001, p. 489]. The South American Zone of Peace and Cooperation consisted of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela.

In resolution 57/13 of 14 November (see p. 556), the General Assembly welcomed the Declaration.