

The report cites several findings and assessments, namely: the assessment of an OHCHR evaluation mission that refers to gratuitous use of force, the non-publication and unavailability of legal texts and documents, the fact that government authorities often ignore the existence of the legal authority from which their power flows, the limits of the authorities' competence as specified by law, and the rampant impunity enjoyed by state officials. The SR also cites a report prepared by the International Monetary Fund (IMF) following a mission in 1996 in which conditions in the country were characterized as including: a narrow productive base and extreme poverty, a low level of human capital, a lack of the most basic infrastructure, inadequacies in the judicial system, serious limitations in the administrative capacity, a rudimentary financial system, and persistent fiscal mismanagement as a result of corruption and a lack of transparency in government finance. An April 1997 UNDP assessment is also reviewed, which states that 80 per cent of the national income is being amassed by five per cent of the population, there was little evidence that the additional income derived from extracting and exporting oil was filtering down to the mass of the population, and that there had been no noticeable progress in health care, education, housing, public works and other areas.

The report reviews elements of the National Pact, agreed in 1993, related to democratization and elections. These elements included, *inter alia*: an agreement to end "intermittent arrests" and require administrative and criminal liability in cases of infringement; establishment of a commission, with representatives of the government and the political parties, to draw up a plan for the return of those nationals outside the country who wanted to come back; legalization of any application for the recognition of new political parties that met the requirements of the law; strengthening of individual public freedoms and freedom of movement, and the inviolability of the home, public offices and correspondence, and express prohibition on extrajudicial arrests. The report also reviews elements on the establishment of a government-political party commission responsible for guaranteeing the parties access to the media; the creation of an investigation commission to oversee the strict implementation of Agreement 7 of the National Pact of 1993 to ensure the free development of political parties and the application of civil and political rights; the eventual establishment of a "general framework of coexistence"; a prohibition on the active presence on electoral campaign committees of members of the armed and security forces, judges, magistrates and public prosecutors, as well as ministers of religion of different faiths and foreign citizens; a prohibition on members of the armed and security forces joining political parties; the granting of approximately US\$10,000 to each political party; an in-depth review of the electoral roll with political parties guaranteed free and direct access to the data and sources of the electoral roll; repudiation of, and prohibition on, any act of commission or omission intended to promote political violence; a prohibition on foreign individuals and organizations, and nationals residing outside the country for six consecutive months, to lead political parties or secretly

sponsor them; and a prohibition on foreigners residing in the country to participate in propaganda activities.

The report notes that the government and political parties approved a Code of Conduct for the legalized political parties, with the goal of fostering the development of democracy and political freedoms. Under the Code, which is binding, all the legalized political parties undertook: to respect each others' freedom of expression, assembly and association; not to intervene in the internal affairs of other parties; not to foment conflict between communities or ethnic groups; to act in defence of democratic ideals, including peace, democracy and respect for human rights; not to make any statements in support of violence, and to refrain from insults and personal disparagement; not to bear arms, and not to disturb the meetings of other parties during the electoral campaign; and not to intimidate members of other parties or to use force or violence.

The "Legislative Agreements" derived from the National Pact establish that: under the revised law on Political Parties the courts are responsible for dissolving political parties; applications for the recognition of a new party must be dealt with within 30 days; recognition of a party implies the recognition of its organs of information; within their jurisdiction, before banning any political act for reasons of public order, the governors shall endeavour to reconcile the conflicting interests; the reform of the Law on the Financing of Political Parties will increase the amount of the contributions to party finances which natural and legal persons may make; the Law on Complaints and Petitions will provide for the application of time limits established by the Law on Administrative Procedures in connection with appeals and for reasoned decisions; reform of the Law on Meetings and Demonstrations will include a guarantee that any request for a public meeting or demonstration will be approved or rejected by the authorities within 48 hours, in the case of rejection of such a request the reasons will be provided, approval shall be deemed to have been given if authorities fail to respond within the 48-hour period, and meetings held by parties in their offices or headquarters will not have to be approved and notification will not have to be given to the government authority. The "Legislative Agreements" also establish that: the Law on Amnesty, which is to be promulgated by the government, forgives and forgets all offences of a political nature so as to guarantee personal freedom and security in the national territory; under the Law on Legislative and Municipal Elections and Referenda, the provision granting the Ministry of the Interior and Local Corporations the chairmanship of the National Electoral Council will be abolished; Provincial Electoral Councils will also be abolished; the government, the judiciary and the political parties will appoint the national, district and municipal electoral authorities (councils), polling station officials shall be appointed by the National Electoral Board; and, the secrecy of the ballot during voting shall be ensured by imposing penalties on those responsible for encouraging public voting, for electoral coercion, or for unlawfully preventing the casting of votes.