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Substantive session of 2006

Operational activities segment  
General segment

PROVISIONAL SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 26 July 2006, at 3 p.m.

|                   |                                  |             |
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| <u>President:</u> | Mr. MÉRORÈS<br>(Vice-President)  | (Haiti)     |
| later:            | Mr. ČEKUOLIS<br>(Vice-President) | (Lithuania) |

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In the absence of Mr. Hachani (Tunisia), Mr. Mérorès (Haiti),  
Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

OPERATIONAL ACTIVITIES OF THE UNITED NATIONS FOR INTERNATIONAL  
DEVELOPMENT COOPERATION (continued)

- (a) FOLLOW-UP TO POLICY RECOMMENDATIONS OF THE  
GENERAL ASSEMBLY AND THE COUNCIL (E/2006/L.28)
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DP/2006/15, E/2006/L.6)

Draft resolution E/2006/L.28: Progress in the implementation of General Assembly  
resolution 59/250 on the triennial comprehensive policy review of operational activities for  
development of the United Nations

The PRESIDENT noted that the draft resolution, submitted by himself on the basis  
of informal consultations, had no programme budget implications.

Ms. RUDER (Observer for Switzerland), speaking as the facilitator of the draft  
resolution, said it was a mid-term assessment, on the basis of detailed reports presented to the  
Council, of the implementation of the triennial comprehensive policy review. It listed a number  
of issues on which the Council wished to receive further information in the next review. She  
recommended the draft resolution for adoption by consensus.

The PRESIDENT thanked the facilitator for her very hard work and spirit of  
cooperation.

Mr. MILLER (United States of America) said the fact that negotiations had not  
produced a consensus was no reflection on the amount of effort involved. The issues went to the  
very heart of the United Nations development process, namely its operational activities for  
development, and concerned organizations such as the United Nations Development Programme

(UNDP) and the United Nations Children's Fund (UNICEF) which were strongly supported by the United States, both in principle and with significant financial contributions. That was why the draft resolution was such a disappointment.

To start with, it was too long: over 50 operative paragraphs, many of which said the same things but in different and sometimes conflicting ways, or did little more than offer commentary or recollection of actions already taken. A number of conclusions, assertions or policy prescriptions that his delegation believed were distorted or inaccurate were made. For example, on funding trends, it was an established fact that core resources for many operational agencies had been rising for the past several years and continued to rise. Why, then, did the resolution highlight what it called a fall in the overall volume of core resources in some parts of the system?

In several places the draft resolution misrepresented or did not represent clearly the responsibilities of various parties and actors. It was well accepted that national development strategies required national ownership in order to be effective. It did not follow that programme countries should exercise ownership and leadership over all external assistance; that the resident coordinator system, a United Nations management and implementation mechanism, should be subordinate to national ownership rather than to the governing bodies of United Nations agencies; or that the evaluation of United Nations operational activities should be subordinate to national ownership and thus to political influence. Yet all three of those assertions were made in the draft resolution.

Finally, its treatment of technology transfer failed to recognize that most technology was privately owned and that Governments could not and should not compel such transfers. The most effective means of promoting technology transfer was a sound investment climate in which owners of technology could gain the confidence to make their assets available on mutually agreed terms and with adequate protection and compensation.

For all of those reasons, his delegation called for a vote on the draft resolution.

Mr. OOSTHUIZEN (South Africa), speaking on behalf of the Group of 77 and China and in explanation of vote before the voting, thanked the President and the facilitator for their

hard work. The long hours of negotiation were a fair indication of the commitment of delegations to achieving consensus. The text clearly reflected both the general and the specific observations made in the reports reviewed by the Council and did not misrepresent them in any way. The Group of 77 and China supported the draft resolution and called on others to do likewise.

Mr. ALINOV (Russian Federation) said that the failure to achieve consensus on the draft resolution was unfortunate but in no way diminished its significance as an important stage in the triennial comprehensive policy review. The draft resolution was in line with his country's basic conception of the tasks facing the Council, which consisted not in reconsidering positions or advancing initiatives that went beyond the scope of the triennial review, but in assessing the implementation of General Assembly resolution 59/250, and on that basis setting directions for the upcoming review. One of the best features of the existing system for discussion of operational activities was the division of labour between the General Assembly, which set the political guidelines for such activities, and the Economic and Social Council, which transformed them into substantive decisions.

His delegation would vote in favour of the draft resolution.

The PRESIDENT invited the Council to vote by show of hands on the draft resolution as orally revised.

The draft resolution, as orally revised, was adopted by 49 votes to 1.

Mr. MILLER (United States of America), speaking in explanation of vote after the voting, said his delegation had voted against the draft resolution principally for three reasons. First, it misrepresented trends in funding for operational activities for development. Second, in a number of key areas it distorted or was unhelpfully ambiguous on the respective roles and responsibilities of donors, programme countries and the United Nations system. Third, it promoted a misinformed view on technology and technology transfer.

The United States remained committed to working with all Member States in the Economic and Social Council, the General Assembly and the governing bodies of funds and

programmes to make United Nations operational activities for development more effective in addressing the needs of people in developing countries. It would continue to work towards that goal on the basis of the voluntary participation of all countries and the responsibility, ownership and leadership that developing countries assumed for their own development.

Ms. BROWN (Canada) said her delegation had voted in favour of the draft resolution and was disappointed that it had not been adopted by consensus. Its focus on assessment of operational activities was appropriate. The Council had fulfilled its responsibility by assessing the implementation of the triennial comprehensive policy review. Related policy issues would be better addressed in the General Assembly.

Ms. FERNANDEZ (Observer for Finland), speaking on behalf of the European Union, said it was regrettable that all parties had not been able to join in the consensus achieved after extensive negotiations. The triennial comprehensive policy review was a tool to make the country presence of the United Nations more effective, efficient, coherent and coordinated. The European Union remained strongly committed to the implementation of the resolution on the triennial review in its entirety: such reviews would make the United Nations development system more effective in supporting the efforts of developing countries to achieve the internationally agreed development goals on the basis of their national development strategies.

Documents submitted under item 3 (b):

The PRESIDENT drew attention to the following documents submitted under item 3 (b):

- Joint Report of the Administrator of the United Nations Development Programme and the Executive Director of the United Nations Population Fund to the Economic and Social Council (E/2006/5)
- Annual report of the Executive Director of the United Nations Children's Fund (E/2006/6-E/ICEF/2006/3)

- Annual report of the Executive Director of the World Food Programme for 2005 (E/2006/14)
- Report of the Executive Board of the United Nations Children's Fund on the work of its 2006 first regular session (E/2006/34 (Part I)-E/ICEF/2006/5 (Part I))
- Report of the Executive Board of the United Nations Children's Fund on the work of its first regular session of 2006: Joint meeting of the Executive Boards of the United Nations Development Programme/United Nations Population Fund, the United Nations Children's Fund and the World Food Programme (E/2006/34 (Part I)/Add.1-E/ICEF/2006/5 (Part I)/Add.1)
- Annual report of the Executive Director of the World Food Programme on its first and second regular sessions and annual session of 2005 (E/2006/36)
- Report of the Executive Board of the United Nations Children's Fund on the first, second and annual sessions of 2005 (E/2005/34/Rev.1)
- Report of the Executive Board of the United Nations Development Programme/ United Nations Population Fund on its work during 2005 (E/2005/35)
- Report of the Executive Board of the United Nations Development Programme/ United Nations Population Fund on the first regular session of 2006 (DP/2006/15)
- Extract from the report of the Executive Board of the United Nations Children's Fund on its 2006 annual session (E/2006/L.6)

The Council took note of the documents submitted under item 3 (b).

#### Conclusion of the operational activities segment

The PRESIDENT announced that the Council had concluded its consideration of item 3, and thereby the operational activities segment.

Resumption of the general segment

Mr. Čekuolis (Lithuania), Vice-President, took the Chair.

SOCIAL AND HUMAN RIGHTS QUESTIONS:

- (b) SOCIAL DEVELOPMENT (E/2006/11, E/2006/26, E/2006/89)
- (c) CRIME PREVENTION AND CRIMINAL JUSTICE (E/2006/30)
- (d) NARCOTIC DRUGS (A/61/28 and E/INCB/2005/1)
- (e) UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (E/2006/3, E/2006/82, E/2006/L.9)
- (f) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION
- (g) HUMAN RIGHTS (A/61/41, E/2006/22, E/2006/23, E/2006/86)
- (h) PERMANENT FORUM ON INDIGENOUS ISSUES (E/2006/43, E/2006/L.18)

Statement by the President of the International Narcotics Control Board (E/INCB/2005/1)

Mr. EMAFO (President, International Narcotics Control Board (INCB)), introducing the annual report of the Board (E/INCB/2005/1), said its first chapter was traditionally dedicated to a topical issue of particular concern to the Board: in 2006, that was alternative development and legitimate livelihoods. Alternative development had resulted in substantial reductions of drug crops in Thailand, the Lao People's Democratic Republic, Colombia and Peru, but must be taken out of the confines of the project-by-project approach, which had evident weaknesses, and seen as a cross-cutting issue, involving a multitude of players at all levels. It should be addressed not only in rural but also in urban areas. A great many abusers of illicit drugs were on the fringes of society, living in slums in large cities and marginalized communities in urban areas. The report contained concrete recommendations on how Governments, international organizations and other concerned parties could ensure that all communities affected by the illicit drug economy were provided with viable and sustainable opportunities for earning legitimate income.

The Government of Afghanistan had strengthened its drug control machinery and built up its institutional capacity. Measurable progress had been made in law enforcement, resulting in significant seizures and the dismantling of illicit laboratories. The Board welcomed those



positive developments but remained concerned that illicit opium production was still flourishing and that most of the provinces where opium had been produced continued to be involved. The Government of Afghanistan should maintain its commitment to enforcing its drug control strategy and work closely with its partners towards a comprehensive programme of alternative development, legitimate livelihoods and elimination of illicit opium production.

The illicit manufacture of synthetic drugs, in particular amphetamine-type stimulants, had recently spread beyond the countries initially affected, fuelled by the ease of their manufacture and the availability of the required precursor chemicals. Based on its experiences, the Board encouraged Governments to establish a global system of estimates for certain key precursors and the pharmaceutical preparations containing those substances to help prevent their diversion into illicit channels. Another ominous development was drug trafficking and smuggling through the Internet and the postal system. Governments were urged to limit the number of entry points for parcels and ensure that regular and thorough searches of mail for illicit drug consignments were conducted.

Although licit global consumption of narcotic drugs had increased significantly over the years, the Board continued to observe significant differences among countries. The availability of opioid analgesics for the management of pain remained very low in many developing countries, with the result that patients were denied access to such medicines. The Board and the World Health Organization (WHO) were working on recommendations regarding an assistance mechanism to facilitate the availability of opioid analgesics for the proper management of pain associated with cancer or HIV/AIDS.

One of the Board's central instruments was its dialogue with Governments, and country missions were an important part of that dialogue. In 2005, the Board had carried out missions to Bangladesh, Bulgaria, Cape Verde, Ghana, Lesotho, Mexico, Paraguay, the Russian Federation, Saudi Arabia, Swaziland and Zambia. It remained committed to collaborating with international and intergovernmental organizations in trying to identify solutions to the world drug problem. The Board and the Commission on Narcotic Drugs were working closely together to achieve universal accession to and full implementation of the international drug control treaties, which were instrumental in blocking the attempts of drug traffickers to take advantage of loopholes in national and international drug control measures.

Ms. CHENG-HOPKINS (Office of the United Nations High Commissioner for Refugees (UNHCR)) said that in order to give the Council a better understanding of UNHCR's work in what was often a volatile and very demanding environment, she would present two oral reports on the coordination aspects of that work and on the latest activities in Africa. UNHCR was actively supporting the ambitious initiatives currently under way towards reforming the United Nations system and improving global humanitarian response capacity. Nowhere were its decisive steps towards greater coordination with the humanitarian community more evident than in the exercise of its mandates from the General Assembly for the protection and assistance of internally displaced persons. The inter-agency dialogue on improving the collaborative response to internal displacement had led to a "cluster leadership approach", a new arrangement aimed at bringing greater predictability, accountability and capacity to emergency management and early recovery. Under that approach, UNHCR had the lead role in protection, camp coordination and management and emergency shelter for internally displaced persons in situations of conflict-generated displacement. It continued to work to combat HIV/AIDS among refugees and other persons of concern and to ensure the inclusion of such persons within host countries' HIV/AIDS policies and programmes.

UNHCR's partnership with NGOs continued to progress beyond traditional core operative arrangements to a much more comprehensive collaboration entailing their active involvement from the assessment and planning stages of operations through to the implementation and evaluation phases. In 2005, the Office had channelled over one-fifth of its annual budget into partnerships with some 645 NGOs, of which 480 were national.

Africa harboured about 30 per cent of the world's current refugee population, some 2.5 million people. Yet the majority of those who needed protection and assistance - well over 9 million - were not refugees but internally displaced persons or returned internally displaced persons. UNHCR's work was particularly challenging in precarious and insecure post-conflict environments. That had unfortunately been the case in a number of places on the African continent in the past year. Conflict-generated displacement continued to affect the Chad/Darfur region. There had been new outflows of refugees from the north of the Central African Republic into Chad; from Eritrea into eastern Sudan and Ethiopia; and from Togo into Benin and Ghana. In parts of Somalia, Côte d'Ivoire and the Democratic Republic of the Congo, outbreaks of

violence had continued to drive people from their homes, and in northern Uganda, some 1.5 million people remained displaced in overcrowded and insecure camps.

Deteriorating security combined with funding constraints had had a significant impact on UNHCR's presence in many situations, notably in Darfur, where its operations had had to be downsized by half. There was a seemingly chronic disparity between growing needs and available resources, including sustainable food supplies to avoid starvation or malnutrition. Minimum levels of care for both camp and urban-based refugees were in many cases not being met. In the absence of self-reliance and income generation opportunities, reduced assistance only exacerbated the risks of malnutrition and exposure to various forms of exploitation or abuse, including sexual and gender-based violence.

Some progress had been made and must be built on to bring hope to those who were displaced. Nevertheless, tremendous challenges remained for over 12 million uprooted people in Africa. What was being done to resolve those challenges? UNHCR had sometimes been accused of "going it alone", but that was no longer the case. It was quite impossible for it or any other organization to work alone - hence the development of the cluster leadership approach and the Office's many bilateral and multilateral partnerships. Of particular note in Africa were the growing instances of collaborative efforts to combat malnutrition among refugees and other persons of concern and to include refugees in national and regional HIV/AIDS programmes. Improving the registration and documentation of refugees had been high on UNHCR's agenda, as had the prevention of sexual and gender-based violence and building awareness of the role African Governments could play in supporting conflict prevention. Nowhere was that more important than in repatriation and reintegration operations.

Significant progress had been made towards the successful voluntary repatriation of thousands of refugees in Africa. That had only been possible thanks to the creation of adequate conditions of peace brokered through a combination of determined African leadership and sustained international support. Repatriation operations had been launched or expanded in southern Sudan and the Democratic Republic of the Congo. In Liberia and Burundi, UNHCR had shifted gear from facilitating repatriation operations to actively promoting returns once it had become clear that the conditions were adequate. Other durable solutions continued to be pursued, albeit on a smaller scale. Resettlement had proven to be a valuable protection tool, and in the

past year had provided a durable solution for some 16,700 people in Africa. Progress was more modest in terms of local integration, although in the United Republic of Tanzania, there had been some movement towards local integration of Somali Bantu refugees, and in Guinea, the Government had offered to grant citizenship to the remaining refugees from Sierra Leone.

UNHCR's financial situation had been precarious in the past year and the prioritization and austerity measures required to reduce budgets and limit activities were a painful exercise. If it was to continue to deliver even minimum standards of protection and assistance to refugees and internally displaced persons in Africa, it desperately needed sustained support from the international community.

For those going back home, return would not be durable without adequate socio-economic opportunities for both those populations and local communities. Hundreds of thousands of people had gone home to find little or no infrastructure, no education or health-care facilities, no means of self-sufficiency and no employment or other livelihood opportunities. The risks were a recurrence of conflict and new upheaval - another loop in a cycle of perpetual displacement. That was why UNHCR needed the support of all to make sure that for so many uprooted Africans, the return home could be a homecoming with the hope of a better future.

Mr. NDIAYE (Office of the United Nations High Commissioner for Human Rights (UNHCHR)), presenting the report of the High Commissioner (E/2006/86), said it highlighted two reasons why particular attention should be given to the legal protection of economic, social and cultural rights. First, despite constant reaffirmation of the interdependence of all human rights, efforts to protect economic, social and cultural rights were often weaker than those made for other human rights. Second, there was increasing evidence, underlined by case law from all regions of the world, that legal protection could be an effective means of safeguarding economic, social and cultural rights.

Legal protection required, as a first step, the recognition of economic, social and cultural rights in domestic law, for example by incorporating the relevant international human rights treaties into the domestic legal order or by recognizing economic, social and cultural rights in the

national constitution and legislation. A second step was the provision of remedies through the courts, administrative tribunals, national human rights institutions and regional and international treaty bodies.

The report suggested that the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights could be a catalyst for better legal protection of those rights. Such an instrument, providing for a complaints mechanism similar to those under the International Covenant on Civil and Political Rights and other human rights treaties, would enhance the ability of the Committee on Economic, Social and Cultural Rights to assist States in their realization of those rights.

Mr. HIMANEN (Observer for Finland), speaking on behalf of the European Union and the acceding countries (Bulgaria and Romania), the candidate countries (Croatia, the former Yugoslav Republic of Macedonia and Turkey), the countries of the stabilization and association process and potential candidates (Albania, Bosnia and Herzegovina and Serbia) and, in addition, Ukraine and the Republic of Moldova, noted that the Commission on Human Rights had concluded its sixty-second and final session on 27 March 2006. The Economic and Social Council had adopted the Commission's original mandate in 1946. Ever since, the Commission had done dedicated work in identifying and addressing challenges for the protection and promotion of human rights, including emerging or urgent issues and situations.

Despite the criticism to which the Commission had been exposed in recent years, its achievements in the field of norm development and standard setting were impressive. It had drafted the Universal Declaration of Human Rights, the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights as well as other core human rights instruments. More recent achievements included a draft convention on enforced disappearances and a draft declaration on the rights of indigenous peoples, both of which had been adopted at the first session of the Human Rights Council. The system of special procedures had been one of the Commission's strengths. Over the years, the system had furnished much-needed analysis on how human rights standards were applied in reality and offered concrete guidance for their improved implementation. It must be pursued and strengthened in the Human Rights Council.

In the work of the Commission, not only Member States and observers but also NGOs and national human rights institutions had had the opportunity to raise concerns and bring issues to the attention of the international community. Their continued engagement in the Human Rights Council was of the greatest importance.

The European Union would work closely with all States Members of the United Nations to ensure that the shortcomings of the former Commission were redressed and that the new Human Rights Council helped to address the full range of human rights in an effective and comprehensive manner. Its creation offered the opportunity to improve the implementation of human rights standards and to enhance the credibility and effectiveness of the United Nations human rights system.

Mr. LUMBANGA (United Republic of Tanzania) said his country continued to exercise an open door policy to genuine refugees and asylum-seekers despite the increasing scale and changing nature of migrations and their complexities. The influx of refugees had significantly slowed following improvements in the security situation in neighbouring countries. However, with just over 500,000 registered refugees, his country still hosted the biggest number in Africa. Out of those, more than 300,000 lived in camps and received assistance from the international community through UNHCR.

The continuous decrease of international assistance had greatly affected supply for the social and protection needs of the refugee population. Although small income-generating activities had now been authorized within the camps, they still did not make the refugees self-sufficient. Donors and the international community should be mindful of the need to adhere to the principle of international responsibility and burden sharing. He thanked the Government of the United States of America for deciding to resettle up to 15,000 Burundian refugees and called on other countries to follow suit. Another source of concern was declining levels of refugee interest in repatriation, caused by poor reintegration capacity and the recent famine in Burundi and logistical problems in transporting back returnees to the Democratic Republic of the Congo, insufficient social facilities in areas of return and scepticism about the forthcoming general elections in that country.

The impact of the presence of refugees, mainly environmental degradation and the general retardation of development, had resulted in refugee hosting fatigue in his country, aggravated by a wave of crime fuelled by the smuggling of small arms and light weapons. His Government appealed to the international community to increase assistance to refugee hosting areas. It registered its hearty appreciation to the Danish Government for its support in the Kigoma and Kagera regions.

Another serious concern was sexual and gender-based violence in refugee camps and surrounding areas. His Government, UNHCR and other partners had taken the following measures to address that problem: deploying policewomen in all refugee camps; training social workers in how to respond to, attend to and prevent such incidents; encouraging refugee women to establish small income-generating activities; employing lawyers specifically for counselling survivors of those incidents and following up all cases in courts of law; and educating, advising and raising awareness through public meetings and seminars.

Ms. BROWN (Canada) said that although her delegation supported the report of the Commission on Crime Prevention and Criminal Justice, adopted following the adjournment of its fifteenth session, it would strongly prefer reports to be adopted before, rather than after, sessions were adjourned. Such a procedure posed a significant risk of disagreement on the contents of reports and did not allow for meaningful consideration by those who had been present during the session. In future, every effort must be made to ensure that the full report was produced and agreed upon during the proceedings of the Commission, where the expert knowledge resided.

The International Labour Organization (ILO) was doing patient and persistent work on the problem of forced labour in Burma. Canada had watched with growing unease the unfavourable developments unfolding in Burma, part of a long-standing, comprehensive policy by the Burmese authorities that undermined human rights. The Nobel Peace Prize laureate Aung San Suu Kyi, through her continued detention under house arrest, symbolized the denial to many Burmese citizens of basic rights. ILO, in working to ensure that Burma lived up to its international commitments under the Forced Labour Convention, 1930 (No. 29), had consistently been confronted by other violations of human rights such as arbitrary arrest and detention and denial of due process.

The Burmese authorities had adopted a six-month moratorium on prosecution of those who made complaints to ILO. Some prominent detainees had already been released. Canada urged that the moratorium be made permanent and that others arrested under that draconian measure also be released.

The PRESIDENT requested the representative of Canada to use the official names of Member States and observer missions, in accordance with United Nations practice.

Ms. BROWN (Canada) said in conclusion that the November 2006 meeting at which ILO would review progress would be an important meeting. Canada encouraged the Council to take note of the significant developments she had just outlined.

Mr. SHEIN (Observer for Myanmar), noting that he had asked for the floor to make a point of order, thanked the President for having addressed the matter: his country's name, officially registered with the United Nations, was Myanmar, not Burma.

Confining his comments to questions relating to the documentation before the Council, he said that the observance by Myanmar of the Forced Labour Convention (No. 29) should be addressed solely by ILO, not by any other international organization or agency. Myanmar's response to the conclusions adopted at the 95th Session of the International Labour Conference had resulted in a number of positive developments, including a six-month moratorium on prosecutions against false complainants of forced labour and the release from prison of Su Su Nway and Aye Myint. Preliminary consultations had already been held, with more meetings to follow, on the establishment of a credible mechanism for dealing with complaints of forced labour.

Those latest developments were no small measures, but rather concrete testimony to Myanmar's commitment to eradicating forced labour and its willingness to cooperate with ILO, while taking into account the realities in the country. It was a gradual process that would lead to the desired objective over time. In the light of the measures already taken by his Government, the Council should encourage Myanmar in its efforts to eliminate the problem in cooperation with ILO.



Mr. TRIVEDI (India) said that since the conclusion of the 95th Session of the International Labour Conference in June 2006, the Government of Myanmar had released Aye Myint from prison and consultations with ILO on the establishment of a mutually acceptable mechanism to eradicate forced labour were in progress. Those were positive developments. The cooperation being extended by the Government of Myanmar should be encouraged. India had been and remained strongly opposed to the practice of forced labour, which was expressly prohibited under its Constitution. It supported dialogue and cooperation between the Government of Myanmar and ILO in their common endeavour to find a mutually acceptable mechanism for eradicating forced labour in Myanmar.

Mr. NEMIZOV (Russian Federation) said his country advocated a stronger role for the United Nations in formulating a unified international strategy to combat new challenges and threats in connection with drug trafficking. It endorsed the reports before the Council on the 2006 sessions of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs. The Russian Federation gave top priority to combating crime and to working productively to eradicate that evil and its connections with terrorism. The Convention against Transnational Organized Crime and its Protocol on Illegal Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons had already entered into force in his country. Changes had been introduced into Russian legislation to criminalize trafficking in human beings and the use of slave labour.

The Russian Federation had ratified the United Nations Convention against Corruption. Work was being done on amendments and additions to national legislation and on making an inventory of national laws and their effectiveness in the struggle against corruption. The Convention had an important potential for helping to eradicate terrorism. It was no secret that corruption was often the basis for international terrorism and its financing, for drug trafficking and illegal arms transfers.

The struggle against organized crime was an essential part of the new social structure and strategy of development in the Russian Federation. An important initiative in that connection was the creation in October 2004 of the Eurasian Group on Combating Legalization of Proceeds from Crime and Terrorist Financing, which had been accorded observer status in the Financial

Action Task Force (FATF) and had been recognized by similar regional structures. It would play an important role in reducing the threat of terrorism and ensuring the transparency, reliability and security of the financial systems of the countries of the region.

The forty-ninth session of the Commission on Narcotic Drugs had unanimously adopted resolution 49/5 on the Paris Pact, in which support was expressed for the proposal of the Russian Federation to hold in Moscow, in June 2006, an international conference at the ministerial level on drug trafficking routes from Afghanistan. In conformity with that resolution, the conference had been held in Moscow from 26 to 28 June 2006. The resulting Moscow Declaration, setting out the basic elements of an international strategy for combating drug trafficking in Afghanistan, had confirmed a commitment to expand, in the framework of the Paris process, the systematic exchange of information on the diversion of precursors with the specific objective of enhanced coordination among the States concerned, including countries that produced precursors, precursor transit countries and countries in which heroin was illegally produced. Such actions were capable of striking a strong blow against the Afghan drug industry, since without precursors, there was no heroin. Other strengths of the Moscow Declaration were acknowledgement of the link between drug trafficking and extremist terrorist activity, of the need to intensify the struggle against drug lords and of the importance of multilateral actions by law enforcement agencies and specialized agencies to cut off channels for the illegal trade in precursors.

In Moscow, an important step had been taken towards strengthening the Paris process and mobilizing the international community against Afghan drug trafficking. The task now was to ensure that the decisions taken at the Moscow meeting were rapidly given practical dimensions and to keep up the dynamic momentum in the Paris-Moscow process. The Russian Federation was prepared to cooperate closely in the solution of those problems with all interested States, intergovernmental and regional organizations and members of civil society. The most important thing was, through joint efforts, to curtail the flow of drugs from Afghan territory, protect other countries from its effects and help eradicate the damage it did to the long-suffering land of Afghanistan.

Mr. MILLER (United States of America) said that the practice of forced labour in Burma, with the complicity and active participation of the regime, was an affront to human rights

standards and a direct violation of obligations under ILO Convention No. 29. Forced labour was a major obstacle to the development of a modern, prosperous and free economy and of a democratic society, both of which would benefit the Burmese people. The United States had consistently supported and continued to support the efforts of ILO to highlight abuses of forced labour in Burma and at the same time to engage it constructively in the effort to move the country away from that reprehensible practice.

The PRESIDENT recalled the point he had made earlier about the use of the official names of countries.

Mr. MILLER (United States of America) said his country supported the conclusion reached by the International Labour Conference that the six-month moratorium on prosecution of those who made complaints of forced labour should be made permanent and that the authorities of the country in question must engage with ILO in meaningful discussions to create a mechanism that would allow complaints to be received, investigated and acted upon, with assurances that those who submitted complaints would be free of prosecution and other forms of retribution. It also supported the consideration of other measures if the authorities did not take meaningful steps towards ending forced labour, including referral to the International Court of Justice, something which remained an option that ILO could consider.

Mr. BELEVAN (Peru) said that for the countries of Latin America and the Caribbean, UNHCR's work was of special and indeed growing importance, since its experience and specific capacities enabled it to cope with international and domestic situations in which protection was needed. It was for that reason that they supported the requests made by Costa Rica and Estonia for an increase in the membership of the Executive Committee of the Programme of UNHCR.

Mr. ENDO (Japan) said his country deemed it a positive sign that the Myanmar Government had recently released Aye Myint, following the release of Su Su Nway. A six-month moratorium on prosecutions was also being implemented. While those actions were positive, the situation was still far from satisfactory. Japan urged the Myanmar Government to engage in earnest negotiations with ILO in order to reach agreement on the establishment of a

credible mechanism to deal with complaints of forced labour. The ultimate goal was the total eradication of forced labour, and the Myanmar Government must take concrete action to that end.

Mr. PUJA (Indonesia) welcomed ILO's cooperation with the Government of Myanmar with a view to eradicating the practice of forced labour. In particular, Indonesia welcomed the conclusion reached at the 95th session of the International Labour Conference on giving the Government of Myanmar the opportunity to continue its dialogue with ILO in order to find a mutually acceptable solution. In view of the encouraging developments in that area, Indonesia believed that the process of dialogue and cooperation must be allowed to pursue its course.

Mr. MOLTCHAN (Observer for Belarus) said that Belarus condemned all recourse to forced labour and viewed the situation in Myanmar from that perspective. It considered ILO's efforts to solve the problem to be constructive and had observed a readiness on the part of the Government of Myanmar to establish a constructive dialogue and cooperate on the matter, including in the fulfilment of the recommendations worked out in June 2006 at the International Labour Conference. He thanked the representative of Myanmar for the information provided on steps taken to eradicate forced labour. Only constructive cooperation and dialogue based on mutual respect could help to achieve results. The Council should support the efforts of ILO and the Government of Myanmar to continue working together to solve the complex social problem of forced labour, which had no place in the contemporary world.

Mr. ELIAS (Bangladesh), recalling that the observance by the Government of Myanmar of ILO Convention No. 29 on forced labour had been addressed extensively during the 95th Session of the International Labour Conference, said his delegation appreciated the fact that Myanmar had responded to the conclusions adopted by that Conference and welcomed the positive developments in that regard. However, it called upon the Myanmar authorities to extend full cooperation to ILO and take the necessary steps to address the situation. ILO should continue the process of engagement with the Government of Myanmar in order to resolve the issue in a spirit of cooperation and amity.

Ms. LIU Zhongxin (China) thanked the representative of Myanmar for outlining the situation in his country. Recently, ILO had held an in-depth discussion on the implementation of its Convention No. 29. The Government of Myanmar, in a spirit of cooperation, had responded to the efforts of ILO and had made significant steps forward in a number of areas. The Council should accordingly assist the Government of Myanmar and encourage it to pursue its dialogue and cooperation with ILO.

Mr. DIALLO (Guinea) welcomed the oral report on UNHCR's activities regarding coordination of assistance to refugees and displaced persons, especially in Africa. His country, located at the heart of a region that had been conflict-ridden for over 15 years, had paid the very heavy price of receiving refugees from neighbouring countries in conflict: Sierra Leone, Liberia, Guinea-Bissau and now Côte d'Ivoire. It in no way regretted its actions, which were motivated by solidarity towards neighbouring countries in the subregion, and it was prepared to continue assuming its share of responsibility. However, that was not an easy task and it entailed a heavy burden, chiefly in relation to the economic and security concerns connected with hosting refugees, which continued to impact upon Guinea's economic and social development policies. He appealed to the international community to help Guinea better handle those burdens. UNHCR's work in repatriation and reintegration of refugees had nearly come to a close for Sierra Leone and was ongoing for Liberia, despite UNHCR's lack of resources. He commended UNHCR's efforts regarding coordination with other organizations of the United Nations system and non-governmental organizations and encouraged it to continue them. Lastly, he appealed for sufficient financial resources to be accorded to UNHCR to enable it to continue its useful work.

Ms. HERREA (Cuba) said that Cuba obviously rejected the practice of forced labour. Myanmar's fulfilment of ILO Convention No. 29 on forced labour had been extensively discussed in ILO as recently as in June 2006, at the 95th Session of the International Labour Conference. The Council should take note of the efforts of the Government of Myanmar to improve the situation in close cooperation with the appropriate mechanisms of ILO, but the subject should remain within the purview of ILO, which was the appropriate specialized forum for dealing with such matters. She advocated continued dialogue and cooperation between the Government of Myanmar and ILO with a view to effecting improvements in the situation.

Mr. ROSENGREN (Observer for Finland), speaking on behalf of the European Union, welcomed the request by the Director-General of ILO for the Council to reactivate its consideration of the situation of forced labour in Burma/Myanmar, following up on the considerations of the International Labour Conference. In recent years, the human rights situation of Burma/Myanmar, including the use of forced labour, had been addressed in a number of forums. It was unfortunate that it was necessary to return to that subject yet again.

The European Union was deeply concerned by the information that the authorities of Burma/Myanmar continued the practice of forced labour in a widespread and systematic manner. There was also evidence of child labour, including the forced recruitment of child soldiers. Such practices constituted flagrant violations of international human rights law, including ILO Convention No. 29 concerning forced or compulsory labour, which dated back to 1930 and had been ratified by Burma/Myanmar in 1955. It was profoundly regrettable that citizens of Burma/Myanmar, rather than being allowed to pursue their livelihoods, were obliged by State actors, under the pretext of civic duty, to dedicate themselves without pay to exploitative activities such as the construction of military infrastructure and roads and the portering of military supplies.

The European Union encouraged the authorities of Burma/Myanmar to introduce reforms to meet obligations under ILO Convention No. 29. It welcomed all legal measures taken to fulfil those obligations but was concerned that those reforms were not being implemented. Indeed, certain actions by State authorities worked against their implementation.

The prosecution of persons who lodged complaints against the exaction of forced labour and tried to obtain redress, something that was their fundamental right, was unacceptable and should stop immediately. Those who used forced labour should not be allowed to continue enjoying impunity. While the authorities in Burma/Myanmar had recently declared that they were ready to implement a limited moratorium on prosecutions, many uncertainties relating to the nature, time frame and other practicalities remained. The implementation of the moratorium had to be accompanied by the establishment of a credible mechanism for dealing with complaints of forced labour, including all necessary guarantees for the permanent protection of complainants and their representatives. The recent release of Aye Myint, a lawyer who had

raised cases of forced labour, was a welcome development, but in June 2006 the International Labour Conference had called upon the authorities to give credibility to the moratorium by releasing all persons still in detention.

The European Union commended ILO for its patient efforts to engage the State authorities of Burma/Myanmar in a constructive dialogue with the purpose of helping them to rectify the present situation. It urged the authorities to respond to the efforts of ILO, international human rights actors and other relevant bodies, as well as States in the region and the entire international community, so as to ensure the full implementation of ILO Convention No. 29 concerning forced or compulsory labour and other obligations related to the protection and promotion of human rights and fundamental freedoms.

The inadequate protection of human rights and pressure against ethnic groups in Myanmar had led thousands of people to leave their country as refugees. The international community disposed of a broad array of options for action, ranging from the involvement of the Security Council and the International Court of Justice to specific actions by Governments and social partners. The European Union would take suggestions for the use of such options into consideration, bearing in mind that they were complementary by nature, and stressed that they remained on the table for further action, if deemed appropriate.

The European Union had always favoured dialogue and cooperation as the best means to address the concerns related to the human rights situation in Burma/Myanmar. It had pursued - and would continue to pursue - any options that held the promise of addressing those concerns, including the measures currently being discussed within ILO. It remained ready to support all efforts made by the authorities in Burma/Myanmar to move in the direction of an all-inclusive democracy, with full respect for and protection of all human rights and fundamental freedoms.

Ms. HEIKKILA (Observer for Finland), also speaking on behalf of the European Union, said it welcomed UNHCR's constructive and close cooperation with various actors, both at its headquarters, and in particular, in the field, and commended its commitment to deepening such coordination and collaboration. Close coordination in emergency situations was key to assisting and protecting victims effectively. UNHCR actively engaged NGOs, which often had the most accurate information on needs at the field level, in all stages of its operations,

including assessment and planning. It should further develop that partnership with NGOs and work even more closely with the Governments hosting refugees, donors and development actors. The European Union placed great emphasis on the work of humanitarian coordinators and encouraged UNHCR to cooperate closely with them at country level. While UNHCR's commitment to implementing new tasks as cluster lead in relation to internally displaced persons was welcome, its core mandate to assist and protect refugees remained equally important.

The European Union was deeply concerned about the protracted and complex refugee situations in many African countries. In Darfur, the humanitarian crisis remained extremely severe. Free and safe access of humanitarian personnel to victims was one of the vital preconditions for successful humanitarian operations.

With regard to Estonia's and Costa Rica's applications for membership in the Executive Committee of the Programme of UNHCR, the European Union was convinced that those countries would make an important and active contribution. It accordingly supported the draft decision recommending that the General Assembly decide to enlarge the membership of the Executive Committee from 70 to 72 States.

Ms. BREINES (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said her organization welcomed the adoption of the Programme of Action for the Second International Decade of the World's Indigenous People and in particular the call addressed to all actors to implement the Action Plan of the UNESCO Universal Declaration on Cultural Diversity. One of the recommendations made at the fifth session of the United Nations Permanent Forum on Indigenous Issues was that UNESCO should establish an institutional partnership with indigenous peoples so they could fully participate in the monitoring mechanisms of relevant UNESCO conventions. However, each of those UNESCO conventions had specific implementation mechanisms that were under the authority of intergovernmental committees; detailed analysis would accordingly have to be given to the best way to address the recommendation. Other recommendations of concern to UNESCO related to issues such as continued support for promoting indigenous knowledge systems, intercultural education for indigenous and non-indigenous children and the development of indicators that took into account the specific situations and cultural resources of indigenous peoples.



The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, which had entered into force on 20 April 2006, stressed the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development. Indigenous communities had a major function in the implementation of the Convention, which defined intangible cultural heritage as “the practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artefacts and cultural spaces associated therewith - that communities, groups and, in some cases, individuals recognize as part of their cultural heritage”.

Mr. KHAN (Pakistan) said that his delegation denounced forced labour in all its forms and manifestations. It had heard with interest of the important steps taken by the Government of Myanmar in addressing forced labour issues in collaboration with ILO. Pakistan supported the continuation and intensification of the ongoing cooperation and dialogue between Myanmar and ILO.

Mr. PURI (India), referring to paragraph 165 of the report on the fifth session of the United Nations Permanent Forum on Indigenous Issues (E/2006/43), said he had absolutely no idea how the Permanent Forum had come to the conclusion that the International Fund for Agricultural Development (IFAD) had undertaken work in India on disaggregating the human development index and associated development indicators for indigenous and non-indigenous peoples. The draft Declaration on the Rights of Indigenous Peoples had just recently been adopted by the Human Rights Council. The Declaration contained no definition of what constituted an indigenous people, but the entire population of India at the time of independence was generally recognized as being indigenous. Therefore the idea of congratulating IFAD for disaggregating indicators for indigenous and non-indigenous peoples in India was misplaced, and paragraph 165 of the report should be amended accordingly, if that was at all possible.

Mr. KHANE (Secretary of the Council) said that once they had been adopted by the Council's functional commissions, reports could not be amended by the Council.

Mr. PURI (India) said that he would then request that his concerns be reflected in the relevant decision when it came up for consideration.

Ms. BIRD (International Confederation Free Trade Unions (ICFTU) and World Confederation of Labour (WCL)), speaking on behalf of the 180 million workers represented by ICFTU and WCL worldwide, thanked the Council for the rich debate it had had on the severe and grave violations of human and workers' rights in Myanmar. In deference to the requests made by the President, she would follow United Nations usage, even though in ILO the other name of the country in question was acceptable.

The issue of forced labour in that country had been dealt with by ILO supervisory mechanisms since 1964. Recently, initiatives had been redoubled with the aim of bringing the military junta to finally implement the recommendations of the ILO Commission of Inquiry: discontinuing the use of forced labour while ensuring that no action was taken against any of the victims or their representatives who complained to the courts or to ILO.

The authorities' total lack of commitment was clearly expressed in the realities on the ground. The imposition of forced labour continued to be a systematic and widespread army practice. Reports had been received from nearly every administrative region concerning hundreds of cases of forced portering, repair and maintenance of army camps and villages for displaced people, cultivation of land, road construction, clearing of jungle areas, "human minesweeping", patrolling and sentry duty. Numerous cases of torture, ill-treatment, sexual violence and child labour, including the conscription of child soldiers, had been catalogued. As a result of those practices, together with the confiscation of land and food supplies, the people of Burma faced starvation and forced migration, both internally and to other countries. Several international organizations had been obliged to terminate grants to Burma due to Government restrictions that made implementation impossible.

The situation was still very worrisome and renewed pressure was being placed on the junta by international and regional actors. Nobel Peace Prize laureate Desmond Tutu and former President of the Czech Republic Vaclav Havel had issued a report in September 2005 asking for an urgent and new diplomatic initiative at the Security Council, showing that the situation in Myanmar was much more severe than in any other country in which the Security Council had chosen to act in recent years and mentioning forced relocations, forced labour and forced recruitment of child soldiers.

In his report dated February 2006, the Special Rapporteur on Human Rights had underlined widespread and systematic forced labour practices and forced recruitment by State actors and declared that it was time for the international community to call for an independent inquiry into the rapidly escalating number of deaths of political prisoners. In March 2006, the International Committee of the Red Cross had decided to drastically reduce its activities in Myanmar due to a lack of willingness by the junta to cooperate in the protection activity. In June 2006, the International Labour Conference had adopted conclusions sharing all the very grave concerns on the situation in the country and comprising a series of relevant and urgent measures. On 25 July 2006, a joint communiqué of the 39th Ministerial Meeting of the Association of Southeast Asian Nations (ASEAN) had expressed concern about the pace of the national reconciliation process and called for the early release of those placed under detention and effective dialogue among all concerned parties.

All those initiatives prompted the organizations she represented to request the Economic and Social Council to take the following urgent action: to urge the Government of Myanmar to adopt and implement without delay all the measures required to comply with the recommendations of the ILO Commission of Inquiry; to support a possible request by ILO to the International Court of Justice for an advisory opinion on the legal question of the consequences of Myanmar's constant and persistent failure to respect Forced Labour Convention 1930 (No. 29); to support the establishment of bodies and procedures to ensure that complaints by victims of forced labour were promptly and adequately dealt with and that no prosecution or retaliatory measures were taken against those victims or their representatives; to urge Governments and regional financial institutions to revise their economic relations with Myanmar, including foreign direct investment in military and State-owned enterprises; and to request the Secretary-General of the United Nations to incorporate the situation of Myanmar, including forced labour, in the agenda of the Security Council without delay.

Draft resolution E/2006/L.9: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Ms. SEGURA (Costa Rica), introducing draft resolution E/2006/L.9 on behalf of the sponsors, said her country had a long tradition of protection of asylum-seekers and refugees and was the second largest host country for refugees in Latin America. Through innovative approaches and with the experience it had acquired, it had successfully met the challenges of a

constant influx of refugees, particularly in identifying genuine refugees and guaranteeing their economic and social rights. However, it was now facing the task of ensuring the necessary conditions for their integration, and it accordingly appealed for international solidarity.

Costa Rica had a high opinion of the work done by UNHCR and considered active involvement in that work to be of the greatest importance. It believed it would be useful to increase the number of members of the Executive Committee and had requested to join its membership. It thanked Member States that had supported that request and reaffirmed its commitment to the protection of refugees.

Mr. NIRK (Estonia), speaking as a sponsor of the draft decision, said that Estonia, an emerging donor country, was determined to actively participate in international humanitarian cooperation in the spirit of solidarity and shared responsibility. There was an urgent need for more orchestrated action if better results in development and the Millennium Development Goals were to be achieved.

UNHCR played a special role in combating the tragic consequences of the many crisis situations in the world today and in improving the situation of refugees and internally displaced persons. As a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and an observer to the UNHCR Executive Committee, Estonia supported UNHCR through voluntary contributions and by responding to emergency appeals. Most recently, it had supported UNHCR's activities in southern Sudan and was to contribute to its activities in Lebanon. Membership in the Executive Committee would provide an opportunity to enhance Estonia's contribution to international cooperation to resolve refugee problems around the world. He hoped that all members of that Council would give that decision their support.

Draft resolution E/2006/L.9 was adopted.

The PRESIDENT invited the Council to take action on the draft resolutions and decisions contained in chapter I, sections A and B, of the report of the Commission for Social Development on its forty-fourth session (E/2006/26).

Draft resolution I: Further promotion of equalization of opportunities for persons with disabilities

Draft resolution I was adopted.

Draft resolution II: Comprehensive and integral international convention to protect the rights of persons with disabilities

Draft resolution II was adopted.

Draft resolution III: Social dimensions of the New Partnership for Africa's Development

Draft resolution III was adopted.

Draft resolution IV: Future organization and methods of work of the Commission for Social Development

Draft resolution IV was adopted.

Draft decision: Report of the Commission for Social Development on its forty-fourth session and provisional agenda and documentation for the forty-fifth session of the Commission

The draft decision was adopted.

The PRESIDENT invited the Council to take action on the draft resolutions and decisions contained in the report of the Commission on Crime Prevention and Criminal Justice at its fifteenth session (E/2006/30).

Draft resolution I: Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body

Mr. KHANE (Secretary of the Council), speaking in connection with draft resolution I, drew attention also to draft decision I, entitled "Report of the Commission on Crime Prevention and Criminal Justice at its fifteenth session and provisional agenda and documentation for its sixteenth session". The provisional agenda in question envisaged that the Commission, at its sixteenth regular session, would consider the consolidated budget outline of the United Nations Office on Drugs and Crime for 2008-2009. The related discussion would require that the Commission hold its first reconvened session in December 2007 for the purpose of reviewing and approving the budget for the biennium 2008-2009.

If the Economic and Social Council recommended draft resolution I for adoption by the General Assembly and it was decided that a reconvened session of the Commission on Crime Prevention should take place in December 2007 and every second year of a biennium thereafter, the programme budget implications had been preliminarily estimated at \$US 144,300 for travel and related conference servicing. A detailed statement of programme budget implications would be presented to the General Assembly at its sixty-first session when it considered the relevant report and took a decision on the holding of the meeting in 2007. The financial implications for the biennium 2008-2009 and subsequent bienniums would be considered in the context of the proposed programme budget for the respective bienniums.

The PRESIDENT noted that at the request of Mr. MILLER (United States of America), action on the draft resolution would be postponed to allow for thorough study of the statement just made on budgetary implications.

The meeting rose at 6.10 p.m.