



# Economic and Social Council

Provisional

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## Substantive session of 2009

General segment

### Provisional summary record of the 43rd meeting

Held at the Palais des Nations, Geneva, on Thursday, 30 July 2009, at 10 a.m.

*President:* Mr. Ali (Vice-President) ..... (Malaysia)

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*In the absence of Ms. Lucas (Luxembourg), Mr. Ali (Malaysia), Vice-President, took the Chair.*

*The meeting was called to order at 10.20 a.m.*

### **Social and human rights questions**

- (b) Social development** (E/2009/26 and A/64/61-E/2009/3)
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**Mr. Morill** (Canada) expressed concern that documents and draft decisions were being introduced at the last moment, thereby denying delegations the opportunity to reflect properly on certain of the important issues with which the Council was concerned.

**Ms. Lim** (Assistant High Commissioner for Operations, Office of the United Nations High Commissioner for Refugees) said that as conflicts became more complex, effective partnerships in favour of humanitarian action were more important than ever. To that end, the Office of the United Nations High Commissioner for Refugees (UNHCR) had continued its cooperation with United Nations agencies, international organizations and NGOs. During the past year, it had worked closely with the Inter-Agency Standing Committee (IASC) to develop new policies for furthering humanitarian reform, had taken the lead in providing and coordinating protection and shelter for internally displaced persons, and had been involved in IASC's project to improve the humanitarian coordinator system. Within the IASC framework, UNHCR was spearheading efforts, together with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), to achieve conceptual

clarity and identify good practices in relation to the concept of humanitarian space. UNHCR had also been participating in the IASC informal task force concerned with identifying the humanitarian consequences of climate change.

UNHCR was involved in five of the eight pilot countries under the Delivering as One initiative. With a view to increasing United Nations system coherence at the country level, it was working to ensure that the development needs of refugee-hosting and return areas were duly reflected in the Common Country Assessments and the Development Assistance Frameworks.

As part of the United Nations security management system, UNHCR had been actively involved in efforts to increase efficiency in delivering life-saving humanitarian assistance in challenging environments. It welcomed the measures taken to enable front-line agencies to continue essential programme delivery by integrating improved security into operational planning. Those measures were particularly urgent as over 250 UNHCR staff members had been killed, kidnapped or wounded since the 1970s.

Protecting persons from sexual exploitation and abuse remained a top priority for UNHCR. To that end, the High Commissioner had, in 2009, designated the Office's newly established ethics office as the focal point to represent UNHCR on the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises.

UNHCR had continued to strengthen its bilateral cooperation with key partners on a range of operational issues. Noteworthy in that respect was its cooperation with the World Food Programme in 2008 for the purpose of addressing the global food crisis; its cooperation with the Office of the High Commissioner for Human Rights through its eight treaty monitoring bodies and its Special Procedures process; its work with the Human Rights Council and the Council of Europe in the area of statelessness; its cooperation with UNICEF in the areas of child protection, early warning and resources mobilization; its work with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to provide assistance to populations in the Gaza Strip; its work with the International Committee of the Red Cross to provide assistance to internally displaced persons; and

its efforts to ensure the inclusion of refugees and internally displaced persons in national HIV strategic plans and programmes.

With regard to cooperation with non-governmental organizations, UNHCR had channelled one quarter of its total 2008 expenditure through 635 NGOs and had signed more than 1,000 agreements with them, covering all sectors of assistance. At the recent UNHCR-NGO Annual Consultation, which brought together representatives from national and international NGOs, the topics covered had included the changing nature of conflict, the increased targeting of aid workers, and the erosion of asylum space. Special attention had been given to meeting the needs of persons forcibly displaced in urban areas and resolving protracted refugee situations.

**Mr. Waly Ndiaye** (Officer-in-Charge, Office of the High Commissioner for Human Rights), introducing the report of the High Commissioner for Human Rights on implementation of economic, social and cultural rights (document E/2009/90), said that the report reviewed the implementation and monitoring requirements arising from the obligations to respect and protect economic, social and cultural rights; addressed the different approaches required by obligations of immediate effect and obligations of progressive realization; and highlighted the particular challenges involved in the implementation and monitoring of the prohibition against discrimination and the obligation to eliminate discrimination.

The report paid particular attention to the use of human rights impact assessments, indicators, benchmarks and budget analysis to monitor the implementation of economic, cultural and social rights. Specific consideration was given to the difference between monitoring legal gaps and monitoring the conformity of legislation and normative frameworks with human rights principles and obligations. With regard to the monitoring of violations of economic, social and cultural rights, the report placed special emphasis on systemic and collective violations and the need to devise adequate remedies to confront them.

Turning to the report of the Committee on Economic, Social and Cultural Rights (document E/2009/22), which reviewed the Committee's work at its fortieth and forty-first sessions, he said that the Committee had considered reports submitted by nine States parties to the International Covenant on

Economic, Social and Cultural Rights and a document submitted by the United Nations Interim Administration Mission in Kosovo. It had adopted reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant. It had also adopted a statement on the world food crisis.

The Committee had continued to explore ways of strengthening its cooperation with United Nations specialized agencies. It had been working with the UNESCO Committee on Conventions and Recommendations in the framework of a joint expert group on monitoring of the right to education. Since 2003, it had been holding meetings with the ILO Committee of Experts on the Application of Conventions and Recommendations, the aim of which was to facilitate an exchange of views between the two treaty-monitoring bodies.

In view of its persistent backlog of reports awaiting consideration, the Committee had decided to request the Economic and Social Council to authorize it to hold one additional session per year during the period 2010-2011.

A development which would have a significant impact on the Committee's work was the adoption by the General Assembly, in December 2008, of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**Ms. Atasoy** (President, International Narcotics Control Board) said that multilateral drug control was one of the twentieth century's greatest achievements. Over 95 per cent of United Nations Member States were parties to the international drug control conventions. The licit control system had managed to absorb the significant increase in the number of substances controlled under the conventions and the continuously rising licit demand for narcotic drugs and psychotropic substances. Diversions of narcotic drugs from the licit to the illicit markets were virtually non-existent. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances had made it mandatory for States to control and monitor certain precursor substances used in illicit drug manufacture.

Many challenges nevertheless remained. One was the low licit consumption of opioid-based medications, despite the plentiful supplies of opiate raw materials to meet global needs. Access to such medications was

restricted in over 150 countries, owing to concerns about addiction, insufficient training of health professionals and restrictive laws. She called on Governments to ensure that such substances were available for medical purposes and to support the WHO Access to Controlled Medications Programme.

The marked increase in recent years in the smuggling of cocaine from South America through West Africa into Europe was a matter of concern since drug trafficking could undermine political, economic and social structures in West African countries, weaken the control of governments over their territory and institutions, and have a significant impact on drug control efforts locally, regionally and internationally. Furthermore, the flow of illicit drugs through West Africa had increased drug use in that region, where demand reduction programmes had yet to be developed. She called on the international community to provide the countries of West Africa with the assistance needed to tackle that problem.

While purchasing pharmaceuticals online was practical, especially in situations where hospitals and pharmacies were not easily accessible, online pharmacies that sold pharmaceutical preparations without requiring a prescription posed a significant threat. In response, the International Narcotics Control Board had, in cooperation with international and national experts, Internet service providers, financial services and pharmaceutical associations, produced Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances through the Internet. The Guidelines contained recommendations concerning measures to facilitate national and multilateral cooperation, legal steps such as licensing of Internet pharmacies, and campaigns to raise the public's awareness of the risks of purchasing online.

The misuse of courier services for drug smuggling was a worldwide phenomenon. The Board therefore encouraged Governments to increase their vigilance in that area, adopt measures to counter such illegal activity and cooperate in the combat against it at the regional and international level.

With regard to the problem of trafficking in and abuse of ketamine, a potent anaesthetic not under international control, the Board had welcomed the adoption of relevant resolutions by the Commission on Narcotic Drugs and had called on Governments to

implement them without delay. It had published information on measures introduced by States for the control of ketamine and encouraged Governments to consult that information before authorizing export or import of the substance.

The third chapter of the Board's annual report examined the implementation of the drug control treaties based on information supplied by Governments and United Nations entities and obtained during country missions, although during 2008 the Board had sent missions to only six countries. The Board used the information obtained to make recommendations to Governments, regional and international organizations. Key recommendations were contained in the last chapter of the report.

In keeping with the duty to prevent and combat drug addiction contained in the preamble to the 1961 Single Convention on Narcotic Drugs, the Board reiterated the importance of drug demand reduction strategies, especially with regard to youth and vulnerable groups. Governments should also devote more resources for the treatment of drug addicts, in accordance with sound medical practice and the international drug control conventions.

With regard to the implementation of article 12 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, she said that Governments and the Board had worked together to tackle many of the problems related to precursor control. The Convention had achieved near universal adherence; she expressed concern however that half of the countries in Oceania had not yet ratified the Convention.

International cooperation was crucial for drug control; rapid exchange of information on shipments of precursors was the most effective way of preventing diversion. She was therefore encouraged that 105 Governments currently participated in the online system for the exchange of pre-export notifications (PEN Online). She welcomed Security Council resolution 1817 (2008), which urged Governments to register with and utilize that system.

The Board continued to support initiatives for precursor control, for example Project Cohesion and Project Prism. The task forces of those projects and international operations aimed at monitoring shipments and coordinating investigations had led to seizures and the identification of trafficking networks. During 2007

and 2008 there had been a significant increase in seizures of acetic anhydride, a key chemical for the illicit manufacture of heroin, preventing it from getting to laboratories in Afghanistan and causing the black market price for that substance to increase. She noted that the Government of Afghanistan had notified the Board that it had no licit requirement for acetic anhydride. Similar success had been achieved with regard to the prevention of the diversion of chemicals used for the illicit manufacture of amphetamine-type stimulants; 50 tons of ephedrine and pseudoephedrine had been intercepted in 2008. Those successes must be duplicated in the Americas especially, where chemicals continued to be used for the illicit manufacture of cocaine.

The most common source of materials used for the manufacture of drugs was diversion from the licit trade. Voluntary close cooperation with the various industries concerned was essential. The Board had developed guidelines for a draft code of practice for the chemical industry and encouraged Governments to use that code as a supplement to mandatory controls.

She noted that the Government of the Plurinational State of Bolivia had requested that parts of article 49 of the 1961 Single Convention, relating to coca-leaf chewing should be amended. She recalled however that until such time as a decision was taken in regard to any amendment, all parties to the Convention, including Bolivia, were bound by its provisions. The Board would continue to encourage Bolivia to meet all its obligations under the Convention.

**Mr. Herrstrom** (Sweden), speaking on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey, the stabilization and association process countries Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, Armenia, Norway, Republic of Moldova and Ukraine, said that the current economic and financial crises were affecting the social progress made in the developing countries in recent decades, in particular with regard to the Millennium Development Goals. He recalled that States bore primary responsibility for their economic and social development and stressed that States must adopt measures to protect and create jobs and limit the social effects of the crises.

Social integration and social cohesion were key objectives of social and economic development and played a vital role in sustainable development, stability and prosperity. The current economic context made a strong political commitment to social protection and social inclusion all the more important. Particular attention must be paid to vulnerable groups and to new factors that could exacerbate exclusion.

Social protection systems and inclusion policies acted as effective mechanisms for cushioning the social impact of the economic downturn and helping people return to the labour market. The creation of favourable conditions for children to develop and for young men and women to enter the labour market was essential for sustainable growth and development. The European Union was committed to implementing strategies to break the intergenerational transmission of poverty and to combating child poverty and the social exclusion of children. Comprehensive policies must be implemented to provide access to education, vocational and technical training, capacity-building, skills upgrading, and lifelong learning. The imposition of minimum standards, access to social protection and social dialogue provided the basis for decent work for all, thus reducing poverty and ensuring sustainable development and social inclusion.

The European Union reaffirmed its commitment to global development and to supporting developing countries' efforts to generate growth and fight poverty and to cope with the global economic and financial crises, in particular with regard to social protection and the real economy. It would implement gender-sensitive targeted measures to help the developing countries cope with the social impact of the crises by strengthening social protection systems, for example through enhanced financial and in-kind transfers.

He welcomed the reports of the Commission on Narcotic Drugs (E/2009/28) and the International Narcotics Control Board (E/INCB/2008/1) and underscored the role of the United Nations in coordinating efforts to reduce the effects of narcotic drugs on people around the world. He expressed support for the United Nations Office on Drugs and Crime (UNODC) and acknowledged its strategy for 2008-2011, including its comprehensive framework for the work of UNODC.

The international treaties on drug control provided a framework for international drug control; it

was essential that the conventions be implemented and the drugs in question effectively controlled. The European Union shared international concerns about the growing impact of drug abuse and trafficking on the political and socio-economic stability of societies and their impact on human security. It was committed to promoting the well-being of societies and individuals and public health, providing income alternatives, ensuring public security and a balanced and integrated approach to drug problems within the European Union and in its cooperation with other countries and regions.

The European Union called on relevant United Nations bodies, including UNODC, to adopt a comprehensive and integrated approach to the drug problem and continue technical assistance to help States deal with it using that same approach. Initiatives should likewise be implemented to develop national capacity and improve levels of expertise in such areas as health, alternative legal means of livelihood, law enforcement and the judicial system.

Availability of adequate data was an important factor in developing drug policies based on scientific evidence and awareness of the nature and magnitude of the problem. More research must be carried out by the Organization and member States. He welcomed Commission on Narcotic Drugs resolution 52/12, which called on member States to increase data collection and also implement the Political Declaration and Plan of Action adopted at the high-level segment of the Commission's fifty-second session. It was likewise important to bridge the gap between States which had the resources and infrastructure necessary for comprehensive data collection and those that did not. The European Union looked forward to the report of the Executive Director of UNODC at the next session of UNODC on how to improve national capacities in that regard.

The drug problem was a global issue and required regional, international and multilateral approaches based on shared responsibility. The European Union's Drug Action Plan 2009-2012 included measures to decrease demand for and supply of drugs and included strategies for alternative development and the prevention of diversion of chemical substances for illicit purposes. The European Union would continue to cooperate with the international community to tackle the drug problem at the global level.

The fight against organized crime, trafficking of drugs and human beings, and corruption must be undertaken in an integrated manner at all levels. They posed a growing threat to sustainable development, political stability, democratic institutions and international peace and security. The European Union stood ready to support the Organization's efforts in that regard.

Human trafficking was a problem that required an international and multidisciplinary approach, implementation of strategies at the national and international levels and increased prevention activities. Resources must be mobilized for prevention, strengthening of law enforcement and victim protection. All States should ratify and implement the relevant international instruments. Protection of children from sexual exploitation and child pornography was likewise a priority for the European Union. Prevention mechanisms and international cooperation in that regard must be strengthened.

At a time of economic crisis and increased vulnerability of the international financial system it was all the more important to combat economic crimes. More resources must be allocated for the identification of suspicious transactions, the prevention of tax evasion and the elimination of corruption, fraud and misappropriation of funds. Corruption was an obstacle to development and good governance, and he underscored the importance of ratification and implementation of the United Nations Convention against Corruption.

The European Union condemned terrorism in all its forms and fully supported United Nations efforts to combat that scourge. The Organization should reinforce its coordination role and increase the effectiveness of measures to deal with the ever-changing nature of international terrorism. The European Union recognized the need to increase technical assistance for the ratification of international legal instruments relating to terrorism and to increase national capacity for the implementation and application of those instruments. The European Union would continue to work for the conclusion of a comprehensive international convention on terrorism. It would also ensure that international activities to control terrorism respected international law, including instruments relating to human rights, refugees and humanitarian assistance.

The European Union was likewise committed to implementation of the United Nations Global Counter-Terrorism Strategy, which required the active participation of all stakeholders at all levels, including civil society and the private sector, in particular with regard to preventing radicalization and eliminating the financing of terrorism. It also fully supported the Organization's Counter-Terrorism Implementation Task Force, which should receive increased funding from the regular budget, as well as an increase in staff, where possible through redeployment of resources.

**Mr. Sammis** (United States of America) said that his delegation strongly supported international efforts to combat crime and corruption and the work of the Commission on Crime Prevention and Criminal Justice. Much of the progress made in implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption could be attributed to the assistance provided to States by the United Nations Office on Drugs and Crime (UNODC). His delegation would continue to work with member States and the Commission on Crime Prevention and Criminal Justice to strengthen political will to ensure full implementation of those Conventions.

He welcomed the positive developments in the internal reform of the Office of the United Nations High Commissioner for Refugees (UNHCR); that reform should continue in order to help improve the lives of beneficiaries. UNHCR had expanded its mandate from persons who had fled across borders to also include internally displaced persons. His delegation would work with Governments and UNHCR to resolve protracted refugee situations and also strongly supported efforts to balance the safety of UNHCR staff and partners as well as beneficiaries. He commended the staff of UNHCR, who worked tirelessly to provide assistance and protection to conflict victims in ever more complex and dangerous operating environments.

Donors should coordinate aid programmes and avoid duplication, while ensuring maximum flexibility in funding for UNHCR so that it could carry out its mandate. His Government had allocated over US\$ 512 million to UNHCR in 2008, approximately 27 per cent of which had been earmarked at the regional or subregional level. His delegation would continue to be a committed partner with UNHCR in its operations as well as its reform efforts, and it would continue to

work cooperatively and generously with other delegations, UNHCR and NGO partners to find durable solutions for as many refugees as possible.

He took note of the report of the High Commissioner for Human Rights on the implementation of economic, social and cultural rights (E/2009/90), which contained many valuable insights. His delegation continued to hold however that those rights must be progressively realized in accordance with available resources and that no remedies could be mandated for violations.

His Government nevertheless believed that the progressive realization of economic, social and cultural rights was an important component of the promotion and protection of all human rights. Domestically it strived to provide, within available resources, access for all Americans to health care, education, housing, drinking water and other essential elements of a civilized and prosperous society in which citizens could achieve their full potential with dignity and respect and free from discrimination. The belief in social justice and the rule of law that prevailed in his country, and its dynamic economy, allowed for individual growth and upward mobility, a sure sign of access to economic, social and cultural rights and an indicator that no artificial barriers or distinctions prevented Americans from achieving their highest aspirations.

His delegation also however recognized that other countries had different approaches and, with a view to working with the Human Rights Council in the most constructive way possible, was reviewing its past practice with respect to resolutions of the Human Rights Council and other bodies on the right to development and economic, social and cultural rights. His delegation hoped that new openness, goodwill, and flexibility on all sides would lead to more consensus outcomes, and it was prepared to do its part in that regard.

With regard to the international responsibility to promote and protect human rights, he said that his delegation would never shirk its responsibility to call attention to the vulnerability of the defenceless when their rights were being violated. It would continue to speak out for equality of women before the law, for freedom of association, speech and religion, for freedom from racism and discrimination and for full

enjoyment of the rights set out in the Universal Declaration of Human Rights.

**Ms. Ashipala-Musavyi** (Namibia), speaking in her capacity as Chairperson of the Commission on Narcotic Drugs, said that the high-level segment of the fifty-second session of the Commission on Narcotic Drugs had adopted a Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem (A/64/92-E/2009/98) beyond 2009 in keeping with the mandates contained in the Political Declaration and Action Plans adopted by the General Assembly at its twentieth special session devoted to countering the world drug problem together, held in 1998. The drug problem had become a global developmental and security challenge: youth were seriously affected, sustainable development in many countries was being impeded, women and girls used as drug couriers were subject to violence and trafficking. The international community must therefore enhance cooperation for drug control and ensure full implementation of the 1998 and 2009 Political Declarations and Plans of Action.

Commission resolution 52/12 on improving the collection, reporting and analysis of data to monitor the implementation of the Political Declaration and Plan of Action was important because it concerned the main instrument for measuring progress, including areas for further engagement by Governments.

She called on member States to continue their support for the technical cooperation activities of the United Nations Office on Drugs and Crime (UNODC), without which UNODC could not meet the demands placed upon it by member States. In that context she drew the attention of the Council to resolutions 52/13 and 18/3 of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice respectively, which recommended the establishment of an open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime. The two Commissions had likewise recommended that the reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice be held back to back in the second half of each year in order to consider the reports and recommendations of the working group.

The Economic and Social Council had before it a draft resolution operationalizing resolutions 52/13 and 18/3 of those two bodies. She urged the Council to adopt draft resolution E/2009/L.38.

**Mr. Phuangketkeow** (Observer for Thailand), commenting on the report of the High Commissioner for Human Rights (E/2009/47), endorsed the monitoring approaches mentioned in the report, which he believed could help to enhance the implementation of economic, social and cultural rights. The outcome document adopted by the review conference on the Durban Declaration and Programme of Action showed that States were united in a common goal of combating racism, racial discrimination, xenophobia and related intolerance. Progress in implementing the Convention on the Rights of the Child should also be reviewed, since children worldwide were still suffering exploitation and violence. The Association of Southeast Asian Nations (ASEAN) had recently adopted the terms of reference of the ASEAN Intergovernmental Commission on Human Rights, the first regional human rights mechanism in Asia. ASEAN was also establishing a commission on the promotion and protection of the rights of women and children.

Thailand was pleased to see that the Council had made gender equality and the empowerment of women one of its main priorities. In that connection, the resolution on supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, adopted by the Commission on Crime Prevention and Criminal Justice, reflected Thailand's ELFI initiative ("Enhancing Lives of Female Inmates"), which was partly aimed at encouraging the international community to improve the status of women in prison. Thailand was proposing a draft United Nations instrument on the subject, "Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders". It would also be promoting the ELFI project in future sessions of the Human Rights Council.

The oral report of the United Nations High Commissioner for Refugees had underscored the need for stronger partnerships and coordination, and he assured the Office of the High Commissioner of his country's continuing support in that regard.

**Mr. Kornev** (Belarus) emphasized the importance of enhancing the Council's role in decision-making to combat socio-economic vulnerability during

the current global financial and economic crisis. The aim of social protection in Belarus was to improve living standards and target assistance towards the neediest. He emphasized the role of the Commission for Social Development in promoting the efforts of the international community towards that end.

In 2008 Belarus had adopted a law on the grant of refugee status and social assistance to foreign citizens and persons without nationality, drafted in close cooperation with the Office of the High Commissioner for Refugees (UNHCR). A number of technical assistance projects had been implemented in Belarus with the help of UNHCR. An international training centre on migration and human trafficking had been opened in Minsk. Belarus was a multinational State with sound experience of promoting tolerance and mutual respect among different ethnic groups and religions. It attributed great importance to the eradication of racism, racial discrimination and related intolerance. Its law on the subject conformed fully to the international human rights instruments. It was a member of various multilateral initiatives, such as the Tripartite Forum on Interfaith Cooperation for Peace and the Ministerial Meeting on Interfaith Dialogue for Cooperation and Peace, and it endeavoured to create an atmosphere of mutual understanding among different cultures and religions. It had taken part in the review conference on the Durban Declaration and Programme of Action. It was committed to freedom, justice, well-being, social guarantees and the eradication of poverty, nationally and internationally. Eliminating the scourge of human trafficking would be an important contribution to the protection of fundamental human rights and freedoms. The adoption of a resolution on human trafficking at the eleventh session of the Human Rights Council offered new scope for the Office of the High Commissioner for Human Rights to work for its elimination. The Office of the High Commissioner should organize training in human rights in the context of the fight against human trafficking. The Council had adopted a resolution on the subject of human trafficking, and he hoped it would work to develop a global plan for eradicating it.

**Ms. Jeurlink** (United Kingdom) associated her delegation with the statement made by the representative of Sweden on behalf of the European Union. Commenting on the political declaration adopted at the fifty-second session of the Commission on Narcotic Drugs, she noted that many of the

differences that had emerged during the negotiations centred on the question of ensuring effective application of the international instruments on drug control while also respecting other international obligations, such as those concerning HIV/AIDS prevention and human rights. Those differences were not insurmountable. A balanced approach could result in clear policies to prevent drug trafficking and misuse and to address the damage caused, at the same time incorporating law enforcement and health protection strategies. Since the effort to combat drug trafficking and misuse involved different United Nations agencies, the effort for coherence across the United Nations system must continue. The political declaration could serve as a basis for ongoing dialogue and for sharing best practices in law enforcement, criminal justice and the reduction of demand.

**Mr. Goltyaev** (Russian Federation) said that the current financial and economic crisis called for enhanced cooperation among the international institutions with the most authority and experience in social questions, especially the Council itself and the Commission for Social Development. His own country had had to take emergency measures to stabilize its economy and adapt its long-term development plans. Nevertheless, it remained committed to improving well-being and meeting its social obligations towards its citizens.

He welcomed the increasing adherence to the United Nations Convention on the Rights of Persons with Disabilities, which his country was now ratifying. He supported the efforts of the Commission for Social Development to monitor the implementation of the World Programme of Action for Youth, which was a guide to his own country's policies for young people. He also welcomed the report of the Commission on Crime Prevention and Criminal Justice, and was in favour of the United Nations playing an effective central role in the fight against international terrorism. He supported the efforts of the United Nations Office on Drugs and Crime to strengthen the universal legal regime governing narcotic drugs. It was important to step up international cooperation to combat the use of global information and communications systems for unlawful purposes, and to enhance the role of partnerships among States parties to the international instruments on crime prevention.

He endorsed the outcome documents adopted by the Commission on Narcotic Drugs at its fifty-second

session. It was unfortunate, however, that they did not address the question of the Afghan drug threat, which was global in nature. International efforts to combat it should be stepped up, using the Russian idea of creating “safety belts” around Afghanistan to stem the flows of drugs and money. An effective role in that respect could be played by the regional organizations operating in Central Asia, especially the Collective Security Treaty Organization, the Shanghai Cooperation Organization, the Commonwealth of Independent States and the Egmont Group. The United Nations Office on Drugs and Crime had contributed to the Russian initiative to detect and halt the financial flows connected with the illicit production of Afghan opiates, in the context of creating the safety bands around Afghanistan. The Commission on Narcotic Drugs made great efforts to implement anti-drug programmes through partnership between the United Nations, donor countries and recipients of its technical assistance. It had a key role in preserving the key values and principles of the international instruments on drug control.

Turning to the report of the United Nations High Commissioner for Refugees, which concerned efforts to sustain peace, security and stability, he said the work of UNHCR should be based on the norms of the Charter of the United Nations and the principles of impartiality, neutrality and humanity. Humanitarian assistance should be provided in close collaboration with the States concerned and taking due account of their sovereign interests. His Government was pleased with the level of its collaboration with Russia, and was continuing to provide it with financial support. It also welcomed the outcome of the review conference on the Durban Declaration and Programme of Action.

The problems of human rights and the fight against racism, racial discrimination, xenophobia and related intolerance should be dealt with in the Human Rights Council. However, the chief responsibility in protecting human rights lay with States, with the international human rights protection machinery playing an ancillary role. The human rights apparatus of the United Nations must not be politicized, and should focus on giving States technical assistance in protecting human rights.

**Mr. Bagchi** (India) spoke on the report of the Permanent Forum on Indigenous Issues (E/2009/43). His country had consistently supported the promotion and protection of the rights of indigenous peoples. It

had supported the United Nations Declaration on the Rights of Indigenous Peoples on the understanding that indigenous rights pertained to peoples in independent countries descended from the populations which inhabited those countries, or geographical regions to which those countries belonged, at the time of conquest or colonization or the establishment of present State boundaries, and who retained some or all of their own social, economic, cultural and political institutions. That was the definition used in ILO Convention No. 169. Accordingly, his Government regarded the entire population of India at the time of independence, and their successors, to be indigenous. In the Annex to its report, the Permanent Forum had included a general comment on article 42 of the United Nations Declaration. He emphasized in that regard that in international law there was a clear understanding of what constituted customary international law and of the status of a declaration adopted by the General Assembly of the United Nations. Legally binding norms could only be created by an international convention, and in respect of States parties to it. Furthermore, one of the UNDP reports to the Permanent Forum, E/C.10/2009/3/Add.5, used the terms “tribals” and “indigenous” interchangeably in the Indian context, especially in paragraphs 17, 30 and 58 of the document. There was a clear distinction between those two terms, and the correct ones should be used in all public documents and reports of the United Nations system.

**Ms. Ighil** (Algeria), commenting on the report of the United Nations High Commissioner for Refugees, said that although the numbers of displaced persons were declining the demand for humanitarian assistance was increasing, because of the frequency of natural disasters, conflict and the vulnerability caused by the international financial crisis, escalating food prices, population growth and urbanization. It was necessary to ensure coherence between international protection, the quest for sustainable solutions and development, and respect for refugees. Burdens must be shared through a strategic partnership among donor countries and those receiving the refugees, especially in Africa and the Middle East. In view of the phenomenon of mixed migratory flows, she urged close collaboration between UNHCR and the other institutions involved. She supported the efforts of UNHCR to find solutions for persistent refugee problems, and welcomed the progress achieved in that regard, especially in Africa. The problem must be approached from a global

perspective, and must primarily involve the countries of origin, while ensuring full respect for international legality and the rights enshrined in international instruments. Repatriation with consent and with respect for human rights was the preferred solution. For over three decades, Algeria had endeavoured to meet the basic needs of refugees from the non-autonomous territory of Western Sahara, pending the self-determination of the Saharan people. In March 2009 UNHCR had carried out a joint mission with the World Food Programme to the refugee camp at Tindouf, with the participation of over 19 donor countries and some non-governmental organizations. She appreciated the assistance given to the refugees by UNHCR, and the financial contributions from some States to improve the living conditions of the refugees.

**Mr. Chu Guang** (China) said the Office of the High Commissioner for Refugees (UNHCR) had done sterling work, especially in conflict areas. In China, government agencies maintained close collaboration with its local agency, and cooperated with it in its efforts to find permanent solutions to refugee problems. The root cause of refugee flows was to be found in an irrational international economic and political order, and it was important for the international community to assume its responsibilities and to share its resources in order to tackle both the current refugee problems and their underlying causes.

**Mr. Ayub** (Pakistan) expressed condolences on the recent violent deaths of two UNHCR staff members, and condemned the attacks on them. The voluntary return of refugees to Pakistan was now well under way, and the Government was providing the assistance needed for their rehabilitation. Given the sheer size of the refugee problem worldwide, the valuable work of UNHCR must be supported.

**Mr. Rajabi** (Observer for the Islamic Republic of Iran) said that the Islamic Republic of Iran was on the main transit route for drug trafficking. An unprecedented increase in narcotics cultivation in neighbouring Afghanistan had only exacerbated the situation. The Iranian Government was seizing ever-increasing quantities of opium, heroin and cocaine, and had managed to dismantle numerous trafficking networks. Thanks also to a national anti-drugs policy focused on demand reduction, prevention and treatment, the number of arrests for drug abuse had fallen by as much as 96 per cent in 2008. NGOs were

playing their part, with some 700 private treatment centres now operational.

The Islamic Republic of Iran had sustained major loss of life and property in the fight against drugs. Despite receiving the least amount of international assistance, it had spent more than US\$ 600 million securing its eastern borders. Since all countries benefited from its efforts, they should be willing to share costs as well as know-how. International cooperation on drugs was, however, threatened by impractical decisions adopted in international forums, politicization of the issue, and a lack of common legal procedures for dealing with offenders.

**Mr. St. Aimee** (Saint Lucia) said that one of the least-debated aspects of globalization was its erosion of socially stabilizing institutions, such as the extended family, and a consequential increase in deviant behaviour that put a strain on countries' legal systems. The same beautiful beaches that made Caribbean countries a preferred tourist destination represented easy transit points for drug smugglers, and national monitoring capacity was regrettably weak. Additional resources were needed at the regional level to strengthen drugs control efforts, and that should include a reinvigoration of the Caribbean Regional Office of the United Nations Office on Drugs and Crime. Saint Lucia was not immune to the drug problem, and was doing its best — within limited resources — to focus on prevention. It was, however, often faced with difficult budgetary decisions, such as whether to fund a new prison or a school.

**Mr. Scarone Azzi** (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that the fight against racism, discrimination, xenophobia and intolerance went to the heart of his agency's mandate. UNESCO had been instrumental in persuading the global scientific community to refute the concept of race and racial superiority, and in elaborating standard principles, concepts and universal criteria to support the fight against racism. The agency had pursued an array of initiatives based on the Durban Declaration and Programme of Action and its own Integrated Strategy to Combat Racism, Discrimination, Xenophobia and Intolerance, which had been adopted in 2003. The UNESCO Slave Route Project, launched in 1994, had played a significant role in securing international recognition of the slave trade and slavery as crimes against humanity.

Equitable exchange and the dialogue among civilizations were prerequisites for social cohesion, reconciliation and peace between nations. His own agency's focus was on promoting good practices to encourage cultural pluralism and discourage extremism and fanaticism. Through its Routes of Dialogue programme, UNESCO continued to highlight culture as a vehicle for reconciliation in conflict and post-conflict situations.

Half of humanity would soon be living in cities, where the greatest diversity prevailed. The International Coalition of Cities against Racism, Discrimination, Xenophobia and Intolerance had been launched in 2004, tailored to regional specificities. Its aim was to help municipalities ensure greater social inclusion by building broad partnerships to combat discrimination and exclusion. All member States should encourage their cities to take part.

UNESCO had also participated actively in the Durban Review Conference and its preparatory process. Paragraph 142 of the Conference's outcome document emphasized the importance of cultural diversity and the access of marginalized communities to mainstream and alternative media. Many other of its recommendations also related directly to UNESCO.

**Mr. Trace** (International Drug Policy Consortium (IDPC)) said that IDPC advocated humane and effective drug policies based on the principles of human rights, social inclusion and public health. Many of its member organizations had been active in policy-making at all levels and thus understood the complexities and political sensitivities involved. Significant problems in the international drug control system had not been adequately addressed by the Commission on Narcotic Drugs. The report on its fifty-second session (E/2009/28-E/CN.7/2009/12) was, nonetheless, particularly significant since it contained a Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem. Behind the agreed text, however, there were significant differences of policy and perspective between member States that would require further discussion if the drug control system was to remain fit for purpose over the next 10 years.

In many parts of the world, drug problems had increased during the review period. Costly efforts to reduce drug markets through the use of social

disapproval, law enforcement and punishment had achieved very little impact, at best only containing the problem. Supply-reduction initiatives also risked marginalizing drug users and their families and undermining health and social programmes, particularly efforts to combat HIV/AIDS. Their "unintended consequences" included the accumulation by organized crime groups of massive profits and power. The challenge for the Commission was therefore to meaningfully review the evidence at hand and to debate what strategic changes were necessary.

IDPC believed that policies should focus on addressing the harmful consequences of the drugs market. Many countries had adopted such a strategy, but others had defended existing law-enforcement-based approaches. Member States also often pursued policies and programmes at odds with the positions they had declared in the Commission on Narcotic Drugs, or that contradicted commitments they had made in other United Nations forums. Many countries had acknowledged that the approach recommended by the Commission had no chance of succeeding in the next 10 years, and that it contradicted strategies agreed elsewhere. Moreover, inappropriate drug control policies remained one of the biggest barriers to effective HIV/AIDS prevention. Drug policy decisions were often made in Vienna in isolation from the rest of the United Nations system, despite having a deep impact on wider social and health challenges. The Council should thus seek better system-wide coherence on the drugs control issue and request the Secretary-General to consider ways to ensure that the Organization "spoke as one".

**Ms. Sackstein** (International Alliance of Women), citing statistics revealing entrenched gender equalities, said that 536,000 women died in pregnancy and childbirth every year, the global maternal mortality ratio of 400 maternal deaths per 100,000 live births having barely changed since 1990. Those deaths were for the most part preventable and failure to address the situation was therefore a great social injustice. Moreover, for every maternal death, 30 more women suffered injuries, infections and disabilities. There was no parallel cause of death and disability affecting men in a similar age range. The burden of maternal mortality was disproportionately borne by developing countries and by women in affluent countries who were marginalized, poor, or belonged to ethnic or indigenous minorities. Women were often also excluded from

quality health care simply because of their gender. Sharp discrepancies also persisted between the two sexes' enjoyment of sexual and reproductive health rights. Although there was now increased understanding that maternal mortality was closely related to all MDGs and needed to be tackled from a human rights perspective, there was a lack of political will to urgently implement international commitments on women's health. All too often, maternal mortality was accepted as part of the natural order. It was vital not only to improve access to quality technical interventions, but also to address discriminatory laws, policies and practices in a variety of related domains, and to enhance women's participation in decision-making. A coordinated effort to eliminate avoidable maternal mortality would also help strengthen public health for all.

*The meeting rose at 1 p.m.*