



Economic and Social Council

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Provisional summary record of the 44th meeting

Held at the Palais des Nations, Geneva, on Thursday, 30 July 2009, at 3 p.m.

President: Mr. Hamidon (Vice-President) (Malaysia)

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In the absence of the President, Mr. Hamidon (Malaysia), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Social and human rights questions: social development (Item 14 (b) of the agenda)

Decisions on the recommendations contained in the Report of the Commission for Social Development on its forty-seventh session [E/2009/26 (Supplement. No. 6)]

The President drew the Council's attention to the three draft proposals presented in Parts A, B and C, respectively, of Chapter I of the Commission's Report, for adoption by the Council.

Draft resolution entitled "Social Dimensions of the New Partnership for Africa's Development"

The President said that, there being no comments, he assumed that the Council wished to adopt draft resolution I entitled "Social Dimensions of the New Partnership for Africa's Development".

The draft resolution was adopted.

Draft decision entitled "Report of the Commission for Social Development on its forty-seventh session and provisional agenda and documentation for the forty-eighth session"

The President said that, there being no comments, he assumed that the Council wished to adopt draft decision entitled "Report of the Commission for Social Development on its forty-seventh session and provisional agenda and documentation for the forty-eighth session."

The draft decision was adopted.

Nomination of candidates for positions on the Board of the United Nations Research Institute for Social Development (Decision 47/101)

The President said that, there being no comments, he understood that the Council wished to ratify the five candidates nominated by the Commission in its Decision 47/101.

It was so decided.

Social and human rights questions: crime prevention and criminal justice (Item 14 (c) of the agenda)

Recommendations contained in the Report of the Commission on Crime Prevention and Criminal Justice [E/2009/30 (Supplement No. 6)]

The President invited the Council, in light of the recommendations made by the Commission, to take a decision on the six draft resolutions and two draft decisions contained in Chapter I of the Report of the Commission on Crime Prevention and Criminal Justice on its eighteenth session [E/2009/30 (Supplement No. 10)]. He pointed out that the financial estimates for all the proposals were to be found in Annexes I, II, III, V, VI and IX of the report.

Draft resolution entitled "Assistance for implementing the international conventions and protocols related to terrorism" (Part A)

The President said that, there being no comments, he understood that the Council wished to follow the Commission's recommendation to adopt the draft resolution entitled "Assistance for implementing the international conventions and protocols related to terrorism" with a view to its adoption by the General Assembly.

It was so decided.

Draft resolution I entitled "International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime" (Part B)

The President said that, there being no comments, he understood that the Council wished to adopt the draft decision entitled "International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime".

Draft resolution I was adopted.

Draft resolution II entitled "Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime" (Part B)

The President said that, there being no comments, he understood that the Council wished to

adopt the draft decision entitled “Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime”

Draft resolution II was adopted.

Draft resolution III entitled “International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping” (Part B)

The President said that, there being no comments, he understood that the Council wished to adopt the draft decision entitled “International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping”.

Draft resolution III was adopted.

Draft resolution IV entitled “Improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime” (Part B)

The President said that, there being no comments, he understood that the Council wished to adopt the draft decision entitled “Improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime”.

Draft resolution IV was adopted.

Draft resolution V entitled “Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance” (Part B)

The President said that, there being no comments, he understood that the Council wished to adopt the draft decision entitled “Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance”.

Draft resolution V was adopted.

Draft decision I entitled “Report of the Commission on Crime Prevention and Criminal Justice on its eighteenth session and provisional agenda and documentation for its nineteenth session” (Part C)

The President said that, there being no comments, he understood that the Council wished to adopt the draft decision I entitled “Report of the Commission on Crime Prevention and Criminal Justice on its eighteenth session and provisional agenda and documentation for its nineteenth session”.

Draft decision I was adopted.

Draft decision II entitled “Appointment of Members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute” (Part C)

The President said that, there being no comments, he understood that the Council wished to adopt draft decision II entitled “Appointment of Members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute” and thereby endorse the appointment of the three members of the Board.

Draft decision II was adopted.

Social and human rights questions: narcotic drugs
(Item 14 (d) of the agenda)

Recommendations contained in the Report of the Commission on Narcotic Drugs [E/2009/28
(Supplement No. 8)]

The President invited the Council to decide on the draft proposals, namely one draft resolution and two draft decisions, presented, respectively, in Parts A and B of Chapter I of the Report of the Commission on Narcotic Drugs on its fifty-second session, for adoption by the Council.

Draft resolution entitled “Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime”

The President drew the attention of the members of the Council to the fact that the text of the draft resolution under review was practically identical to that of draft resolution II, contained in the report of the Commission on Crime Prevention and Criminal Justice that the Council had just adopted and that, likewise, the

financial estimate for the draft resolution – found in Annex X of report E/2009/28 – was a copy of that found in Annex IX of the report of the Commission on Crime Prevention and Criminal Justice. It was his understanding, therefore, in the absence of further comments or objections, that the Council was prepared to merge the two texts.

It was so decided.

Draft decision I entitled “Report on the fifty-second session of the Commission on Narcotic Drugs entitled report of the Commission on Narcotic Drugs on its fifty-second session and provisional agenda and documentation for the fifty-third session of the Commission”

The President said that, there being no objection, he considered that the Council wished to adopt draft decision I entitled Report on the fifty-second session of the Commission on Narcotic Drugs entitled report of the Commission on Narcotic Drugs on its fifty-second session and provisional agenda and documentation for the fifty-third session of the Commission.”

Draft decision I was adopted.

Draft decision II entitled “Report of the International Narcotics Control Board”

The President said that, there being no objection or comments, he considered that the Council wished to adopt draft decision II and thereby take note of the report of the International Narcotics Control Board for 2008.

Draft decision II was adopted.

Decision on the draft decision entitled “Proposed amendment to the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol”, contained in (E/2009/L.31)

The President invited the Council to take a decision on draft decision E/2009/L.31 entitled “Proposed amendment to the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol”, which he himself had submitted following informal consultations regarding Bolivia’s proposal to amend Article 49 of the Single Convention on Narcotic Drugs. He pointed out that the draft decision had no impact on the programme-budget and invited delegations to share their comments on that draft.

Mr. Sammis (United States of America) asked how long the Parties had to forward their observations on Bolivia’s proposal to the Council and the exact date on which that period of time would commence.

Mr. Gustafik (Secretary) replied that, according to the provisions of the Single Convention on Narcotic Drugs, the Parties had 18 months in which to formulate their observations from the date on which draft decision E/2009/L.31 was adopted.

The President said that in the absence of any other comment or objection he considered that the Council wished to adopt draft decision E/2009/L.31.

Draft decision E/2009/L.31 was adopted.

Ms. Navarro (Bolivia) stressed that the Parties to the Convention now had 18 months to assess the pertinence of the proposed amendments tabled by Bolivia regarding chewing of the coca leaf. It was a practice that went back 3,000 years before Christ, had medicinal properties, stimulated the body’s metabolic functions at high altitudes, and did not appear to cause addiction from a medical viewpoint. Persons who engaged in that practice should therefore not be regarded as delinquents violating an international norm. The argument that chewing the coca leaf perpetuated malnutrition and low incomes was no longer acceptable as it lacked any scientific basis.

The amendments proposed by Bolivia did not entail any legislative changes for the countries that had signed the Convention. They were designed only to preserve a traditional, ancestral practice and in that sense formed part of international efforts to protect cultural diversity and indigenous peoples. Bolivia would organize a seminar on chewing of the coca leaf in October, in New York, for information purposes.

Decision on the draft decision entitled “Frequency and duration of the reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice” (E/2009/L.38)

The President invited the Council to decide on draft decision E/2009/L.38 entitled “Frequency and duration of the reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice,” which he himself had tabled following informal consultations. He pointed out that the negotiation process had been

facilitated by the representative of Namibia. He asked the Secretariat to present the revised version of the text of the decision, along with the estimates of the financial impact of the draft decision on the programme-budget.

Mr. Gustafik (Secretary) pointed out that subparagraph (a) of the first paragraph of the draft decision, after deletion of the last phrase, ended with the word “mandate.” He confirmed that the draft decision under review did not imply any supplementary appropriation for 2008-2009 and had no financial impact on the 2010-2011 programme-budget.

The President said that, in the absence of any comment or objection, he considered that the Council wished to adopt draft decision E/2009/L.38.

Draft decision E/2009/L.38 was adopted.

Social and human rights questions: United Nations High Commissioner for Refugees (Item 14 (e) of the agenda)

Presentation of draft decision E/2009/L.14 and the decision taken regarding it

The President invited the Observer for Slovenia to present draft decision E/2009/L.14 entitled “Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees” (E/2009/L.14),.

Mr. Vujadinovic (Observer for Slovenia) said that Slovenia had always unreservedly subscribed to the objectives of the Programme of the United Nations High Commissioner for Refugees, that it was determined to improve the situation of refugees through international and regional cooperation, as well as domestically, and was ready to cooperate fully with all the members of the Executive Committee to find constructive solutions to any problems the Programme encountered. The draft under review called upon the Council to take note of Slovenia’s request to the Secretary-General (letter E/2009/47 of 23 March 2009) to become a member of the Executive Committee. The Government of Slovenia trusted that the Council would grant its request and support the draft decision.

The President said it was his understanding that the Council was prepared to decide immediately on the draft submitted. He pointed out that the draft did not affect the programme-budget.

There being no further comment, he considered that the Council wished to adopt draft decision L.14, entitled “Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees”.

Draft decision E/2009/L.14 was adopted.

Social and human rights questions: Permanent Forum on Indigenous Issues (Item 14 (h))

Recommendations contained in the Report of the Permanent Forum on Indigenous Issues on its eighth session (E/2009/43)

Mr. Gustafik (Secretary) confirmed that, as pointed out during the eighth session of the Permanent Forum, adoption of draft decisions I and II had no impact on the 2010-2011 programme-budget.

Mr. Morrill (Canada) said that Canada was pleased to join the consensus on the draft decisions under review but had to express some concern regarding the general comments relating to article 42 of the United Nations Declaration on the Rights of Indigenous Peoples that appear in the annex to the Report of the Permanent Forum. Those comments were based on an erroneous reading of Article 42 of the Declaration and were a mis characterisation of international law. Declarations adopted by the United Nations General Assembly were fundamentally different from treaties, which were binding on States. Contrary to the impression conveyed by the comments in question, the Permanent Forum should not be acting as a body monitoring implementation of the Declaration.

Mr. Sammis (United States of America) welcomed the work of the Permanent Forum on indigenous issues and stressed that the United States remained vigorously committed to supporting actions to improve the life of indigenous populations all over the world. However, the United States was disappointed by the General Comment attached to the Permanent Forum’s report. As the Forum was not a treaty body, it did not have the authority to issue authoritative interpretations of the Declaration or to develop mechanisms for reviewing countries’ follow-up actions with regard to the Declaration. Its role was above all to facilitate constructive dialogue and the adoption of concrete measures to address the aspirations of indigenous peoples, in partnership with States.

Mr. Goltyaev (Russian Federation) also noted with astonishment the general comments attached to the report of the Permanent Forum, which contained an erroneous and arbitrary interpretation of article 42 of the Declaration and indeed of international law. The mandate of the Permanent Forum on Indigenous Issues had been explicitly defined by ECOSOC resolution 2000/22, and therefore Russia was concerned at attempts to change it without the approval of intergovernmental bodies. The Russian delegation was ready to join consensus on adoption of the draft decisions under review but in the understanding that that did not imply that the Council approved or adopted the annex to the report and that it did not constitute either approval of the modification of the Permanent Forum's mandate or an appeal to modify that mandate.

Mr. Dahlgren (Sweden), speaking on behalf of the European Union, said that the European Union fully supported the excellent work done by the Permanent Forum on Indigenous Issues, particularly in the area of promoting coordination of indigenous issues within the UN system. In that connection, the European Union considered it imperative that the Forum act within the mandate given to it under Article 42 of the United Nations Declaration on the Rights of Indigenous Peoples.

Draft decision I (“International expert group meeting on the theme “Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples”)

The President said that, there being no objection, he considered that the Council wished to adopt draft decision I.

Draft decision I was adopted.

Draft decision II (“Dates of the ninth session of the Permanent Forum on Indigenous Issues”)

The President said that, there being no objection, he considered that the Council wished to adopt draft decision II.

Draft decision II was adopted.

Draft decision III (Provisional agenda for the ninth session of the Permanent Forum)

There being no objection, **the President** said it was his understanding that the Council wished to adopt draft decision III.

Draft decision III was adopted.

After concluding review of Item 14 of the agenda, **the President** invited the Council to take note of the following documents: Report of the Executive Board of the International Research and Training Institute for the Advancement of Women (E/2009/62); Note by the Secretary-General transmitting the report on the future operation of the International Research and Training Institute for the Advancement of Women (A/64/79 E/2009/74); Report of the Secretary-General on the implementation of the World Programme of Action for Youth: progress and constraints with respect to the well-being of youth and their role in civil society (A/64/61 E/2009/3); Report of the Commission on Narcotic Drugs on the Outcome of the high-level segment of the fifty-second session of the Commission on Narcotic Drugs on progress achieved in meeting the goals and targets set out in the Political Declaration adopted by the General Assembly at its twentieth special session (A/64/92 E/2009/98); Oral Report of the United Nations High Commissioner for Refugees; Report of the Committee on Economic, Social and Cultural Rights on its fortieth and forty-first sessions (E/2009/22); Report of the United Nations High Commissioner for Human Rights on implementation of economic, social and cultural rights (E/2009/90); Report of the Permanent Forum on Indigenous Issues on its eighth session (E/2009/43).

It was so decided.

Implementation of and follow-up to the outcomes of the major United Nations conferences and summits: Follow-up to the International Conference on Financing for Development (Item 6 (a) of the agenda)
(continued)

Presentation of draft resolution E/2009/L.41 (“Ad hoc panel of experts on the world economic and financial crisis and its impact on development”)

Mr. Hamza (Sudan), presenting draft resolution E/2009/L.41 on behalf of the Group of 77 and China, stressed that most vulnerable countries had not received any financial or technical support to cope with

the world economic and financial crisis. He encouraged the Council to review as a matter of the utmost priority the possibility of establishing an ad hoc panel of experts.

United Nations research and training institutes (Item 15 of the agenda) (*continued*)

Draft resolution E/2009/L.37 (“United Nations Institute for Training and Research”)

The President invited the Council to take a decision regarding draft resolution E/2009/L.37 and advised that slight changes had been made to the proposed text.

Mr. Gustafik (Secretary) pointed out that the words “and the use of satellite applications for humanitarian affairs” in the sixth preambular paragraph had been deleted, along with the word “growing” in the seventh. In paragraph 1, the word “including” had been deleted and replaced with “:”. Finally, the words “endorses the recommendations made by the Secretary-General in his report” in paragraph 2 had been replaced with “Takes note of the recommendation of the Secretary-General, contained in paragraph 67 of his report”.

The President said that this draft resolution did not affect the programme-budget. There being no comments, he considered that the Council wished to adopt draft resolution E/2009/L.37, as orally revised.

Draft resolution E/2009/L.37, as orally revised, was adopted.

Mr. Saint Aimée (Saint Lucia) was concerned at the insufficient funding allocated to the Institute’s diplomatic training programme. Stressing the importance of that training for small countries, he said he trusted that the Council would attempt to resolve that situation in the coming year.

The meeting adjourned at 4.10 p.m.