

ECONOMIC AND SOCIAL COUNCIL

Substantive Session (New York, 26 June to 23 July 2004)

The Economic and Social Council (ECOSOC), one of the six main UN organs, co-ordinates the work of the 14 UN specialised agencies, 10 functional commissions and five regional commissions; receives reports from 11 UN funds and programmes; and issues policy recommendations to the UN system and to member States. Under the United Nations Charter, the ECOSOC is responsible for: promoting higher standards of living, full employment, and economic and social progress; identifying solutions to international economic, social and health problems; facilitating international cultural and educational co-operation; and encouraging universal respect for human rights and fundamental freedoms.

The ECOSOC is composed of 54 member States elected by the General Assembly for three-year terms and meets annually for a four-week session, alternating between New York and Geneva. In 2004, its substantive session was held in New York. The members of the ECOSOC's Bureau for 2004 were as follows: President: H. E. Ambassador **Marjatta Rasi** (Finland); Vice-Presidents: H. E. Ambassador **Yashar Aliyev** (Azerbaijan), H. E. Ambassador **Daw Penjo** (Bhutan), H. E. Ambassador **Stafford O'Neil** (Jamaica) and H. E. Ambassador **Jagdish Koonjul** (Mauritius).

In preparation for the ECOSOC session, a number of meetings were held, including an NGO/Civil Society Forum on 18 March 2004. The Forum delivered to the ECOSOC a set of recommendations to be considered in drafting the ministerial declaration of the high-level segment (see **Annex 1** for details). Another noteworthy meeting that took place prior to the ECOSOC's substantive session was the special high-level meeting of the ECOSOC and Bretton Woods Institutions and the World Trade Organisation (WTO) on 26 April 2004 (see **Annex 2** for details).

1. High-level segment

The ECOSOC's 2004 substantive session opened with the high-level segment, which addressed the topic "*Resources mobilisation and enabling environment for poverty eradication in the context of the implementation of the Programme of Action for Least Developed Countries for the Decade 2001-2010*". The President of Benin, H.E. **Mathieu Kerekou**, in his welcoming remarks, called on the ECOSOC to address all of the components of development during its session, including the economic, human, social and environmental aspects. The high-level segment was attended by many high-ranking officials from member States and international agencies and opened with a policy dialogue with the heads of multilateral financial and trade institutions.

Mr **José Antonio Ocampo**, Under-Secretary-General for Economic and Social Affairs, presented the report of the Secretary-General (E/2004/54) on the topic for the high-level segment to the ECOSOC. The report highlighted the growth levels required in order to achieve the Millennium Development Goals (MDGs). It pointed to greater debt relief and increased diversification of exports as means of achieving such growth. Mr Ocampo also called for special attention to those countries emerging from conflict and heralded the positive role played by the ad hoc programmes in Burundi and Guinea-Bissau.

Mr **Anwarul K. Chowdhury**, Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, also addressed the ECOSOC, highlighting the significant differences in the growth rates among Least Developed Countries (LDCs), and spoke of the necessity for a more supportive growth environment. Many of the panellists, as well as member countries, voiced their belief in the need for increased Official Development Assistance (ODA), in the form of grants rather than loans, more Foreign Direct Investment (FDI), increased debt relief, and decreased dependence on commodity exports. Good governance, improved infrastructure, the

rule of law, peace and security, and the respect for human rights were underscored as necessary tools to achieve sustainable development.

Mr **Rubens Ricupero**, Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), stressed the need for focused development assistance on social structure and human needs. Similarly, Mr **Ian Goldin**, Vice-President External Affairs, Communications and United Nations Affairs at the World Bank, highlighted the important role assistance plays in the development of production capacity and infrastructure. These two areas were cited as the two pillars of development and should be incorporated in any development framework.

Five simultaneous roundtable discussions followed the high-level dialogue. The discussion topics included: "*Local private sector development: the role of micro-finance/micro-credit*", "*Attracting foreign direct investment in the least development countries*", "*The role of trade preferences for the least developed countries in promoting investment*", "*Unleashing entrepreneurship: the role of partnership in mobilising resources for the least developed countries*", and "*Investment in urban water, sanitation and sustainable human settlements development in the least developed countries*".

The remainder of the high-level segment was dedicated to individual statements by high-level ministers of member countries, development agencies, and NGOs. Pervasive throughout the high-level segment discussions was a common belief that a "one-size-fits-all approach" option is not viable. Each country must identify and characterise its own challenges and priorities. Likewise, an individual country must create programmes and policies that embody its nationally owned development strategy. Policy frameworks, offered by the international community, must be flexible to facilitate efficient implementation within the particular member State. Additionally, the ECOSOC members widely agreed that national ownership does not only encompass the government, but also civil society and the private sector. Donor countries must also participate actively, partnering in development strategies and co-ordinating appropriately between donors and recipients. This donor country participation is necessary to prevent "giving with one hand while taking with the other". For example, official development assistance must be accompanied by co-ordinated approaches in trade policies and debt relief.

Development strategies must link growth and poverty reduction, ensuring those with greatest need benefit most from increased growth. Despite some delay in negotiations, the high-level segment concluded with the adoption of a **ministerial declaration** (E/2004/L.12/Rev.1). Although the declaration touches on all the major issues of concern highlighted during the segment, it mostly consists of a rehashing of the broad commitments made in other processes, summits, and conferences, including the Millennium Declaration, the Monterrey Consensus of the International Conference on Financing for Development, the World Summit on Sustainable Development in Johannesburg, and special sessions of the General Assembly. Paragraph 16 provides a very general method for following up on these commitments. In that paragraph, ministers "*stress the importance of the follow-up to the present ministerial declaration, and request the Secretary-General to continue to provide information as part of his annual report on the follow-up to the Programme of Action*".

In the declaration, member nations take special note of their commitment to the implementation of the **Brussels Programme of Action**. Member countries recognise that LDCs are primarily responsible for their own development, but also stress that donor support and partnership are vital. The declaration encourages the LDCs, with the support of their development partners, to improve the enabling environment for their private sector, including for micro-, small and medium-sized enterprises, which are considered to play a crucial role in poverty reduction by contributing to economic growth and employment. The ministerial declaration also urges LDCs to promote sound land-use plans for the poor and the landless, while calling on the international community to improve the transfer of pro-poor advanced technologies in the field of agriculture, including biotechnologies. The ministers also urge LDCs' development partners to improve preferential market access for those countries by working towards the objective of duty-free and quota-free market access for all LDCs

products. Ministers also agree on the need for the full, speedy and effective implementation of the enhanced Heavily Indebted Poor Countries (HIPC) Debt Initiative and other debt-relief measures to address the structural causes of indebtedness, with a view to ensuring that LDCs do not fall back into arrears. Furthermore, the signatories call on developed countries to reach their target goal of contributing 0,15% to 0,20% of ODA to LDCs.

2. Co-ordination segment

The co-ordination segment focused its efforts on co-ordinating agencies and other UN bodies within two areas: 1) the system-wide implementation of mainstreaming a gender perspective into the UN system, and 2) the UN system approach for poverty eradication and sustainable development by promoting rural development in developing countries with due consideration to least developed countries.

Discussions on gender mainstreaming in all policies and programmes in the UN system reviewed and appraised the system-wide implementation of the 1997/2 conclusions made five years ago. Ultimately, the ECOSOC conclusions seek to achieve gender equality throughout the UN system and agencies. "Gender mainstreaming" is defined as the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels, and as a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres.

Most panellists and delegations agreed that many agencies' policy-making is informed by the goal of gender mainstreaming. Nevertheless, a major discrepancy exists between policy practice within the UN system – although many policies aim to gender mainstream, few have effectuated successful change in practice. The delegate from the **Netherlands** characterised the achievement of gender equality as more than a human rights goal; it is also an economic goal. The Dutch delegate argued that by failing to meet needs of half of its population, a nation would undermine its development on a macro-level, while the international community would fail to realise the MDGs.

Some delegations and panellists emphasised the need to protect women's rights by holding sexual abusers accountable and by including sexual/reproductive rights in policies¹.

Ms **Noeleen Heyzer**, Executive Director of the United Nations Development Fund for Women (UNIFEM), described the evolution of women's rights. According to Ms Heyzer, "women's rights" were historically bifurcated from the concept of "human rights". However, at present, there is a trend towards recognising the rights of women as expressions of human rights norms. Today, the international community recognises that the crises of HIV/AIDS, human trafficking, and violence against women are gendered issues and, therefore, share a common root in gender inequality. Ms Heyzer demonstrated that in countries that had created specific women-empowering programmes, gender equality had successfully been improved. For example, Rwanda has the highest percentage of women in parliament because gender-specific programmes were created following the Rwandan genocide. The UNIFEM created a unit in Rwanda to look at and help change discriminatory land laws which withheld ownership rights to women.

Gender-specific programmes like those used in Rwanda, also must be supplemented with the promotion of institutional change, according to Mr **Emmanuel Dierckx de Casterle**, UN Resident Co-ordinator for the United Nations Development Fund (UNDP) in Morocco. He stated that the surrounding culture must also change in order for gender equality to be

¹ Unfortunately, during a later vote on a recommended resolution of the Commission on Human Rights on the "*Right of everyone to the enjoyment of the highest attainable standard of physical and mental health*" (E/2004/23), the delegation from the **United States of America (USA)** broke consensus because of the resolution's inclusion of language on reproductive rights. This sole vote against the resolution serves only to highlight yet again the current USA administration's attempts to backpedal on previously agreed (including by the USA) global commitments on reproductive rights.

realised. He noted that in Morocco old traditions of male superiority in the household have eroded, and now, the country is enjoying more equality between men and women. Reforming family law, creating gender-sensitive budgeting, and encouraging greater female participation in public spheres have catalysed the change in Morocco's culture. Many delegations echoed that it is vitally important for women to engage in local government. Other delegations suggested that member States should have senior level female officers in the UN to serve as an example to all nations.

The **roundtable discussions** on gender mainstreaming provided a constructive forum to introduce new ideas on the issue and for recalling effective practices by NGOs. Many agreed that implementing gender equality policies requires a public and political approach. Pushing gender equality to the centre stage and continually building its culture will force attention and action. Changing the culture within the international community regarding the status of women must commence with the UN recruiting phase, including implementing gender equality training. Moreover, accountability for gender equality cannot be realised without transparency or public commitment. For example, policy-making must incorporate statistics on gender equality to strengthen legitimacy. Some speakers also mentioned the effectiveness of using quotas to increase female representation in local governments.

When considering **rural development in LDCs**, most delegations agreed that there was an enormous potential for micro-credit effectiveness in LDCs. Many States also agreed that South-South co-operation is necessary to improve rural development. Mr **Mark Malloch Brown**, Administrator of the UNDP, emphasised that an effective agricultural sector is essential to combat hunger.

The ECOSOC then unanimously adopted **Resolution E/2004/L.14** entitled "*Review of Economic and Social Council Agreed Conclusions 1997/2 on Mainstreaming the Gender Perspective into all Policies and Programmes in the United Nations System*". The resolution calls for all UN system entities to create clear mandates for gender equality by ensuring adequate training and access to adequate and stable resources. Additionally, to help close the gap between gender mainstreaming policy and practice, the resolution asks the Secretary-General to ensure that all UN entities develop action plans with timelines for implementing the 1997/2 agreed conclusions. It also contains measures to strengthen commitment and accountability at the highest levels within the UN and to ensure accountability, monitoring and reporting on progress in implementation.

Before adoption of the resolution, **Cuba** criticised the text for not giving equal attention to the Beijing platform created at the Fourth World Conference on Women in 1995. The representative encouraged the ECOSOC to study the impact of coercive unilateral resources on women of distressed countries. Additionally, he called for future resolutions to include information on how terrorism affects women.

3. Operational activities segment

During the operational segment, the ECOSOC considered the report of the "*Triennial comprehensive policy review of operational activities for development of the United Nations system*" (A/59/85-E/2004/68). Members focused on the appraisal of performance indicators, shared lessons learned, and discussed pathways to progress within the new international environment. The ECOSOC heard panellists from the UN specialised agencies, including the UNDP, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), and the World Food Programme (WFP), as well as the Resident Co-ordinators and others from the field. Some of the major topics discussed included the need for co-ordination and co-operation among UN agencies and country teams, the strengthening of the Resident Co-ordinator system, and the new security needs in light of recent targeted terrorist attacks on UN workers.

Some delegates raised questions regarding the relationship between the UN agencies and the Bretton Woods Institutions, and many wanted to hear more about South-South co-operation. The panellists agreed that South-South co-operation is one of the most exciting

modalities in international development and should be encouraged. Panellists also assured delegates that their relationship with the Bretton Woods Institutions was beneficial and that communication between agencies and Bretton Woods Institutions was strong.

The representative for **Tanzania** spoke of the need for increased funding for the UN agencies; the agencies have done their part in carrying out reforms, and it is now time for member countries to fulfil their end of the bargain. Many of the panellists also called for funding, but stressed the need for less earmarked funds and more core funding. The lack of core funding has created competition between development agencies and is counterproductive to the common goals of those agencies.

Discussion also focused on the role of the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF) in country-level coherence and co-ordination. Many speakers highlighted the growing complexity of the CCA/UNDAF process while acknowledging that this process has promoted coherence. These speakers also acknowledged that the UNDAF matrix has clarified the UN's place in the larger development system. There exists a need for greater awareness in the UN of the CCA/UNDAF process. Specifically, appropriate staff needs more training on all matters surrounding the process.

Mr **Rodolfo Severino**, member of the Evaluation Team for the CCA and UNDAF evaluation, stressed that the UNDAF process should be owned by the recipient country, while the ownership of CCA should be shared by the UN and the country. Many of the country teams have adopted a rights-based approach, which grounds the process within the framework of the right to development. This approach promotes the creation of international standards and norms applicable for all individuals and does not leave development up to chance. This approach differs from the target-based approach, which sets a numerical development target, but does not account for those who fall outside the range of that target.

At the close of the operational segment, the members of the ECOSOC adopted the resolution entitled, "*Triennial comprehensive police review of operational activities for development of the United Nations system*" (E/2004/L.15). This resolution articulates the necessity of charting progress to achieve the internationally agreed upon development goals. Additionally, the text calls upon the Secretary-General to include comments made during the ECOSOC session in his final report to the General Assembly. It also asks the General Assembly, when drafting a resolution on the matter, to focus on priority areas as determined by member States.

4. Humanitarian affairs segment

The theme for the humanitarian affairs segment was "*Strengthening of the co-ordination of the United Nations humanitarian assistance: present and future challenges*". This segment emphasised the need for gender mainstreaming in humanitarian policy and programming, transitioning from relief to development, strengthening preparedness and response to natural disasters, and field-level co-ordination of UN humanitarian assistance missions in higher-risk environments. Among the UN bodies and specialised agencies that addressed the ECOSOC during this segment included: the UNDP, the *International Federation of Red Cross and Red Crescent Societies*, the Co-ordinator of the World Conference on Disaster Reduction, the WFP, the European Commission's Humanitarian Aid Office, and others.

Mr **Jan Egeland**, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Co-ordinator, was the moderator for most panels and introduced the Secretary-General's Report (A/59/93–E/2004/74). Mr Egeland stated that over the past year, international humanitarian workers in high-risk areas have been targeted and killed by belligerents, including the bombing of the UN headquarters, which killed 22 UN workers, and the killing of Red Cross humanitarian workers in Afghanistan by belligerents who perceived the humanitarian organisations as partisan. The Under-Secretary-General also mentioned the sexual exploitation against females during conflicts, and commented that field-level complaint systems for sexual abuse have been established in some places.

During the general statements, many delegations denounced the killing of international humanitarian workers and called for the prosecution of those offenders according to national and international laws. The delegate from **India** stated that the use of locals from the affected area for humanitarian efforts may curb conflicts aimed towards the humanitarian workers. Delegations also condemned the sexual abuse occurring in warring countries. The delegate from the **Netherlands**, speaking on behalf of the **European Union** (EU), lamented that rape continues to be used increasingly as a weapon in various conflicts, and, that "*such acts of sexual violence, exploitation and abuse in all its forms may constitute, in defined circumstances, a crime against humanity*". The EU underscored that action must be taken at all levels to bring to justice those responsible and assist the victims.

When considering "*Field-level co-ordination for the purpose of continuing the presence and operations of United Nations humanitarian assistance missions in higher-risk environments*", the panellists agreed that humanitarian workers must be seen as neutral and independent so as not to incite attacks from hostile groups. Many of the delegations agreed that the UN is a soft skin and high-yield target for ruthless groups trying to make a political statement. In order to combat the problem, many agreed that humanitarian actors have to be known and accepted by locals. The UN Resident/Humanitarian Co-ordinator for Somalia, Mr **Maxwell Gaylard**, echoed these ideas, and encouraged, for safety reasons, the employment of Somali staff members (rather than international) because they are members of the afflicted population. Many panellists also agreed that decentralisation is the appropriate security policy for humanitarian assistance in high-risk areas. Responsibility should be given to the field-level operational managers who are closest to the high-risk environment and can make the most informed decisions.

The panel on "*Strengthening preparedness and response to natural disasters, with an emphasis on capacity building*" included speakers from various international relief organisations. Most panellists agreed that individuals at the local level should be the focus of emergency preparations because a quick local response to natural disasters is more effective than waiting for international assistance. Mr **Mostafa Mohaghegh**, Operations Co-ordinator for the Red Crescent Society of the Islamic Republic of Iran, added that effective preparedness requires a cultural awareness of disasters in disaster-prone countries, which should be rooted in the lowest community level, not just among key national players.

When considering "*Transition from relief to development*", most delegations emphasised the need for more coherence between actors, broader and quicker action, and broad participation by many supporting players. Informed by his experience from the transition after the conflict in Sierra Leone, Mr **Kanja Sesay**, the Commissioner for the National Commission for Social Action, mentioned the need for the international media not only to show the country's past atrocities, but to also portray the benefits of the new country in order to attract investment.

While making his remarks to close the humanitarian segment, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Co-ordinator, Mr Jan Egeland, emphasised that recommendations to combat sexual violence during conflicts would apply to only those individuals working under the UN during the crisis, and would not directly address member States. This distinction was in response to the Chinese delegate's remark that a member State should govern its nationals according to its national law. Mr Egeland also briefly mentioned that more co-ordination is necessary to help refugees and internally displaced people. He also stressed the importance that women play in giving assistance after natural disasters and emphasised the need to incorporate gender into natural disaster relief planning.

5. General segment

During the general segment, the final segment of the ECOSOC's substantive session, the ECOSOC took note of the reports of each of the functional commissions and acted on all of their recommendations. The initial discussions during the general segment included the

implementation of and follow-up to major UN conferences and summits (A/59/98-E/2004/79, E/2004/52, E/2004/71), long-term programme of support for Haiti (E/2004/80), and regional co-operation in which many panellists agreed that there should be strengthened communication between the regional co-ordinators and the ECOSOC.

Representatives from both Palestine and Israel argued their perspectives when the ECOSOC discussed the report on the **economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory** (A/59/89-E/2004/21). The representative from **Palestine** argued that over 3'100 innocent people have died as a result of the Israeli occupation and that Israel has committed countless war crimes against Palestinian people. The representative from **Israel** countered that Palestinian terrorists attacking Israelis was the cause of poverty for Israeli children. The Israeli representative emphasised that the current report was one-sided as it looked only at Palestinian and not Israeli suffering.

Of particular interest were the reports on the **Commission on Human Rights (CHR)** (E/2004/23, Part 1), the **Committee on Non-governmental Organisations** (E/2004/32), and the **Permanent Forum on Indigenous Issues** (E/2004/43). There were 48 draft decisions (see **Annex 3** for details) to be acted upon from the CHR report, all of which were adopted, with the exception of draft decision 41 "*International year and decade for the world's minorities*", which was deleted. Along with the draft decisions on human rights that required action, several draft resolutions were also tabled by members of the ECOSOC. One of the latter was a draft resolution E/2004/L.21 "*Commission on Human Rights Decision 2004/117 on human rights and human responsibilities*", sponsored by 41 delegations and introduced by the Netherlands, which sought to overturn CHR **Decision 2004/117** concerning a pre-draft declaration on human social responsibilities. **Decision 2004/117** calls for that pre-draft declaration to be disseminated to member States, inter-governmental organisations and NGOs for comments.

Draft resolution E/2004/L.21 was hotly debated during the course of the general segment. The sponsors of the draft resolution argued that CHR **Decision 2004/117** should be overturned for reasons of substance and procedure. Firstly, a pre-draft declaration had not been mandated by the CHR. The CHR had only requested the Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on the issue of human rights and human responsibilities. On substance, the opposition was even stronger. The pre-draft declaration was considered to undermine the Universal Declaration of Human Rights, the Vienna Declaration on Human Rights and other important human rights documents. It aims to link rights and responsibilities in such a way as to make the enjoyment of rights conditional upon the fulfilment of responsibilities. Conditional enjoyment runs counter to the universal nature of human rights.

During the discussion, a legal opinion was requested by **China**, who along with **Cuba**, felt the resolution went beyond the competence of the ECOSOC. A representative of the UN Office of Legal Affairs expressed the opinion that the proposed resolution seeking to override the CHR draft decision was within the competence of the ECOSOC as the ECOSOC was the parent body of the CHR. However, the representative also pointed out that the ECOSOC has used these powers sparingly since inception.

Before the vote on the draft resolution, several delegates made statements. **China** and **Cuba**, which requested the vote, complained that the pre-emptive nature of the resolution sought to take away the right of member States and organisations to voice their opinions. Cuba likened those who supported draft resolution to supporters of the Ku Klux Klan. **Ecuador** expressed support for a link between rights and responsibilities. In the end, the draft resolution was narrowly defeated by a vote of 24 in favour, 25 against and 5 abstentions, meaning that the CHR decision was not overturned.

Cuba also introduced a draft resolution entitled "**Protection of human rights in the context of international military operations launched to combat terrorism**" (E/2004/L.17.Rev.1), which was rejected by member States. The EU felt that another CHR resolution had covered the issue. The **USA** representative complained that the Cuban-

sponsored text was inappropriate and unproductive. The draft resolution was ultimately rejected by a vote of 11 in favour, 24 against and 7 abstentions.

The ECOSOC also considered the draft decisions contained in the report on the 2004 regular session of the **Committee on Non-governmental Organisations** (the "Committee") (E/2004/32). Draft decision I was adopted without a vote, confirming the action taken by the Committee. Draft decision II suspended the ECOSOC consultative status of the Indian Movement "*Tupaj Amaru*" for one year due to an incident at the 59th session of the CHR. During that session, two members of the NGO unfurled a banner in front of the American delegation and chanted anti-American slogans while facing a television crew. Those opposed to the suspension, led by **Cuba**, claimed the organisation (Indian Movement "*Tupaj Amaru*") had taken the appropriate steps to discredit the individuals involved and therefore should not be suspended because of the inappropriate personal decisions of certain individuals. The **USA**, however, countered that the organisation had abused its status and had not complied with its obligations. Cuba requested a vote, and the draft decision was adopted by a vote of 28 in favour, 4 against and 22 abstentions, thereby confirming the suspension.

The next draft decision also called for the suspension of an NGO. The Committee had moved to suspend the consultative status of the *Transnational Radical Party* (TRP) for three years after complaints from **Viet Nam**. Viet Nam claimed that Mr Kok Ksor, who was given accreditation by the TRP to attend and speak at various UN fora, was a member of a terrorist organisation. Those opposed to the draft decision stated that Mr Kok Ksor did not appear on any list of terrorists. Moreover, opponents claimed that the TRP was never given a chance to respond to the possible suspension and should have been allowed to defend itself in the face of such an action. The delegate from **Benin** proposed that the issue be sent back to the Committee for reconsideration. After a three-minute suspension for deliberation, Benin withdrew the proposal as most members wanted to take action on the draft decision in the ECOSOC. The ECOSOC then voted on the issue and rejected the suspension of the TRP by a count of 20 in favour, 22 against and 11 abstentions.

The report of the **Permanent Forum on Indigenous Issues** on its third annual session (E/2004/43, Supplement No. 23) spurred another debate on the ECOSOC floor. Both the **Indonesian** and **Colombian** delegates condemned the report, contesting some accusations of alleged abuse of indigenous peoples in their countries, found in paragraph 52, and warned against presenting accusations that were taken out of context and not yet verified. Colombia objected to the singling out of a few particular States and requested the Permanent Forum to conduct its business in a more objective manner. After adopting the draft decisions found in the report, Indonesia and Colombia restated their objections to paragraph 52.

The ECOSOC also took note of report E/2004/L.85 that was mandated by Decision 2000/22 to **review UN mechanisms** dealing with indigenous issues and to clarify the distinction, if any, between the Working Group on Indigenous Populations, a subsidiary organ under the CHR, and the Permanent Forum on Indigenous Issues. Unfortunately, the report lacked analysis of this question and gave no conclusions on the matter. There was disagreement among ECOSOC members as to whether or not the two bodies are distinct and if both are still necessary. **Australia** and **New Zealand** argued that given that the UN's resources are spread thin, any duplication of work should be avoided. Others maintained that the mandate of the Working Group remains valid even with the creation of the Permanent Forum because the two are complementary. No action was taken to change the current status of either body. Instead, the matter will continue to be discussed in the ECOSOC and in the CHR.

Draft resolution E/2004/L.25, introduced by the **Netherlands**, on behalf of the **EU**, entitled "*Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan*", was adopted by a recorded vote of 51 in favour, 1 against and 1 abstention. The **USA**, which was the only dissenting vote, lamented the one-sided nature of the resolution. **Australia**, as the only abstaining country, remarked

that it would have preferred to see a more even treatment of the responsibilities of both sides.

The ECOSOC also considered the report from the **Commission on the Status of Women** and adopted the draft decisions found within, addressing issues of genetic privacy, science and technology, and tobacco and health. Before closing, the ECOSOC decided that the theme of its 2005 high-level segment would be "*Achieving the internationally agreed development goals, including those contained in the Millennium Declaration, as well as implementing the outcomes of the major United Nations conferences and summits: progress made, challenges and opportunities*". The ECOSOC also agreed that the theme for its 2005 co-ordination segment would be "*Towards achieving internationally agreed development goals, including those contained in the Millennium Declaration*". It also decided to continue consultations on a multi-year work programme for that segment, with a view to finalising the programme before the next substantive session. The ECOSOC ended the session by filling vacancies in the many subsidiary bodies.

Annex 1 – NGO/Civil Society Forum, 18 March 2004

An NGO Forum was held on 18 March 2004 on the theme of the ECOSOC's high-level segment. The Forum was sponsored by the NGO Section of the Department of Economic and Social Affairs in co-operation with the *Conference of Non-Governmental Organisations in Consultative Relationship with the United Nations* (CONGO) and the *World Federation of United Nations Associations* (WFUNA). NGOs participating in the Forum produced a report containing a list of recommendations, which were submitted to the President of the ECOSOC for consideration in drafting the ministerial declaration for the ECOSOC's high-level segment.

The recommendations were as follows:

First, a **people-centred policy framework** must be fostered by creating long-term capacity building in skills training and education for civil society organisations. Additionally, cross-sector partnerships between public, private and civil society organisations should accompany demilitarisation and the reinforcement of a culture of peace in school curricula.

Second, there must be **good governance at the national and international levels**, including transparency at international and national government levels, decentralised decision-making processes, and the adoption of a rights-based approach to development.

Third, **human and institutional capacities** must be built while ensuring education for all and by fostering women's participation in decision-making processes through empowerment of women and gender equality.

Fourth, **building production capacities to make globalisation work for LDCs** must occur. Land reforms should provide poor people access to land and accept women's claims to land rights as individuals – not only via a male family member.

Fifth, the **role of trade in development** must be enhanced by removing trade barriers to LDCs and removing agricultural subsidies to farmers in developed countries. Additionally, transportation systems should be enhanced to allow small-scale farmers to reduce the cost of accessing markets.

Sixth, **vulnerability must be reduced and the environment must be protected**. By enforcing national and international legislation through measures and fines, high priority must be given to clean water, improved water management and sanitation. "Polluter pays" legislation for extracting a country's natural resources and mineral wealth should also be adopted.

Seventh, **financial resources must be mobilised** by cancelling LDCs external debt, allowing income to meet basic needs of the poor instead of being devoted to balancing debt. It is also important to encourage foreign direct investment that helps develop infrastructure and encourage the multinational companies to take corporate responsibility for the countries in which they invest.

Annex 2 - Special high-level meeting of the ECOSOC with the Bretton Woods Institutions and the WTO, 26 April 2004

The theme of the ECOSOC meetings with the Bretton Woods Institutions and the WTO on 26 April 2004 was "***Coherence, co-ordination and co-operation in the context of the implementation of the Monterrey Consensus***" and was chaired by the ECOSOC President Marjatta Rasi (Finland). Prior to the meetings, it was decided that there were to be three sub-themes to be discussed at six roundtable discussions. These sub-themes were "*Impact of private investments and trade related issues on financing for development*", "*Role of multilateral institutions in reaching the Millennium Development Goals*", and "*Debt sustainability and debt relief*".

The participation of high-level officials from the both member countries as well as trade, finance and development agencies was unprecedented. There was also strong participation from NGOs and the private sector. Each of the speakers highlighted different areas of importance including the need to pursue a partnership approach in financing for development, long-term debt sustainability in low-income countries, crisis prevention, and the responsibility to correct the imbalance in globalisation.

The role of good governance, a strong private sector and sound legal systems were cited as key tools in economic growth and poverty eradication. The key role played by small- and medium-sized enterprises was mentioned as the engine of growth and the need for all investors to recognise social responsibility was noted. The lack of clarity in the division of labour among international organisations working toward the achievement of the MDGs was discussed and the need for better monitoring capabilities, including improved statistics, was expressed.

Also cited was the critical need for coherence in national and international policies. The need to establish links between Poverty Reduction Strategy Papers (PRSPs), national budgets, macro-economic policies and debt sustainability analysis was pointed to as a means in reaching the MDGs. Debt sustainability was a main topic, with a focus on the capacity to respond to shocks and the importance of counter-cyclical policies. The effective supervision of banking and financial systems was highlighted as a means of preventing debt crises.

Annex 3 – Draft decisions acted upon from the CHR report

By Decision 1, "*Strengthening of the Office of the United Nations High Commissioner for Human Rights (OHCHR)*", the ECOSOC endorsed the recommendation that it, along with the General Assembly, provide the OHCHR with ways and means commensurate to its increasing tasks, as well as more resources for special rapporteurs.

By Decision 2, the "*Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*", the ECOSOC approved the request to the OHCHR to convene a third meeting of experts on traditional and new forms of mercenary activities, with the objectives of giving further consideration to the proposed new legal definition of a mercenary, making proposals on possible means of regulation and international supervision of the activities of private companies offering military assistance, and studying and evaluating recent activities of mercenaries in Africa.

By Decision 3, "*Right to development*", the ECOSOC approved the extension of the mandate of the Working Group on the Right to Development for one year.

By Decision 4, the "*Question of the violation of human rights in the occupied Arab territories, including Palestine*", the ECOSOC approved the request to the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to investigate Israel's violation of the principles and bases of international law, international humanitarian law and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

By Decision 5, the ECOSOC approved a decision to appoint a special rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

By Decision 6, the ECOSOC approved the decision to appoint a special rapporteur, from within existing resources, on the situation of human rights in Belarus.

By Decision 7, on the "*Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights*", the ECOSOC endorsed the extension of the mandate of the Special Rapporteur for three years.

By Decision 8, the ECOSOC approved the request to the Special Rapporteur on the right to food to submit a report to the General Assembly at its 59th session and to report to the Human Rights Commission at its sixty-first session on the implementation of resolution 2004/19.

By Decision 9, "*Human rights and extreme poverty*", the ECOSOC approved the extension of the mandate of the Independent Expert on the question of human rights and extreme poverty, for two years.

By Decision 10, the ECOSOC approved the decision to extend the mandate of the Special Rapporteur on the right to education for three years.

By Decision 11, on "*Right of everyone to the enjoyment of the highest attainable standard of physical and mental health*", the ECOSOC approved the request for the Special Rapporteur to submit a report annually to the Commission and an interim report to the General Assembly.

By Decision 12, on the "*Question of the realisation in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights*", the ECOSOC approved the renewal of the mandate of the open-ended working group of the Commission for two years, with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

By Decision 13, on "*Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms*", the ECOSOC approved the holding of a third consultative meeting for all interested member States, intergovernmental organisations and NGOs in consultative status with the ECOSOC with a view to finalising the Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law.

By Decision 14, on "*Elimination of all forms of religious intolerance*", the ECOSOC approved the extension of the mandate of the Special Rapporteur on freedom of religion or belief for three years.

By Decision 15, the ECOSOC endorsed the extension of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years.

By Decision 16, the ECOSOC approved the extension of the mandate of the Working Group on Enforced or Involuntary Disappearances for three years. It would also approve the request to the inter-sessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance to meet for a period of 15 working days in two formal sessions before the Commission's 61st session.

By Decision 17, the ECOSOC endorsed the extension for three years of the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

By Decision 18, the ECOSOC endorsed the request to the Special Rapporteur on the human rights of migrants to submit a report on her activities to the General Assembly at its 59th session and to the Commission at its 61st session.

By Decision 19, on "*Internally displaced persons*", the ECOSOC endorsed the request that the Secretary-General establish a mechanism to address the complex problem of internal displacement.

By Decision 20, on the "*Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, and the International Decade of the World's Indigenous Peoples*", the ECOSOC endorsed the authorisation for the Working Group to meet for five working days prior to the 56th session of the Sub-Commission.

By Decision 21, on the "*Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly Resolution 49/214 of 23 December 1994*", the ECOSOC authorised the working group to meet for a period of 10 working days prior to the 61st session of the Commission.

By Decision 22, on the "*Situation of human rights in Myanmar*", the ECOSOC endorsed a decision to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for one year.

By Decision 23, on "*Human rights and indigenous issues*", the ECOSOC approved the extension of the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people for a further three years.

By Decision 24, on "*Follow-up to the United Nations Decade for Human Rights Education*", the ECOSOC endorsed a recommendation that it recommend to the General Assembly that it proclaim a world programme for human rights education at its 59th session.

By Decision 25, on "*Impunity*", the ECOSOC approved the decision to appoint an independent expert for a period of one year to update the Set of principles for the protection and promotion of human rights through action to combat impunity.

By Decision 26, "*Composition of the staff of the Office of the United Nations High Commissioner for Human Rights*", the ECOSOC endorsed the Commission's invitation to the General Assembly to give due consideration to the Commission's Resolution 2004/73 and to the report of the Joint Inspection Unit (JIU). It would also endorse the Commission's request to the JIU to assist the Commission in monitoring the implementation of Resolution 2004/73.

By Decision 27, "*Assistance to Somalia in the field of human rights*", the ECOSOC endorsed the Commission's decision to extend, for a further year, the mandate of the Independent Expert appointed by the Secretary-General on the situation of human rights in Somalia.

By Decision 28, the ECOSOC endorsed the Commission's decision to appoint an independent expert to consider the situation of human rights in Burundi and ensure that the authorities are honouring commitments made.

By Decision 29, "*Technical co-operation and advisory services in the Democratic Republic of the Congo*", the ECOSOC approved the decision of the Commission to appoint an independent expert to provide assistance to the Government in the field of human rights, to study the evolving situation of human rights there, and to verify that its obligations in that field are being fulfilled.

By Decision 30, "*Technical co-operation and advisory services in Chad*", the ECOSOC endorsed the Commission's decision to appoint an independent expert for an initial period of one year to facilitate co-operation between the Government and the OHCHR.

By Decision 31, "*Assistance to Sierra Leone in the field of human rights*", the ECOSOC endorsed the Commission's request to the OHCHR to report to the General Assembly at its 59th session and to the Commission at its 61st session on assistance to Sierra Leone in the field of human rights.

By Decision 32, "*Protection of human rights and fundamental freedoms while countering terrorism*", the ECOSOC endorsed the Commission's decision to designate, for one year, an independent expert to assist the OHCHR on ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism.

By Decision 33, "*World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action*", the ECOSOC endorsed the Commission's request to the Secretary-General to provide the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance with all the necessary human and financial assistance to carry out his mandate efficiently.

By Decision 34, entitled "*Decision relating to Paraguay under the procedure established in accordance with ECOSOC Resolution 1503 (XLVIII)*", the ECOSOC endorsed

the Commission's recommendation that the documentation examined by the Commission between 1978 and 1990 on the matter should no longer be considered confidential.

By Decision 35, "*Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights*", the ECOSOC endorsed the Commission's decision to appoint Ms Christy Mbonu as special rapporteur, with the task of preparing a comprehensive study on the matter.

By Decision 36, "*Globalisation and its impact on the full enjoyment of human rights*", the ECOSOC endorsed the Commission's request that the reports of the special rapporteurs of the Sub-Commission on the matter be published in the official languages of the UN.

By Decision 37, "*Special Rapporteur on trafficking in persons, especially in women and children*", the ECOSOC endorsed the Commission's decision to appoint, for a period of three years, a special rapporteur with a mandate to focus on the human rights aspects of victims of trafficking in persons.

By Decision 38, "*Traditional practices affecting the health of women and the girl child*", the ECOSOC endorsed the Commission's decision to renew the mandate of the Special Rapporteur on that issue for a further three years.

By Decision 39, "*Publishing the report of the Special Rapporteur on the rights of non-citizens*", the ECOSOC decided that the updated and consolidated report should be published in all official languages of the UN and be given the widest possible distribution.

By Decision 40, the ECOSOC endorsed the recommendation that a voluntary fund on minority-related activities be established to facilitate the participation in the Working Group on Minorities – of the Sub-Commission – of minority representatives and experts from developing countries. The ECOSOC also recommended to the General Assembly that it give favourable consideration to the establishment of such a fund.

By Decision 41, "*International year and decade for the world's minorities*", the ECOSOC would have endorsed the Commission's recommendation that an international year for the world's minorities be proclaimed, to be followed by a decade, with a view to advancing the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. This decision was deleted.

By Decision 42, "*Responsibilities of transnational corporations and related business enterprises with regard to human rights*", the ECOSOC, among other things, requested the OHCHR to compile a report on the scope and legal status of existing initiatives and standards regarding the matter. The ECOSOC also affirmed that Document E/CN.4/Sub.2/2003/12/Rev.2 had not been requested by the Commission and, as a draft proposal, had no legal standing, and that the Sub-Commission should not perform any monitoring function in that regard.

By Decision 43, "*Human rights and bioethics*", the ECOSOC approved the Commission's decision to appoint Ms Lulia-Antoanella Motoc as special rapporteur to undertake a study on human rights and the human genome.

By Decision 44, "*Universal implementation of international human rights treaties*", the ECOSOC approved the Commission's decision to appoint Mr Emmanuel Decaux as special rapporteur to conduct a detailed study of the matter.

By Decision 45, the ECOSOC endorsed the Commission's decision that its first meeting would be held on the third Monday in January with the sole purpose of electing its officers, and that the Commission's 61st session would be held from 14 March to 22 April 2005.

By Decision 46, the ECOSOC authorised six fully serviced additional meetings, including summary records, for the Commission's 61st session.

By Decision 47, the ECOSOC endorsed the Commission's request to appoint an independent expert on the situation of human rights in the Sudan for a period of one year.

By Decision 48, "*Technical co-operation in the field of human rights in Afghanistan*", the ECOSOC endorsed the Commission's request to the Secretary-General to extend the mandate of the Independent Expert on the human rights situation in Afghanistan for a further year.