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PREPARATORY COMMITTEE OF THE DURBAN REVIEW CONFERENCE, 1ST ORGANISATIONAL MEETING, 27- 31 AUGUST 2007

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Overview

In 1997 the General Assembly (GA) decided in General Assembly *Resolution 52/111*¹ to hold a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which took place in Durban, South Africa in 2001. As a means of following up on the implementation of the Durban Declaration and Programme of Action (DDPA), the GA decided in December 2006² to convene the Durban Review Conference (DRC).³ The GA requested the Human Rights Council (the Council) to undertake preparations for this event. To this end, the Council decided in its Council *Resolution 3/2*⁴ that it would act as a

¹ A/RES/52/111, 12 December 1997, available at <http://documents.un.org/mother.asp>

² A/RES/61/149, 19 December 2006, available at <http://documents.un.org/mother.asp>

³ DDPA, 31 August – 8 September 2001, available at <http://www.unhchr.ch/html/racism/02-documents-cnt.html>

⁴ A/HRC/3/2, 8 December 2006, available at <http://documents.un.org/mother.asp>

Preparatory Committee (the Prep Com) for the DRC, which would be open to all Member States of the United Nations, specialised agencies, and observers. *Resolution 3/2* reaffirmed that the DRC would be undertaken on the basis of and with full respect for the DDPA and that there would be no renegotiation of the existing agreements contained therein. However, while stating that the main concentration should remain on the implementation, *Resolution 3/2* also open up for the opportunity to discuss further actions, initiatives and practical solutions for combating all the contemporary scourges of racism. Furthermore, it was decided that the Prep Com would elect a Bureau, during its first organisational meeting, to decide on all the relevant modalities for the DRC, including the objectives, the level of participation, regional preparatory initiatives, date and venue.⁵ The Prep Com convened its first organisational meeting in Geneva from the 27-31 August 2007. This report covers the decisions made by the Prep Com at this meeting.

Introduction by the President

His Excellency Mr. Doru Romulus Costea, President of the Council, opened the session highlighting the constructive atmosphere that reigned during the meetings of the Bureau of the Prep Com. He welcomed the cooperation that the Bureau members had demonstrated in recent months not only amongst themselves, but also with the Bureau of the Council. The President ended his address wishing the Bureau every possible success on their work, and then opened the floor to comments for the formal election of officers.

Address by the Chairperson and the High Commissioner

Egypt (on behalf of the African Group) took the floor and had the honour of nominating Ms. Najat Al-Hajjaji (Libyan Arab Jamahiriya) as the Chairperson of the Prep Com. The nomination was supported by Brazil and Sri Lanka. There were no objections and Ms. Najat Al-Hajjaji was elected by acclamation.

After her election the Chairperson took the floor, stating that the work ahead was enormous, but that she was delighted to see the interest that the delegates had displayed in ensuring the achievement of the goal. She reminded the delegates that six years had elapsed since the international community adopted the DDPA at the Durban Conference, and as soon as participants had returned to their countries the events of 11 September 2001 occurred. One of the most severe consequences of this was an increase in racism, racial discrimination and related intolerance. She claimed that the war against terrorism had started, resulting in some States putting aside human rights, some using terrorism as an excuse to seek revenge on its opponents, and others implementing restrictive laws against refugees, migrants and asylum seekers.

On the positive side, the Chairperson continued that States should be proud of all those achievements obtained in Durban in 2001. Finally the Chairperson thanked all stakeholders for their determination to convene the DRC, stating that it would provide both a possibility to study how the commitments made at Durban had been fulfilled, and also to give a new impetus to assess the current face of racism and to see what solutions could be proposed.

The Chairperson then gave the floor to Ms. Louise Arbour, The United Nations High Commissioner for Human Rights (The High Commissioner). The High Commissioner began her speech by recalling Article 1 of the Universal Declaration of Human Rights, stating that “all humans are born free and equal in dignity and rights.

According to the High Commissioner the Durban Conference empowered the excluded and marginalised to break free of the barriers of silence and impotence, providing a precise diagnosis of the different causes and manifestations of racism.

⁵ The designated members of the Bureau: Estonia, Norway, Armenia, Belgium, Greece, Iran, Cameroon, South African, Senegal, Libya, Turkey, India, Pakistan, Russia, Indonesia

The High Commissioner then spoke of some of the initiatives taken in relation to general UN mechanisms as well as at the regional and national levels in the fight against racism, racial discrimination, xenophobia and related intolerances. In closing the High Commissioner quoted former UN Secretary General, Kofi Annan, who said that the imperative at Durban six years ago - and the guiding principle now - is “to help heal old wounds without reopening them,” to confront the past, but most importantly “set a new course against racism in the future.”⁶

Adoption of the agenda

After the address of the High Commissioner the Chairperson thanked her for her support, saying that it would be needed throughout the week. She then moved on to the adoption of the provisional agenda. There were no comments to this item and the provisional agenda for the Prep Com’s first organisational meeting, and the annotations thereto were adopted without a vote.⁷

Organisation of work

The Prep Com also adopted without a vote the **rules of procedure for the first organisational meeting**, which was, insofar as applicable, those of Chapter XIII of the GA Rules of Procedure.⁸

The Chairperson then asked the delegates to consider the **participation of and consultation with observers at the sessions of the Prep Com**.⁹ She emphasised the importance of broad participation of civil society in the work of the Prep Com, stating that a lot of organisations that were active at a grass-roots level, including for example the representatives of indigenous people, people of African decent, and other minorities, did not necessarily have consultative status with the Economic and Social Council (ECOSOC), but would still need to follow the preparatory work closely. The active participation of these groups would not only be desirable, but also crucial to the success of the work. With this statement the Chairperson not only expressed her own view, but also the concern of many NGOs. Previous to the first organisational meeting, a meeting was held between the Bureau of the Prep Com and the Geneva based NGOs to address this issue.¹⁰ At this meeting NGOs also expressed a general concern with regard to getting accreditation for the DRC, as this had been a problem at the Durban Conference in 2001. Several NGOs also highlighted the importance of including the victims of racism in the DRC and the importance of allowing them to share their own experiences. With regard to this last point, the Chairperson recommended the NGOs should take the victims under their “umbrella”, and in that manner give them a chance to speak both at the preparatory sessions as well as the DRC.

In their opening statements the majority of the States attached great importance to the role of NGOs, recognising the valuable contributions they made.¹¹ Brazil added in this regard that equal status should be ensured to persons belonging to minorities.

⁶ Address by Louise Abour, High Commissioner for the Human Rights Office, 27 August 2007, available at <http://portal.ohchr.org/portal/page/portal/HRCEXtranet/WG-PREPCOMDURBAN/OralStatements/270807>, The OHCHR extranet can be accessed (fill out the form on the page to receive the user name and password) at www.ohchr.org/english/bodies/hrcouncil/form.htm

⁷ A/CONF.221/PC.1/1 and annotations A/CONF.211/PC1/1/Add.1, 27 August 2007, available at <http://www.ohchr.org/english/issues/racism/groups/>

⁸ A/520/Rev.15 available at <http://documents.un.org/mother.asp>

⁹ For NGO participation during the DRC see p. 5 in this report under “adoption of ROPs for the DRC”

¹⁰ Statements were made by the following NGOs: Conference of NGOs Congo, Centre on Housing Rights and Evictions, Interfaith International, Bhai International Community, ICJ, The Indian Movement Tupac Amaru, Amnesty International, Association of world citizens, Badil Research Centre for Refugee Rights, ARC International, Canadian HIV/AIDS International.

¹¹ Opening statements were made by Bhutan, China, Pakistan (on behalf of the OIC), Brazil, Indonesia, Portugal (on behalf of the EU), Egypt (on behalf of the African Group), India, Greece, Norway, Bangladesh, Chile, Ecuador, Cuba (on behalf of NAM)

The representatives of China and Bhutan expressed their desire to reserve their right to revisit the list of NGOs at a later stage, however, as the Chairperson made clear the draft decision under consideration only dealt with the procedure and not with the actual participation of NGOs. Accordingly the draft decision on the participation of NGOs was adopted without a vote, noting that there was a general consensus among States to ensure the broadest participation possible of civil society, while staying close to ECOSOC standards insofar as applicable.¹² The Conference of NGOs in Consultative Relationship with the UN (CONGO) acknowledged the consensus on strong participation of NGOs, and called on all the Member States to practice the widest possible inclusion.

The Prep Com decided to use the mechanism of ECOSOC and the practices observed by the Council as a framework for participation.

Summary of list of participation of NGOs and observers at the sessions of the Prep Com¹³

- **NGOs in consultative status with the ECOSOC** will be invited to participate fully in all sessions of the Prep Com.
- **NGOs without ECOSOC consultative status**, but who were accredited to participate in the Durban Conference and the follow-up meetings will be invited to participate fully at the session for the Prep Com, unless there are observations made by member States within two weeks from the date they receive the list of NGOs. In the event that a government raises questions concerning accreditation of an NGO the final decision shall be taken by the Prep Com in accordance with ECOSOC *Resolution 1996/31*.¹⁴
- **NGOs that wish to participate for the first time** should submit applications to the Secretariat in accordance with the criteria in ECOSOC *Resolution 1996/31*.
- **Indigenous peoples' representatives** that have accreditation in accordance with the ECOSOC *Resolution 1995/32*¹⁵ shall be accredited to the sessions of the Prep Com. Other indigenous peoples interested in participating shall follow standard procedures in ECOSOC *Resolution 1996/31*.

Objectives of the DRC

The Chairperson first invited the delegates to take into consideration paragraph five in Council *Resolution 3/2*¹⁶ stating that there will be no renegotiation on the agreements of the DDPA.

The first speaker, Portugal (on behalf of the EU), supported this fact and also expressed the view that the DRC should not review anything outside the context of implementation of the DDPA. The review should be based on a transparent and inclusive evaluation of the implementation of the DDPA by all stakeholders, and to that end Portugal suggested a questionnaire prepared by the OHCHR. This questionnaire should be sent out to all stakeholders, who would then identify what they had implemented, partially implemented and what had not yet been implemented. On the basis of the answers it would be possible to make an overall assessment on which operational elements of the DDPA had been implemented, and to identify best practises that could be followed by all. This idea seemed to enjoy general support among the Member States,¹⁷ and was discussed

¹² Supported by China, Bhutan, Egypt on behalf of the African Group, Pakistan on behalf of the OIC, Indonesia, Chile, Ecuador, South Africa

¹³ For the list as adopted by the Prep Com se PC 1/2 in A/CONF.2111/PC.1/L.3. available at <http://portal.ohchr.org/portal/page/portal/HRCEXtranet/WG-PREPCOMDURBAN>

¹⁴ ECOSOC Resolution 1996/31 available at http://www.un.org/esa/coordination/ngo/Resolution_1996_31/index.htm

¹⁵ ECOSOC Resolution 1995/32 regarding indigenous peoples participation in and open ended working group available at <http://www.un.org/esa/documents/ecosocmainres.htm>

¹⁶ A/HRC/3/2, 8 December 2006, available at <http://www.ohchr.org/english/bodies/hrcouncil/docs/5session/>

¹⁷ Supported by Norway, Senegal, Belgium, Iceland, the Netherlands, Mexico

further under the relevant item of “reports, studies and other documentation for the Prep Com and the DRC”.¹⁸

The general debate then touched upon the importance of taking stock, which was an essential element according to all States. However, while there was general consensus on this point, some dispute arose in regard to what extend contemporary forms of racism should additionally be discussed at the DRC. While *HRC Resolution 3/2* opened up for implementing further actions, initiatives and practical solutions for combating all the contemporary scourges of racism, *General Assembly Resolution 52/111* focused solely on the implementation of the DDPA. The representative of Portugal (on behalf of the EU) expressed the view that these contemporary forms of racism were already a part of the DDPA, and that the focus should remain strictly on the implementation of this.¹⁹ He also repeatedly underlined that the DRC should be carried out in framework of the GA. Other delegates found it important to have the opportunity to discuss new obstacles that may have arisen after the Durban Conference. The representative of Egypt (on behalf of the African Group) pointed out some of its concerns in this regard, saying that the aftermath of 11 September had given rise to new religious and racist hatred. He also highlighted that only a small number of States had implemented national action plans. Several of the Islamic countries shared the concern of the rise of Islamophobia, referring to the most recent report of UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Mr Doudou Diéne.²⁰ They supported the need to address this issue at the DRC.²¹

The Chairperson requested that the Secretariat sum up the main points made by the States in a non-paper, and at the same time she took note of the two groups that seemed to be divided in their views; one group believed that the DRC should *not* reopen the debate on what was already agreed on in the DDPA; the second group believed that the GA Resolution and the HRC Resolution were complementary and that the objectives of the DRC should be expanded to include implementation, stock taking, obstacles and contemporary forms of racism as well as new obstacles.

Several interventions were made by the States on the non-paper, and discussions continued in an informal meeting later in the week.²² This resulted in the facilitator of the informal meeting, the representative of Armenia, introducing a revised version of the objectives of the DRC, which were adopted without a vote at the final session of the first organisational meeting.

Objectives at the DRC²³

- Review progress and assess implementation of the DDPA by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerances, through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerances in order to foster the implementation of the DDPA.
- Assess the effectiveness of existing Durban follow-up mechanisms and other relevant UN mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerances in order to enhance them.

¹⁸ See discussion p. 8 in this report

¹⁹ Supported by the Netherlands, Mexico, Chile, France, Turkey, Belgium

²⁰ A/HRC/6/6, 21 August 2007, Report by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Doudou Diéne, available at http://ap.ohchr.org/documents/dpage_e.aspx?s=99

²¹ Supported by Azerbaijan, Nigeria, Pakistan, Bangladesh, Islamic Republic of Iran, Algeria, Syrian Arab Republic

²² Statements were made by Algeria, Belgium, Brazil, China, Egypt (On behalf of the African Group), India, Islamic Republic of Iran, Morocco, Norway, Portugal (on behalf of the EU), Senegal, South Africa, Tunisia, Turkey.

²³ See PC.1/13. in A/CONF.211/211/PC.1/L.3, report of the Preparatory Committee on its first organisational session, including revised draft decision, available at <http://portal.ohchr.org/portal/page/portal/HRCExtranet/WG-PREPCOMDURBAN>

- Promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination.
- Identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerances.

Adoption of the rules of procedure of the DRC

The next item on the agenda included a general debate on the provisional rules of procedure (ROP) of the DRC. The views of States also seemed to be divided into two groups on this issue. Portugal (on behalf of the EU) thought it would be logical to use the rules of procedure of the GA plus certain additional rules, taking into consideration that the DRC is to be conducted within the framework of the GA.²⁴ Egypt (on behalf of the African Group) preferred to use the rules of procedure from the Durban Conference in 2001, stating that the DRC was a follow-up to the World Conference and was not a new world conference on racism in itself.²⁵

The Chairperson intervened in the discussion to remind States that extensive efforts had been made on drawing up ROP as proposed by the Bureau, taking into account the ROP of various major organs. The ROP under consideration were adopted during the Durban Conference without objections, and were found to be most effective. Information, as requested by the States, on the ROP of previous conferences and review conferences was then distributed by the Secretariat.

An intervention was made by the representative of Greece, who suggested that NGOs and other observers should be able to participate on procedural matters.²⁶ This was supported by the representative of Portugal (on behalf of the EU), who added that while the NGOs could participate in the discussion they should not be able to participate on decision making. The Chairperson clarified that NGOs were only allowed to speak on the item concerning objectives for DRC, as all other items on the agenda concerned procedural matters. The representative of Nigeria concurred to this, stating that according to the UN system it was clear that NGOs could not speak on procedural matters.²⁷ After a great deal of discussion on this point, South Africa finally introduced a motion under rule 116 of the GA rules of procedure to adjourn the discussion and return to the relevant item.

The discussion on the rules of procedure for the DRC continued at an informal meeting later in the week, and a revised version of the ROP was introduced by the facilitator, the representative of Argentina, at the final session of the first organisational meeting. The facilitator started his presentation by thanking the delegates for their flexibility during consultations. Some of the Member States preferred the ROP of the GA, while others wanted the ROP that were used at the Durban Conference. The compromise was a whole new package, which also ensured the participation of NGOs at the same level as at the sessions of the Prep Com.²⁸ After the presentation several interventions were made, mainly on the fact that the rules were provisional, which meant that they could be changed right up until their actual adoption at the first session of the DRC in 2009. The representatives of the Syrian Arab Republic, Pakistan and South Africa expressed their concern in this regard, stating that this would leave the ROP open to interpretation, and that it would demand too many resources on making amendments at the DRC instead of concentrating on substantial issues.

The Chairperson responded by ensuring States that the Bureau would not leave any issues pending, and at the same time would do its best to facilitate an agreement that could be adopted by consensus at the first session of the DRC. She then suspended the meeting for ten minutes so that the delegates could discuss the

²⁴ Supported by Belgium, Ecuador, Russia

²⁵ This was the view expressed by Egypt (on behalf of the African Group), Pakistan, South Africa

²⁶ Supported by Mexico, Norway, Argentina

²⁷ Supported by Algeria, Egypt on (behalf of the African Group), Algeria

²⁸ For level of participation of NGOs at the DRC see this report p. 4 or PC.1/12. in the report of the Prep Com on its first session available at <http://portal.ohchr.org/portal/page/portal/HRCExtranet/WG-PREPCOMDURBAN>

amendments to the ROP. The representative of Bhutan reserved the right to revisit the list of NGOs at a later stage, but apart from this statement there were no objections and the revised ROP were adopted without a vote.

The modalities for the DRC

Before opening up the general debate on the relevant modalities for the DRC, the Chairperson wished to clear up an issue from the previous session. She stressed that while NGOs and other observers were more than welcome to participate in the discussion on the relevant item, they *could not* take the floor when facing the time to make decisions.

The first issue that was discussed was the **dates for the DRC**. The Bureau of the Prep Com recommended that it should take place in the first half of 2009, to which several of the Member States expressed their full support.²⁹ However, there was some discussion in regard to the length of the DRC. While Egypt (on behalf of the African Group) was very flexible, stating that the conference should take as many days as were necessary to insure its success,³⁰ Portugal (on behalf of the EU) stated that it should take no more than three days. In a joint statement, made by the Youth and Student Movement for the UN (ISMUN) and the Women's International League for World Peace and Freedom (WILPF), it was suggested that the DRC should be a normal five day conference to show that the DRC deserved equal treatment and follow-up with a high level review conference on a global priority issue. The length of the DRC was not decided upon at this stage, but the Prep Com decided without a vote that the DRC should take place during the first half of 2009.

With regard to the **level of participation** at the DRC, all Member States and observers seemed to agree on this point, saying that it was important to ensure the highest level of participation in order to show the world that problems with racism, discrimination, xenophobia and related intolerances were taken seriously.³¹

The High Commissioner, Ms Louise Arbour, was appointed as Secretary General of the DRC. This was applauded by all present. Portugal (on behalf of the EU) made the reservation that the political responsibility for the preparation of the DRC lay with the Member States, and therefore the role of the High Commissioner should be restricted to delivering technical assistance and secretariat services.

There was some disagreement among the States on the consideration of the **venue**. The representative of Portugal (on behalf of the EU) strongly pleaded to hold the DRC in New York, arguing that the Conference should be cost efficient. The representative reminded the Prep Com that most States were already represented in New York, and that the GA disposed of mechanisms to finance the participation of delegations from the least developed countries (LDCs). He suggested that the DRC should be held as a special session of the GA, with respect to precedent of other review conferences. The representative of Egypt (on behalf of the African Group) commented on this, saying that during the negotiations of General Assembly *Resolution 61/149* a reference was made to such a special session, but this did not reach consensus.³² The Islamic Republic of Iran added that the fact that the DRC was to be conducted within the framework of the GA did not mean that it should be held in New York. The representative of Pakistan (on behalf of the OIC) stated that the OIC was willing to accept that the DRC would be held in New York, but opposed that it should be a special segment of the GA. Some of the strongest views on this point were expressed by the NGOs, who strongly objected to having the venue in the USA. ISUM, WILPF and the Indian Movement Tupac Amaru emphasised that conditions for NGO activity in New York was far from ideal as it would be very difficult for NGOs as well as victims of racism to get visas. They believed that the host country should have a strong commitment to

²⁹ Bangladesh, Belgium, Brazil, Cuba, China, Egypt (on behalf of the African Group), the Islamic republic of Iran, Mexico, Norway, Pakistan (on behalf of the OIC), Portugal on behalf of the EU), Senegal, Syrian Arab Republic, Turkey

³⁰ Supported by Senegal, Cuba, The Islamic Republic of Iran

³¹ Bangladesh, Belgium, Brazil, Cuba, China, Egypt (on behalf of the African Group), The Islamic Republic of Iran, Mexico, Norway, Pakistan (on behalf of the OIC), Portugal (on behalf of the EU), Senegal, Syrian Arab Republic, Turkey

³² Supported by Cuba

provide all necessary resources. Many of the States expressed their flexibility with regard to the venue,³³ and the Bureau of the Prep Com proposed that this would be decided at a later stage. This would allow for the opportunity to wait and see if any of the Member States would extend an invitation to host the DRC. The proposal was adopted without a vote.

The last issue that was discussed under the item of relevant modalities was **sources of funding** for the DRC. In this regard the Member States all welcomed the revitalisation of the voluntary fund.³⁴ The representative of Egypt (on behalf of the African Group) added that the funding should not be less than it was for the Durban Conference in 2001, and to that end he recommended to raise extra-budgetary resources to cover the cost of participation of the LDCs in the preparatory process including the Prep Com, the regional preparatory meetings and the DRC.³⁵ The representative of Egypt (on behalf of the African group) also suggested that the Bureau should draft a document with the concise outlining steps and measures taken in regard to getting financial funding. This suggestion was supported by the representative of Belgium, who added that a wide call for funding was not necessarily the best way to reach sufficient means. The representative of Portugal (on behalf of the EU), on the other hand, did not find a need for extra-budgetary resources to cover the cost of LDC participation, as such a mechanism already existed in the framework of the GA. He added that while welcoming the revitalisation of the voluntary fund, it should only cover expenses related to the substantial sessions of the Prep Com and in particular facilitate the participation of national human rights institutions (NHRIs), NGOs, human rights treaty bodies and special procedures. He agreed that the Secretary General should provide funding, and also consider providing funds to regional offices, but only those organized by the UN. He added that States should be able to handle the finances themselves if deciding to host a regional meeting. The discussion continued at an informal meeting, and a revised draft decision was presented by the facilitator, the Ambassador of Brazil, at the last session of the first organisational meeting. This revised draft decision contained suggestions made by several of the States and was adopted without a vote.³⁶

Funding and technical assistance for the DRC³⁷

- To request the UN Secretary General to provide necessary resources for DRC and to consider providing the necessary financial and technical assistance for convening the regional preparatory meetings.
- To request the High Commissioner to revitalise the voluntary fund, which should cover expenses other than those covered by the regular budget, including needs for the intersessional working group, the participation of NHRIs and NGOs, especially those from developing countries, as well as human rights treaty bodies and thematic special procedures.
- To appeal to all stakeholders to contribute generously to the voluntary fund, and to this end, request the Secretary General and the High Commissioner to undertake initiatives to encourage contributions.
- To encourage the High Commissioner as well as UN bodies and specialised agencies to assist States and regional organisations, who convene international, regional and national meetings or other relevant initiatives in the framework of the preparatory process of the DRC.
- To recommend that the GA appeal for contributions from extra-budgetary resources to cover the cost of participation of the LDCs in the preparatory process, including the first and second substantive session of the Prep Com, the relevant regional meetings and the DRC.

Preparatory meetings and activities at the international, regional and national levels

³³ China, Norway, Brazil, Turkey, Egypt (on behalf of the African Group), Senegal

³⁴ Portugal (on behalf of the EU), Egypt (on behalf of the African Group), Turkey, Cuba, Senegal, Pakistan (on behalf of the OIC), Norway, China, Belgium

³⁵ Supported by Turkey, Cuba, Senegal, Pakistan (on behalf of the OIC), Bangladesh,

³⁶ Suggestions were made by Portugal (on behalf of the EU), Mexico, Norway, Switzerland

³⁷ PC.1/12, report of the Prep Com on its first session, available at <http://portal.ohchr.org/portal/page/portal/HRCExtranet/WG-PREPCOMDURBAN>

The Chairperson opened up a special segment in order to have a general discussion on the item concerning preparatory meetings and activities at the international, regional and national levels. The representative of Brazil (on behalf of GRULAC) highlighted the importance of holding regional and national meetings in achieving and consolidating consensus. In accordance with this, Brazil was happy to host a regional conference in 2008 in the context of preparations for the DRC. The representative of Egypt (on behalf of the African Group) also emphasised the importance of holding these meetings, stating that a regional conference had taken place in Senegal, which had been a useful tool for exchange of information and elaborating positions. He also stressed the importance of receiving financing from the OHCHR for these events. The representative of Portugal (on behalf of the EU) submitted a draft proposal with amendments to the proposal made by the designated Bureau. The majority of States, however, seemed to prefer the original draft proposal presented by the Bureau of the Prep Com.³⁸ Further discussions on the two proposals were carried out during an informal meeting and the facilitator, the Ambassador of Russia, presented a revised draft proposal, which was adopted without a vote at the final session of the first organisational meeting. The Prep Com decided to call upon States and regional organisations to hold international, regional and national meetings and/or undertake other initiatives in preparations for the DRC in line with the objectives, and request that reports from such activities would be submitted to the Prep Com through the OHCHR.³⁹

Reports, studies and other documentation for the Prep Com and the DRC and contributions by human rights bodies

During an informal meeting concerning this item it was proposed by the representative of Belgium (on behalf of the EU) that a reference to the objectives of the DRC should be made in **the chapeau** of the draft concerning reports, studies, and other documentation, arguing that it would be counterproductive to have clear objectives in one place and then shuffle it around in another draft decision to be adopted by the Prep Com. Furthermore it was proposed by the representative of Morocco to add “national human rights institutions” to the **list of stakeholders, who would be requested to submit recommendations** through the OHCHR as contributions to the outcome of the DRC. This suggestion enjoyed wide support among States.⁴⁰ Belgium (on behalf of the EU) suggested that a more comprehensive language should be used in the text listing the relevant stakeholders, and not single out specific special rapporteurs. This view was supported by the representative of Norway, who pointed out that that it might seem selective to only point out two rapporteurs, considering that it would also be relevant to include other special rapporteurs. South Africa responded to this suggestion by stating that the reference to “other human rights mechanisms” already made it as open as possible. This statement was supported by the representative of Iran and Egypt (on behalf of the African Group), who agreed that all appropriate mechanisms were already included in the current text. A compromise was proposed by Mexico, who suggested that the wording “and other special procedures” should be added. This compromise was agreed upon and the text as presented by the facilitator, the representative of Brazil, was adopted without a vote at the last session.⁴¹

According to a draft proposal submitted to the Bureau by Portugal (on behalf of the EU) a **questionnaire** should be made by the OHCHR and sent out to all stakeholders in the process of compiling information about the status of the implementation of the DDPA. The information should later be reviewed by the Prep Com in order both to share good practises and also the challenges that the Member States had encountered so far.⁴² Egypt (on behalf of the African Group) supported the questionnaire on condition that it would be made by the Bureau of the Prep Com.⁴³ Bangladesh supported the statement made by Egypt, claiming that the Secretariat

³⁸ Egypt (on behalf of the African Group), Algeria, Senegal, Pakistan (OIC), Tunisia, South Africa, Mexico

³⁹ PC.1/11 at <http://portal.ohchr.org/portal/page/portal/HRCExtranet/WG-PREPCOMDURBAN>

⁴⁰ Philippines, Russia, Belgium, India, Venezuela, Iran, South Africa, Egypt (on behalf of the African Group), Ecuador, Mexico, The Russian Federation, Armenia

⁴¹ For a full listing of stakeholders see PC.1/10 in the report of the Prep Com on this first organisational meeting, available at http://www.ohchr.org/english/issues/racism/groups/prep_committee_durban/index.htm

⁴² Supported by Norway, Switzerland, India, Belgium, Brazil, Syrian Arab Republic, Pakistan, Syria

⁴³ Supported by Bangladesh, Algeria, Djibouti,

could make a good questionnaire and did not need to go to the OHCHR, while Nigeria said that it was the responsibility of the Bureau to make the questionnaire with the support of the Secretariat.⁴⁴ Finally Mexico stressed that the most important aspect was allowing for the preparations to be started and that the Prep Com should focus rather on the objectives of the questionnaire as opposed to who made it. A revised version of the draft proposal was presented by the facilitator, the representative of Brazil, on the last session of the first organisational meeting and adopted without a vote, where it was decided to request the OHCHR, under supervision of the Bureau, to draft a questionnaire that would be sent immediately after the organisational session of the Prep Com to all stakeholders. Responses to the questionnaire would be sent to the substantive session of the Prep Com.⁴⁵

The last issue that created some discussion under the item of reports and other relevant documentation was the proposal of the Bureau to establish a new open ended intergovernmental **working group**. A working group on the effective implementation of the DDPA and was had already been established by the Commission on Human Rights in *Resolution 2002/68* and approved by the ECOSOC in its decision 2002/270.⁴⁶ This Working Group held its first session in Geneva from 21 to 31 January 2003. Portugal (on behalf of the EU) opposed the proposal on the establishment of a new working group, arguing that the delegates already had a heavy workload in relation to the Human Rights Council. The representative stated that in order to balance all human rights issues and not only focus on racism, it was necessary to use the existing mechanisms in the review and follow-up to Durban⁴⁷ Egypt (on behalf of the African Group), on the other hand, supported the establishment of the working group. The representative of Iran concurred and added that the establishment of the working group would be necessary in further negotiations for the two substantial sessions of the Prep Com.⁴⁸ The representative of Brazil stated that the situation called for not only an assessment of the implementation of the DDPA, but also a report to bring into light new forms of racism. The representative did not think that the current proposal of the Bureau on the new working group met this task, and to that end suggested the combination of a report from the five experts on complementary international standards,⁴⁹ and contributions from the new working group. This was strongly supported by Argentina.

The discussion continued at an informal meeting, and a revised version of the draft proposal was presented by the facilitator, the representative of Brazil, at the last session. In this the Prep Com decided to establish at its first substantive session an open ended intergovernmental working group to follow-up on the work of the Prep Com, review additional written contributions and to report thereon to the Prep Com. Furthermore it was decided to request the OHCHR to ensure the expeditious submission of the written contributions to the open ended intergovernmental working group.⁵⁰

Organisation of the work and dates of the substantive sessions of the Prep Com and formulation of a concrete plan for the preparatory process

The Prep Com decided without a vote that its first substantive session should be held in Geneva from 21 April to 2 May 2008, and that the second substantive session should be held from the 6 to 17 October 2008. These dates, however, pended on confirmation from the OHCHR that it would not clash with the Third Committee of the General Assembly. Furthermore, the Prep Com adopted without a vote the draft provisional agenda for the first substantive session of the Prep Com, as well as an annex with the main elements for a timetable for the preparatory process of the DRC.⁵¹

⁴⁴ Supported by the Russian Federation

⁴⁵ PC.1/15 – ANNEX, available at http://www.ohchr.org/english/issues/racism/groups/prep_committee_durban/index.htm

⁴⁶ For more information see <http://www.ohchr.org/english/issues/racism/groups/index.htm>

⁴⁷ Supported by Norway, Switzerland, India, Belgium, The Indian Movement Tupac Amaru, the World Peace Council

⁴⁸ Supported by Indonesia, China, Bangladesh, Nigeria, South Africa

⁴⁹ For more information on the five experts see http://www.ohchr.org/english/issues/racism/groups/experts_study.htm

⁵⁰ PC.1/10 available at http://www.ohchr.org/english/issues/racism/groups/prep_committee_durban/index.htm

⁵¹ PC.1/14. and PC.1/15 available at http://www.ohchr.org/english/issues/racism/groups/prep_committee_durban/index.htm

On the last day of the first organisational meeting, informal meetings went on for the greater part of the afternoon session in order to reach consensus on all the draft decisions. This goal was achieved, and several States thanked the Chairperson as well as the facilitator for the good work throughout the week.

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