Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow up to the Durban Declaration and Programme of Action

L.65/Rev.1

EU Explanation of vote

Mr. Chairman,

I have the honor to speak on behalf of the European Union to explain our position on the draft resolution contained in document L.65/Rev.1, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow up to the Durban Declaration and Programme of Action". The Candidate Countries Croatia* and The Former Yugoslav Republic of Macedonia*, the Countries of the Stabilization and Association Process and Potential Candidates Albania, Bosnia and Herzegovina and Montenegro, as well as the Republic of Moldova and Georgia, align themselves with this declaration.]

The European Union wishes to reiterate its full commitment and highest priority attached, to the fight against racism, racial discrimination, xenophobia and related intolerance, to which we attach the highest priority. We were among those who actively participated in the deliberations of the World Conference against Racism held in Durban in 2001 and agreed on its final document, as a global agenda to eliminate racial discrimination all over the world. Since then, the European Union and its Member States have focused their efforts on the full implementation of the Durban Declaration and Programme of Action.

In this connection, the EU was pleased to support, at the last session of this General Assembly, the convening in 2009 of a Review Conference on the implementation of the DDPA within the framework of the GA. As we announced then, taking into account the negotiation process, our understanding was that the review would be conducted at a high-level meeting in the framework of the GA, that it would focus on the implementation of the Durban outcome document, without reopening any part thereof, and that its preparation by the Human Rights Council would not entail the creation of new mechanisms. In our firm belief that the major value added of the DDPA is its universality, the EU has

repeatedly reaffirmed that the respective follow-up must be done in a framework that preserves the broad consensus achieved at Durban and includes all regions of the world.

Mr. Chairman,

For these reasons, it was deeply disappointing to us that last year, even before our compromise at the Third Committee was confirmed by the GA Plenary, two draft resolutions were presented at the Human Rights Council that contradicted the letter and the spirit of the New York decision. We were forced to vote against both these draft resolutions and thus the consensus achieved at the GA was broken.

Still, the EU has participated actively and constructively at the organizational session of the Review Conference's Preparatory Committee held last August. After long and prolonged discussions, we were pleased to see that the openness, hard work and strong will of all delegations enabled the PrepCom to adopt 15 decisions without a vote, including on the objectives of the Review Conference.

And yet, last September, less than one month after the PrepCom has deliberated, three drafts were submitted to the Human Rights Council at its sixth session that were not in line with the compromises reached at the PrepCom. The EU was once again forced to vote against such proposals. We remain fully committed to the implementation of the PrepCom decisions and, last week only, have supported the endorsement of such decisions by this Third Committee.

Mr. Chairman,

It is surprising and disconcerting to us that this body, which has just endorsed these decisions, is now to take action on a draft resolution which, in some instances, directly contradicts them.

We recognize an effort on the part of the sponsors of this initiative to accommodate several of the EU proposals. Still, draft resolution L.65 changes the PrepCom's agreement as it concerns the holding of international, regional and national meetings or other initiatives in preparation for the Durban Review Conference. It furthermore contains language which can be construed as prejudging the special procedures review process currently underway at the Human Rights Council.

Finally, Mr. Chairman, and among other aspects, paragraphs dealing with budgetary arrangements for the World Conference and its preparatory process also contradict PrepCom decision 1/12. The agreement reached in August concerning the financing of the preparatory process to the Durban Review Conference has been re-opened and new language was included for allocation of adequate funding from the UN regular budget to the Review Conference itself, before a decision is taken in respect of its format, venue and duration. These are essential aspects that must be determined before provisions relating to the funding of the Conference are adopted. The EU would have wished that these decisions had already been taken, and presented proposals to this effect at the last PrepCom as well as, as it concerns the format of the Review Conference, within the negotiations of draft resolution L.65. On both occasions, there was no agreement to incorporate our proposals. As the Secretariat has noted in its statement concerning the PBI of draft resolution L.65, the full budget implications of this resolution – provisionally estimated at approximately $7.2 million – would be addressed at the appropriate time when consultations are completed concerning a number of organizational arrangements for the Review Conference, including on its date and duration.

The EU furthermore regrets that the negotiations on the draft text were initiated at a very late stage, only about a week ago, and that thereby little time has been devoted to consultations. This was not adequate considering the complexity of the text and the extensive process it deals with. We have presented a number of proposals aimed at bringing the text in line with previous agreements but, unfortunately, the main sponsors of draft resolution L.65 failed to achieve this objective.

At this point, we ask ourselves whether it is worth for all delegations to make all such efforts to reach compromises if they can be so easily broken. We also reiterate our doubts about whether some of the main players in this process are genuinely interested in keeping the Durban follow-up process on a consensus basis which includes all regions of the world.

For all these reasons, the EU will vote against draft resolution contained in document L.65.

Thank you, Mr. Chairman.