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DURBAN REVIEW CONFERENCE

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 April 2009, at 10 a.m.

Temporary President: Ms. PILLAY (United Nations High Commissioner for
Human Rights and Secretary-General of
the Durban Review Conference)

President: Mr. WAKO (Kenya)

CONTENTS

OPENING OF THE CONFERENCE

STATEMENT BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

STATEMENT OF THE REPRESENTATIVE OF THE PRESIDENT OF THE
GENERAL ASSEMBLY

STATEMENT BY THE PRESIDENT OF THE HUMAN RIGHTS COUNCIL

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CONTENTS (*continued*)

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

MESSAGE FROM MR. NELSON MANDELA, FORMER PRESIDENT OF SOUTH AFRICA

ELECTION OF THE PRESIDENT

ADOPTION OF THE RULES OF PROCEDURE

ELECTION OF OTHER OFFICERS OF THE CONFERENCE

CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE

ADOPTION OF THE AGENDA

ORGANIZATION OF WORK

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

OPENING OF THE CONFERENCE

1. The TEMPORARY PRESIDENT declared the Durban Review Conference open and welcomed the participants.

STATEMENT BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

2. The SECRETARY-GENERAL said that it was an honour for him to be with the participants and to open the Durban Review Conference. There came a time when it was necessary to stand firm on the fundamental principles that bound humankind, a time for the international community to reaffirm its faith in fundamental human rights and the dignity and worth of all, a time to give the virtues of tolerance and respect for diversity their fullest due and to look beyond a past that divided towards a future that united. That time was now.

3. He had looked forward to arriving in Geneva to see the promise of a new day, a move in a new direction, all nations acting as one. He had looked forward to thanking the many delegations, the Chairperson of the Preparatory Committee, the Facilitator of the Inter-sessional Working Group, the United Nations High Commissioner for Human Rights and other senior United Nations officials for their tireless work in preparing for the Conference. He was profoundly grateful to them, and yet he was also profoundly disappointed.

4. Humanity was facing immense challenges on many fronts in the current difficult times. Among the most pressing of those challenges was the fight against racism and all forms of racial discrimination. Despite decades of advocacy, despite the efforts of many groups and many nations and despite ample evidence of the terrible toll that racism exacted, the phenomenon persisted. No society - large or small, rich or poor - was immune. The eyes of the world were thus focused on the Conference, yet one might ask what the world was to conclude.

5. The world dreamed of moving in a new direction, yet too many nations clung to the past. The international community spoke of finding a new unity, as the times demanded, yet remained weak, divided and stuck in old ways. It spoke of tolerance and mutual respect but pointed fingers and made many of the same accusations that it had made for years, if not decades. Some nations which by rights ought to have been helping to forge a path to a better future had not attended. Outside the Palais des Nations, interest groups of many political and ideological stripes were shouting at one another in acrimony when they ought to be at the Conference talking together. All who had gathered at the Conference welcomed the dawning of a new era of multilateralism that involved less confrontation and more dialogue, less ideology and more common understanding. If ever there was a truly great and noble cause that bound all human beings, the cause that lay at the heart of the Conference was it.

6. The Durban Declaration and Programme of Action committed the international community to work together to combat racism in all its manifestations. Racism was an outright denial of human rights; it could be institutionalized, as in the case of the Holocaust, or could express itself less formally as hatred of a particular people or class, as in the case of anti-Semitism or, more recently, Islamophobia. Such intolerance was evident in national histories that denied the identities of others or that rejected the rightful grievances of minorities who might not share an

“official” history. It could be seen emerging in new forms such as human trafficking, the victims of which tended to be women and children of low socio-economic status. Refugees, asylum-seekers, migrant workers and undocumented immigrants were increasingly being stigmatized, if not persecuted. A new politics of xenophobia was on the rise, and with new technologies hate speech was proliferating.

7. Discrimination did not go away of its own accord: it must be challenged, or it could cause social unrest and violence. Special vigilance was needed during the current time of economic trouble. If not handled properly, the current economic crisis could evolve into a full-scale political crisis marked by social unrest, weakened Governments and an angry public that had lost faith in its leaders and its own future. In such circumstances, the consequences for communities already victimized by prejudice or exclusion could be frightening. For that reason, he had mobilized the United Nations to address the range of issues confronting the international community and had appealed to Member States to do more to combat poverty and advance the Millennium Development Goals. The linkages between poverty, underdevelopment and discrimination were clear, and the present conference offered an opportunity to strengthen the resolve of the international community and refocus its common efforts in that regard.

8. He was encouraged by the agreement reached by the Preparatory Committee and commended the flexibility and efforts of all delegations to find common ground, despite considerable difficulties. The outcome document before the Conference was carefully balanced, addressed key issues and set the stage for concrete action in a global campaign for justice for victims of racism worldwide. It was deeply regrettable that some had chosen to stand aside, and he hoped that they would not do so for long. Like Theodore Roosevelt, his allegiance and sympathies had always been with the men and women in the arena, who struggled with courage and determination to win the day. Although it was easy to criticize those efforts from afar, such criticism did not advance the universal cause.

9. The participation of the international community was essential. The Universal Declaration of Human Rights held that all human beings were created equal, born free and endowed with inalienable human rights. All States represented at the Conference were signatories to the Declaration and were duty-bound to do their utmost to defend its principles, which were very much at stake. The international community had come a long way in its efforts to produce a consensual text, and while it was regrettable that, in the view of some, those efforts had fallen short of the mark, he believed that the remaining differences could be overcome. He therefore urged States to see the Conference as the beginning of a process rather than as an end. Unless States participated, their views could not be heard or accounted for. Humanity’s long march in the campaign against racism had never been easy, and going forward would not be any easier. It was necessary to build on the progress that had been made and grow beyond the divisions that prevented movement forward. He invited participants to recognize the difference between honest disagreement and mere divisiveness or, worse, sheer obstructionism. Countries should lead by example, knowing that their own reputations, and that of the Organization, were at stake.

10. If tolerance and respect for diversity were the common goal, that goal might be served by practising those very qualities in working towards it. The international community was capable of rising to the occasion, and must do so.

STATEMENT BY THE REPRESENTATIVE OF THE PRESIDENT OF THE
GENERAL ASSEMBLY

11. Mr. LACAYO (Senior Adviser to the President of the General Assembly), speaking on behalf of the President of the General Assembly, said that the nations of the world had come together during the International Year of Reconciliation and at a time of great crisis, fully resolved that the Durban Review Conference should be a milestone at a crucial moment in human history. Both new and traditional forms of discrimination continued to exist. The President of the General Assembly wished to commend those States that had taken measures to guarantee victims of racism, racial discrimination and related forms of intolerance the right to redress and urged all States to follow suit. He also invited the Conference to reaffirm the right of the Palestinian people to self-determination and the establishment of an independent State. At the same time, the Conference should recognize the right to security of all States of the region.

12. It remained a fact that racial discrimination, xenophobia and related forms of intolerance could be exacerbated by such factors as unfair distribution of wealth, marginalization and social exclusion. Speaking on the fifteenth anniversary of the genocide in Rwanda, the President of the General Assembly had said that if the injustices inherent in the world's economic and social systems were not adequately addressed, the world would continue to reap a harvest of death and destruction. Crimes such as genocide were not simply conjured out of thin air, but were the lethal results of colonial policies that had institutionalized ethnic resentments and tensions.

13. The most terrible forms of racism and related intolerance had been brought about by models of economic, social and political development that had allowed the anti-values of greed, egoism and domination to prevail over the values of human rights, equality, solidarity and justice. It was no accident that the current world crisis had grown out of the same patterns that had produced racial discrimination, xenophobia and related forms of intolerance and were capable of engendering new and even more terrible forms of discrimination.

14. For that reason, the Conference would constitute both a review and a step forward in a world facing new threats in the areas of finance, food, climate, the environment and energy. The Conference had a big part to play in finding effective solutions to the four major crises facing the world. As the President of the General Assembly had said on many occasions, there was a general consensus among world leaders that the current crisis had its roots in the same moral shortcomings as those that sustained racism and discrimination.

15. Earlier that month, the General Assembly had decided to invite all the Member States to a world summit on the global crisis to be held from 1 to 3 June 2009. For the summit to be effective, it should be attended by Heads of State and Government. He was convinced that the forum of 192 Member States provided the representativeness, legitimacy and credibility required to examine the current crisis in depth and draw up a viable blueprint for a new international financial architecture in which all would have an opportunity to participate fully and equally in a common search for solutions.

STATEMENT BY THE PRESIDENT OF THE HUMAN RIGHTS COUNCIL

16. Mr. UHOMOIBHI (President of the Human Rights Council) said that belief in the inherent superiority of a particular race was immoral and a dangerous ideology: it denied the truth that all

were born free and equal in dignity and rights, and it denied the victims of hatred and bigotry justice and equal opportunities as well as the respect and happiness to which every human being was entitled. Yet the repugnant creed that ethnicity determined individual worth had persisted through the ages. Racism remained a devious and treacherous practice. It was used to justify persecution, oppression and death and had fostered legal segregation that discriminated against populations and entrenched economic and social exclusion. In various forms it had precipitated heinous crimes, including slavery, apartheid and genocide.

17. Through the United Nations, the international community had made robust efforts to establish principles and mechanisms and set high moral standards for human conduct and to guard against all forms of racism. Those mechanisms were important tools for combating ignorance and intolerance of cultural and ethnic diversity, and they had helped to create a just and peaceful world. Since the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination in 1965 and the subsequent establishment of the Committee on the Elimination of Racial Discrimination (CERD), various efforts had been made at all levels to promote universal adherence to that Convention. The persistence of racism and all forms of racial discrimination was thus due to a lack of political resolve rather than a lack of appropriate mechanisms.

18. Racism, apartheid and colonialism were historical wrongs, and their victims were real people. Although some of them would bear their scars to the grave, they would not be bitter as long as their plight was recognized as a historical truth. More than just words, the healing process required empathy with victims. When the world had finally overcome slavery, colonialism and apartheid, it had proved that united action could overcome divisions in pursuit of high principles. With greater resolve the international community could build on those achievements.

19. The Durban Declaration and Programme of Action called for new ways to address the persistence of racism, racial discrimination, xenophobia and related intolerance with more resolve, more humanity and with greater efficiency. It also recognized the root causes of discrimination, including poverty, underdevelopment, marginalization, social exclusion and economic disparities. Concerted efforts were needed in the context of the current global economic and financial crisis to protect vulnerable populations from discrimination and intolerance.

20. The present Conference should take the international community several steps further in the fight against all forms of discrimination. Important efforts had been made by all engaged in the review process to ensure that the negotiations during the Conference would be constructive. It was important to ensure that the search for consensus was conducted with decorum and respect.

21. All stakeholders had a responsibility to actively drive the fight against racism by embracing all mechanisms that sought to achieve that end. The Review Conference offered an opportunity to consolidate the gains made under the Durban Declaration and Programme of Action and to rid the world of inequality, exploitation, poverty and prejudice by taking a robust and unequivocal stand against racism, racial discrimination, xenophobia and related intolerance.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

22. Ms. PILLAY (United Nations High Commissioner for Human Rights) said that the overarching goal of the Conference was to move beyond narrow political considerations and calculations in order to celebrate tolerance and diversity. She expressed confidence that the Conference would represent a historic milestone in the fight against racism and that those who had stayed away would be convinced to rejoin the efforts to combat racism at a later stage. She congratulated those who had ably guided the preparatory process and said that the evident commitment of participants to the issues at stake was encouraging.

23. Racism and racial discrimination attacked the foundations of a person's dignity, for they sought to divide the human family into categories, some of which were considered to be more worthy than others. Discrimination in all its aspects must be denounced and rejected in whatever form it arose. History had shown that when discrimination, racism and intolerance were allowed to take root, they shattered the foundations of societies and caused enduring damage. Having grown up in apartheid South Africa, she had first-hand experience of the destructive force of institutional racism.

24. Although guarantees of non-discrimination were enshrined in all international human rights standards and in many national laws, countries in all regions of the world continued to tolerate or permit discrimination. The pernicious effects of intolerance, oppression and subjugation were common knowledge, yet racism had yet to be eradicated. Racial discrimination was in fact one of the most common human rights violations and was intensifying, as a result of resurgent prejudices and fear as well as competition over scarce resources and employment opportunities. Often inherent in a society's asymmetrical power relations, racism exploited and perverted the human desire to belong and the need for a cultural, historical and psychological space in which identity could be preserved and nurtured.

25. The Durban Declaration and Programme of Action constituted the most comprehensive international platform to combat racial hatred, discrimination and intolerance. It was important to give practical effect to the commitments enshrined in that document, and the time had come to assess the extent to which the pledges made in 2001 had been realized. A clearer understanding of persisting gaps in protection and of wilful negligence in the implementation of the Declaration and Programme of Action was also needed.

26. Implementation of the Programme of Action had encountered a number of challenges. The document had emphasized the close association of poverty, underdevelopment, marginalization, social exclusion and economic disparities with racism and their contribution to the persistence of racist attitudes and practices. All those factors perpetuated vicious cycles of poverty and exclusion, undermining simultaneously human rights, development and security.

27. In an era of greater interaction and mutual learning among peoples of different origins and in a context of heightened global political awareness and civic activism, common strategies were pursued most effectively when they were anchored in the promotion and protection of universal human rights, without discrimination of any kind. However, that enriching diversity of backgrounds presented a growing challenge to States as they sought to promote and ensure mutual respect, social harmony, equal opportunities and fair treatment for all. Regrettably, those

identified as “others” - particularly migrant workers - were often perceived as predatory competitors rather than as contributing to the pool of talent, hard work and ingenuity that increased the wealth and welfare of receiving communities. Minority groups in multi-ethnic and multicultural societies had also suffered disproportionate discrimination and stigmatization in the context of the fight against terrorism and the response of many countries to their legitimate security concerns.

28. The convergence of the global food emergency, the economic and financial crises and the effects of climate change had exacerbated prejudices and tensions and caused latent intolerance to surface, leading in some cases to racist attacks. When used in the service of supremacist political agendas, the manipulation of perceptions of diversity had stoked long, extended armed conflicts as well as sudden outbreaks of violent communal strife entailing serious violations of international human rights and international humanitarian law, which in the most egregious cases were tantamount to war crimes, crimes against humanity and even genocide.

29. In the face of such challenges, the objectives of the Conference must be pursued with a commensurate sense of responsibility. All Member States should participate in the process, never losing sight of the overall goal of attaining discrimination-free societies. Such a compelling objective must override differences and reconcile diverse perspectives. Failure to agree on the way forward would adversely affect the human rights agenda for years to come. Each and every person had a stake in the fight against racism.

30. She was encouraged by the progress achieved by the Preparatory Committee, which had produced a carefully negotiated and balanced draft outcome document for consideration and adoption by the Conference. All regional groups and many countries had endeavoured to ensure that the Conference discussions would reflect goals and road maps in which all participants could share. They had made concessions in order to reach a widely acceptable agreement on the draft. In particular, she expressed her gratitude to the delegations of the Palestinian Authority and the Organization of the Islamic Conference for the flexibility that they had displayed on issues that were of crucial importance to them.

31. Member States had begun the preparatory process with divergent views but had thus far remained committed to the goal of finding a way forward together to tackle the scourge of racism. The process had not been an easy one, but in the draft outcome document Member States had managed to address key issues; the draft was carefully balanced and would generate practical steps to address the plight of the many victims of racism throughout the world.

32. Although not all States had chosen to attend the Conference, she was nevertheless confident that it would be a success. She hoped that those Member States that, to her deep regret, were not attending would still join the effort to make tangible changes in the lives of victims of racism, racial discrimination, xenophobia and related intolerance in all parts of the world.

33. The international community had before it an opportunity to take a significant step forward in the fight against racism in the interests of justice, dignity and equality everywhere. The eyes of the world were upon the Conference, and its participants would be judged harshly if they did not seize that historic opportunity. She was sure that they would; the victims of racism deserved no less.

MESSAGE FROM MR. NELSON MANDELA, FORMER PRESIDENT OF SOUTH AFRICA

34. Mr. KWEGYIR (United Republic of Tanzania) read out the text of a message from Mr. Nelson Mandela, former President of South Africa, who said that the work of the Conference would contribute to the advancement of the noble struggle for equality and justice that must be waged tirelessly, irrespective of the obstacles that would inevitably arise. The 2001 World Conference, which had been held in his country, had produced the Durban Declaration and Programme of Action, which had been hailed as the most comprehensive framework extant for combating racism, racial discrimination, xenophobia and all other forms of intolerance. South Africans had learned that discrimination and the stigmatization of one part of the population devalued the humanity not only of the victims but of all people of the country.

35. The Conference was an opportunity not only for assessing the progress made in translating the commitments made at the 2001 World Conference into action but for renewing the spirit and will of the international community to do so. It also afforded an opportunity to engage with a new leadership with new visions that had emerged in the intervening period in countries whose involvement was crucial to that endeavour.

36. There were bound to be disagreements and divergences of opinion during the Conference; given the diversity of participants, such divergences were normal and, indeed, healthy. They should not however, paralyse efforts to attain a world free of racial bigotry, hatred, discrimination and intolerance. The victims of such phenomena were millions of children, men and women. Their dignity and their human right to life, peace and prosperity must not be compromised because of often obscure differences among policymakers.

ELECTION OF THE PRESIDENT (item 2 of the provisional agenda)

37. Ms. MTSHALI (South Africa) nominated Mr. Wako (Kenya) for the office of President.

38. Mr. FERNÁNDEZ PALACIOS (Cuba) and Mr. ACHAMKULANGARE (India) seconded the nomination.

39. Mr. Wako (Kenya) was elected President of the Durban Review Conference by acclamation.

40. Mr. Wako (Kenya) took the Chair.

41. The PRESIDENT said that it was a great honour and responsibility to have been elected President. He accepted the position with humility and would serve with zeal and commitment in the discharge of his duties.

42. As many of those present knew from personal experience, racism, racial discrimination, xenophobia and related forms of intolerance persisted in all parts of the world. The Conference had the collective responsibility to create a fresh impetus to improve the lives of the victims of those scourges.

43. The Durban Declaration and Programme of Action constituted the most ambitious platform for action against racism ever developed by the international community. It was his hope that the Review Conference would be yet another landmark in the journey towards the elimination of all forms of racism. Only thus could the human race be united in diversity on the basis of love and respect. Much had been achieved in the negotiations preceding the Conference. He was confident that, through understanding and dialogue, the process could be successfully completed. He welcomed the consensus on which the preparatory process had been based and expressed the hope that the same spirit of consensus would prevail during the Conference deliberations.

44. The Secretary-General withdrew.

The meeting was suspended at 11.20 a.m. and resumed at 11.30 a.m.

ADOPTION OF THE RULES OF PROCEDURE (item 4 of the provisional agenda)
(A/CONF.211/3)

45. The PRESIDENT said that at its third substantive session the Preparatory Committee had decided to recommend that the first sentence of rule 6 of the draft rules of procedure should be amended to read: "The Review Conference shall elect from among the representatives of participating States the following officers: a President, 20 Vice-Presidents which would include a Rapporteur-General, and the Chairpersons of the Main Committee and the Drafting Committee established in accordance with rule 47." Such an approach would allow the entire Bureau of the Preparatory Committee to be considered for election, thereby ensuring continuity and better management of the Conference.

46. The rules of procedure, as amended, were adopted.

ELECTION OF OTHER OFFICERS OF THE CONFERENCE (item 5 of the provisional agenda)

47. The PRESIDENT said that it was his understanding that the Review Conference wished to elect by acclamation the following 20 Member States as Vice-Presidents of the Review Conference: Cameroon, the Libyan Arab Jamahiriya, Senegal and South Africa from the Group of African States; India, Indonesia, the Islamic Republic of Iran and Pakistan from the Group of Asian States; Armenia, Croatia, Estonia and the Russian Federation from the Group of Eastern European States; Argentina, Brazil, Chile and Cuba from the Group of Latin American and Caribbean States; and Belgium, Greece, Norway and Turkey from the Group of Western European and other States.

48. It was so decided.

49. Mr. DONOSO (Chile) nominated Mr. Pino Álvarez (Cuba) for the office of Rapporteur-General of the Conference.

50. Mr. Pino Álvarez (Cuba) was elected Rapporteur-General of the Conference by acclamation.

CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE (item 6 of the provisional agenda)

51. The PRESIDENT said he took it that the Conference wished to elect a credentials committee in accordance with rule 4 of the rules of procedure, its composition being based on that of the Credentials Committee of the General Assembly at its sixty-third session. Its chairperson would be elected at the first meeting of the committee.

52. It was so decided.

ADOPTION OF THE AGENDA (item 7 of the provisional agenda) (A/CONF.211/1)

53. The agenda was adopted.

ORGANIZATION OF WORK (agenda item 8) (A/CONF.211/4/Rev.1, A/CONF.211/5)

54. The PRESIDENT said he took it that the Conference wished to establish a Main Committee and a Drafting Committee, in accordance with rule 47 of the rules of procedure.

55. It was so decided.

56. The PRESIDENT invited the Conference to elect the chairpersons of the Main Committee and the Drafting Committee from among the 20 Vice-Presidents.

57. Ms. MTSHALI (South Africa) nominated Ms. Al-Hajjaji (Libyan Arab Jamahiriya) for the office of Chairperson of the Main Committee.

58. Ms. Al-Hajjaji (Libyan Arab Jamahiriya) was elected Chairperson of the Main Committee by acclamation.

59. Ms. ABGARIAN (Armenia) nominated Mr. Boychenko (Russian Federation) for the office of Chairperson of the Drafting Committee.

60. Mr. Boychenko (Russian Federation) was elected Chairperson of the Drafting Committee by acclamation.

61. The PRESIDENT recalled that under rule 10 of the rules of procedure, the President, Vice-Presidents and Rapporteur-General of the Review Conference and the Chairpersons of the Main Committee and the Drafting Committee would constitute the General Committee. Pursuant to rule 12, the General Committee would assist the President in the general conduct of the business of the Review Conference and, subject to the decisions of the Conference, would ensure the coordination of its work.

Adoption of the draft programme of work of the Conference (A/CONF.211/4/Rev.1)

62. The PRESIDENT drew attention to the draft programme of work of the Conference (A/CONF.211/4/Rev.1), which had been recommended by the Bureau of the Preparatory Committee. If he heard no objection, he would take it that the Conference wished to adopt the draft programme of work.

63. It was so decided.

64. The PRESIDENT drew attention to the note by the Secretary-General of the Conference containing arrangements for the Durban Review Conference (A/CONF.211/5). If he heard no objection, he would take it that the Conference approved those arrangements.

65. It was so decided.

66. The PRESIDENT drew attention to rules 22 and 24 of the rules of procedure, concerning the duration of statements and the list of speakers, and said that the Bureau of the Preparatory Committee had recommended that the Conference should agree that five minutes per statement should be accorded to Member States and three minutes to observers, in accordance with the practice established by the Bureau of the Preparatory Committee at its first substantive session, and that seven minutes should be allocated to dignitaries, in accordance with the practice established at the World Conference in Durban in 2001. If he heard no objection, he would take it that the Conference endorsed that recommendation.

67. It was so decided.

68. The PRESIDENT drew attention also to rule 66, paragraph 3, of the rules of procedure, which provided that non-governmental organizations should form themselves into constituencies if the number of requests to speak was too large, and that such constituencies should speak through their spokespersons.

69. The Conference had received from the Preparatory Committee a thoroughly negotiated text acceptable to all parties. He suggested that the text should be forwarded to the Main Committee, which would recommend it to the plenary Conference for adoption.

70. It was so decided.

The meeting rose at noon