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**Address by
Ms. Louise Arbour
UN High Commissioner for Human Rights**

**on the occasion of the
Preparatory Committee for the Durban Review Conference
First Substantive Session**



21 April to 2 May 2008

Geneva

Madame Chairperson,
Excellencies,
Ladies and Gentlemen,

With the death of Aimé Césaire last week, the world lost one of its preeminent thinkers and most inspiring advocates against racial discrimination. And April 4 had marked the 40th anniversary of the assassination of Martin Luther King. As we celebrate the lives and work of these giant combatants against racial hatred, we are reminded of our individual and collective responsibility to implement the vision that they have articulated with such compelling clarity. The resonance of their message and the force of their legacy have made the pursuit of equality not only a moral imperative but also an achievable goal.

We need a common approach to attain that goal and advance the vision of these great fighters beyond the rituals of commemoration and remembrance. The Durban Declaration and Programme of Action not only reflect States' solemn commitment to such collaboration. They also offer a functional agenda to that effect.

All States bear the primary responsibility to ensure the effective implementation of the rights to equality and non-discrimination. Their participation in developing the anti-discrimination agenda established by the 2001 World Conference has created expectations that can only be met by determined and cooperative action. It is by the implementation of the Durban Declaration and Programme of Action that the true success of the Conference must be measured. To appraise such progress, the United Nations General Assembly has called for a Durban review conference to be held in 2009.

A key task before you during this session is to define the framework for a successful outcome of the Durban review conference. In so doing, we must never lose sight of the real impact of racist attitudes and behaviours on victims of this pervasive human rights violation. We should focus on ways to spur positive change in the day-to-day life of each individual and group of victims in all regions and countries of the world.

Distinguished Delegates,

The objective of review conferences in the United Nations system is to assess implementation of commitments undertaken by the international community at the main conference. Such gatherings also offer opportunities for drawing roadmaps to foster further progress in the actualization of States' solemn pledges. The Durban review conference is part of such an established practice. However, there is no hiding the fact that the Durban review conference, even before moving its first, preparatory steps, has already elicited criticism and continues to raise concerns which, if not squarely confronted and resolved, may ultimately jeopardize a successful outcome of this process.

At the organizational session held in August last year, the Preparatory Committee adopted without a vote the objectives of the Durban review conference. These objectives should be the basis of the assessment that Member States and all other stakeholders are expected to undertake at the national and regional levels in preparation for the review conference. During this and the second substantive session in October, every effort should be made to build on the consensus achieved last August.

The Durban review conference is not and should not be seen as a repetition of the 2001 World Conference. Allow me to reiterate that it is rather a platform to evaluate progress, an opportunity to re-invigorate commitments, and a vehicle to fine-tune responses in a purposeful and contextual manner. Hence, the draft outcome to be readied by this Preparatory Committee should provide effective strategies to achieve measurable and concrete steps to be taken by each actor at the national, regional and international level with time-bound targets for the eradication of racism, racial discrimination, xenophobia and related intolerance.

Madame Chairperson,

An important, indeed an imperative first step in that direction is the universal ratification of the relevant international instruments and the broad acceptance of the relevant mechanisms. We are still far from achieving those objectives, particularly with regard to the International Convention on the Elimination of Racial Discrimination, the International Convention on Indigenous and Tribal People of 1989 (N° 169) of the ILO and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Regrettably, there has been almost no movement towards the withdrawal of reservations made to key articles of ICERD. In the case of the International convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the low level of ratification and the unwillingness of key countries of origin, as well as countries of destination, to embrace this international instrument represent major obstacles to the protection of the rights of migrants.

An overview of the work of the Committee on the Elimination of Racial Discrimination during the last four years reveals that across regions, Member States still fail to recognize the existence of the phenomenon of racism. National laws and measures to ensure its elimination in most countries are either inadequate or ineffective. As a result, vulnerable groups continue to suffer aggression while abusers enjoy impunity. Due to constitutional prohibitions, or laws protecting privacy, or to a lack of capacity, some States are either precluded from, or experience difficulties in collecting statistical data which would show the degree of the phenomenon. This data could also facilitate the adoption of specific preventive and remedial measures. Very few States have adopted national action plans to correct all these serious shortcomings and effectively prevent discrimination.

Moreover, it has become increasingly clear that groups of victims of racism continue to have little representation in the public life of their respective countries.

Distinguished Participants,

The General Assembly in paragraph 50 of its resolution 62/220 underlines that the Preparatory Committee shall at its first substantive session discuss the organization of the work of the Durban review conference and other matters including the allocation of funding from the regular budget of the United Nations for the convening of the Conference in 2009. The Preparatory Committee will also have to agree on the agenda for the Durban review conference as well as on its venue.

The Durban Declaration and Programme of Action was adopted by consensus. However, several issues remain contentious among Member States. This is not surprising in a context in which a vast number of cultures, legal systems and national priorities come together. It is therefore all the more important to maintain an open mind, and take full advantage of a diversity which, rather than hampering understanding and mutual respect, can only enrich collective and individual thought and experience.

The review conference should be a platform from which all relevant stakeholders, from Member States to civil society groups, the United Nations and other international and regional organizations, take the opportunity to renew their determination and commitments to fight racism, racial discrimination, xenophobia and related intolerance. It should be a forum for reflection on actions to implement in concert and in full the anti-discrimination agenda. It should also be an opportunity for the international community to identify and address how to move more swiftly, and more effectively towards the common goals of equality and non discrimination that underpin and are indeed the very *raison d'être* of the human rights system.

I thank you.