

24 November 2010- General Statement on behalf of the European Union - Third Committee - 65th UNGA

Resolution L. 60. 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

Thank you Mr Chair,

I have the honour to speak on behalf of the European Union to explain our position on the draft resolution contained in document L.60 "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 Action".

The European Union shares the deep concern that despite many efforts, the objective to eradicate racism, racial discrimination, xenophobia and related intolerance has not yet been attained. Together with many partners, the European Union will remain engaged in efforts at the national, regional and international level to fight racism in an effective and sustainable manner.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) should remain the basis of all efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance. The European Union shares the view that the UN General Assembly must play a role in promoting tangible improvements on the ground, and we will continue to support the work of the UN Special Rapporteur on Contemporary Forms of Racism in this regard.

The implementation of and follow-up to the Durban Declaration and Programme of Action, adopted in 2001, is an important element of the fight against racism. Many States, including EU member States and the European Union have used the DDPA as a tool to generate positive change on behalf of those individuals that continue to subject to racism or discrimination.

Mr Chair,

Together with many partners, the European Union has engaged in good faith in the discussions on the draft resolution before us. The amendments put forward by the EU were aimed at i) re-establishing a clear focus on the necessary fight against racism, ii) ensuring conformity with international law and iii) avoiding any doubt about our commitment to protect all individuals from racism, regardless of the group or community they belong to. We regret that the EU's concerns in these domains have not been addressed. This is not a positive sign for the future.

The draft resolution before us decides to convene a High Level Meeting of the General Assembly to Commemorate the Tenth Anniversary of the Adoption of the Durban Declaration and Programme of Action. The EU is of the view that this commemoration should not be merely celebratory in nature. Above all, it should contribute to advancing our joint anti-racism agenda, aimed at generating tangible results on the ground. The meeting should not distract our attention or resources from the actual fight against racism. The EU is concerned by the lack of re-assurance from the main sponsor in this regard. More in particular, we regret the indication of the day and the theme in the resolution, as well as the reference to a "political declaration" in a very late stage in the negotiations. The European Union is not convinced that this resolution provides for a solid basis for a

constructive and focused commemoration. It also contradicts the compromise that was reached between all partners in Geneva last month.

Many paragraphs in the draft resolution deal with the follow up mechanisms to the DDPA. States have agreed on the need to engage in discussions to consider the necessary measures to enhance their effectiveness and to ensure better synergy and complementarities in their work. The European Union regrets that in several paragraphs, the draft resolution prejudges the outcome of these discussions that will soon begin, as agreed, in the context of the Human Rights Council.

As for the work of the Ad Hoc Committee on the Elaboration of Complementary Standards in particular, the European Union is not yet convinced of any normative gaps and the need of any additional international legal norms. Like many experts, the European Union is of the view that the international community should focus its efforts on the implementation of the existing legal framework. If new norms are to be established, this must be derived from fact-based evidence and be related to the recommendation of the CERD. The European Union is also concerned about the new OP5 in the draft resolution. The list of contemporary forms and manifestations of racism provided for in the paragraph is based on no legal grounds. Furthermore, the EU can not agree with OP9 or with the language in OP12. Racism and related challenges can and have to be fought while respecting other human rights and fundamental freedoms.

The draft resolution fails however to refer to the obligations of States under international law or to take a balanced approach. The draft resolution does not recognise the positive role that freedom of expression can play in combating racism, racial discrimination, xenophobia and related intolerance. The EU also regrets the selective references to groups or communities in a society throughout the text. All individuals, regardless of the ethnic, religious or other community they belong to, should be protected against racism or discriminatory acts.

Mr Chair,

The European Union recognizes the efforts of the main sponsor to organize informal consultations in a more timely manner. However, as in previous years, we do not feel that we have been offered with an opportunity to engage in open and transparent discussions, genuinely aimed at finding the largest possible support for this resolution. Hardly any of the EU's concerns were taken on board, despite the fact that the language put forward was based on agreed language. We are also concerned about the new language proposed this afternoon, replacing OP49 and OP50. We are still unclear on the financial implications of these amendments, but the EU assumes that any further costs will be absorbed.

Mr Chair,

For the reasons I have just outlined, the EU is not in a position to support the draft resolution. The text lacks a clear focus on the important fight against racism, creates confusion as regards the obligations of States under international law as well as the range of victims the General Assembly should be speaking out for.

I thank you Mr Chair.